

Application No: 16/1652C

Location: Land Adjacent To 2, TANHOUSE YARD, CONGLETON

Proposal: Demolition of single detached domestic garage and construction of 3no. two storey terraced cottages including rear gardens and parking forecourt with formation of vehicle access off antrobus public car park.

Applicant: Mr Valentino Martone

Expiry Date: 01-Jun-2016

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES:**

- Principle of the development
- The impact of the design / Impact upon Conservation Area
- The impact upon archaeology
- The impact upon neighbouring amenity
- The impact upon highway safety
- The impact upon flooding and drainage

### **REASON FOR REFERRAL**

The application has been 'called in' to planning committee by Cllr Gordon Baxendale for the following reasons;

*'Over intensification in a conservation areas, access for existing houses, loss of car parking spaces on Antrobus street car park'*

### **DESCRIPTION OF SITE AND CONTEXT**

The site comprises of a backland site to the rear (north) of Quigley's Wine Bar on West Street, beyond a pair of cottages (No's 1 and 2 Tanhouse Yard), Congleton within the Congleton Settlement Zone Line and Congleton Conservation Area.

On the site at present is a pre-fabricated domestic detached garage and hard standing. The site is un-maintained, overgrown and appears to be being used for fly tipping.

### **DETAILS OF PROPOSAL**

Full planning permission is sought for;

- The demolition of a single detached domestic garage
- Construction of x3 dwellings

Revised plans have been received during the application process to address concerns raised by the Council's Planning, Heritage and Highways Officer's.

As a result of these raised concerns, the following changes to the scheme have been made;

- Removal of vehicular access and parking provision
- Elevational changes to the dwellings
- Creation of further garden space

## **RELEVANT HISTORY**

**16/0267C** – (adjacent site) To demolish a former commercial (Carpet/floor covering etc) warehouse vacant for some 3 years following extensive fire damage and construct three one bed apartments – Approved 8<sup>th</sup> March 2016

**28314/3** - Two Storey Extension (1 and 2 Tanhouse Yard) – Approved 20<sup>th</sup> September 1996

**7123/3** – Car park – Approved 31<sup>st</sup> May 1978

## **POLICIES**

### **Local Plan Policy**

PS4 – Towns, H1 – Provision of New Housing Development, H4 – Residential development in Towns, BH9 – Conservation Areas, GR1 – New development, GR2 – Design, GR4 – Landscape, GR6 – Amenity and Health, GR9 – Accessibility, Servicing and Parking Provision, NR1 – Trees, NR2 – Wildlife and Nature Conservation – Statutory Sites

SPG2 - Provision of Private Amenity Space in New Residential Development

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

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

SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 – Design, SE2 - Efficient Use of Land, SE3 – Biodiversity and Geodiversity, SE4 - The Landscape, SE5 – Trees, Hedgerows and Woodland, IN1 – Infrastructure and IN2 – Developer Contributions

### **National Policy**

National Planning Policy Framework (NPPF)

## **CONSULTATIONS (External to Planning)**

**Archaeology (Cheshire East Council)** - No objections, subject to a condition that prior to commencement of development a programme of archaeological work shall be submitted to and approved in writing by the LPA

**Head of Strategic Infrastructure (HSI)** – No objections

**Flood Risk Manager** – No objections, subject to a condition that a detailed surface water drainage strategy be submitted to and approved in writing by the LPA

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; hours of construction; the prior submission of the soil detail to be imported to the site for landscaping; that works should stop if contamination found. Informatives relating to contaminated land is also sought

**United Utilities** - No objections

**Congleton Town Council** – Object to the proposal on the following grounds;

- Unauthorised / unlawful construction on Conservation Area
- Loss of parking

## **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, a joint letter of representation from 2 households/interested parties has been received objecting to the proposal. The main areas of objection are:

- Impact upon the Conservation Area/Historic environment
- Impact of the design
- Impact upon amenity
- Impact upon highway safety

## **SUPPORTING INFORMATION:**

Design and Access Statement

## **OFFICER APPRAISAL**

### **Principle of development**

The application site is located within the Congleton Settlement Boundary and is therefore subject to Policy PS4 (Towns) of the Local Plan. Within Policy PS4 it is advised that within settlement boundaries, there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H4 states that new dwellings in towns are considered to be acceptable where the following criteria is satisfied; the proposal does not utilise a site allocated for another use in the Local Plan; the proposal complies with Policies GR2 and GR3; the proposal accords with all other relevant Local Plan policies and that the proposal does not have a detrimental impact upon housing supply totals.

