

Application No: 11/2112M

Location: HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON,  
CONGLETON, CHESHIRE, CW12 2NB

Proposal: Demolition of existing buildings and erection of 40 dwellings including  
parking, public open space, and landscaping

Applicant: Rowland Homes Limited

Expiry Date: 01-Sep-2011

#### **SUMMARY RECOMMENDATION:**

**Approve, subject to conditions and the satisfactory completion of a legal agreement**

#### **KEY ISSUES**

- Principle of the development
- Extant consent for 35 dwellings and a 60 bed care home
- The requirements of PPS3 (Housing) to provide a 5 year housing land supply
- Provision of 12 Affordable Houses (30% with a split of tenure, 6 social rented and 6 intermediate dwellings)
- No unsubsidised low cost housing
- Layout, scale, design & density
- Residential amenity
- Landscaping and forestry issues
- Provision of Public Open Space
- Commuted sum in lieu of LEAP (Locally Equipped Area for Play)
- Nature Conservation issues, particularly having regard to the River Dane, a Site of Biological Importance

#### **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.

As the Outline & Reserved Matters applications were originally determined by the Strategic Planning Board, the Chairman of the Northern Planning Committee has referred it up to the Strategic Planning Board for consideration.

## **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 Full Planning application, seeking planning permission for 40 two storey dwellings. It follows on from the recently considered Reserved Matters application for 35 dwellings. The key difference between this application and the Reserved Matters approval is that the 60 bed Care Home element has been omitted from the scheme, and has been replaced by 5 additional dwellings.

Access to the site will be as per the previously approved scheme off Havannah Lane. This road will be improved through the provision of passing places, and surfaced to adoptable standard. A footway will be provided along the length of the road.

A draft Unilateral Undertaking has been submitted, which covers a range of matters including:

- Provision of 12 affordable houses
- 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
- Public open space provision
- Commuted sum in lieu of a LEAP (Locally Equipped Area for Play)
- Habitat/landscape management plan
- Management plan for on & off site SBI works

## **RELEVANT HISTORY**

- 11/1629M 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  
Resolution to approve 27/07/11
- 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

## **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**

Draft National Policy Framework  
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)**

**Environment Agency:** No objections, subject to conditions in respect of protection against flooding .

**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 an updated remediation statement, and Phase II works to be carried out.

**Landscape:** No objections to the proposals on Landscape or Visual impact grounds.

**Sustrans:** If this land use is approved by the council's planning committee, our comments are as follows:

- 1) To improve local access for pedestrians and cyclists we would like to see the site connected to the adjacent housing area off Crompton Close/Malhamdale Road, and to Havannah Primary School.
- 2) For smaller properties on the site the design should include space for residents' buggies/bicycles.

**United Utilities:** No objection, subject to conditions in respect of drainage.

**Leisure Services:** Awaited

**Forestry:** The proposed development can be implemented with the loss of a small number of low value trees, the loss of which can be adequately mitigated by a suitable landscape scheme. A number of conditions are recommended.

**Nature Conservation:** No significant ecological impacts anticipated, a number of conditions recommended.

**Strategic Manager (Highways):** Permission has previously been granted on this site for 35 dwellings and a 60 bed care home, it is now proposed to remove the care home and erect 40 dwellings in total on the site.

As there is no material difference in traffic impact when comparing the extant permission and this application, if anything there is a small reduction in flows and as such there are no issues concerning traffic generation.

The road layout is similar to the previous scheme and there are no design issues raised on the site layout, the improvements to Havannah Lane are as previously agreed.

There are no highway objections to the application subject to the same highways conditions as 09/0807M being added.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Eaton Parish Council consider that the application is well thought out, suitable and acceptable. They are anxious that the development work is started at an early date and that it is concluded in one operation.

The Parish Council therefore lend their support to the approval of this application.

## **OTHER REPRESENTATIONS**

Two 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. 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.

- Flooding is a major problem in the area, in the 1998 flood, it was 1.2 metres deep on New Street

## **APPLICANT'S SUPPORTING INFORMATION**

- Planning Design and Access Statement
- Flood Risk Addendum
- Tree Survey and Arboricultural impact assessment
- Construction Method Statement
- Geo-Environmental site assessment
- Remediation Strategy
- Energy Compliance Statement
- Construction Site Waste Management Plan
- Management plan for on site SBI
- Management plan for off site SBI
- Bat report
- Highways technical advice note
- Archaeology letter
- Draft Unilateral Undertaking

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of residential development on this site has already been established, therefore the key consideration is whether the loss of the care home element is acceptable, and whether the alternative layout to provide 40 dwellings is acceptable, having regard to the site characteristics and Development Plan policies.

Historically, Members of the former Macclesfield Borough Council were keen to retain an element of employment use on site, and the Care Home went some way in providing employment opportunities. The applicant has indicated that since the original Outline scheme was granted in April 2009, Planning Permission has been granted for a care home & retirement assisted apartments on Brook Street/Mill Street Congleton, and assisted apartments at Mossley House, Biddulph Road Congleton. These permissions will provide 151 units of accommodation, which will meet local needs. The applicant has advised that the site has been marketed over the past 2 years, and no purchaser has been forthcoming, lending the care home unviable.

