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| Planning Reference No: | 09/1127C |
| Application Address: | Mossley House, Biddulph Road, Congleton, CW12 3LQ. |
| Proposal: | The demolition of existing property and the redevelopment of the land, including 43 No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works. |
| Applicant: | Mr Dean Fisher Gladman Care Homes Ltd |
| Application Type: | Full Planning Permission |
| Ward: | Congleton Town East |
| Registration Date: | 1 st June 2009 |
| Earliest Determination Date: | 10 th July 2009 |
| Expiry Date: | 30 th August 2009 |
| Date report Prepared | 12 th August 2009 |
| Constraints: | |

SUMMARY RECOMMENDATION: Refuse on the grounds of poor and inappropriate design and the failure to provide a level of affordable housing.

MAIN ISSUES: Principle of the development, design and scale, provision of affordable housing, amenity of neighbouring properties, impact on protected trees, impact on protected species and highway safety.

1. REASON FOR REFERRAL

Major Development

2. DESCRIPTION AND SITE CONTEXT

The site is the setting for Mossley House located on Biddulph Road and approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha. Mossley House and its extensive rear buildings forms a 2-storey linear building of about 55m long and 14m wide at the widest part.

The main house is a late 19th century brick building with stone window surrounds and a small 3-storey tower to the side. The south elevation is the main elevation and has a prominent central bay over the main entrance door. The stable building to the rear is attached to the main house by a rear extension of similar dimensions. The original house has been prone to unsympathetic extensions and alterations in the past.

The house and outbuildings are set in a large garden that contains many mature trees around the edge of the site and to the front of the existing house, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge' that is also in the ownership of the applicant but is not part of the application site. There are two other disused

access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

Mossley House is located in a residential area, characterised mainly by detached 1 and 2-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

3. DETAILS OF PROPOSAL

The proposal seeks to demolish the existing buildings on the site and construct a three storey apartment block of a height of between 11m and 12.3m, set back 40m from the road. It would be sited in the centre of the site and would be 70m long, 27m wide at the end nearest to Biddulph Road and 21m wide to the rear of the site.

The development would provide 43 apartments for people aged 60yrs and over who are considered to be in need of care. It would comprise 7 one bed apartments, 33 two bed apartments and 3 three bed apartments. In addition there would be a communal lounge and restaurant, managers office and facilities for 24hr care, computer room, library, assisted bathroom and WC and gymnasium. 45 parking spaces would be provided, which would include 3 for disabled use.

4. RELEVANT HISTORY

08/0552/FUL - 2008 Refusal for demolition of existing property and development of 37no. 1 and 2 bed. retirement apartments with associated access, car parking, landscaping and ancillary works

5. POLICIES

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

H13 – Affordable and Low Cost Housing

GR1 – New Development

GR2 – Design

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

6. CONSIDERATIONS (External to Planning)

Housing

Local Housing Need: The Draft Older Persons Housing Strategy for Congleton Borough demonstrates a need for high quality leasehold accommodation for the elderly within the Borough.

Affordability: - In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) we would expect 30% of the site to be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30% we would ordinarily expect 50% to be social rented and 50% to be either shared ownership or discounted for sale, however in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges, we would not expect there to be any social rented or shared ownership delivered on site. What would however be acceptable is discounted for sale units. This allows the lease and service charges to be exactly the same on all units but allows those with less equity or savings to access the same scheme therefore providing affordable housing and satisfying a local need.

Environmental Health:

Contamination

The investigation reports elevated levels of Arsenic, Dibenzo(a,h)anthracene and Benzo(a)pyrene in at least four locations and makes a number of recommendations for further investigations. Initially, further investigation is required to determine if the contamination is wide spread across the site. As the contamination found on site is not considered to be volatile, it is considered unnecessary to undertake any further testing in the footprint of the proposed building and all further testing should be concentrated within the garden area. In addition an asbestos survey should be undertaken and appropriate actions taken dependent on the results. It is recommended that further works are carried out prior to the commencement of construction; these are detailed in the Phase 1 ground investigation report.

Air Quality

Due to the introduction of new exposure close to existing sources of air pollutants an air quality impact assessment should be submitted prior to the commencement of development.

Amenity

In order to protect the amenities of people in this residential area information should be submitted for approval relating to noise produced by fans, compressors and other equipment with the potential to create noise and odours. Details of any external lighting should also be submitted to ensure that there is no spillage into neighbouring residential properties. Hours of construction and times when vehicles can access the site should be conditioned in order that disruption is kept to a minimum.

