

Planning Reference No:	09/0233/FUL
Application Address:	Land between Mill Street & Queen Street, Congleton
Proposal:	Erection of 11 no. 3 bed dwellings
Applicant:	L.R.C Holdings
Application Type:	Full Planning Permission
Grid Reference:	E 386584 N 363592
Ward:	Congleton Town East
Earliest Determination Date:	3 April 2009
Expiry Dated:	8 May 2009
Date Report Prepared:	27 April 2009
Constraints:	None

SUMMARY RECOMMENDATION: REFUSE

The proposed development fails to achieve an adequate quality of design in terms of the form, layout and external appearance to justify approval of planning permission. No information has been submitted to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative employment uses or that reasonable attempts have been made to market the site for employment uses. Given the information submitted, it appears that on balance, any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use.

MAIN ISSUES:

The key issues that Members should consider in determining this application are;

- Principle of Development
- Loss of Employment site
- Design & Layout
- Highways & Parking
- Amenity
- Public Open Space

1. REASON FOR REFERRAL

This application involves the construction of more than 10 dwellings and therefore falls to be considered by the Southern Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The site comprises a rectangular parcel of land measuring approximately 0.1ha that currently accommodates 3 small commercial units that appear to be vacant. The site is situated between Mill Street and Queen Street, Congleton and is located towards the southeast of the town centre in an area that is characterised by both commercial / industrial and residential properties. The properties found within the immediate vicinity are traditional Victorian terraced properties.

The site lies within the settlement zone line of Congleton as defined in the adopted Congleton Borough Local Plan First Review.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the clearance of the site by way of the demolition of the existing buildings and the erection of 11 small 3-bedroom dwellings. The dwellings would be arranged within two blocks. A block of seven units would be offset towards the northeast of the site fronting Queen Street and a block fronting Mill Street offset towards the southwest would form the remaining 4 units. The garden areas to the rear of the properties would each back onto communal parking areas and the parcels of land in-between would be given over to landscaping. Pedestrian walkways would permeate through the site and would be afforded access off each frontage (Mill St/Queen St/Havannah St).

4. RELEVANT HISTORY

07/1332/FUL – Residential development comprising erection of 11no. dwellings with associated car parking & access - Withdrawn

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP 3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP 5 Manage Travel Demand; Reduce the Need to Travel

DP7 Promote Environmental Quality

W3 Supply of Employment Land

L4 Regional Housing Provision

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity & Health

GR7 Amenity & Health

GR8 Pollution

GR9 Accessibility, servicing and parking provision

GR18 Traffic Generation

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

E10 Re-use or Redevelopment of Existing Employment Sites

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in Residential Developments

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

6. CONSULTATIONS (External to Planning)

Highways:

The Highway Engineer states that the ratio of parking spaces to units is acceptable, however the proposed layout proposes more points of access to the public highway than is necessary. In the event that planning permission is granted, the Highway Engineer recommends the imposition of conditions requiring the submission of detailed designs of the proposed footpaths for approval by the Local Planning Authority.

Environmental Health

The Environmental Health Division state that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions requiring submission of an air quality assessment and conditions restricting the hours of construction and piling are recommended.

Streetscape

With reference to the plans for land between Mill St and Queen St, Congleton, if the development were to be granted planning permission (in accordance with the submitted details on Existing & Proposed Site Plans, Drawing No. 2493/1, Rev A & B, dated 01.12.08 and 12.01.09 respectively) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, having a quantity deficiency, and giving that the proposed development is inappropriate for the on site provision of public open space. Therefore existing sites have been identified for increasing the capacity of amenity space in the vicinity of Mill St/Queen St by improving access links to and around the Congleton Park and other various improvements which would be considered adequate to maximise the potential for increased use of existing Open Space areas. The other site identified is St John's Road.