In response, the application site is not allocated for any particular use in the local plan and as it would result in the addition of 2 new dwellings only, it would not have a significant impact upon housing land supply totals. Furthermore, given that the Council cannot currently demonstrate a 5-year housing land supply, the provision of further dwellings in a settlement boundary would represent a significant planning benefit.

Assessment against Policies GR2 and GR3 and other Local Plan policies are considered later in the report.

Policy H4 further states that in considering planning applications for housing in towns, regard should be given to; the availability of previously developed sites; the sustainability of the location and the impact upon local infrastructure.

The application site relates to a former domestic garden comprising of a former chicken compound, pre-fabricated garage and sections of hard standing. The site has become unused, overgrown and untidy. As such, there would be planning benefit in terms of tidying up the plot and would utilise an existing residential site. The unit is located close to the Congleton town centre within walking distance of its public facilities and jobs. Given that the proposal relates to 2 dwellings only, it would not have a detrimental impact upon local infrastructure in a wider sense.

As such, subject to the adherence of the proposal with other relevant Local Plan policies, it is considered that the proposal would adhere with Policy H4 of the Local Plan and be acceptable in principle.

### **Conservation Area / Design**

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

Policy BH9 advises that development within the Conservation Area will only be permitted where the proposal would not have a detrimental impact upon the special architectural and historic character or appearance of the Conservation Area.

The proposed development seeks the erection of 3 terraced units with dual-pitched roofs fronting in a westerly direction adjacent to, and following a similar building line of No.2 Tanhouse Yard to the south.

The Council's Heritage Officer originally had concerns regarding the appearance of the proposed dwellings.

As a result of these comments, the applicant provided revised plans. In response, the Council's Heritage Officer has advised that the appearance of these dwellings now reflects the adjacent existing properties. The local vernacular is Cheshire brick properties, of varying size, most with simple design details such as brick arches over doors and simple eaves details. The predominant roofing material is slate. The Heritage Officer concludes that *'The revised design reflects the adjacent terrace with brick arches over the door and stone lintels and cills. The scheme will now fit within the character of the area and blends'*.

The Heritage Officer has advised that should the application be approved, the following conditions should be included; Prior approval of brick and roofing samples, prior approval of bonding and mortar colour, prior approval of details of external windows and doors including arches, lintels and cills, that all rainwater goods shall be black uPVC or aluminium and the prior submission of proposed boundary treatments - railings or brick.

It should also be noted that the layout of the development was also amended removing the vehicular access and parking provision and replacing this with garden space.

It is considered that subject to the proposed conditions recommended by the Council's Heritage Officer, the proposed development would be of an acceptable design and not have a detrimental impact upon the existing special architectural and historic character and appearance of the Conservation Area. The scheme would adhere with policies GR2 and BH9 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

## **Archaeology**

The Historic Town Survey Archaeological Assessment for Congleton formed part of a national research priority to examine the origins and development of medieval small towns and rural markets. The application site lies in an area of the town (COM 14) described as:

*"COM 14 and COM 15, to the north and south respectively of West Street, contain tenements of irregular size. From the 18<sup>th</sup> century onwards this area was developed with large houses, which may mask the earlier settlement plan. However, there is insufficient evidence to determine whether this area was developed during the medieval period or later."*

The Congleton Archaeology Strategy, further determined the area to have the potential to contain below-ground archaeological deposits associated with later medieval settlement and Post-medieval industrial sites, and the site's location, it lies off Tannery Yard as recorded on the 1875 1:500 plan of Congleton, suggests that evidence for such industrial activity may be expected to be encountered. Later 18<sup>th</sup> or 19<sup>th</sup> century development of the site is considered unlikely to have resulted in the total destruction of earlier deposits but rather to have caused varying levels of damage.

The Council's Archaeology Officer has advised that any surviving deposits would therefore, in all likelihood, not be worthy of preservation in situ, but would be of sufficient local or regional significance as to merit preservation by record (archaeological excavation and recording).

Consequently, should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that the

applicants be required to undertake a programme of archaeological work, and that such works be secured by means of the following condition:

*'No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.'*

## **Amenity**

Policy GR6 of the Local Plan advises that planning permission will only be permitted so long as no detrimental impacts are created with regards to loss of light, visual intrusion, loss of privacy or environmental disturbance.

The closest neighbouring properties to the application site would be the occupiers of No.2 Tanhouse Yard located immediately to the south of the proposed cottages.

