

Application No: 15/1640C

Location: Land Adjacent the Pump House, Forge Lane, Congleton, Cheshire, CW12 4HF

Proposal: Variation of Condition 2 (plans) on Approved 09/3498C - DEMOLITION OF FOUR DWELLINGS, A COACH & HGV DEPOT BUILDING, A WORKSHOP & VARIOUS OUTBUILDINGS & CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES & CAR PARKING & ALTERATIONS TO ACCESS ROAD (RESUBMISSION 08/1019/FUL)

Applicant: Keyworker Homes NW

Expiry Date: 08-Jul-2015

SUMMARY

The principle of developing the site for 20 houses has already been accepted by virtue of planning approval 09/3498C.

The variation of condition no. 2 relating to the approved plans is to allow some changes to the design of the elevations on Plots 1-6 (inclusive), to realign the positions of plots 9, 10 and to provide a detached single garage to side of plot 7.

Such amendments are considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the character and appearance of the locality.

APPROVE subject to conditions as varied by this application and a formal deed of variation to secure the same Heads of Terms as application 09/3498C

PROPOSAL:

This application seeks to amend condition no. 2 (which references the approved plans) of planning ref; 09/3498C, so that the elevations to plots 1-6 can be amended. The proposal also seeks to realign the positions of plots 9, 10 and to provide a detached single garage to side of plot 7. The original consent granted full planning permission to demolish the existing buildings and redevelop the site with a total of 20no residential dwellings comprising 9 dwellings on the western parcel and 11 dwellings on the eastern parcel on land at Forge Lane, Congleton.

SITE DESCRIPTION:

The application site comprises 0.85ha of previously developed land split into two parcels on either side of Forge Lane, Congleton. The parcel to the west of the site formerly contained a number of smaller dilapidated structures and an area of overgrown hard standing. The eastern side formerly contained four dwellings and a small, steel framed commercial building also with an area of hardstanding. This application relates specifically to plots 1-6 which would be located on the western side of Forge Lane. The site is located within the settlement zone line of Congleton as designated in the Congleton Borough Local Plan First Review.

RELEVANT HISTORY:

09/3498C - DEMOLITION OF FOUR DWELLINGS, A COACH & HGV DEPOT BUILDING, A WORKSHOP & VARIOUS OUTBUILDINGS & CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES & CAR PARKING & ALTERATIONS TO ACCESS ROAD (RESUBMISSION 08/1019/FUL) – Approved 26-Sep-2014

08/1019/FUL - Withdrawn application for demolition of four dwellings, a coach and HGV depot, building, a workshop and various outbuildings, and construction of eighteen dwellings with associated garages and car parking and alterations to access road

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 50

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Development
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD2 Sustainable development principles
SE1 – Design

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection: No objection

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE CONGLETON TOWN COUNCIL:

No comments received

REPRESENTATIONS:

None

APPRAISAL:

Principle of Development

Considerations relating to the redevelopment of the site for 20 dwellings have already been accepted and the proposed amendments do not raise issues relating to the principle of the development, highways, parking, traffic generation or other relevant material planning considerations except for design and amenity. The main issue to consider as a result of the proposed changes is the acceptability of the revised design and the impact on neighbouring amenity.

Design

The proposed siting of plots 1-6 within the south-western corner of the site reflects the layout and character of the existing terraced properties to West Road which are located to the rear (south). Plots 1-6 would occupy the same footprint and would be of the same height and scale as that already approved. The main changes relate to the fenestration.

The original scheme proposed an assortment of openings with the principal elevation that were offset from each other to give a coach house appearance. This revised scheme proposes a more regimented arrangement of openings within the facing elevations. It is considered that such amendments would still be in keeping with the design and character of the scheme and would not appear out of keeping with the area.

With respect to the re-siting of plots 9 and 10, these would be very minor and would still remain in a similar position. The provision of the detached single garage to side of plot 7 would be tucked away and therefore appropriately sited.

Residential Amenity

Given that the siting of plots 1-6 is the same as that already approved and the repositioning of plots 9 and 10 very minor; the amendments would not have any greater impact on neighbouring amenity than the consented scheme. The proposals would achieve the minimum interface distances advised within

SPG2 and would not give rise to any direct overlooking or significant loss of sunlight or daylight. As such, it is considered that the residential amenity afforded to the nearest properties would not be unduly harmed.

S106 AGREEMENT:

The original permission comprises a S106 Agreement. As part of the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The approved planning application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved. These refer to a woodland management plan and a financial contribution for local traffic management.

PLANNING BALANCE:

The principle of development has already been accepted as part of the original planning permission on this site. The proposed amendments would be acceptable in term of design amenity and would be acceptable in all other regards. The variation of the suggested condition to accommodate the amended plans is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to the completion of a Section 106 legal agreement/deed of variation to secure the same Heads of Terms as per the original permission.

And the following conditions

- 1. Time Limit – 3 years from 26th September 2014**
- 2. Development in accordance with approved plans (as amended by this application)**
- 3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)**
- 4. Standard contaminated land condition**
- 5. Scheme for noise mitigation within new dwellings**
- 6. Restriction on construction hours to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no work on Sundays or Bank Holidays**
- 7. Removal of permitted development rights**
- 8. Submission of a scheme of landscaping to include replacement hedge planting using native species**
- 9. Implementation and 5 years landscape maintenance condition**
- 10. Tree protection measures**
- 11. Precise details of boundary treatments**
- 12. Precise layout of car parking court to be submitted and agreed prior to commencement of development**

- 13. Precise details of retaining wall to the western site boundary to be submitted and agreed**
- 14. Scheme for ecological enhancements for bats and birds**
- 15. Site levels condition**
- 16. Submission of a detailed suite of plans relating to the off site highway works**
- 17. Compliance with the recommendations contained within the ecological report**
- 18. Provision of a sustainable urban drainage system (SUDS)**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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.

