

Application No: 11/1629M

Location: Havannah Mill, Havannah Lane, Eaton, Congleton, Cheshire, CW12 2ND

Proposal: Reserved matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M

Applicant: Rowland Homes Ltd

Expiry Date: 28-Jul-2011

Date Report Prepared: 11.07.11

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the proposed layout, scale, appearance and landscaping is acceptable
- Whether the dwellings would fit comfortably within the site and surrounding area
- Whether the parameters of scale comply with the varied outline consent (10/3486M)

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The former Havannah Mill site is located on the edge of Congleton and immediately adjacent to a row of former mill workers' cottages as well as Havannah primary school and an area of new build housing within the Buglawton area of Congleton.

The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

The whole site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt, as defined by the Macclesfield Borough Local Plan 2004.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

DETAILS OF PROPOSAL

This is a Reserved Matters planning application for erection of 35 dwellings. It is a resubmission of previously withdrawn application 10/4697M.

Outline planning permission was granted on appeal in April 2010 for residential development of up to 35 dwellings plus a 60 bed care home (ref. 09/0807M). A subsequent application to vary the scale parameters set out in the conditions of the outline approval was approved in April 2011 (application 10/3486M). This approval replaces the 2009 consent, and is now the parent consent to which this reserved matters application relates.

This reserved matters application is for the 35 dwelling houses only with the care home element not being applied for under the terms of this application.

Access to the site will be as previously approved from Havannah Lane which will be improved through the provision of passing places and surfaced to adoptable standard. A footway will be provided along the length of Havannah Lane.

The principle of the development has already been established, therefore the only matters for consideration are appearance, layout, landscaping and scale of the dwellings, and how they would fit within the site and surroundings.

The proposals also include parking, and public open space, including a LEAP and upgrading of a number of public footpaths in the vicinity of the site.

A Unilateral Undertaking is attached to the application 10/3486M (the outline approval for which this application seeks to discharge the reserved matters upon), which covers a range of matters including:

- Provision of formal and informal play (including the provision and management of toddlers play area, including equipment)
- Public open space, subject to the establishment of a management agreement in order to oversee the future maintenance of this land
- Highway works relating to the upgrading of Havannah Lane; provision of a public footpath along the length of the road and upgrading of other footpaths crossing the site
- Provision of 11 affordable houses
- Habitat/landscape management plan
- Management and planting of woodland areas
- Provision of a travel plan
- Management plan for on & off site SBI works

RELEVANT HISTORY

- 10/4697M Reserved Matters approval for the erection of 35 dwellings with associated parking, open space and landscaping. (Outline application (09/0807M) allowed on appeal 01/04/2010; appeal reference APP/R0660/A/09/2114252).
Withdrawn 18/01/11
- 10/3486M Removal/variation of conditions 5 and 6 on application 09/0807M - Outline application for residential development including a care home
Approved with conditions 21/04/11
Unilateral Undertaking attached
- 09/0807M Outline application for residential development including a care home (class C2)

Refused 29/07/09 (Member over-turn)
Allowed on appeal (APP/R0660/A/09/2114252) 01/04/10
- 01/0908P Conditional permission granted for replacement warehouse, extension of storage compound and erection of additional warehouse
Not implemented
- 58100P Outline permission refused for cessation of industrial use demolition of factory proposed residential development incorporating improvements to Havannah lane sewage treatment and other improvements.
October 1989
- 79093P Positive Certificate granted for the Lawful Existing Use for continued use of recycling of scrap plastics and plastics textile material. There are no conditions attached to this certificate which limit this use or the hours which the premises could operate.
June 1995

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets

L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

BE1 (Design Guidance)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC63 (Contaminated Land including Landfill Gas)
GC6 (Countryside beyond the Green Belt)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 & H9 (Affordable Housing)
NE7 (Retain and enhance existing woodland)
NE9 (River Corridors)
NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
RT5 (Provision of Open Space)
RT8 (Provision of informal access to the countryside)
T2 (Transport)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSULTATIONS (External to Planning)

Strategic Manager (Highways) : This reserved matters application follows the highway layout submitted as part of the outline application and there are no highway objections to the detailed road layout submitted.

Environmental Health: The application area has a history of use as a Mill and therefore the land may be contaminated. The proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, conditions are recommended in respect of site remediation works.

Crime Reduction Unit: Concerns are raised about this site. It has been an anti-social behaviour hotspot for a number of years since the factory has been derelict.

As a result of this, some reservations are raised about a toddler play area being included within the development as history has shown that this will become a magnet for further anti social behaviour.