As the proposed development would lie immediately adjacent to this neighbouring property and not project significantly forward or to the rear of this neighbour and because No.2 Tanhouse Yard include no windows within its relevant side elevation, it is not considered that the occupiers of this neighbouring unit would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion.

There are no other neighbouring dwellings within close enough proximity to the site to be impacted by the above considerations.

In relation to environmental disturbance, the council's Environmental Protection Officer (EPO) has advised that he has no objections, subject to conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; hours of construction; the prior submission of the soil detail to be imported to the site for landscaping; that works should stop if contamination found.

Informatives relating to contaminated land is also sought.

In consideration of the future occupiers of the proposed development, the proposed developments would be all attached, so would not create any amenity concerns for each other with regards to loss of privacy, light or visual intrusion. Furthermore, it is considered that sufficient private amenity space for each dwelling would be provided.

As a result of the above, it is considered that subject to the conditions proposed by the Council's Environmental Protection Officer, the proposal would adhere with Policy GR6 of the Local Plan.

## **Highway safety**

The proposal is for 3 dwellings which initially proposed off-road parking and vehicle access via Antrobus St public car park, with the loss of 2 public car parking spaces.

After discussing with Parking Services, it became apparent that the loss of these 2 spaces would not be accepted. The layout was then amended with the removal of both the vehicle access and the off-road parking provision.

There is an existing pedestrian access from Tanhouse Yard into Antrobus St car park that is used by the existing dwellings on this street. This pedestrian access would remain, providing pedestrian access to the wider Congleton area.

The Council's Head of Strategic Infrastructure (HSI) has advised that whilst the car parking provision falls below the usual CEC parking standards of 2 spaces per dwelling, following the amendment of the layout, this is considered acceptable in this instance due to the footway access and proximity to services, amenities and employment sites, public car parks and public transport.

It is further advised that Car ownership levels for this area are low, reflecting the sustainable location, and the development is of small scale of which the impact would be low. The lack of parking provision also mirrors that of other properties in the area.

As a result of the above reasons, the HSI raises no objections from a highways perspective and the scheme is considered to adhere with Policy GR9 of the Local Plan.

### **Flooding and Drainage**

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

The Council's Flood Risk Manager has advised that he has no objections, subject to the prior approval of a surface water drainage strategy, which can be secured via condition.

United Utilities raise no objections to the proposal on drainage grounds.

### **Other Matters**

Concerns have been raised regarding matters of ownership. It should be noted that such matters are not considerations of the planning application assessment.

Pedestrian access to Nos 1 and 2 Tanhouse Yard would remain.

### **CONCLUSIONS**

The application unit is located within the Congleton Settlement Boundary so is therefore subject to Policy PS4 (Towns) of the Local Plan. Within Policy PS4 it is advised that within settlement boundaries, there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H4 states that new dwellings in towns are considered to be acceptable where the following criteria is satisfied; the proposal does not utilise a site allocated for another use in the Local Plan; the proposal complies with Policies GR2 and GR3; the proposal accords with all other relevant Local Plan policies and that the proposal does not have a detrimental impact upon housing supply totals.

It is considered that the proposed development adheres with the above requirements subject to its adherence with all other relevant planning policies. These policies include; design, amenity and highway safety.

It is considered that the design of the proposed development would be respectful to the character and appearance of the application site and the existing special architectural and historic character and appearance of the Conservation Area.

With regards to amenity, subject to the conditions proposed by the Council's Environmental Protection Officer, it is not considered that this development would create any significant amenity concerns.

No highway safety issue would be created. Nor would any issues relating to archaeology, trees, ecology or flooding and drainage subject to conditions where necessary

As a result of the above, it is considered that the proposal is recommended for approval.

## **RECOMMENDATIONS**

### **APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials – Prior approval of facing and roofing**
- 4. Prior approval of bonding and mortar colour**
- 5. Prior approval of details of external windows and doors including arches, lintels and cills**
- 6. All rainwater goods shall be black uPVC or aluminium**
- 7. Prior submission of proposed boundary treatments - railings or brick**
- 8. Prior submission of a programme of archaeological work**
- 9. Prior submission of a piling method statement**
- 10. Prior submission of a dust mitigation scheme**
- 11. Hours of construction**
- 12. Prior submission of the soil detail to be imported to the site for landscaping**
- 13. Works should stop if contamination found**
- 14. Prior approval of a surface water drainage strategy**
- 15. Removal of PD Rights – Part 1 A-E and Part 2 Class A**

### **Informatives**

- 1. NPPF**



