

Application No: 12/4069C

Location: Land to the rear of Canal Road, Congleton

Proposal: Alteration to dwelling types at plots 10-17, Swans Reach, Wolstanholme, Canal Road, Congleton.

Applicant: Wainhomes (North West) Ltd.

Expiry Date: 24-Dec-2012

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**MAIN ISSUES:**

- a) Background
- b) Design and Character
- c) Residential Amenity

## **1. REASON FOR REFERRAL**

This application seeks to amend an application that was previously approved by the Southern Planning Committee.

## **2. DESCRIPTION AND SITE CONTEXT**

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The majority of the site was previously Greenfield with the remainder comprising the residential property known as 'Canal Villa' and an area of land used for the parking of plant hire equipment. However, work has already begun on implementing the previous planning approval, which granted full planning permission for the erection of 17 dwellings with access taken off Wolstanholme Close.

## **3. DETAILS OF PROPOSAL**

This application seeks to amend the previously approved application for the erection of 17 dwellings. This application relates specifically to plots 10-17 which are the units in the far north-eastern corner of the site where they wrap round the side and rear of the existing property referred to as 'Canal Villa'. The proposed amendments involve:

- Increase in the land levels

- Increase in the slab levels of the houses
- Reduction in ridge height by 1 metre
- Plot 13 gable end changed to a hipped roof
- Reduction in height of existing retaining structures by 1 metre

#### 4. RELEVANT HISTORY

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

The Southern Planning Committee resolved to approve an outline application for residential development subject to conditions and the signing of a legal agreement at the meeting of 13<sup>th</sup> October 2010. However, prior to the signing of the legal agreement, the applicant lodged an appeal against non-determination and the Planning Inspectorate recently allowed the appeal (planning ref: 10/2651C).

#### 5. POLICIES

##### National Policy

National Planning Policy Framework

##### Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing

NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Protection:**

No objection subject to contaminated land conditions - The applicant has supplied a geo-environmental investigation report. Although the report is two years old, no potentially contaminating former land uses were identified on the site. Trial pits were revealed a hydrocarbon odour and remediation of the affected area was recommended in the report.

### **Highways:**

No objection

### **United Utilities:**

No objection

## **7. VIEWS OF CONGLETON TOWN COUNCIL**

REFUSE – The Town Council has strong concerns about part of the development overlooking existing properties on Canal Road. It is requested that the technical issues regarding the height of the properties be referred to the appropriate Cheshire East Departments.

## **8. OTHER REPRESENTATIONS**

15 letters of representation have been received, objecting to this application on the following grounds:

- The development is not in conformity with the original approval
- The developer has intentionally gone against the
- Building levels are at an unacceptable level of between 8/10 feet above existing ground levels which will result in finished houses being over dominant and visibly obtrusive
- The only change that the developer has offered is to reduce the roof heights
- The developer should demolish what they have done and revert back to the original levels
- The changes will hardly compensate for the 8-10 foot changes in the original ground levels
- Proposed changes do not address the breach of planning control
- The buildings will dominate the skyline
- The proposed buildings will swamp neighbours outlook, result in a loss of privacy and cause loss of light
- The window height of the houses will still remain the same
- Proposal will look like a prison camp and will be an eyesore from Canal Road

- Before building started the field and parking used by Canal Villa sloped down from Wolstanholme Close and now it rises up by at least 1 metre
- The builder has brought in over 50 HGVs full of aggregate to build up the levels
- The road into the site now rises up
- Excess surface water now flows into the drain infrastructure of Wolstanholme Close; this was originally designed to only cope with 13 houses
- Potentially damaged the tree line at the boundary with no. 17 Wolstanholme Close
- The raising of the footings height level and the removal of immature trees makes this development clearly visible to the canal
- Lowering the slab level by 0.75 metres and the ridge heights by 1 metre will be nowhere near enough
- The only way this would be acceptable is to change them into bungalows

## **9. APPLICANT'S SUPPORTING INFORMATION**

Planning Design & Access Statement  
Amended Plans  
Contaminated Land Report  
Scheme for Nesting Birds

## **10. OFFICER APPRAISAL**

Members may recall that full planning permission was granted for the construction of 17 dwellings on land off Canal Road, Congleton with access proposed off Wolstanholme Close. Building work on the site is well under way with the slab levels for most of the units already in place. However, the works that have been carried out are not in accordance with the approved plans.

The levels of the site have been altered, with an increase of levels towards the north and northern western corner of the site where the site adjoins the side and rear of the existing property referred to as 'Canal Villa'. Such changes have led to an increase in the height of the slab levels for plots 10-17 and it is these which are most prominent and visible from views of Canal Road and the access path serving 'Canal Villa' and the canal towpath running along the northern boundary of the site.

It is not the purpose of this application to revisit the principle of the development, as this has already been established. The key issues that Members need to consider are whether the proposed changes are acceptable in terms of their impact on the character and appearance of the area (including landscaping) and the impact on the residential amenity afforded to neighbouring residents. The changes do not have a material impact on highways or parking provision or any other material planning considerations such as ecology, affordable housing, public open space or flooding and drainage.

### **Character and Appearance**

As Members may recall, the approved layout is served by a single access point by continuing the existing turning head off Wolstanholme Close into the site. The road would turn 90 degrees which would allow a block of 4 mews properties to front the access and to provide a focal point when entering the site (plots 10-13). The dwellings would be arranged around an L shape with 4

further units situated behind the mews properties on plots 14-17 to provide an enclosed courtyard. This courtyard would be served by an underpass located within the front units. It is these properties that are affected by this proposal.

