

Application No: 13/1246C

Location: Former Danebridge Mill, MILL STREET, CONGLETON, CW12 1XX

Proposal: Outline Application for 14 residential units, ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft carparking.

Applicant: Mr Ian Shorrock, Blackmores (d) Ltd.

Expiry Date: 24-Jun-2013

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and completion of a S106 Legal Agreement

**MAIN ISSUES:**

- a) Principle of Development
- b) Housing Land Supply
- c) Highways
- d) Trees and Landscaping
- e) Ecology
- f) Affordable Housing
- g) Public Open Space Provision
- h) Residential Amenity
- i) Drainage and Flood Risk
- j) Other Considerations

**1. REASON FOR REFERRAL**

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development.

**2. DESCRIPTION AND SITE CONTEXT**

The application site comprises approximately 0.23ha of land located to the north of Rope Walk off Mill Street, Congleton. The site runs alongside the River Dane and formerly hosted the Danebridge Mill until it was demolished following a fire a couple of years ago.

The site occupies a prominent position, alongside the River Dane and the Dane Bridge, at the northern approach to Congleton Town Centre. The site has been predominantly cleared and is of a linear shape which runs from the rear of nos. 76 - 94 Mill Street in a westerly direction alongside

the River Dane. An existing public car park lies to the south and a recent new build residential development lies to the west on the site of the former Providence Mill.

The site is within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005). The site is also included within Flood Zone 3 on the Environment Agency Flood Map.

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

Outline planning permission is sought for the erection of 14 residential units ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft car parking. Full details of access, appearance, layout and scale have been submitted for consideration as part of this application with landscaping reserved for later approval.

### **4. RELEVANT HISTORY**

1998	(26666/3) Permission for proposed offices and relocation of the loading/unloading facility on land adjacent to Providence Mill.
2000	(31593/1) Refusal of outline permission for residential development on Danebridge Mill, Providence Mill and adjoining land.
2001	(32196/1) Use of land and buildings for residential development. Application withdrawn.
2003	(34327/1) Permission for use of buildings for residential development and land for office development.
2004	(04/0177/FUL) Permission for Conversion of Danebridge Mill to A3 (food & drink) and B1 (office) use including ancillary storage and car parking. Possible Phase 2 - construction of part 1st floor conversion of Providence Mill into 14 social housing units. Two storey erection of new build apartments of former car park - 36 units, 5 storey.

### **5. POLICIES**

#### **Local Plan Policy**

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision

H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

## **Other Material Considerations**

Interim Policy on the Release of Housing Land  
Planning for Growth' Ministerial Statement

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

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

### **Environmental Health:**

No objection subject to conditions relating to noise, air quality, land contamination, construction hours and waste recycling.

### **Highways:**

No objection subject to clarification regarding operational requirements of the car park and bin a refuse collection.

### **Green Spaces:**

No objection subject to financial contributions towards the upgrade and maintenance of the amenity space at Antrobus Street Gardens / The Community Gardens and the children and young person's provision at Hankinsons Field skate Park and West Road Play Area. The contributions for the amenity space would be:

Enhanced Provision:	£ 2,271.69
Maintenance:	£ 5,084.75

The contributions for the children and young persons provision would be:

Enhanced Provision:	£ 3,937.51
Maintenance:	£ 12,835.50

### **Environment Agency (EA):**

No objection subject to the imposition of conditions relating to finished floor levels, ground levels, drainage, contaminated land and site waste, and a scheme for the future management and maintenance of the buffer zone with the River Dane.

### **United Utilities (UU):**

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

**Public Rights of Way (PROW):**

PROW would object to any proposal which will restrict use of that PROW before, during or after the development

**Crime Reduction Officer:**

The area surrounding this proposed development has been subject to quite frequent anti social behaviour over recent years. The east elevation shows a sunken alleyway that we believe could potentially be a hotspot for anti social behaviour in the future. The indicative 3d modelling diagram seems to show a number of changes in level which could make climbing easy for people. I have some concerns regarding the shared staircase on the eastern side, this could potentially become a gathering point for youngsters and could possibly be intimidating for the residents. Provision needs to be made for appropriate lighting to cover this area and also potentially for CCTV.

**Archaeology:**

No objection subject to a condition requiring a programme of archaeological work (a watching brief) to be carried out.

