Application No:	16/4749C
Location:	LAND OFF SPRING STREET, CONGLETON
Proposal:	Resubmission of application 15/3586C - Single building with 4no. one bedroom flats
Applicant:	Mr S Landstreth
Expiry Date:	25-Nov-2016

SUMMARY

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.
Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.
No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REPORT

The application has been 'called-in' to Northern Planning Committee by Councillor Glen Williams for the following reasons;

'The proposal would result in a cramped and intrusive form of development. It would be out of character with the existing industrial properties in the immediate vicinity of Spring Street and Roe Street contrary to the Congleton saved local plan.
The parking places and access proposed as shown on the plan would be substandard for the parking of motor vehicles. Consequently the development would be detrimental to the interests of highway safety through an increase in vehicle traffic. Contrary to GR6 it would lead to vehicles obstructing access to the houses and tv aerial business in Moor Street. The adjacent public car park is fully utilised by the doctor's surgery patients and parents taking children to Ruby's Fund play area. It is in any case limited to 3 hours maximum stay.'
The application was deferred from the Northern Planning Committee on 30 November 2016 for a site visit in order to assess the impact of the development on the surrounding area and the potential highways impact.

PROPOSAL

This application seeks full planning permission to erect a block of 4 x1 bedroom apartments.

An application (ref: 15/3586C) for 3 dwellings on the plot was refused and recently dismissed at appeal due to amenity reasons.

SITE DESCRIPTION

The site lies on the southern side of Spring Street within the Congleton Settlement Zone Line.

The site is largely rectangular in shape and measures approximately 19 metres by 13.5 metres. It is located to the rear (east) of No's 15, 17, 17A, 19 and 19A Moor Street and to the north of Lawton House doctor's surgery.
The application site was formerly used as a builder's yard but is currently vacant.

There are no designations affecting the site.

RELEVANT HISTORY

15/3586C - Construction of three apartments land off Spring Street resubmission of 15/1876C – Refused 29th September 2015 for the following reasons;

1. *The proposed development by reason of its proximity to the occupiers of No's 17, 17A and 19A Moor Street would have an unacceptable impact upon neighbouring amenity with regards to visual intrusion and loss of light. The proposed development would therefore be contrary to Supplementary Planning Guidance 2 (Private Open Space) and Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005 and the NPPF.*

This decision was appealed and the appeal was subsequently dismissed by the Planning Inspectorate for the following reasons;

'…the close proximity of the proposal to Nos 17, 17A and 19A Moor Street, would have an unacceptably harmful effect on the occupiers of those properties, in that the development would appear visually overbearing in the outlook from the windows concerned and cause a loss of light to them. The harm would be substantial and contrary to SPGN and LP Policy GR6 which would not permit development near to residential property that would be unacceptably detrimental to, among other matters, loss of privacy, sunlight or daylight, or visual intrusion.'

15/1876C - Use of vacant site for construction of four 1 bed apartments including integral single garage – Refused 12th June 2015

NATIONAL & LOCAL POLICY

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Polices are;

PS4 (Towns), GR1 (New Development), GR2 and GR3 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR20 (Public Utilities), GR21 (Flood Prevention), H1 (Provision of New Housing Development), H4 (Residential Development in Towns) and E10 (Re-use or Re-development of Existing Employment Sites).

Supplementary Planning Document 2 (Private Open Space)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

Emerging Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Highways (HSI) – No objections, subject to the inclusion of an informative advising that the applicant should enter into a Section 184 Agreement for the new crossing

Environmental Protection – No objections, subject to conditions relating to; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land

United Utilities - No objections to the development, but recommend that the site be drained on a separate system and surface water be drained in a sustainable way

Congleton Town Council – No objections, subject to officer checking that sufficient parking spaces and landscaping would be provided

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of objection have been received from the owner/occupiers of 6 neighbouring premises. The main areas of objection include;

- Principle – Residential development in this area not in character
- Amenity – Overlooking
- Design – Over-intensification of site
- Highway safety – congestion, parking, visibility

Concerns have also been raised regarding the conflict the proposal would have with plans to extend the doctor's further.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal giving consideration to; Environmental, Economic and Social factors
- Planning Balance

Principle of Development

As the site falls with the Congleton Settlement Boundary, the proposal is subject to Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a 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 in the local plan.