(It should be noted that the Toddler's Play area was previously approved at appeal)

Sustrans: We would like to see the development make a contribution to the improvement of the walking/cycling network in the vicinity of the site, on the north side of Congleton.

VIEWS OF THE PARISH / TOWN COUNCIL

The views of Eaton Parish Council are awaited, but are important in the consideration of this application. They will form part of the Update report.

OTHER REPRESENTATIONS

Three representations have been made to date; the following comments have been made:

- It is important to retain the Leyland Cypress and fence opposite New Street cottages, to prevent overlooking and reduce noise emissions. A condition should be attached to any Reserved Matters approval to require its retention.
- The hedge on New Street adds character to the village and should be retained.
- Concerns are raised about installing railings to the private grade II Listed Bridge, they are considered incongruous and out of character
- Drainage concerns, as a culvert and foul drainage pass under plots 13,14, &15
- If the existing foul drainage from New Street is connected to foul drainage on site and is adopted by United Utilities, they would impose a sewerage charge which the existing Havannah residents have never had.
- This proposal appears to feature a river side walk in field adjacent to where houses are to be built. This suggests that the floodplain area will be open to public access. This is not compatible with our rights as fishery owner

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Climate Change Statement
- Renewable Energy Calculation
- Waste Management Plan
- Geo-environmental site assessment
- Remediation Strategy and Material Management Plan
- Specification for tree works
- Drainage report

- Construction Methodology Statement
- Management plan for on site SBI and open space
- Management plan for off site SBI
- Interim travel plan
- Proposed toddlers play area Management proposals

OFFICER APPRAISAL

Principle of Development

The principle of residential development of the site for 35 dwellings and a 64 bed care home was established in April 2009, when application 09/0807M was allowed on appeal. This also granted permission for the means of access to the site.

As such, it is only necessary for the following matters to be considered under the terms of the application: the layout, scale, appearance and landscaping of the dwellings, and how the dwellings would fit within the site and surroundings.

Consideration of objections

- The request for the retention of the Lleylandi hedge is noted, but this would segregate the development from New Street. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.
- Any railings to a Listed Building will require Listed Building Consent, which would be considered independently of this application.
- A detailed drainage scheme has been submitted with this application, clearly indicating how the site will be drained. Drainage issues will be fully considered under Building Regulations.
- The proposed footpath, through the Public Open Space is some distance from the River Dane and adjoining fishery. The use of footpath is not considered to disturb the fishery users or the flora or fauna in the area.

Consideration of the proposals

The site is currently occupied by a number of disused buildings, which have been vacant for approximately five years. The buildings are unsightly and appear out of context within this Village setting. Surrounding the buildings is a large expanse of hard-standing, formerly used for lorry parking and storage. Much of the site is enclosed with galvanised steel palisade fencing which gives the site an unattractive appearance. Since the closure of the factory, the Crime Reduction Unit has identified this site as a hotspot for anti-social behaviour.

Historically the site was occupied by three traditional mill buildings and over 70 houses, and together with the former mill workers cottages on New Street the area was collectively known as Havannah Village.

This proposal gives the opportunity to return the area to residential use, which is considered more appropriate.

Layout and Scale

Scale parameters were set by the Inspector as part of the original outline approval, condition 5 specifically permitted two, three and four bedroom houses. This included some three storey dwellings.

An indicative site layout plan was submitted with the outline application, which gave a likely site layout, given the constraints on site. The site layout plan submitted with this reserved matters application is not unlike the approved plan, with the exception of plots 27-31.

Following the approval of the outline application, the developers identified a need to amend a number of the scale parameters and make some alterations to the layout, these included the removal of the three storey properties and minor alterations to the previously identified parameters.

An application was approved to vary conditions 5 and 6 of the outline permission (ref. 10/3486M). This application included an indicative layout plan illustrating how the applicant was to develop the site, including detail of parking provision and open space incorporating a village green and children's play area (LEAP). The indicative layout plan approved as part of application 10/3486M is similar to the plan submitted with this application.

Generally, the houses are well spaced, and all benefit from off-street parking and have an adequately sized garden. There are some pinch points on site, there is only 12 metres between the rear elevation of both plots 32 and 34, due to the positioning of plot 33, also plots 26 & 27 are very close to the southern boundary.

During the life of the application, a minor revision was made to the site layout to re-orientate the positioning of plot no. 23 to overcome overlooking issues between plots 22 and 23. As these properties are located to the rear of the site, (backing onto the public footpath) and this amendment is not considered to affect any near-by properties, the revision has not been advertised.

