

Application No: 21/0579C

Location: Land Adjacent to 22, WOOLSTON AVENUE, CONGLETON, CW12 3DY

Proposal: Proposed residential development of 6No. One Bed Apartments.

Applicant: Mr Holland, Bromley Farm Development Ltd

Expiry Date: 03-Nov-2022

SUMMARY

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords, with Policies PG2 of the CELPS.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout is acceptable and would not harm residential amenity. There is no conflict with Policies GR6 and GR7 of the CBLP.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and the NPPF.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE

REASON FOR REPORT

The application is referred to Southern Planning Committee at the request of Cllr Moreton for the following reasons;

- 1. Insufficient parking, the residents on Woolston Avenue struggle to park now so a potential 10 to 15 cars will make this situation a lot worse in turn causing arguments with residents. Emergency vehicles have also in the past struggled to get up this Road.*
- 2. Not upkeeping with the area this is a council estate so apartments 2 and 3 storeys high will look absolutely ridiculous.*
- 3. The apartment's will be over bearing on some houses on Coronation Road , as there is a steep incline from the development site . So the houses named above will have potentially 15 windows looking into both storeys including Children's bedroom windows and all of their back gardens taking away not just a bit but all of their privacy.*
- 4. It has been confirmed by Wirral and Cheshire Badger Club there are 2 large Badger sets which I have also seen these have been active for the last few years. Bats and other wildlife are also present at this site.*

PROPOSAL

Full planning for the proposed residential development of 6 One Bed Apartments.

During the course of this application the scheme has been revised to reduce the number of units from 8 apartments. The height of the proposed development has also been reduced.

SITE DESCRIPTION

The application site comprises a parcel of land sited between Nos.17 & 15 Woolston Avenue. The area consists of predominantly residential properties in all directions.

Land level drop from the road and further to the rear of the site and an existing access taken to the west towards No.17.

Some trees are sited to the rear boundary, but these are not protected by a Tree Preservation Order.

The site is located in the settlement boundary as per the Local Plan. Immediately to the rear is an area of protected open space of recreational facility.

RELEVANT HISTORY

11/3332C – Proposed Pair of Semi-Detached Houses – approved 28-Nov-2011

11/3288C – Extension to Time Limit on Planning Permission 08/0016/OUT – approved 24-Nov-2011

08/0016/OUT – Erection of single dwelling – 23-Oct-2008

ADOPTED PLANNING POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan (CNLP).

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development
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
SE6 – Green Infrastructure
SE9 - Energy Efficient Development,
SE12 - Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution
SC4 - Residential Mix
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
IN1 – Infrastructure

Congleton Borough Local Plan (CBLP)

PS4 Towns
GR6, GR7, GR8 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision (New Development)
GR10 Accessibility, Servicing and Parking Provision
GR17 Car Parking
GR18 Traffic Generation
GR22 Open Space Provision
H9, H10 Additional Dwellings and Sub-divisions
NR3 Habitats
DP2 Housing Sites
DP9 Parking Assessment

Congleton Neighbourhood Plan (CNP) withdrawn so carries no weight

Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

PG9 Settlement Boundaries
GEN 1 Design Principles
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU8 Backland Development
HOU10 Amenity
HOU11 Residential Standards
HOU12&13 Housing Densities
HOU14 Small and Medium Sites
INF3 Highways Safety and Access

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development
59 Delivering a Sufficient Supply of Homes
124-132 Achieving well-designed places
170-183 Conserving and enhancing the natural environment

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Flood Risk – Request for further information so awaiting response

CEC Environmental Protection – No objection subject to conditions/informatives regarding working hours for construction sites, boilers, dust, electric vehicle charging and contaminated land

United Utilities – No objections subject to drainage conditions

Fiona Bruce MP – Supports the objection of local residents

Congleton Town Council – Objection on the following grounds:

- Overdevelopment of the site
- No amenity space
- Insufficient parking
- Loss of privacy
- Out of keeping with the surrounding area

REPRESENTATIONS

28 letters of objection on the initial plans regarding the following:

- Size and height not in keeping with the area
- Antisocial behaviour by future occupiers
- Light and privacy issues
- Highways safety/parking issues
- Ecology
- Site address inaccurate as not adjacent to No.22 but adjacent to Nos.15&17
- Previous approvals on the suite were more in keeping
- Potential conflict of interest from the Congleton mayoress as her husband is the Director of the development Company
- Drainage issues
- Safety to prevent access to neighbouring properties
- Impact on infrastructure
- Noise from use and construction

22 letters of objection on the revised plans regarding the following:

- Overlooking/loss of privacy
- Noise/antisocial behaviour
- Too large for the plot
- Impact on infrastructure
- Site should be retained as green space
- Parking/highway safety issues
- Site drainage
- Security issues
- Harm to ecology

APPRAISAL

Principle of Development

Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with CELPS Policies SD1, SD2 and SE1, Congleton Local Plan Policies GR6 and GR9. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

Policy PG9 of the SADPD advises that development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

As such the proposal is considered to be acceptable in land use terms.

Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Affordable Housing/Open Space/Education/Health

The proposal is not of a size to warrant any contributions towards the above.

Housing Mix

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand.

The proposal seeks 6 one-bedroom units. Whilst not providing a mix of houses the policy advises in the sun text that it is required to prevent developments being dominated by larger 4 bedroom plus properties. The proposed mix would provide much needed smaller 1-bedroom units and thus is considered to comply with Policy SC4.

In terms of dwelling sizes, it is noted that HOU6 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that

the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'

An update will be provided in relation to this issue.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is within the Settlement Zone Line for Congleton. As such the site is considered to be highly sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2.

Residential Amenity

In this case the Congleton Borough SPG requires the following separation distances:

- 21.3 metres between principal elevations
- 13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The main residential properties affected by this development are Nos.17,15,24,22,20 Woolston Avenue and 39,37,35,33 Coronation Road.

17 Woolston Avenue

The proposal would be sited 2.2m to the side elevation of No.17. This elevation does not contain any side facing windows at first floor level. The proposal would not impact on front elevation windows given the proposal more or less retains the front build line to No.17. In terms of the rear windows, the proposal complies with the 45-degree code given the angled orientation between the buildings. As such it is not considered that the proposal would cause any significant harm by reason of loss of outlook or overbearing/overshadowing.

In terms of privacy overlooking from rear windows would be limited by the angled orientation and no side facing windows are proposed. Therefore, no significant harm by reason of overlooking/loss of privacy.

15 Woolston Avenue

Then proposal would be sited 17m to the windowless side elevation of No.15. This distance is sited sufficient distance away to prevent significant harm by reason of overbearing/overshadowing impact.

In terms of privacy overlooking from rear windows would be limited by the angled orientation, separation distance and no side facing windows are proposed. Therefore, no significant harm by reason of overlooking/loss of privacy.

24, 22, 20 Woolston Avenue

The proposal would be sited 25m to the front elevations of properties on the other side of the road. This distance would be sufficient to prevent any significant harm by reason of overbearing/overshadowing impact or loss of privacy.

39, 37, 35, 33 Coronation Road

The proposal would be sited 35m to the rear elevations of properties to the rear. This distance would be sufficient to prevent any significant harm by reason of overbearing/overshadowing impact or loss of privacy between windows.

The proposal would be sited approx.10m to the rear boundaries of properties on Coronation Road. Whilst the application property is sited at a higher land level than properties to the rear, the absence of rear windows facing at 2nd floor level would prevent any significant overlooking of the rear garden areas and would not be dissimilar to the relationship associated with other properties on this row. The only 2nd floor window is a high-level roof-light to provide light to the kitchenette and thus would not result in significant overlooking given the height within the room.

Future amenity

An area of garden area would also be provided to the side and front of the property measuring 40sqm. This includes some outdoor seating. As such the proposal would provide some private amenity area for use by future occupants for outdoor sitting and clothes drying etc. The site is also located adjacent to an area of recreational open space and 500m away to the Dane-in-shaw pastures area of open space which future occupiers could use.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy GR6 & GR7 of the CBLP & Policy HOU11 of the emerging SADPD.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Highways

Policy GR9 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

Revised plans have been submitted that has increased the parking from 5 spaces to 6 spaces on the site, this complies with CEC parking standards.

Given that these are only one bed units the parking demand will be less than family type accommodation and as such the provision is considered acceptable.

The proposal would also provide adequate turning area on site.

The Councils Highways Engineer has also raised no objection.

Details of secure, covered cycle and bin storage for each unit could be secured via the imposition of a planning condition.

The proposal is therefore considered to comply with Policies GR9 of the CBLP and Policy SD1 of the CELPS.

Landscape

There are no significant landscape issues. Details of boundary treatment and landscape works would be controlled via the imposition of a planning condition.

Trees

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided.

Emerging Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The application site presently benefits from established hedgerows which define the footpath to properties. Elsewhere, and to the rear of the plot the boundaries comprise of naturally regenerated trees none of which the Councils Forestry Officer deems to be high quality or worthy of formal protection. However, she does advise that whilst there are not considered to be any significant arboricultural implications associated with this development, the retention of boundary screening and hedgerow is indicated on the supporting plans. Given the gradient on site, it's considered that some protective fencing for the duration of any construction period would ensure the long-term retention of natural features and boundary screening on the site if this application is approved. This can be secured by condition.

Therefore, whilst it is likely that the proposal would result in the loss of the existing planting on the rear of the site, it is not considered to be significantly harmful to the character/appearance of the area and replacement planting can be secured by condition.

As such the proposal complies with Policy SE5 of the CELPS and ENV 6 of the emerging SADPD.