Giving that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

- Enhanced Provision: £1,743.39
- Maintenance: £3,902.25

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Existing & Proposed Site Plan 2493/1, Rev A & B, dated 01.12.08 and 12.01.09 respectively) and information contained within the Design & Access Statement there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The existing sites of Congleton Park and St John's Road have been identified for increasing the capacity of play provision and therefore based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space

Requirements for New Residential Development the financial contributions sought from the developer would be;

- Enhanced Provision: £3,021.81
- Maintenance: £9,850.50

The indicative Site Plan and the Design and Access statement identify small amounts of landscaping, which according to the plans appear to comprise of planted beds and screening to; the rear and side of the properties, and around the parking bays. Due to these areas being located in the immediate vicinity of the development, Streetscape would require clarification that these areas are intended for the use and benefit of the residents of the development, and are not to be offered up for transfer to the Council.

Clarification would be required as to the intended liability, care and maintenance of the parking areas which occur on three sides of the development. As the spaces are identified as the associated car parking spaces for the dwellings, Cheshire East Council would not take transfer of these areas.

United Utilities

United Utilities (UU) has no objection to the development provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soak-away/surface water sewer. If surface water is allowed to be discharged to the public sewerage system, UU may require the flow to be attenuated to a maximum discharge rate.

7. VIEWS OF THE TOWN COUNCIL

No response.

8. OTHER REPRESENTATIONS

To date, 3 letters have been received from neighbouring residents and businesses objecting to this application on the following grounds;

- Design of the buildings looks cheap & is not in keeping with the historic neighbourhood.
- The site is of important historic value.
- The proposal will aggravate parking issues in the area.
- Neighbouring properties will be devalued.
- The neighbouring timber business will cause noise nuisance to the proposed development.
- The development may give rise to anti-social behaviour.

9. APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement accompanies the application (produced by Archtrend Design dated February 2009).

10. OFFICER APPRAISAL

Principle of Residential Development

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply of housing land.

The most recent housing land position statement for the former borough of Congleton demonstrates that the Council does not have a five-year land supply. However, it needs to be borne in mind that a number of large schemes previously awaiting signing of section 106 legal agreements have been recently completed and therefore it is likely that the next housing land position statement will show that the target of 1500 residential dwellings identified within adopted RSS has been met. On this basis, the Local Planning Authority will have a 5-year supply of housing and can therefore exercise more control in the release of new housing sites.

Additionally, Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. The site is in a sustainable location on the easterly edge of Congleton where it is within walking distance of the town centre and is easily accessible and well connected to public transport and community facilities and services. As such, the principle of residential development on the site would be acceptable subject to accordance with other local plan policies.

Loss of Employment Land

The site currently accommodates 3 small commercial units that appear to be vacant. The buildings are of no architectural merit occupying only a small portion of the site where the remaining part of the site is given over to hardstanding. Policy E10 states that proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

No information has been submitted to demonstrate that the site or units have been marketed or that the potential for redeveloping the site for employment uses has been explored. In the absence of this information, the applicant has not made reasonable attempts to let or sell the property and has consequently failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

No evidence has been put forward to demonstrate that the previous commercial / light industrial uses gave rise to any significant levels of noise or disturbance to neighbouring amenities. The area comprises a number of light industrial uses and therefore if the site were to be reoccupied or redeveloped for commercial or light industrial use, these operations could be sustained on the site without impacting significantly on neighbouring properties. In terms of highways, light or high-tech industrial use would be capable of being serviced by vans and small lorries, which would, by definition, be acceptable within the area.

On the third point, the provision of 11 small open market dwellings would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost.

Whilst the existing buildings are unattractive and of no architectural merit, and their removal would benefit the character and appearance of the site and area, this individually does not amount to significant planning benefit and would also be dependant on securing a high quality development with design and layout appropriate to the area. On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

Design & Layout

Policy GR2 of the adopted local plan requires that development is sympathetic to the character, appearance and form of the site and the surrounding area in terms of, the height, scale, form and grouping of the building(s); the choice of materials; external design features, including signage and street furniture; and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The application site has three frontages, two of which are extremely prominent. Mill Street is accessed directly off Buxton Road and is junctioned with Havannah Street which carries traffic up through the concentration of commercial / industrial units to meet with a post war residential housing estate. Mill Street and Havannah Street provide one of the key gateways to the immediate area on the northwestern side of Buxton Road, the main southeasterly approach road to Congleton centre. Having regard to the prominence of the site, it is considered that the frontages identified above have a fundamental role to play in contributing to the character and appearance of the area.