Whilst some of the houses do not fully comply with the space standards set out within policy DC38 of the Local Plan, the layout is considered to be commensurate with the housing in the surrounding area.

The proposed house types comprise of a mix of 2 and 3 bedroom terraced houses replicating the arrangement of the adjacent cottages on New Street, a pair of 3 bedroom semis and 4 bedroom detached houses. This is considered to provide a good housing mix, and will contribute to wider housing market.

The properties are all two-storey, 33 of the 35 dwellings have a ridge height of 8.2m or less, with the remaining 2 units having a ridge height of 8.7m. The two taller properties (Bridewell) are located on the southern (rear) boundary, and are considered to be acceptable.

Appearance

The proposed houses have been designed in a traditional manner, taking the design of the local houses into consideration. The houses will compliment each other, and will not appear out of character with the adjoining properties.

The properties are all two-storey and will be fabricated in a traditional red brick with grey tiled roofs. The windows will be white, and the fascias and gutters will be black, as is demonstrated on the street scene elevations.

In order to comply with condition 18 on the outline approval, the dwellings have to be built in a highly energy efficient manner. An Energy Compliance Certificate and Climate Change Statement have been submitted with the application, which shows how the development will achieve minimum energy savings of 10% improvement upon baseline Building regulation compliant design. Features to achieve this include use of high levels of thermal insulation, energy efficient appliances and solar water heating to some units.

The proposals are considered to comply with policies BE1 & DC1 of the Local Plan, in respect of scale and design.

Landscaping

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site.

The development is set within a landscaped setting and existing features are utilised to enhance the character and appearance of the development in accord with development plan policies. The proposals include the protection and enhancement of existing features, and enhancement of the adjacent SBI.

The views of the Landscape Officer are awaited, and are important in the consideration of this application. These will form part of the Update Report.

Ecology

The proposed development is adjacent to the River Dane, Site of Biological Importance (SBI). As part of the landscaping scheme for the proposed development, management is proposed for the 'on site' SBI. In addition management is also proposed for an additional 'off site' SBI. An acceptable management plan has been submitted in respect of the 'off-site' SBI.

The proposed management plan will enhance the status of both of these designated sites, and therefore the proposal is considered to comply with policies NE7, NE9, NE11 & NE12.

It is considered that the SBI can be adequately protected via the imposition of conditions concerning:

- Protection of breeding birds
- Provision of features for breeding birds and roosting bats
- Protection of SBI during construction phase

- Submission and implementation of a 10 year management plan for on-site SBI
- Implementation of management of off-site SBI

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of residential development has already been established at this site under application 09/0807M. The only areas for consideration are now the layout, scale, appearance and landscaping, and how the proposed dwellings relate to the surrounding area.

As part of the original application, an illustrative site plan was submitted and approved, which showed an indicative site layout for 35 dwellings. Following on from this, an application was submitted to vary conditions 5 & 6 on the outline approval, to alter the scale parameters. This application 10/3486M was also accompanied by an illustrative site layout plan, which was also approved. The site layout proposed in this application is similar to the one approved under 10/3486M, it proposes 35 No. two storey, two, three and four bedroom dwellings, a Village Green and a large area of Public Open Space, and a LEAP (Local Equipped Area for Play), in this case, an equipped toddler's play area.

The site layout is considered well organised and efficient in density terms, each dwelling has off-street parking and a private garden, and each dwelling is considered to be adequately spaced from its neighbours. In addition, the dwellings fronting onto New Street will add to passive surveillance for the area and the By-way generally. The request for the retention of the Lleylandi hedge is noted but this would segregate the development. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.

All of the dwellings comply with the established scale parameters as set out by condition 6 under application 10/3486M. The dwellings are all two storey, the majority of which have a ridge height of 8.2 metres or less. The dwellings are to be fabricated in a traditional brick, with grey tiled roof. It is considered that the scale and external appearance of the dwellings is in keeping with the character of the area.

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site. A Landscape Management Plan has been received. Whilst the views of the Landscape Officer are awaited, it is not anticipated that there will be any issues of landscape design or management that could not be adequately resolved.

The proposed residential layout is considered to address the matters reserved by the original outline permission and comply with National, Regional and Local planning policies.

Accordingly, a recommendation of approval is made.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission

2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A05EX - Details of materials to be submitted
5. A04LS - Landscaping (implementation)
6. A01GR - Removal of permitted development rights
7. Submission of an updated Remediation Statement, prior to the commencement of development
8. External Lighting- submission of details

