

Application No: 14/4810C

Location: 55 , West Street, Congleton, Cheshire, CW12 1JY

Proposal: Demolition of No. 55 West Street and the construction of a new two storey building containing 10No. one bedroom flats with accompanying amenity space.

Applicant: JUSTIN SHEARD

Expiry Date: 14-Jan-2015

### **SUMMARY:**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

### **RECOMMENDATION:**

**APPROVE subject to conditions**

## **PROPOSAL:**

Full planning permission is sought to demolish an existing two-storey building and to replace it with a two-store building with accommodation within the roof space to provide 10 no. one bedroom apartments at no. 55 West Street, Congleton.

## **SITE DESCRIPTION:**

The application site is situated on the northern side of West Street opposite the junctions with Silk Street and Elizabeth Street in Congleton Town Centre. The site is presently vacant but has been used previously as 2 residential units. The surrounding area is a mix of residential, commercial and retail uses owing to the town centre location. The site falls within the settlement zone line of Congleton and the Congleton West Street Conservation Area as designated in the adopted Congleton Borough Local Plan First Review.

## **RELEVANT HISTORY:**

16760/3 - Change of use to retail shop - Approved 30/05/1985

17157/3 - Proposed conversion of first floor to one flat and one bedsit. Approved 22/10/1985

20080/3 - Extension to shop - Approved 07/09/1988

27204/3- Change of use from shop to 2No. one bedroom flats - Approved 23/05/1995

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision

GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
BH4/5	Listed Buildings Impact of Proposals
BH9	Conservation Areas
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 9 Energy Efficient Development  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy SC 4 Residential Mix

#### **CONSULTATIONS:**

##### **Highways:**

Object on the grounds that the proposal should provide 12 parking spaces.

##### **Green Spaces (Ansa: Environmental Operations):**

No comments received

##### **United Utilities:**

No objection subject to conditions requiring submission of foul and surface water drainage scheme schemes.

##### **Cheshire Archaeology Planning Advisory Service:**

No objection

#### **VIEWS OF THE CONGLETON TOWN COUNCIL**

No objection subject to the height of the building being in keeping and sympathetic with the surrounding properties.

### **REPRESENTATIONS:**

Letters have been received from 5 neighbouring properties objecting to this proposal on the following grounds:

- Density of scheme too high
- Lack of parking in the area
- Will add to congestion in the town centre
- Existing building needs urgent renovation and should be repaired
- Damage to adjoining properties during construction
- Existing infrastructure cannot cope with increase in residents
- Water pressure is low
- Sewers and drainage cannot cope
- Loss of privacy, loss of light, overlooking
- Design of building will have a detrimental effect on the conservation area
- Building too big
- Noise from existing flats has affected neighbouring amenity
- Flats should be soundproofed
- Concerns about safety of demolishing the existing building
- Birds and bats are prevalent in the summer

### **APPRAISAL:**

#### **Principle of Development**

The application site is located within the settlement zone line and Town Centre of 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 relevant policies. Of relevance is Policy H4, which states that regard will be had to the location of the site to jobs, shops and services by modes other than the car and Policies S4 and S5 which refer to town centre uses.

Whilst the site is on the edge of the town centre, the predominant uses are residential. In terms of land use therefore, the proposal would conform to the surrounding scale and character of development. The site is in a sustainable location where it is easily accessible and well connected to public transport and community facilities and services.

With respect to town centre policies, proposals for non-retail uses at ground floor level will be permitted where the proposed use is a commercial, leisure, entertainment, community or civic use appropriate to the town centre or for residential use on the periphery of the town centre. This is provided that; the proposal does not detract from the town centre function of the area; does not impact detrimentally on amenities of any future and adjacent occupiers and accords with other policies. Owing to the fact that the existing site has a lawful residential use, is on the edge of the town centre and is not situated in-between retail uses, the proposal would not individually or cumulatively undermine the retail function of the town centre.

Consequently, the proposal is deemed to be compliant with local plan policies PS4, H4 and S5 and S6.

Subject to conformance with other relevant material planning considerations, the principle of 10 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. The scheme is therefore compliant with national and local policy.

### **Locational Sustainability**

The proposals seek to utilise previously developed land, inside the settlement within a town centre location, which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

### **Housing Land Supply**

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 10 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

### **Design and Conservation**

This proposal is for the demolition of no. 55 West Street and the construction of a new two storey building containing 10 one bedroom flats with accompanying amenity space. The application is supported by a structural report which evidences the poor condition that the building is in. The Council's Conservation Officer recognises this and the need to redevelop the site.

The proposal calls for the height of the new building to be increased. Amended plans have been received which show a lower roofline than that originally proposed. The lower roofline would be achieved by providing a flat section of roof on top of the proposed building. This would not be evident from the street scene or conservation area. Equally, the rear of the building would not be visible from the street-scene as it is enclosed by other built form.