The proposal put forward fails to take the opportunity to make use of these key frontages in particular the northern end of the site where it fronts Havannah Street, Mill Street and Queen Street. It is considered that any development needs to have an active frontage to both Havannah Street and Mill Street in order to make a feature of the site and help to promote a sense of place. It is considered that a more innovative design – led by Manual for Streets principles - would see the development better integrated into the existing urban form with the highway frontage and the parking areas made a feature of the site to provide a better feeling of place and to promote legibility and movement around the site on what should be a key pedestrian route linking the area to the town centre along the River Dane.

In addition there are concerns that the proposed layout, with tight footpaths and limited passive surveillance does not lend itself well to security and confidence of use by the pedestrian, and therefore whilst an attempt has been made to give the site permeability, the offered layout is less likely to promote its frequent use. In terms of the detail, the treatment of

the external elevations would appear fussy and cluttered and coupled with the projecting intersecting gable features, the form of the buildings would be complicated and would not accord with the simplistic form of the traditional terraced properties that characterise the immediate area.

PPS1 states “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” It is considered that this proposal fails to respect these principles as in its present form it is considered that the proposal would be harmful to the character and appearance of the area. The proposal is therefore contrary to this advice as well as that contained within RSS policy EM1(C) and Local Plan policies GR1 and GR2.

Highways & Parking

Each unit would benefit from the provision of one off road car parking space and there would be two distinct parking areas within the site. Whilst the Highway Engineer has raised concerns regarding the design and layout, no objection has been raised in highways terms and therefore the proposed parking and access arrangements are deemed to be acceptable.

Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight. Turning to the amenities of the occupiers of the proposed units, the two blocks of development would be offset from one another and would not therefore result in any direct overlooking. Each unit would benefit from its own private rear garden space. Having regard to the location of the development and the historical pattern of development whereby the majority of dwellings only benefit from small yard areas, it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed.

Public Open Space

Under Supplementary Planning Guidance Note 2 ‘Provision of Public Open Space in New Residential Developments’, there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. In this instance there would be no onsite public open space or children’s informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

Following an assessment of the existing Children’s and Young Persons Open Space (CYPOS) provision and Amenity Greenspace accessible to the proposed development, a deficit in the quantity of provision for both has been identified having regard to the Council’s Open Space Study. Existing sites in the vicinity of site have been identified for increasing the capacity of amenity space by improving access links to and around the Congleton Park and other various improvements, which would be considered adequate to maximise the potential for increased use of existing Open Space areas. Further, there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The existing sites of Congleton Park and St John’s Road have been identified for increasing the capacity of play provision. Combined, this would require a financial

contribution of £4765.02 for the enhancements and £13752.75 for the future maintenance. The agent has indicated that they would be willing to enter into a S106 legal agreement to secure the above contributions and therefore subject to completion, the development would accord with the Council's adopted Interim Guidance note on Public Open Space Requirements for new residential development.

11. CONCLUSIONS

No information has been submitted to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative employment uses or that reasonable attempts have been made to market the site for employment uses. The next housing land position statement is likely to demonstrate that the Congleton area has a five-year supply of housing in accordance with PPS3 and the RSS. Any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use. The design and layout of the scheme is substandard, would not integrate well with existing urban form and would not take the opportunities available for improving the character and quality of the area and the way it functions. The proposal would not therefore accord with the relevant policies within the RSS or the Development Plan and Members are therefore advised to determine the application accordingly.

12. RECOMMENDATIONS

REFUSE for the following reasons: -

Insufficient Information to Justify Loss of Employment Site

1. Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

Design of substandard quality

2. The proposed development fails to achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was had to the siting, design and layout of the proposed dwellings. It is therefore concluded that the proposal would detract from the character and appearance of the area, within which the site is located and would be contrary to PPS1, RSS Policy DP7 and Local Plan Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review which seek to promote high quality and inclusive design.

LOCATION PLAN:

