

Application No: 13/0707C

Location: LAND SOUTH OF TUDOR WAY, CONGLETON

Proposal: Approval of appearance, landscaping, layout and scale as required by condition 1 attached to the outline permission 11/4434C

Applicant: PLANT DEVELOPMENTS LTD

Expiry Date: 20-May-2013

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

Principle of the Development

Design

Layout

Affordable Housing

Amenity

REASON FOR REFERRAL

The application has been referred to Strategic Planning Board because it is a major development and a departure from the development plan.

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land, approximately 0.66 hectares in size. It is situated at the southern end of Tudor Way, adjacent to the turning head. It is a relatively level site which is grassed and bordered by trees and hedgerows with post and wire fencing on the boundary with Tudor Way. There are residential properties on the western and northern boundaries.

The site is currently accessed from a track to the east, which leads from Howey Lane. This track is also bridleway No.4. The site is within easy walking distance of Congleton Town Centre and the facilities and services available there. The site is designated as being within the open countryside, in the adopted local plan.

DETAILS OF PROPOSAL

The proposal seeks reserved matters approval for the appearance, landscaping, layout and scale of 16 bungalows.

RELEVANT HISTORY

11/4434C 2013 Outline approval for 16 dwellings

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

SPD14 Trees and Development

Other Material Considerations

The Council has adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing, specific site requirements, as

well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities, including the housing needs of specific groups.

CONSIDERATIONS (External to Planning)

Environmental Protection:

No objection.

Environment Agency:

No objections.

United Utilities:

None received at the time of report writing.

Highways:

Subject to the resolution of the Section 38 agreement for the site the Strategic Highways Manager has no comment or objection to make regarding the above application.

Public Rights of Way:

The property is adjacent to public bridleway Congleton No. 4 as recorded on the Definitive Map held at this office (working copy extract attached). It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations as follows:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

VIEWS OF TOWN COUNCIL

No comment.

OTHER REPRESENTATIONS

1 representation has been received relating to this application at the time of report writing. The representation expresses concerns about the fact that trees have already been removed from the site and wildlife has been affected. Concerns were also expressed about the conditions being lifted from the outline approval.

The writer also does not consider that the proposal does not uphold sustainability standards in terms of solar gain and that the development would be overcrowded.

It should be noted that trees on the site are not protected and the removal of them does not constitute development and does not require the consent of the Local Planning Authority.

The writer has misunderstood the application to discharge the conditions on the outline application. This is not an application to have the conditions removed, but is the submission of the details required by the conditions on the outline application.

OFFICER APPRAISAL

Principle of Development

Outline planning permission was granted for the erection of 16 dwellings on this site in February 2013 at a time when the Council could not demonstrate that it had a deliverable 5 year housing land supply and the site was not considered strategic in view of its size. As such, the principle of development on this site has already been established.

Design

All the properties would be bungalows of a relatively simple design. They would be constructed of Heritage Blend facing bricks with grey roof tiles and smooth red facing bricks to the heads and sills of the openings. It is considered the design is acceptable and in keeping with the character and appearance of the area, having front elevations with gable features to some properties, bay windows to others and simple window detailing to the front elevation of the one bedroom units. As such the proposal is considered to be acceptable in design terms and in compliance with Policy GR2 of the adopted local plan.

Layout

An indicative layout was submitted with the outline application and this showed the five affordable units clustered together within the site. This was not considered to be acceptable and the layout shown in relation to this application has been altered from that previously proposed. The affordable units have now been positioned in two clusters within the proposed development. A terrace of three would be at the entrance to the site, adjacent to number 24 Tudor Way and the other two would be semi-detached and adjacent to one of the three bedroom bungalows further within the site.

Plot 14, which is one of the three bedroom bungalows, is adjacent to an existing Sycamore Tree and there were concerns about the impact that this and the neighbouring bungalow on plot 13 would have on this tree. As such the amended layout plan shows these properties 2 metres further back than originally proposed. This removes the properties from the root protection zone and also allows more space for tree protection measures during construction.

Affordable Housing

The Section 106 Agreement for the outline application requires that 30% of the dwellings should be provided as affordable housing. This is based on the total of 16 dwellings equating to a requirement for the provision of 5 affordable dwellings. These are being offered by the developer as plots 1 to 3 and plots 15 and 16 and would be one bedroom bungalows. The Agreement also requires that the dwellings are to be transferred to a Registered Social

Landlord. At the time of report writing, Peaks and Plains Housing Trust are in negotiations with the developer to take transfer of the dwellings. The Strategic Housing and Development Manager is satisfied with the affordable housing provision and has no objection to the application.

When Strategic Planning Committee approved the outline application, members made it clear that they were not happy that all the affordable units were clustered together and requested that at reserved matters stage they should be better integrated into the development. This has been addressed in the revised layout with three affordable units.

Amenity

The application site has residential properties on two of its boundaries, Tudor Way on the northern boundary and Howey Hill on the western boundary. The layout is considered to be acceptable and the separation distances between properties and the proposed boundary treatments mean that the development would have no significant adverse impact on the amenity of neighbouring properties.

Having regard to the amenity of future occupiers of the dwellings, some of the gardens are quite small, but have adequate space for the storage of bins, hanging out washing and sitting out. It is considered that the future occupiers of the dwellings would be unlikely to want large gardens to maintain. As such, the garden sizes are considered to be acceptable.

The proposal is therefore considered to be acceptable and in accordance with Policy GR6 of the adopted local plan.

Highways

Access to the site would be taken from the end of Tudor Way and this was approved at the outline stage. The Strategic Highways Manager has no objection, subject to the resolution of the Section 38 Agreement.

Open Space Provision

The outline application was subject to the completion of a Section 106 Agreement which included a contribution of £17,127.01 for Open Space and Amenity Land. It is a requirement of the Agreement that the sum is payable prior to the occupation of 50% of the dwellings. When the outline application was approved it was agreed that this money would be used for enhancement and maintenance at the Townsend Road facility.

Other Matters

CONCLUSIONS

In summary, the principle of residential redevelopment of this site has been established by the previous outline approval. In this case, affordable housing is being delivered within the development and a commuted sum towards open space provision will be paid prior to the occupation of 50% of the dwellings.

The proposal is considered to be acceptable in terms of highway safety, trees and landscape, drainage, contaminated land, design and layout, and residential amenity. Consequently, it complies with the relevant local plan policies and accordingly, it is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions:

1. Time limit
2. Plans
3. Materials to be in accordance with the submitted details

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