New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.
Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;

II. The proposal complies with Policies GR2 and GR3;

III. The proposal accords with other relevant local plan policies

IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 4 new 1-bedroom apartments would not have a detrimental impact upon the council's housing supply totals.
As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites. Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

Within the submitted Design and Access Statement submitted with the previous application on this site (ref: 15/3586), it was advised that *'…a long time ago, the site accommodated a dairy, more recently it has been used as a storage area for timber and scaffolding etc. for a local builder, who is the applicant and site owner.'*

From the site visit it did appear that the site has been vacant for some time. Therefore, its re-use for an alternative, active use would provide positive planning benefits given that it provides no benefits in its current state.

The second aspect of Policy E10 refers to; the location of the site, the adequacy of the supply of employment sites in the area and whether reasonable attempts have been made to let or sell the premises for employment uses.

In response, no information has been submitted in support of the application outlining that the site has been marketed for sale for further employment use. However, given that it is clear that the site appears to have been vacant for some time and given that the council are in need of further housing and given the site's location within walking distance of Congleton town centre, it

is considered that in principle, the loss of this unused and unallocated employment site would be acceptable.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

Design

Policy GR2 of the Local Plan states that the proposal should be 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, choice of materials and external design features
Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The application seeks the erection of a detached residential block comprising of 4, 1-bedroom flats which will have a semi-detached appearance as a whole.

The layout plan shows that the block would be sited predominantly to the east of the plot with parking proposed to either side totalling 4 spaces. Vehicular access to the proposed parking spaces would be taken directly from Spring Street.

The units would front onto Spring Street in a northerly direction.

The submitted plans demonstrate that at its maximum points, the block would measure approximately 7.6 metres in height, 9 metres in width and 9 metres in depth.
A small yard/rear garden for each unit is proposed to the south of the site as is a shared gardens space and bin store to the west.

With regards to appearance, the proposal would be largely square in shape, and comprise of a half-hipped roof. x2 pedestrian doors, x2 double ground floor windows and 2 single windows are proposed on the principal elevation.
Art stone cills, lintels and soldier courses are proposed which adds a degree of interest.
Patio doors from the proposed 2 ground-floor flats would access individual garden spaces to the rear.

It is noted within the submitted Design and Access Statement that the development would comprise of; Ibstock Red Cheshire Weathered Brick walls, plain Staffordshire tiles and white uPVC fenestration.

Given the character of the surrounding area which comprises of either blocks of terraced properties or blocked commercial premises, it is considered that the form and appearance of the development would be acceptable.

The proposal would front onto the highway, would be largely centrally located and comprise of small rear yards. As such, it is considered that the layout of the scheme would be acceptable.

With regards to scale, the height of the proposal would approximately 7.6 metres. In comparison to adjacent units, the terraced block of flats to the west is approximately 7 metres in height whereas the doctor's surgery to the south is single-storey. It is not considered that the height of the development (which is 0.2 metres lower than the previous proposal) would appear incongruous within the streetscene.

As such, it is considered that the proposed design would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

Each 1-bedroomed flat would benefit from 1 designated off-street parking space. The Head of Strategic Infrastructure (HSI) has reviewed the application and advised that he has no objections. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

The application site does not fall within a Flood Zone that requires the submission of a Flood Risk Assessment. United Utilities have reviewed the submission and advised that they have no

objections, but recommend that the site is drained on a separate system and surface water be drained in a sustainable way. As such, subject to the above recommendations, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

Conclusion

The proposed development would not create any significant issues in relation to highway safety, drainage or flooding. The design of the dwelling is also considered to be acceptable. As such, it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Congleton for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.
As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction phase.

Social Role

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states than 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring residential properties to the application site include; No's 17, 17A and 19A Moor Street to the west of the application site.

The proposed development would be constructed directly parallel to the rear elevations of these neighbouring properties. At its closest point, the development would be approximately 8.8 metres away from a ground-floor rear outrigger on No.19 and approximately 13.8 metres away from the extended rear wall elevations of No's 17, 17A and 19A.

Within the relevant side elevation of the proposed apartment block (west), 1 ground floor door and 1 first floor window is proposed. The proposed door would serve a hallway and the first floor window would serve a landing.
Neither of these are considered to be sole windows to principal habitable rooms.

Should the application be approved, it is recommended that these openings be conditioned to be obscurely glazed to prevent any overlooking concerns.

Within the relevant rear elevations of these neighbouring properties are numerous windows to habitable rooms.

As the relationship between the proposed development and the above properties is side to rear, the standard minimum 13.8 metre separation distance applies.
As this minimum distance is just adhered to, it is considered that matters of loss of light and visual intrusion upon these closest neighbouring properties would not be significant.

The previous proposal which was dismissed at appeal was just 11.9 metres away from these closest neighbouring properties and as such, was in breach of the Council's policy.

As such, as a result of the above reasons, it is considered that the proposed development would adhere to the SPG and Policy GR6 of the Local Plan and therefore have an acceptable impact upon neighbouring amenity, subject to an obscure glazing condition.

The proposed development would also be located approximately 14.4 metres away from Lawton House Surgery. Within the relevant elevation of the proposed development facing this neighbouring unit, all the openings proposed would serve as the sole windows to principal rooms. Within the relevant side elevation of the doctor's surgery are 6 windows to clinical rooms.

Given that the surgery is single-storey and because the impacted surgery windows are obscurely glazed, it is not considered that either the occupiers of the surgery or the future occupiers of the dwellings would be detrimentally impacted by the proposal with regards to privacy, light or visual intrusion. The Planning Inspector on the recently dismissed appeal agreed with this conclusion.

However, there is currently a live application being considered by the Council (16/5583C) for an extension to the doctor's surgery that will bring the proposed development to within 5 metres of the extended doctor's surgery. A previous application at the surgery was refused due to a loss of car parking, and it remains to be seen if the previous reason for refusal has been overcome. Further details on the implications of the proposed development at the adjacent site will be provided as an update.

It is considered that the proposed yard areas and shared garden to the west would be sufficient in size for the developments proposed. Furthermore, the units would have access to the public facilities of the Congleton town centre.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land.

Other material considerations

Concerns have been raised about the conflict of the application proposal with plans to extend the adjacent Lawton Gate Surgery. As noted above further details of this will be provided as an update.

Planning Balance

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.
Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.
No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

