

<b>Planning Reference No:</b>	10/0461C
<b>Application Address:</b>	The Bromley Centre, Bromley Road, Congleton. CW12 1PT.
<b>Proposal:</b>	Demolition of existing mill and erection of 12no 100% affordable houses.
<b>Applicant:</b>	Plus Dane Group.
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton
<b>Registration Date:</b>	2 <sup>nd</sup> March 2010
<b>Earliest Determination Date:</b>	8 <sup>th</sup> April 2010
<b>Expiry Date:</b>	1 <sup>st</sup> June 2010
<b>Date report Prepared</b>	6 <sup>th</sup> April 2010
<b>Constraints:</b>	Within the Settlement Zone Line

### **SUMMARY RECOMMENDATION**

Grant planning permission subject to conditions and S106 Agreement

### **MAIN ISSUES**

- Principle of Development and Loss of Employment Site
- Proposed Design
- Amenity (Noise, interface and garden areas)
- Environmental Health Related Issues
- Highways
- Provision of Public Open Space
- Ecology

## **1. REASON FOR REPORT**

The application proposes small-scale major development in excess of 10 dwellings.

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

The application site, which measures approximately 0.14ha, is located approximately 250m east of Congleton town centre and contains the vacant Bromley Mill and a small car park area.

The sites northern boundary adjoins Brown Street and a large mill complex containing a variety of uses including commercial, employment and leisure uses whilst the eastern boundary adjoins Bromley Road which is approximately 2.5m higher than Brown Street. The eastern gable of Bromley Mill is visible from Bromley Road although the mill reads as a single storey building due to the fact that the building is cut into the slope of Brown Street as it rises to meet Bromley Road.

The sites southwestern boundary adjoins the retaining wall of Cheshire Bakeries, a small bakery and distribution centre, after which the boundary extends south along the length of Kelsall Street, a small cul-de-sac backed onto by residential properties along Spragg

Street. The western boundary adjoins the rear boundary of a three storey commercial building containing a variety of commercial uses.

Whilst the site generally appears flat, it has a gentle slope south to north with Kelsall Street sitting approximately 1m – 1.5m above Brown Street.

In terms of highways connections, both Brown Street and Kelsall Street are cul-de-sacs and traffic therefore uses any combination of Spragg Street, Thomas Street or Spindle Street to gain access to the main vehicular routes including Mountbatten Way, Brook Street and Bromley Road.

### **3. DETAILS OF PROPOSAL**

The applicants seek planning permission to redevelop the site for affordable housing comprising 12no social rented houses. Units would comprise 8no, 3-storey, 3-bed houses and 4no, 2-bed, 2-storey houses. Properties would be split into two terraced blocks of four and eight, facing out onto Bromley Road and Brown Street respectively.

The design is contemporary and utilises two and three storey, flat roof buildings finished using a varied palette of materials comprising brick, rendered panels and timber cladding with elevations punctuated, for the most part, by tall windows with a strong vertical emphasis.

A total of 14 parking spaces are proposed in the form of private drives and a small communal courtyard. All properties have small rear gardens and in some cases small front garden and upper floor balconies that provide a small amount of additional private amenity space.

Vehicular access to the site is gained from Brown Street whilst pedestrian access can be gained from either Bromley Road or Brown Street.

Boundaries would be treated with 2.1m high mesh fencing supplemented by evergreen planting or 1.8m high concrete post and timber panel fence.

### **4. RELEVANT HISTORY**

8/36100/3 Conversion of existing building to eight apartments and erection of five town houses, including partial demolition of existing building. Refused 23.09.2003. Appeal Dismissed 23.12.2004.

8/37135/3 Demolition of existing building and erection of ten dwellings and parking and access. Refused 10.05.2004. Appeal Dismissed 23.12.2004.