Having begun works on the site, the levels towards the northern end have been increased by at least 2 metres in order to accommodate the previous fall on the site and to link the drainage system in with the existing drainage infrastructure on Wolstanholme Close. It is this which has dictated the increase in levels and therefore the corresponding increase in the slabs levels of units 10-17 and their final height. Furthermore, in order to retain the earthworks and soften their appearance the developer has already put in place a number of 'Permacrib' retaining structures running along the boundary with Canal Road to the rear of plots 14-17 which then turns and wraps around the rear of Canal Villa and then travels up alongside plots 10-13 parallel with the canal. In parts, these retaining structures are some 3 metres higher than adjacent ground levels.

In order to reduce the impacts that the proposed changes would have, the developer has tried to respond to concerns expressed by the Council, by reducing the resultant height of the affected dwellings on plots 10-17. To do this, it is proposed to reduce the slab levels of plots 14-17 by 0.75 metres and to reduce the pitch of the roof slopes across all plots 10-17 to 23 degrees thereby bringing the ridge height of the roof down by 1 metre. Coupled with the reduction in the slab levels, this would amount to an overall reduction of 1.75 metres in the height of units 14-17, and 1m for units 10-13. With respect to the retaining structures, the developer has agreed to reduce the height of these by 1 metre along their full extent.

In terms of the visual impact, with the proposed changes, units 10-17 and the associated retaining structures will have a greater visual impact than the originally consented scheme. Owing to the site's elevated position compared with Canal Road, with the properties on the opposite side occupying much lower ground, the resultant plots 14-17 will be prominent. However, the impact on the character and appearance of the area will be softened by the proposed revisions, the fact that plots 14-17 are set back from the Canal Road frontage (because they back onto it) and the introduction of planting, which once established will help to break up the views.

With respect to plots 10-13, these will be tucked behind units 14-17 and Canal Villa and as amended, will not be evident from views off Canal Road. Nonetheless, these units will be evident from the adjacent Macclesfield Canal to the north and the footpath leading up from Canal Road to meet with the canal towpath. To reduce this impact, the end unit (plot 13) has been amended so that it has a hipped roof instead of a gable end as previously proposed. Coupled with the reduction in slab level, ridge height, the reduction in the retaining structure and the existing mature screen planting along the boundary with the canal, it is not considered that this would unacceptably harm the visual amenity or appearance of the canal.

Members will note that there is currently a 2 metre high rail fence on this part of the retaining structure, which exacerbates its visual impact. The developer has agreed that the top of the retaining structure, once it has been reduced by 1 metre, will be furnished with a knee high rail so that the overall built height is not added to. This would offer an improvement over what has already been constructed. Taking this and the above into account, whilst there will be a greater impact on the visual appearance of the area than the consented scheme; on balance it is considered the amendments would not significantly harm the visual amenity of the area.

## **Residential Amenity**

The other key consideration for Members is the potential impact on the residential amenity afforded to neighbouring properties. In some cases, SPG2 states that a greater separation distance of 27.5 metres can be sought where for example the dwellings and rear gardens are comparatively small. Given that the site is more elevated than the properties on the opposite side of Canal Road, the proposed dwellings are likely to have a greater impact than if they were at the similar levels. However, even assessing the proposal against the more onerous separation of 27.5 metres, the proposal exceeds this requirement. The distance between the rear of plots 14-17 and the property directly opposite no. 124 Canal Road would be approximately 34 metres. As such, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west.

With respect to Canal Villa to the north, the proposals would achieve the minimum interface distances advised within SPG2. As such the proposed dwellings themselves would not give rise to direct overlooking, loss of light or increased sense of enclosure. The proposed retaining structure wraps around the side and rear of Canal Villa and as currently constructed (without permission), does appear dominant from the rear of Canal Villa. However, subject to the reduction in height of the retaining structure as now proposed, it is not considered that this impact will be so significant to warrant a refusal given that the rear windows within Canal Villa are offset and are not within the end of the rear outrigger which directly faces the retaining structure. Subject to the removal of permitted development rights, as per the original approval, the proposal is found to be acceptable in terms of residential amenity.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development has already been accepted. Whilst the works that have been carried out so far to date are not acceptable in terms of their visual impact and potential impact on neighbours, this proposal seeks to reduce those impacts to an acceptable level. While what is now proposed may not be what was originally envisaged for the development, each application must be considered its merits and as proposed. Although it is an on balance decision, it is considered that the proposed changes as now proposed would not cause significant material harm to the visual amenity of the area or neighbouring residential amenity and therefore it is not considered that a refusal could be sustained. The application is therefore recommended for approval.

## **12. RECOMMENDATION:**

Grant approval subject to S106 to link this application to the previous S106 legal agreement and the following conditions:

### **Conditions**

1. 3 year time limit
2. Development in accordance with amended plans
3. Hours restriction – construction including delivery vehicles.
- 4.. Contaminated land
- 5.. Drainage in accordance with submitted detail
6. Landscape scheme in accordance with submitted detail

7. Implementation of landscaping
8. Survey for breeding birds and protection during breeding season
9. Incorporation of features into the scheme suitable for use by breeding birds in accordance with submitted detail
10. Tree protection with adherence to Arboricultural Method Statement
11. Submission/approval and implementation of a programme of remedial works to retained trees.
12. Site specific details of no dig construction for footpath
13. Development to be carried out in accordance with submitted levels and set out on site for LPA approval
14. Materials as per application
15. Provision of a pedestrian and cycle link from the development onto Canal Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority
16. Removal of permitted development rights classes A-E for plots 10-17 inclusive
17. Removal of permitted development rights for openings for plots 1, 2, 4, 5, 7, 8, 9, 10, 14 and 17
18. Obscured glazing within southeast facing side elevation of plots 7 and 8.

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