Cheshire Police Crime Reduction Advisor

Requests that the following issues are given consideration:

- Controlled access in the public areas

- Lighting levels
- Height and size of vegetation providing cover for potential criminals

United Utilities

State that the development would be adjacent to/include their electricity distribution equipment and the applicant must ensure that access rights are maintained and that the equipment is protected.

Highways:

The Strategic Highways Manager states the following:

- I have assessed the information in the Transport Assessment by Ashley-Helme Associates and find its content supports the application detail. There is comprehensive reference to National and Local policy documents regarding sustainability and the benefits this will bring to the site.
- have checked the offered (and available), visibility at the site and accept them to show satisfactory levels of visibility for the development traffic generation.
- The proposal for a double access with one for access and one for egress is an arrangement which is not usual in its configuration, however in considering a holistic approach to development I am conscious of the fact that there are tree preservation issues within the site which will be supported by the proposed style of access. On this basis and considering that the position of the proposed points of access and visibility are acceptable, I find the offered design to be acceptable.
- Given the claims for the sustainability of the site there will need to be clear provision of a footway link to the major road and its footpath infrastructure. I consider that there should be a pedestrian access to Biddulph Road at or adjacent to the north-west access.
- In viewing the application data there is no mention of access for refuse vehicles to service the development. Clearly this type of development and its end-users will require that wheelie bins and recycling containers be accessed within the site by refuse collection vehicles. This means that it must be made clear that there is sufficient room and geometry for service vehicles to access the site to collect waste and re-cycle waste. I must therefore recommend that the applicants or their agents provide a drawing showing the access/egress 'tracked' for those service vehicles which will need to access the site and robustly demonstrate that this level of access is available. This should be provided prior to determination.

Senior Landscape Officer (SLO):

Trees

Trees on and adjacent to the site are protected by the Henshall Hall Congleton TPO 1978 and the Henshall Hall No. 2, Congleton Tree Preservation Order, 1995. The trees make a significant contribution to the character and visual amenity of the area. There are also a number of trees on site which are not subject to protection but which collectively contribute to screening of the existing building.

The original submission included a tree survey dated July 2007. From observations on site the survey is considered to be out of date. An updated tree survey dated July 2009 was subsequently submitted, however the following issues are still of concern.

A number of protected trees would have to be removed in order to accommodate the development and further specimens on health & safety grounds. A number of protected trees are likely to be at risk of damage from construction works.

Whilst the removal of any healthy TPO tree is of concern, the loss of the individual protected trees identified for removal in order to accommodate the development would not in my view have significant impact on the character or appearance of the site. However, the removal of both protected and unprotected trees, specifically to the west of the site, will open up views into the site.

Of greater concern is the potential impact on trees shown for retention, in particular where such trees would help to provide screening for the site and are prominent to public view from outside the site. There are significant areas where there would be hard surfacing within tree root protection areas and where there would be extensive construction traffic movement. In the vicinity of the proposed parking areas, new sections of driveway, and at pinch points around the building where construction access is required, special protection measures and construction techniques would have to be employed. In order to prevent damage to trees, such measures would need to be in place prior to any construction works. The construction management plan 3460-04 indicates how the site could be constructed and site works managed. The content of this plan confirms my view that there are significant constraints to development of the site.

With regard to screening of the site as a whole, it should be noted that the areas of trees to the south and south east of the building include a proportion of evergreen trees. The majority of the trees, which would be retained to the west, north and north east of the site, are deciduous and their screen value would be reduced in winter.

The extent to which potential harm could be mitigated would rely entirely on protection measures and special construction techniques being employed scrupulously throughout the course of the development.

Biodiversity.

The submission included an extended Phase 1 habitat survey dated October 2007 and a separate report of survey for bats, barn owls and badgers dated 3 April 2008. These were considered to be outdated and as such further reports were requested.

Extended Phase 1 Habitat Survey dated May 2008.

This survey replicates much of the content of the 2007 survey with some amendments in relation to the Dane in Shaw Pasture SSSI and Dane in Shaw Meadows SBI (Section 5). The ecologist considers that the development will have no direct adverse impact on the SSSI or the SBI and no recommendations are made regarding these sites.