### **5. POLICIES**

#### **National Policy**

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

**Regional Spatial Strategy**

DP1 'Spatial Principles'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP7 'Promote Environmental Quality'

EM17 'Renewable Energy'

**Local Plan Policy**

PS4 'Towns'

GR1 'New Development'

GR2 'Design'

GR3 'Design'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR8 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR22 'Open Space Provision'

H2 'Provision of New Housing Development'

H4 'Residential Development in Towns'

H13 'Affordable and Low Cost Housing'

NR3 'Habitats'

**Other Material Considerations**

SPG1 'Public Open Space'

SPG2 'Private Open Space'

SPD6 'Affordable Housing and Mixed Communities'

2006 Congleton Housing Needs Survey

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

**Highways:**

For the highways authority to support this application, 100% off street parking must be provided plus 3 visitor spaces but note that the plans provided differ in layout.

For the highways authority to adopt this development, a turning head must be provided, and along with footways and road layout, constructed to CEC specification. All turning movements within the site must be demonstrated prior to approval.

A request was therefore made for further information to be supplied.

Highways then advise that subject to the above information being received and approved, in principle there are no highways objections.

**Environmental Health:**

No objection subject to conditions.

**Ecology**

No objection to the proposed development.

**Local Plans and Economic Policy**

No comments received

**Greenspace**

The consultation response identifies a significant shortfall in play equipment and amenity greenspace within 800m of the application site and seeks a financial contribution from the developer of approximately £17,956.

**Congleton Town Council**

No objection

**7. OTHER REPRESENTATIONS**

Three letters of objection received expressing concern at the loss of car parking that too many units are proposed, that the units are too high, overlooking and loss of privacy and that the scheme would have an adverse impact on highway safety.

**8. APPLICANT'S SUPPORTING INFORMATION**

Planning, Design and Access Statement  
Contaminated Land Assessment  
ENS and PPG24 Assessment Report (Noise)  
Ecological Appraisal

**9. OFFICER APPRAISAL****Principle of Development**

Officers are satisfied that the principle of development on the site is acceptable. The development would utilise previously developed land within the settlement zone and in close proximity to Congleton town centre which has a good range of shops and services. On that basis, the application site benefits from a general presumption in favour of development under local plan policy PS4 and policy DP4 of RSS that prioritises re-use of previously developed land within settlements.

Officers also consider that the site would fall to be considered as '*deliverable*' when assessed against the advice within paragraph 54 of PPS3. The site is considered to be suitable for housing development, available immediately and with a reasonable prospect that housing could be delivered within 5-years. Whilst Plus Dane require grant funding from the HCA to deliver the scheme, they advise this could be available in the next financial year provided they can demonstrate to the HCA they have satisfied the Council's local lettings policy; a matter which can be addressed through an appropriately worded S106 agreement.

Whilst PPS1 and PPS3 would ordinarily seek to avoid concentrations of single tenure development, your officers are comfortable with this approach on this site due to the small

number of dwellings and the fact that the scheme comprises a mix of two and three bed houses thereby offering a variety of accommodation. Additionally, it is understood that the delivery of small blocks of affordable housing such as this is preferred by Dane Plus.

The principle of development is therefore considered to be acceptable subject to an assessment of design (scale and character) and compliance with other relevant planning policies and these issues are now considered in more detail.

### **Loss of Employment Land and Housing Need**

The general thrust of policy E10 is to protect the boroughs employment land supply; however, the policy provides for certain exceptions including the ability to demonstrate substantial planning benefit. In this respect your officers are satisfied that provision of scheme comprising delivering of 100% affordable housing for social rent falls to be considered as a substantial planning benefit.

The scheme has the support of the Councils Housing section and would enable Plus Dane Group to deliver twelve much needed houses for social rent helping to meet the considerable current levels of demand within Congleton. Moreover, the new units would contribute to a reduction in the current shortfall in delivery of new affordable housing across the borough which, in the case of the former Congleton Borough, amounts to approximately 240 dwellings per annum based on statistic within the 2004 Congleton Housing Need Survey.