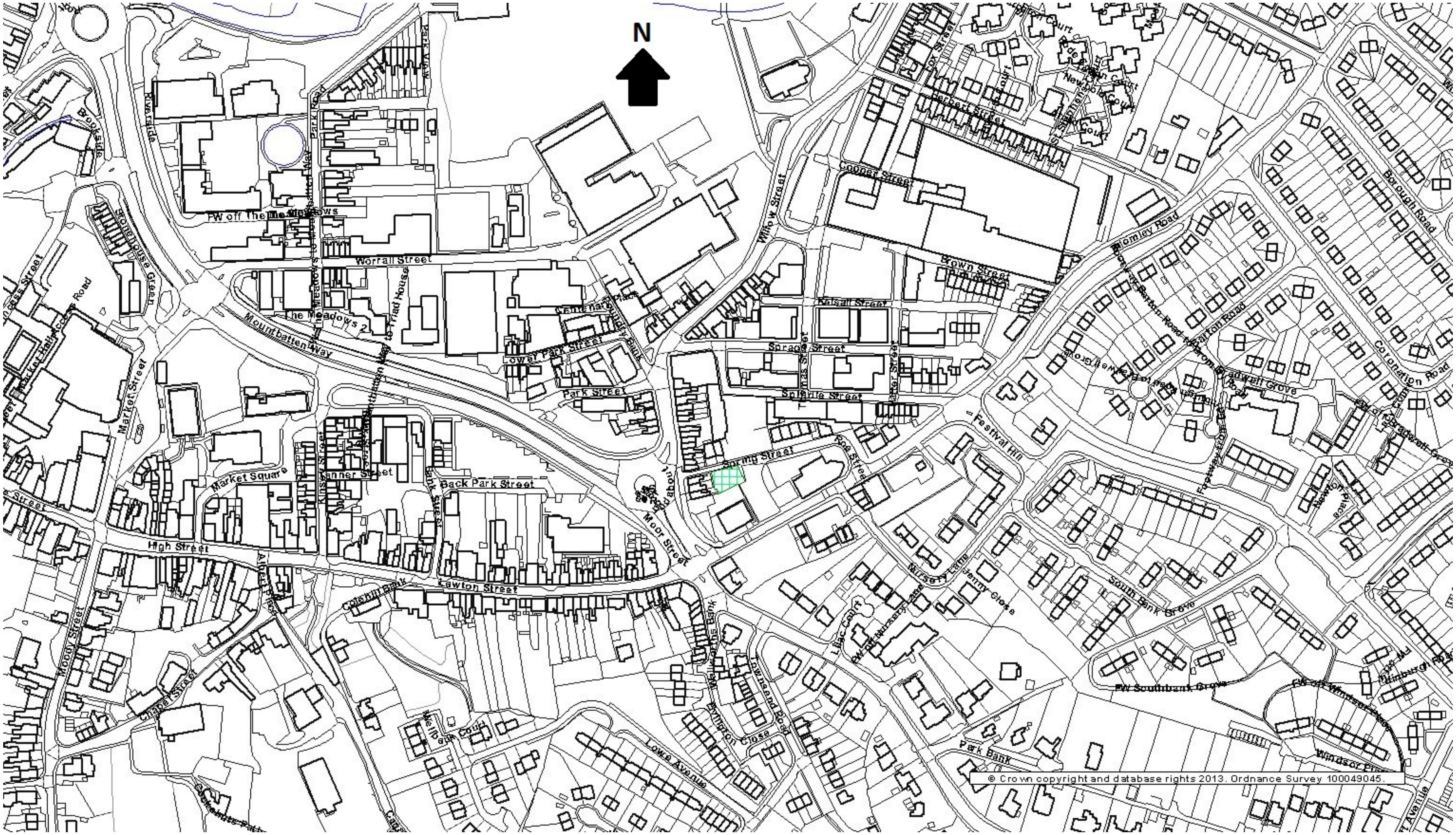
The application is therefore recommended for approval, subject to the clarification on the implications of the application at the adjacent doctor's surgery.

RECOMMENDATION

APPROVE subject to conditions

1. Time (3 years)
2. Plans
3. Materials as per application
4. Site to be drained on a separate system
5. Prior submission/approval of a surface water drainage scheme
6. Obscure glazing to all openings on western side elevation
7. Prior submission/approval of a piling method statement
8. Prior submission/approval of a dust mitigation scheme
9. Prior submission/approve of a Phase II contaminated land report
10. Prior submission/approval of a soil verification report
11. Works to stop if contamination identified
12. Prior submission/approval of boundary treatment
13. Prior submission/approval of existing/proposed levels

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.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Roe Street
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Borough Road
Coronation Road
Bradwell Grove
Market Street
Market Square
High Street
Kinsey Street
Tanner Street
Back Park Street
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