**Congleton Sustainability Group (CSG):** have commented that they are fully in support of the principle of the development but are of the opinion that:

- The level of parking is too high
- There needs to be better provision for cycle storage
- The development must contain firm proposals to reduce its carbon footprint and encourage a sustainable life style
- Off-site works possibly funded through S106 for lighting, disabled access and the provision of a boardwalk under the first span of the Dane Bridge

**7. VIEWS OF CONGLETON TOWN COUNCIL**

No objection subject to Section 106 monies to be used for River Dane Walkway enhancements to the bridge.

**8. OTHER REPRESENTATIONS**

1 letter of support has been received from a neighbouring address stating that *"the design and density of the development is suitable given the sites proximity to existing dwellings and the sites access constraints. The development of the site would improve safety for pedestrians using the footpath along the river. The proposal would contribute to the continued rejuvenation of the immediate surrounding area and increase the diversity of housing stock already on offer in the centre of Congleton"*.

**9. APPLICANT'S SUPPORTING INFORMATION**

Planning Design & Access Statement  
Flood Risk Assessment

**9. OFFICER APPRAISAL**

## **Principle of Development**

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general 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.

The site is also identified in the Local Plan as being within the Town Centre and is allocated as a mixed use site. Policy S5 states that within the Town Centre areas not otherwise allocated as the Principal Shopping Area, proposals for non-retail uses, commercial uses or for residential uses on the periphery of the town centre will be permitted provided that it does not detract from the overall town centre function of the area and is sympathetic to neighboring and future amenity. It is considered that residential uses would be acceptable in principle as the site is on the periphery of the Town Centre where residential uses prevail. The site has been vacant and redundant for a number of years and has failed to attract commercial or business re-use.

Also of relevance is Policy H4, which states that when considering residential developments, regard will be had to the location of the site to jobs, shops and services by modes other than the car. The site is in a sustainable location as it is accessible and well connected to public transport and local community facilities and services hosted within The Town Centre. Subject to conformance with other relevant material planning considerations, the principle of 14 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this.

## **Design & Character of Development**

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The site occupies a prominent position on one of the main gateways to the town. The site also benefits from a riverside frontage. Consequently, the development will need to be high quality in design terms and will need to address and respond to the riverside frontage and views from Rood Hill.

To do this, the proposed new building has been designed as a single block but with a break midway along at the first and second level. Its length has been divided into sections, with the heights stepping up between two and three storey level. This has allowed a variation in ridge heights thus avoiding monotony in the elevational treatment.

Balcony features are included above the undercroft parking with the main window openings of the dwellings addressing them. This will provide an active frontage as viewed from Rood Hill and will provide visual interest. The end gable of the corner apartment unit onto Rood Hill will have a projecting feature that will help to break up the massing of this elevation and will also look out over the street thereby providing some frontage. The windows will include aluminium frames and galvanised and glass railings. There will also be some timber features, brickwork and slate roof. These features will help to add a bespoke and contemporary element to the building which has

been designed largely to emulate the traditional style of the surrounding development. Overall it is considered that the proposed new build represents a high quality of design that will complement the existing mill buildings.

Concern has been expressed regarding the proposed undercroft parking and a proposed light installation within. The undercroft has been used to address issues of flood risk, which will be discussed in due course. This has been designed with openings so that it looks out and addressed the adjacent footpath along the river and is similar to that at the adjoining Providence Mill. It would not therefore appear incongruous along the section of the riverside and the details of the proposed light installation and treatment can be controlled by condition.

In design terms, the proposed dwellings are considered to be acceptable, would terminate the end of the cul-de-sac and would have an acceptable impact on the character and appearance of the area.

## **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

The site would be accessed via an existing roadway positioned in between 72 and 76 Mill Street. This emerges onto an access limb serving the properties fronting Mill Street and as such is not directly onto the main road. This access was deemed acceptable for the proposed office and residential uses previously approved at the site in 2004, which was for a greater number of units and a larger scheme. There have no significant changes in highways terms and as such, the increase in traffic from the development would not be significant in terms of the local highway network. The overall provision of 2 spaces per unit is acceptable and will ensure that there is no displacement of parking.

With respect to pedestrian links, the site is well connected and benefits from a footpath running directly alongside the site and the River Dane (Congleton FP23). The proposed development would be sited back from the footpath and would not therefore directly affect it. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

## **Trees and Landscaping**

Landscaping is the only matter that has been reserved for approval at a later stage. There is existing vegetation on either side of the access from Mill Street and a number of early mature trees are positioned outside the site boundary on the bank of the river. The councils Landscape Officer has no landscape objection to the development of the site for residential use but advises that this prominent riverside location will require a sensitive treatment, in particular with reference to the river aspect. However, these are matters which will need to be addressed and considered as part of a future reserved matters application.