Whilst the case put forward by the applicants sought to demonstrate that the building was no longer suitable for employment re-use, and that substantial planning benefit would arise from the removal of a potential problem neighbour, officers attached little weight to this position because it is considered that the building could be refurbished to provide employment space similar to that which has been provided within other units in the area.

Notwithstanding this point however, your officers are entirely satisfied that any harm arising from the loss of this small mill building is significantly outweighed through the delivery much needed social rented housing and that the scheme complies with the requirements of policy E10.

### **Design**

The design of the proposed development is considered to be acceptable. It would deliver high quality, contemporary design which serves to improve the character of the area and the way it functions thereby addressing one of the principle requirements of PPS1 and PPS3.

The contemporary design approach is entirely acceptable for the site and has allowed the applicants to successfully respond to constraints such as the significant difference in levels between and the relatively shallow depth and restricted interface distances to the rear of dwellings along Kelsall Street. It also allows for an attractive built frontage to be delivered both to Bromley Road and Brown Street whilst the varied palette of materials would introduce an element of visual interest to the otherwise mundane streetscene. Similarly, the staggered floors and outriggers will ensure that the buildings, and not car parking spaces, define the street.

Whilst concern has been expressed about the height of the proposed houses, your officers consider their height to be entirely acceptable in design terms when considering the height of both the current mill building, which is taller than the highest point of the proposed three storey dwellings, and the three storey commercial building located on the sites western boundary.

On the basis of the above, officers therefore also satisfied that the design of the proposed development not only addresses the requirements of PPS1 and PPS3 but also the local plan policies GR1, GR2, GR3, H4 and PS4.

## **Residential Amenity**

### *Interface distances, overlooking and loss of light.*

Following detailed assessment, officers are satisfied that the design and layout of the proposed development is acceptable in terms of preserving residential amenity of nearby dwellings, particularly those to Spragg Street.

The site lies to the north of dwellings on Spragg Street thus avoiding any detrimental impact in terms of loss of light and the scheme has been carefully designed to retain a minimum interface of 21.3m at first floor level thereby avoiding any issues of dominance, overlooking and loss of privacy. Furthermore, the scheme has incorporated flat roofs into the design which serve to help mitigate the impact of an additional 3<sup>rd</sup> storey. Members should also note the fact that the site is lower than Spragg Street which further serves to minimise any impact from the extra storey. On the basis of the above, officers are satisfied that the requirements of policies GR1, GR6 and SPG2 have been met.

### *Noise*

The sites location within a mixed-use area directly adjacent to a main road necessitated submission of a detailed noise assessment. The survey concluded that the dominant noise source was road traffic noise, as opposed to industrial, and that noise levels fell into PPG24 Noise Exposure Category B where planning permission can be granted subject to conditions to mitigate noise. On that basis, Environmental Health have confirmed that they have no objection to the proposed development subject to a condition to ensure that a detailed scheme for noise mitigation is submitted to the Council for approval and fully implemented prior to occupation thereby ensuring that the requirements of local plan policy GR8 can be satisfied.

### *Amenity Space*

Whilst the applicants have been unable to provide the necessary 65m<sup>2</sup> ordinarily required by SPG2, your officers are satisfied that the scheme strikes an acceptable balance between provision of private amenity space (gardens and balconies) and providing a high quality design solution on a constrained site. It is also important to note that the one of the aims of SPG2 is to ensure sufficient space is retained for extensions under permitted development rights; however, given the social rented tenure of the development, it is considered highly unlikely that future occupiers would seek to extend the dwelling.

## **Provision of Public Open Space**

In seeking to deliver a scheme comprising entirely social rented housing, the applicants have advised that the financial viability of the scheme is marginal due to the limited grant

funding available to Dane Plus. They also argue that the requirement to make a financial contribution towards POS could adversely affect the likelihood of a successful funding bid because the HCA are only likely to approve the most cost-effective schemes.

Whilst the Councils Streetscape section are aware of these concerns, they are equally concerned that a significant POS deficit exists within 800m of the site and that the development, when assessed against the Councils POS guidance note, would be required to make a contribution of £17,956 towards amenity Greenspace provision, play equipment and maintenance.