Design

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance. Emerging Policy GEN 1 of the SADPD also reflects this advice.

The proposal seeks to develop a site that is currently free from development so is clearly going to change the character of the site and locality.

The character of the area consists of predominantly traditional 2 storey properties of mixed red brick and render finish. The proposal seeks to erect a 2 ½ storey building consisting of red brick finish.

Whilst the proposal would introduce a 2 ½ storey property to a street scene of just 2 storey properties, the land level of the site is such that when viewed from the front would only be viewed as a 2-storey property given that the site is set lower than the street level.

Given the variation in land levels the proposal would sit between a lower ridge height to the east and higher ridge height to the west. To respond to this the property has 2 ridge heights to reflect the stepped nature of the site and provide a roof line which reflects the natural slope. As such whilst the ridge line is slightly higher than the property to the east, it is lower than the ridge height of the property to the west. This is considered a suitable compromise which reflects the sloping nature of the site and is not considered to result in a development which is overly prominent.

The proposal also includes x2 front dormer window to provide rooms within the roof space. Whilst not a primary feature on Woolston Avenue, dormers are noted to surrounding streets which are visible from the street scene as such they are not considered to be significantly out of character here. The size of the dormers is also considered to be proportionate to the roof space given the gap which would be provided between right and forward roof slope and the limited size of the dormers meaning that they sit comfortably and do not dominate the roof space.

Then proposed materials are stated as being brick walls to match the adjacent dwelling and tiled roof, which can be secured by condition to ensure suitable material is used to match that of the surrounding area.

As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 SE1, the Cheshire East Urban Design Guide and GEN1 of the SADPD.

Ecology

Other Protected Species

The submitted Survey Report (Kingdom Ecology, 29/08/2021) makes recommendations relating to other protected species including the timings of works which should not take place between 1st December and 30th June. The Councils Ecologist recommends a condition be imposed requiring adherence to all the recommendations made in section 3 of the report.

Breeding Birds

If planning consent is granted, the Councils Ecologist suggests a condition to protect nesting birds which prevents removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted the Councils Ecologist suggests a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Councils Ecologist suggests that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The above conditions are considered reasonable and necessary and as such can be added to any decision notice.

Therefore the proposal Policy SE3 of the CELPS.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and the site area is not over 1 hectare so does not require a Flood Risk Assessment.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a drainage strategy and foul water drainage.

Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the merging SADPD.

Land Levels

Given the sloping nature of the site a condition will be attached to ensure that details of the proposed levels are provided.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

OTHER

The majority of comments received though representations have been dealt with above in the report. However some remain unaddressed so are dealt with below:

- Antisocial behaviour by future occupiers and access to neighbouring properties – *this is not relevant to the determination of a planning application and would be dealt with by legislation outside of planning by the police*
- Site address inaccurate as not adjacent to No.22 but adjacent to Nos.15&17 – *the site address is stated as being land adjacent to No.22. Whilst not located to the side of No.22 it is sited on the opposite side of the road so is not wholly in accurate. The Council has also consulted all the relevant neighbouring properties on the basis of the site being located between Nos.15&17 Woolston Avenue*
- Previous approvals on the site were more in keeping – *given the time passed the Council have to consider the current proposal a fresh and as noted above supports the proposal in design terms*
- Potential conflict of interest from the Congleton mayoress as her husband is the Director of the development company – *the application is being heard by members of the southern planning committee and any conflicts of interest would need to be declared*
- Impact on infrastructure – *the proposal is not of a size to warrant any contributions towards infrastructure*
- Noise from use and construction – *noise from construction is dealt with outside of planning and it is not expected that the residential use of the site in an established residential area would result in any significant increase in noise and disturbance*
- Site should be retained as green space – *the site is not designated in the Local Plan as protected green space, only the site it backs onto*

PLANNING BALANCE

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout is acceptable and would not harm residential amenity. There is no conflict with Policies GR6 and GR7 of the CBLP.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and the NPPF.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions:

- 1) 3 year time limit**
- 2) Development in accordance with the approved plans**
- 3) Details of proposed materials**
- 4) Dust suppression methods**
- 5) Details of electric vehicle charging points**
- 6) Details of low emission boilers**
- 7) Contaminated land risk assessment**
- 8) Contaminated land verification report**
- 9) Contaminated land soil testing**
- 10) Contaminated land unexpected contamination**
- 11) Details of a sustainable surface water drainage scheme**
- 12) Foul and surface water shall be drained on separate systems**
- 13) No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds**
- 14) Submission of an ecological enhancement strategy**
- 15) Retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.**
- 16) Adherence to all the recommendations made in section 3 of the submitted Badger Survey Report (Kingdom Ecology, 29/08/2021)**
- 17) Details of levels**
- 18) Protective fencing to be provided for the duration of any construction period**

19)Details of secure, covered cycle and bin storage

In order to give proper effect to the Board`s intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