## **Public Open Space Provision**

Under the Council's 'Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and has identified that amenity space accessible to the development are the existing facilities including Antrobus Street Gardens and the Community Gardens. These are substandard in quality and therefore an opportunity has arisen for upgrading and enhancing them. This would require contributions of £2,271.69 towards upgrade and £5,084.75 for the future maintenance.

With respect to children and young person's provision, Hankinsons Field skate Park and West Road Play Area will need to be upgraded and maintained. The contributions sought would be £3,937.51 to upgrade and £12,835.50 towards future maintenance, which are deemed reasonable and necessary to offset the impacts of this development.. Subject to these, the scheme is deemed to comply with the Council's requirements for POS.

### **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west. Sufficient separation distance would be maintained between the proposed building and the existing residential properties surrounding the site to avoid any overlooking, overshadowing or other problems of un-neighbourly development. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

### **Drainage and Flood Risk**

The proposed development is within flood zone 3. Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in the NPPF states that LPAs should in determining planning applications, ensure that *'inappropriate development is directed away from areas at highest risk, but where development is necessary, making it safe without increasing flooding elsewhere'* (para 100). The application is supported by a Flood Risk Assessment (FRA) and this has been considered by the Environment Agency.

The scheme has been designed so that the lower ground floor does not host habitable accommodation and instead is used for less vulnerable undercroft parking. This is the same for the adjacent Providence Mill. It is also important to note that prior to the demolition of the former Danebridge Mill, the site was predominantly occupied by the building with the curtilage given over to hard standing. This proposal allows space around the development for less hard surfacing and therefore offer scope for better drainage and therefore less impact. The Environment Agency has

no objection to the proposal subject to conditions relating to finished floor levels, ground levels, drainage, contaminated land and site waste, and a scheme for the future management and maintenance of the buffer zone with the River Dane. Such conditions would ensure compliance with Local Policy GR21 and the advice within the NPPF.

## Other Considerations

Congleton Town Council and Congleton Sustainability Group are seeking a financial contribution towards the costs of improving and maintaining the adjacent footpath. However, it is not considered that the proposed development of 14 units would place undue burden on the existing footpath and consequently it would not be reasonable or necessary to provide a financial contribution and therefore would not meet the tests of Circular 06/2005 and subsequent CIL regulations.

## 11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is deemed acceptable as the site is sustainable and would bring forward a derelict Brownfield site. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The proposal is acceptable in design terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on neighbouring amenity and contributions towards public open space would offset the impacts of the development. The risk of flooding can be controlled by condition. The applicant has demonstrated general compliance with national and local guidance in a range of areas and the application is therefore recommended for approval.

## 12. RECOMMENDATION:

Grant approval subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below and subject to the imposition of the following conditions:

### Heads of Terms for Legal Agreement

1. The contributions for the amenity space would be:

Enhanced Provision:	£ 2271.69
Maintenance:	£ 5,084.75

2. The contributions for the children and young persons provision would be:

Enhanced Provision:	£ 3,937.51
Maintenance:	£ 12,835.50

### Conditions

1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters
1. Application for approval of reserved matters to be made within 3 years
2. Submission of reserved matters (landscaping)



3. Development to be carried out in accordance with approved plans
4. Noise impact assessment of the development to be submitted/approved/implemented.
5. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS
6. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 79.23 mAOD above Ordnance Datum (AOD)
7. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system
8. Submission and implementation scheme demonstrating a minimum access/egress level of 78.93 mAOD
9. Submission and implementation of a scheme for the provision and management of a buffer zone alongside River Dane
10. Submission of details of existing and proposed ground levels
11. Contaminated land Investigation to be submitted
12. Submission and implementation of Remediation Strategy
13. Materials to be submitted to and approved
14. Details of boundary treatments submitted
15. Implementation of a programme of archaeological work / watching brief
16. Submission of Construction / Dust Management Plan
17. Submission of Air Quality Assessment
18. Details of bin storage / waste strategy to be submitted
19. Hours restriction – construction including delivery vehicles
20. Hours restriction - piling activity
21. Removal of permitted development rights classes A-E
22. Details of CCTV installation to be submitted
23. Details of external lighting to be submitted
24. No approval granted for undercroft lighting. Scheme to be submitted

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