Whilst this is a very finely balanced issue, and the concerns of the Streetscape are noted, officers consider that the balance must fall in favour of granting planning permission for the development on the basis that the development would contribute towards addressing both the shortfall in delivery of new affordable housing against the identified 2006 targets and current levels of demand for social rented houses within Congleton.

Officers will however provide an update at committee as discussions were still on going with Plus Dane at the time of report preparation over the possibility of securing works by Dane Plus directly, deferred payment, or at the very least a smaller contribution.

## **Highways**

Whilst an objection has been received from the highway section, this relates to the layout and not vehicular movements that can be safely accommodated within the highway network. This is because the proposed development is unlikely to generate levels of traffic over and above those generated by an employment use at the site.

Whilst it is important to note highways concerns over the deficiencies within the proposed parking court (namely a lack of manoeuvring space) it is considered this results from inefficient use of space which, at the time of writing this report, the applicants were working to address. An update will therefore be provided at committee on this matter.

Therefore, subject to resolution of this outstanding issue, officers consider that the requirements of policies GR1, GR9 and GR18 of the local plan can be satisfied.

## **Environmental Health Related Issues**

Whilst issues relating to noise were addressed within the previous section, the redevelopment of the site still raises issues in terms of contamination and air quality.

### *Contamination*

The applicant's have submitted a phase 1 desktop study which indicates that the site is likely to contain localised organic and inorganic contaminants as well as made ground (which presents a low risk in terms of ground gas and but which may also contains asbestos). The report also noted that were made ground to exceed depths of 2.5m, the applicants would be required to consider alternative foundation solutions (to reinforced slabs).

Whilst it would be necessary for the applicants to undertake further intrusive investigations prior to the commencement of development in order to inform a detailed remediation

strategy, Environmental Health have advised that they have no objection to the principle of residential on the site and that the additional survey work can be secured through imposition of a suitably worded condition.

#### *Air Quality*

Due to the potential for dust emissions during demolition works, Environmental Health have requested a condition be imposed on any permission to secure precise details of a dust mitigation strategy to control emissions which can be secured by a suitably worded condition.

Therefore, on the whole, officers are satisfied that the requirements of policies GR7 and GR8, along with PPS23, can be satisfied.

#### **Ecology**

Given the age and style of the building, the applicants were required to submit a detailed bat survey prepared by a suitably qualified ecologist. The report found no evidence of bats and concluded that the proposed development would have no adverse impact on protected habitats or species, a position with which the Councils ecologist agreed. The proposed development would therefore satisfy the requirements of Planning Policy Statement 9 and local plan policy NR3.

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

The proposed development has demonstrated substantial planning benefit that outweighs the loss of a small vacant employment site. The development is considered 'deliverable' in PPS3 terms and would utilise previously developed land in an accessible location close to Congleton town centre. The design is acceptable in its setting and would deliver high quality design which improves the character of the area and the way it functions whilst also preserving the amenity of existing residential dwellings to the south of the site.

### **11. RECOMMENDATION**

**Approval subject to conditions and subject to the applicants entering into a S106 Agreement to secure the social rented housing.**

#### **S106 Heads of Terms**

To cover provision of social rented housing

Contribution of public open space (subject to on-going discussions)

#### **Conditions**

**1. 3yr Time Limit**

**2. Development in accordance with approved plans**

**3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)**

**4. Site levels in accordance with approved plans**

**5. Standard contaminated land condition but which includes reference to gas monitoring and foundation design**

**6. Detailed scheme for noise mitigation to be agreed and implemented prior to first occupation**

**7. Scheme for mitigation of dust during demolition and construction**



- 8. Restriction on hours of construction**
- 9. Removal of permitted development rights**
- 10. Landscaping condition and implementation**
- 11. Precise details of boundary treatments to be agreed**
- 12. Precise layout of car parking court to be submitted and agreed prior to commencement of development**

Location Plan: Cheshire East Council Licence No. 100049045