Current Government Guidance encourages care in the home, rather than in residential care homes, therefore there can be no policy objection to its loss from the scheme.

In scale and massing terms, the care home was a large 'L' shaped building, with a width of 59m and depth of 52 m, and a ridge height of 8.4m. The 5 replacement dwellings would be detached and spread across the depth of the site, and would have significantly less impact in massing terms. Each of the 5 dwellings is a different house type, with the ridge heights ranging from 7.4m (Wolsey) to 8m (Hatton). As a result, the revised scheme is considered to

have less impact on the character and appearance of the area, and the dwellings will be interpreted as part of the housing estate.

At present, the Council does not have a 5 year housing land supply. Paragraph 71 of PPS3 (Housing) which states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing. On this basis, there can be no objection to the principle of residential development.

### **Consideration of objections**

- The request for the retention of the Lleylandi hedge is noted, however, when considering this issue at the July SPB, Members concluded that it was appropriate to have a revised landscaping scheme, with a mix of native species and evergreen trees.
- 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.
- Concerns about flooding are noted, and the advice from the Environment Agency and United Utilities is of importance, particularly their suggested conditions.

### **Consideration of the proposals**

#### **Housing**

The Planning Inspector considered that the original Outline application was contrary to the Development Plan but set out circumstances that outweighed that harm.

Since the original decision the Council has adopted an Interim Planning Statement on Affordable Housing (February 2011) reflecting the up-to-date housing need information for the Borough contained in the 2010 Strategic Housing Market Assessment and changes to Government guidance since the Local Plans were adopted. This document requires the provision of 30% affordable housing and an additional minimum of 25% unsubsidised low-cost market housing, having regard to the details of the site/application.

12 Affordable dwellings are being proposed within this scheme, which equates to 30%, in accordance with the Interim Planning Statement (IPS) on Affordable Housing.

A mix of 6 x 2 bed and 6 x 3 bed dwellings are proposed, on a split of the 2 bed properties being available for social rent and the 3 bed properties being available for intermediate tenure, which gives a split of 50% social rent and 50% intermediate tenure.

Paragraph 3.13 of the IPS relates to "*Low Cost Market Housing Provided Without Subsidy*" It advises:

*“Generally, and in addition to the requirement for affordable housing, the Council will look for a **minimum of 25%** of the total housing units on such sites to be unsubsidised low-cost market housing, although the nature of the site, economic considerations, the level of affordable housing provision, its location and nearby provision will be taken into consideration in determining the exact level of provision”.*

Therefore, in addition to the Affordable Housing, 10 unsubsidised low-cost houses should be provided to comply fully with the IPS.

No low cost housing is proposed, as the applicant has indicated that it would not be economically viable to do so, and no low cost housing was required on the Outline proposal, although it should be noted that the policy was not in place when the this application was considered by the Inspectorate. We believe that it would be unreasonable to request low cost housing in addition to the affordable housing at this stage given the extant consent that could be implemented for 35 dwellings with no low cost housing.

Members need to carefully consider whether 30% Affordable Housing is sufficient on this site to meet local housing needs, having regard to paragraph 71 of PPS3 – Housing, which states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing and the Ministerial Statement on Planning for Growth (March 2011) which identifies that “...*there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth*” and “...*ensure that they do not impose unnecessary burdens on development*” “*To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms*”.

### **Layout, Scale, Design & Density**

The proposal seeks to redevelop approximately two thirds of the site with dwellings, leaving the western side of the site adjacent to the River Dane as Public Open Space and providing a Village Green at the entrance to the housing estate.

The layout is not dissimilar to the layout approved at the Outline stage, with the exception of the care home element. The density of development equates to 14 dwellings per hectare, which is relatively low, however, this density is similar to the density of development adjacent to the site in Buglawton, and therefore is acceptable.

The proposed house types comprise of a mix of 2 and 3 and 4 bed family houses. 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.

Opposite the cottages on New Street, two rows of terraced properties are proposed, and one pair of semi-detached properties. 6 of these properties are 2 Bed (Waddington) dwellings, and 6 of these properties are 3 bed (Burlington) dwellings. This form of development aims to replicate the arrangement of the cottages.



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

It is considered that the proposal comprises a good housing mix, and will contribute to wider housing market.

### **Residential amenity**

The proposal is not considered to raise any amenity issues with the adjacent properties on New Street.

Originally, concerns were raised by the case officer in respect of the relationship issues within the site itself. A revised layout plan was submitted to address these concerns, which we are satisfied with.

### **Landscaping & Forestry Issues**

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.

When considering the Reserved Matters application, concerns were raised by the neighbours on New Street in respect of the Leyland Cypress hedge. Neighbours felt that this hedge added to the character and appearance of the area. The case officer and landscape officer disagreed, and felt it would segregate the development from the cottages on New Street. It now transpires, that the Leyland Cypress hedge is not within the ownership of the applicant, and therefore is out of their control. It is understood that the applicant is prepared to work with the land owner(s) to reach a satisfactory outcome.