Following the initial survey work in February 2007, this report covers additional survey work in respect of Barn Owl, Badgers, Bats, Amphibians and Reptiles. Whilst no evidence of protected species of reptiles or amphibians is reported, and no evidence for Barn Owls, the

site is reported to support two protected species. Specific mitigation is proposed in respect of these species and in the event the application is deemed acceptable, a mechanism will be required to secure the mitigation.

Natural England

Objected to the application on the grounds that there was insufficient information accompanying the application from which to ascertain the possible impact of this development on Dane in Shaw Pasture Site of Special Scientific Interest. This had also been the case with the previous application and further information was supplied which overcame their objections. It has not been possible to reconsult Natural England in the time frame available, but it is considered that given their response to the same information in relation to the previous application the development would be considered to be acceptable. However an update note will be provided to Committee detailing any further response from Natural England.

Streetscape:

Have no observations relating to the provision of public open space and require no financial contributions.

Conservation Officer

Objects strongly to the proposed development on the grounds of the loss of the existing building and the design of the proposed replacement.

Urban Design Consultant

The building is not significantly improved from the earlier proposal that was refused planning permission and it is suggested that it is refused for the same reason. An analysis of heritage context reveals that the form and bulk of the building is entirely alien to the local historic context. The proposed building would overwhelm the garden context and transform the essential relationship of building and space from being one in which the houses appear surrounded by greenery to one where the greenery is divided up into small unrelated borders entirely overwhelmed by the scale of the built form. The mock traditional gables and lintel details are entirely inadequate to disguise the bulk and size of the development, and certainly do almost nothing to break up the massing. It is considered that the solid wall of development would greatly harm the character of the area. The outlook from neighbouring properties would also be harmed and the suggested remedy of hiding this intrusive form behind dense fast growing conifers would further erode the deciduous and indigenous nature of the landscape character.

It is considered that the scale of the development should be greatly scaled back, to no more than two thirds of that proposed. This would allow for a building form that replicated the strong articulation and varied massing of the existing grouping and allowed the building to be subsumed within the landscape as now.

7. VIEWS OF TOWN/PARISH COUNCIL

Recommend refusal on the following grounds:

- The Town Council considers that this is a significant building and recommended for inclusion in any future conservation area.
- Loss of trees and green area would be detrimental to the area.
- A building of this scale is inappropriate to the site

8. OTHER REPRESENTATIONS

10 letters of objection have been received on the following grounds:

- Loss of privacy
- Loss of sunlight
- Loss of daylight
- Visual intrusion
- Traffic generation and road safety
- Adverse implications for wildlife
- Disruption due to construction traffic and noise
- Loss of a building of historic character
- Poor design
- The height and scale of the building
- Overdevelopment of the site
- Deciduous screening which will only be effective for part of the year
- Threat to wildlife
- Lack of need for the development
- Loss of mature trees
- Lack of need for this type of development

9. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Care Statement
- Planning Statement
- Draft Unilateral Undertaking

10. OFFICER APPRAISAL

Principle of Development

The site is within the Settlement Zone Line for Congleton and there is a presumption in favour of development within this settlement boundary under Policies PS4 and H6. The current dwelling on the site is vacant and in need of some renovation and the site is not allocated in the Local Plan. It is surrounded by residential development, in close proximity to Congleton town centre and public transport facilities, on a brownfield site, and is therefore considered to be in a sustainable location for residential development. The principle of residential development on the site is considered acceptable and appropriate, subject to matters of scale and character being adequately addressed.

Design

Heritage Value:

A heritage appraisal was submitted with the application to assess the heritage value of the buildings on site focusing particularly on the main house. It assumes the site may have formed part of a larger site area. The main house is considered to be of late 19th century origin and utilitarian. It states that the house appears picturesque from a distance but on closer examination the architectural details are not of good quality.

A search of the historical maps of Congleton showed the existence of some buildings on the footprint of the existing buildings in 1845. The Conservation Officer was consulted and agreed that the building was not worthy of statutory listing but would have no hesitation in including it on the local list, although this would offer no level of statutory protection.

An application has been made to English Heritage for the building to be listed and the results of this process are awaited. Members should be aware that this cannot be viewed as having any bearing on this decision, although it may if the building is listed impact on any subsequent appeal.