In terms of size and scale, from West Street, the building would step up from the adjoining property no. 57 but would be lower than the beginning of the properties on the other side, no.s 51-53. The proposal would not over dominate this frontage and would transition well with the appearance of the street-scene. Subject to the use of high quality facing brick, slate roofs, timber windows with a decent reveal and the use of conservation roof lights, it is considered that the proposal would not materially harm the street scene nor would it impact negatively on

the West Street Conservation Area. As such, the design is considered to be acceptable and in compliance with local plan policies GR2 and BH9.

## **Highways**

The Head of Strategic Infrastructure (HSI - Highways) originally objected as there was no parking provision. The required standard was cited as being 12 spaces, 1 per unit plus 2 spaces for visitors. This proposal would offer 3 no. spaces. However, it is important to note that this scheme is for small 1 bed units where the likelihood of car ownership will be less than that of open market housing. Additionally, the site is located in a highly sustainable location where it is accessible by other public transport links serving the wider area. Further, the standard as referred to by highways is not yet formally adopted and as such, a refusal could not be sustained on this basis.

Vehicular access to the rear car park is provided off West Street. The vehicle movements generated by 10 units would not have a 'severe' impact on the local highway network. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

## **Ecology**

The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

## **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, on the opposite side of West Street, the proposals would not achieve the minimum interface distances advised within SPG2. However, it is important to note that historic layout and pattern of development in this location is tightly grouped and the existing building does not achieve the recommended separation. It is one of the features that characterises this town centre location. However, the proposal would not increase direct overlooking of the properties on the opposite side of West Street as the proposal would not come any closer than the existing building. Further, the scale of the building fronting West Street would not be significantly greater than at present and as such, it is not considered that these neighbours would incur increased material harm to their amenity.

Turning to the adjoining property, no. 57, the proposal would extend further beyond this neighbour's rear elevation (by 6 metres). However, as amended, the upper floors would be stepped in at the corner and it is important to note that the outrigger attached to the existing building already travels hard-up along the common boundary shared with this neighbour. It is considered therefore that a refusal could not be sustained on the impact on this neighbour by reason of loss of light or visual intrusion. With respect to direct overlooking, no windows are proposed in the side elevation facing this neighbour and as such, there would be no direct overlooking.

Turning to the neighbouring property on the other side, no 51-53, the proposal would enjoy a gap of 2.6 metres between the side of the proposed building and the main side elevation of

no. 53. The proposed building would extend 4 metres beyond the main rear wall of no. 53 and as such would not cause material harm in terms of loss of light or visual intrusion. An application of the 45-degree test would support these conclusions. No 53 also benefits from a two-storey outrigger at the rear which hosts some side facing windows. However, the ground floor windows would be screened by the existing boundary wall, and the 2 upper floor windows are secondary. Whilst the proposal would include side facing windows facing the side of no, 53, the upper floor side windows could be obscured to ensure no direct overlooking as they are also secondary.

With regard to the amenities of the occupiers of the proposed units, the units have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. It is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the terraced nature of the area. Subject to obscured glazing, the proposal is found to be acceptable in terms of residential amenity.

### **Public Open Space Provision**

According to the Council's Supplementary Planning Guidance, developments of 7 or more dwellings will generate a requirement for public open space and children's play space. The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. However, this scheme is only for 10x no. 1 bedroom. As such, they are not family dwellings and therefore the demands on local play space and open space will be low.

Given that this scheme is very small, it is deemed to be impractical to provide the open space on site and therefore consideration needs to be given to off-site works at a suitable local facility. A further update on this matter will be provided to Members when the Greenspaces officer has confirmed the exact requirements.

### **Planning Balance & Conclusions**

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The proposal would not undermine the retail function of the town centre either individually or cumulatively.

The design, layout and appearance of the scheme would not impact detrimentally on the views within or out of the West Street Conservation Area and therefore the character of the area would be safeguarded.

The proposal does not provide the requisite level of parking provision, however, owing to the small size of the units and the town centre location, it is not considered that a refusal could be sustained on this basis. Such disbenefits would be outweighed by the benefits of the scheme i.e. namely providing much needed housing whilst making use of a redundant brownfield site.

Subject to condition, the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety. On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Standard time limit 3 years**
- 2. Development to be carried out in accordance with approved / amended plans**
- 3. Submission / approval and implementation of environmental management plan**
- 4. Submission / approval and implementation of demolition strategy**
- 5. Drainage - Foul drainage should be connected to foul sewer**
- 6. Drainage – surface water drainage scheme to be submitted**
- 7. Materials to be submitted and approved (Cheshire brick and slate roof)**
- 8. Windows to be timber and set behind 100mm reveal**
- 9. Drawings of window detail to be submitted**
- 10. Brick bond to match existing**
- 11. Roof lights to conservation style**
- 12. Notwithstanding submitted detail, rainwater goods to be cast metal and painted black**
- 13. Parking to be provided as per approved plan prior to first occupation**
- 14. Obscured glazing requirement for upper floor side facing windows**
- 15. Provision of cycle parking**
- 16. Provision of bin storage**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager (Regulation), in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