In respect of this application, it is recommended that any landscaping proposal incorporates boundary treatment inside the development boundary, so that if the Leyland Cypress is removed in the future, appropriate landscaping remains.

### **Provision of Public Open Space**

A large parcel of land designated as Public Open Space is proposed between the housing development and the River Dane. A Landscape and Habitat Management Plan is proposed within the Unilateral Undertaking, to deal with the landscape and habitats present within the

Public Open Space and for the future management and responsibilities of the management company in relation to the Public Open Space.

In addition to this, a Village Green is proposed at the entrance to the site. Both of these elements are considered to enhance the development, and will be of benefit to the future occupiers of this development.

The previously approved scheme made provision for an on-site Locally Equipped Area for Play (LEAP), however, following discussions with the Leisure department, it has come to light that there is an existing play area immediately to the south of the site called St John's Open Space. It is considered more beneficial to upgrade the existing play equipment, rather than to provide a new LEAP in such close proximity. The applicants are agreeable to pay a commuted sum towards this, which is incorporated within the Unilateral Undertaking.

## **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, on land to the north of Havannah Lane.

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. The key difference between the extant consent and the current proposals is the replacement of a 60-bed care home with 5 detached dwellings. As the Council can not demonstrate a 5 year supply of housing land, PPS3 requires us to consider favourably planning applications for housing. The proposal includes the provision of 12 Affordable Houses, which equates to 30%, however, no low cost housing is proposed, as the applicant has advised it would make the scheme unviable. Whilst this is regrettable, given the Council's position in respect of housing land supply, and the Government's attitude toward planning for growth, we have to consider the application favourably. The development would assist in bringing forward 40 dwellings in a sustainable location, and would provide 12 affordable dwellings of mixed tenure.

In respect of the loss of the care home, planning permission has now been granted for a care home & retirement assisted apartments on Brook Street/Mill Street Congleton, and assisted apartments at Mossley House, Biddulph Road Congleton. These permissions will provide 151 units of accommodation, which will meet local needs. The applicant has advised that the site has been marketed over the past 2 years, and no purchaser has been forthcoming, lending the care home unviable.

Current Government Guidance encourages care in the home, rather than in residential care homes, therefore there can be no policy objection to its loss from the scheme.

The site layout is considered well organised and efficient in density terms, each dwelling has off-street parking and a private garden. The dwellings are considered to be of an appropriate scale and design, in keeping with the adjoining properties. The dwellings are to be fabricated in a traditional brick, with grey tiled roof.

The proposal does not raise any amenity issues with the properties on New Street.

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. It is considered that this will enhance the character of the area. The Leyland Cypress on the northern boundary of the site is outside the applicant's ownership, and therefore they have no control over it, however, the applicant has indicated that he is going to work with the land owner(s) to try and deliver an appropriate landscaping scheme.

The provision of a large area of Public Open Space will enhance the development, and will be benefit to the future occupiers of the development. A financial contribution towards the adjacent LEAP will help upgrade the existing facilities which will be of benefit to the wider community.

A landscape and habitat management plan is proposed within the Unilateral Undertaking, which will help conserve the species within the Site of Biological Importance.

The development would significantly enhance the visual amenity and character of the area and provide a mix of housing, including affordable housing in a landscaped setting, with a large area of Public Open Space.

The proposed development is considered to comply with National, Regional and Local planning policies, and therefore a recommendation of approval is made, subject to minor revisions of the site layout, and the satisfactory completion of a legal agreement.

## **Heads of Terms**

A draft Unilateral undertaking has been submitted with the application which proposes:

- Provision of 12 affordable houses, 6 x 2 bed dwellings for social rent, 6x 3 bed dwellings for intermediate tenure, available through a cascade provision
- 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 Public Open Space

- Commuted sum in lieu of a LEAP (Locally Equipped Area for Play)
- Habitat/landscape management plan
- Management plan for on & off site SBI works

#### Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as submitted
4. Removal of permitted development rights
5. Energy Supply
6. Protection of Site of Biological Importance
7. Protection for breeding birds
8. Implementation of landscaping scheme submitted with application
9. Landscaping (implementation)
10. Tree retention
11. Tree protection
12. Tree pruning / felling specification
13. Hours of Construction
14. Pile Driving
15. Contamination Investigation (Env Health)
16. Programme of archaeological work to be submitted
17. Submission of construction method statement
18. Provision of car parking
19. Footpath scheme
20. Disposal and Storage of Refuse/Recyclables
21. Details of drainage
22. Surface Water
23. Provision of bat roosts
24. Protection of SBI during construction phase
25. Finished floor levels (Flooding)
26. Levels of access roads, parking and pedestrian areas (Flooding)
27. Assessment of contaminants into watercourse

28. Remediation strategy

29. Contamination assessments during development