Layout

According to PPS 3 new housing development should provide a mix of housing types and tenure to encourage the creation of mixed and inclusive communities. It also provides guidance on density to ensure the efficient use of land. New housing should achieve a minimum density of 30 dwellings per hectare, with higher densities being appropriate in or near town centres. The proposed development will be limited to 1, 2 and 3 bedroom apartments of a density of 55 dwellings per hectare, but it will be aimed at a niche market as retirement apartments and will contribute to providing a choice of accommodation in an area characterised by detached single residential dwellings and is considered to meet the requirements of PPS3 in this regard.

The proposed layout follows a similar orientation to the existing building with the main elevation parallel to Biddulph Road and set away from it by approximately 40m. Whilst this proposal for a single building is considered preferential, because it mirrors the existing building on the site, the layout will take up a great proportion of the developable space on site, with the result that special road and parking construction measures are required to address concerns for the integrity of the trees.

Similarly, whilst It is acknowledged that new development should aim to achieve higher densities it should be taken into consideration that a large part of the site (approximately 50%) is unlikely to be available for development as a result of the TPO trees on site thereby highlighting the intensive use of the part of the site that can be developed. As such, and having regard to relative low-density character of the surrounding area, it is considered that the high density comes at the expense of good design appropriate in its context as stated in PPS1, PPS3 and Policy GR3 of the adopted local plan.

Scale and Massing

Policy GR2 provides the design criteria that new development will be expected to meet and covers issues such as ensuring that the design is sympathetic to the character, appearance and form of the site and surrounding area, the need for appropriate landscaping and the need for the proposal to respect existing features.

The site is surrounded by detached single residential properties of varying styles from single storey to 2-storey properties. There are some 3-storey apartment blocks further to the west of the site on Hensall Hall Drive. However the proposal would be significantly greater in scale and massing than the existing building on the site or any residential development in close proximity characterised by the difference between the existing and proposed development.

Whilst the development is set back from the main road and trees along the boundaries surround it, the 3-storey apartment block of this scale and mass is considered to be out of keeping with the character of the site and the area. It is acknowledged that the roof ridge of the existing house is 9m high at its highest point but the proposed development would result in to a substantial increase in height, which will be compounded by the increase in the footprint.

Appearance

The design of the proposed building is an attempt to reflect features prominent in the nearby Park Lane Conservation Area and incorporates mock Georgian/Victorian elements. The fenestration is largely symmetrical and gives the building a vertical emphasis and the external walls are stepped in at intervals in order to try to lessen the impact of the development. Notwithstanding this however, and whilst attempts have been made to lessen the impact of the large and imposing elevations, the overall scale and massing of the building does not lend itself to these mitigation measures. This combined with the overbearing and monotonous appearance of the elevations would result in a building which would be out of character and not sit well within its setting and which is therefore contrary to PPS1, PPS3 and the adopted local plan.

Affordable Housing

The Housing Section have stated that in line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) they would expect that 30% of the site deliver affordable housing. However they state that in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges they would not expect there to be any social rented or shared ownership units, but that it should comprise discounted for sale units.

The applicants maintain however that the development should be considered as a care home under C2 Use Class and as such affordable housing provision is not applicable. It is considered that as the development contains apartments with 3 bedrooms and the Care Statement states that the minimum level of care for each occupant would be only 2 to 4 hours per week, that this could not be classed as a care home, but as extra care accommodation which will be sold or rented on the open market. Having regard to this the developer would be required to provide a level of affordable housing to the satisfaction of the Local Authority. In the absence of a level of affordable housing being provided by the developer, the application should be refused on the grounds of non-compliance with Policy H13 and SPD6.

Amenity

Policy GR6 requires that planning permission for development adjoining or near to residential property should not result in a loss of privacy or sunlight and daylight and SPG2 lays down minimum distances, which should be maintained between residential buildings. The proposed development would meet the requirements of SPG2 and it is not considered that there would be a loss of amenity in terms of loss of privacy or sunlight and daylight and is therefore considered to be in compliance with Policy GR6.

Highways

The scheme proposes a one-way vehicle entrance and exit to the front with access road to residents parking on the west and north of the proposed dwelling.

The application site is approximately 1.2 mile away from Congleton town centre by foot and within 0.5 mile there are shops, a post office, Congleton rail station and a church. There is a footpath alongside the carriageway that connects the site to these services.

There are two bus stops within 400m of the site on either side of Biddulph Road and both have frequent buses. As mentioned above, Congleton rail station is less than 0.5 mile away with connections that include Manchester, Birmingham and Stoke-on-Trent.

It is therefore considered that the site has good public transport infrastructure provision with good accessibility for pedestrians and cyclists. There is currently no dedicated spaces provided for bicycles but this could be accommodated on the site.

Some objections have been raised to the proposed development on highway safety grounds, namely increase in traffic, lack of parking provision and disruption from construction traffic.

The highway engineer has done an assessment of the proposed access and egress, internal layout and transport assessment. His comments are listed in this report and he has concluded that the proposed access and egress is acceptable in principle and the proposed visibility details show satisfactory levels of visibility for traffic that will be generated by the development.

He has requested further information to demonstrate that the access can accommodate refuse wagons. In relation to the impact of these vehicles on protected trees it is understood that the proposed CellWeb root protection system can cope with HGV traffic up to 40 tonnes and will therefore be able to cope with the weight of these vehicles, thereby ensuring sufficient protection for the trees.

It is considered that subject to the suitability of the access for refuse vehicles the proposal complies with Policy GR9.

Ecology - Protected Species & Nature Conservation

It has not been possible to reconsult Natural England in the time frame available, however given that the additional information submitted satisfied their concerns in relation to the previous application, it is considered that their views would be the same.

The updated Extended Phase 1 Habitat survey has concluded that there will be no direct adverse impact on the site, as a result of the proposed development. Natural England were satisfied previously with the findings of the report and that potential impacts, which could occur as a result of this proposal on Dane in Shaw Pasture SSSI, have been considered and withdrew their objections.

In conclusion, Natural England were previously satisfied that sufficient consideration has been given to protected species and the SSSI and the proposed mitigation for protected species. The proposed mitigation will be conditioned should planning permission be granted. This is subject to re-consultation with Natural England and compliance with PPS9, Circular 06/2005, the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development is within the Settlement Zone of Congleton and will not utilise a site, which is allocated or committed for any other purpose in the Local Plan. The proposal will not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 and will be in accordance with the housing provision in the Regional Spatial Strategy.

The ecology of the site has been considered and sufficient mitigation is possible to ensure habitats can be retained and enhanced. The Senior Landscape and Tree Officer has concerns that the tree survey is out of date and is not an accurate reflection of the situation on the ground and the fact that such steps are required, illustrates that the site is confined for such a large scale development. Some concerns remain for the future integrity of protected trees on the site the applicant has attempted to demonstrate that technically this could be mitigated. This will require specialised construction techniques with strict supervision during construction.

The heritage value of the existing building has been assessed by the Conservation Officer and is considered to worthy of inclusion on the local list, in addition during the process of the application a request has been made to English Heritage for the building to be listed and the results of this process are awaited. Should the building be listed an application for Listed Building Consent would be required for the demolition.

The accessibility of the site is considered to be good and contributes to the sustainability of the site. There are no objections on highway grounds provided sufficient access and egress for refuse vehicles can be demonstrated. This should not be to the detriment of protected trees.

Whilst the design of the proposal is considered to contribute to an appropriate mix of accommodation in the neighbourhood, the elevation treatment of the building is considered to be monotonous and overbearing and whilst it is acknowledged that national guidance seeks higher density development this should not be to the detriment of good design as is the case for this application. The proposed mass and scale of the development will not sit well on this constrained site. The building will be more prominent than the existing, but this in itself does not warrant refusal. Still, it is considered that a building of this size would be out of keeping with the character of the surrounding area, even if it were substantially screened. More appropriate development of sufficient density could still be achieved on the site.

12. RECOMMENDATION: Refuse

- 1. Having regard to the character of the local neighbourhood and the site, the proposal will be overdevelopment in terms of mass, scale, layout and appearance that will not be sympathetic to the character and existing features on the site and will be out of keeping with the surrounding area, contrary to PPS1, PPS3 and Policies GR1, GR2 and GR3 of the Congleton Local Plan First Review 2005.**
- 2. The proposed development fails to provide or acknowledge the requirement for the provision of affordable housing. This is contrary to Policy H13 and SPD6 of the adopted Congleton Borough Local Plan First Review 2005, which require a provision of 30% affordable housing.**

The map shows the proposed development site for Mossley House, highlighted in pink. The site is located between Hulme Close and Hulme Road. To the north of the site is The Lodge, and to the south is Holy Trinity Church. The map also shows surrounding residential areas with numbered houses and streets like Read's Lane. A scale bar at the bottom indicates distances up to 150m.