

Application No: 16/2737C

Location: LAND AT, Dunster Lodge, BROOKHOUSE ROAD, ALSAGER

Proposal: Outline application for the erection of one dwellinghouse in garden of Dunster Lodge, Brookhouse Road, providing access on to Cedar Avenue

Applicant: Ms Christine Dyson

Expiry Date: 01-Sep-2016

### **SUMMARY:**

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

It is necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of market dwellings in a sustainable location and the knock on minor local benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be predominantly the impact on the character of the area.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the benefits of the scheme significantly and demonstrably outweighed by the dis-benefits.

### **RECOMMENDATION**

**APPROVE** subject to conditions.

## **REASON FOR REFERRAL**

The application was called to be determined at Southern Planning Committee by Cllr. Deakin for the following reason:

*“the proposed dwellings will not be in keeping with the surrounding street scene. The houses already on the site are of Victorian origin. As a result, it is possible there will be an altering of the height of houses with the bungalows next door.”*

## **PROPOSAL**

Outline Planning Permission is sought for the erection of one detached dwelling within the garden of Dunster Lodge.

Matters of scale, landscaping and appearance are reserved for subsequent approval. As such this proposal seeks to establish the principle of residential development, the access position and the layout.

Please note that there is a similar planning application on the land to the immediate east of the application site, planning application ref: 16/2738C.

## **SITE DESCRIPTION**

This application relates to part of the garden of Dunster Lodge, Brookhouse Road, Alsager within the Alsager Settlement Zone Line. The Alsager Conservation Area is approximately 40 metres (m) to the north west of the application site.

The application site is generally flat and is currently accessed from Brookhouse Road with a shared access with Greenfields (the neighbouring dwelling to the east of the application site).

## **RELEVANT HISTORY ON SITE**

There is no relevant planning history pertaining to the application site.

## **RELEVANT HISTORY ADJACENT TO SITE**

**16/1352C** - Outline application for residential redevelopment of up to 14 dwellings with associated infrastructure – resolution to approve at Planning Committee subject to S106

**16/2738C** - Outline application for dwelling in garden of Greenfields – live planning application

## **LOCAL & NATIONAL POLICY**

## **Development Plan:**

The relevant policies saved in the **adopted Congleton Borough Local Plan First Review 2005** are:

PS4 - Towns  
GR1 - General Criteria for Development  
GR2 - Design  
GR6 - Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision  
H1 & H2 - Provision of New Housing Development  
H4 - Housing Development in Towns

SPG2 - Provision of Private Amenity Space in New Residential Development  
The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (CELP)**

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 7 The Historic Environment  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
EG1 Economic Prosperity

## **National Policy:**

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

## **CONSULTATIONS:**

**Head of Strategic Infrastructure (HSI)** – No objection;

*“The proposed off-street parking provision and turning area are adequate and sufficient visibility is achievable as shown on plan ‘0887 12 D’.*

*No objection is raised with the condition that the visibility splay shown on plan ‘0887 12 D’ is not obstructed above a height of 1m.”*

**Environmental Protection** – No objection subject to a land contamination condition construction hours of operation informative and a building regulations informative.

**United Utilities** – No objection subject to an Informative.

**VIEWS OF THE TOWN COUNCIL:**

**Alsager Town Council** – Object to the application due to the impact on the character of the area, reduction in garden amenity area and highway safety (full comments available on the website)

**REPRESENTATIONS:**

1 letter of representation has been received from a neighbouring property. The main concerns include;

- No need for the development
- Highway safety
- Impact on amenity
- Loss of garden space
- Impact on the character of the area

**SUPPORTING INFORMATION:**

Planning Statement and relevant surveys.

**APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

**Principle of Development**

The site is designated as being within the Settlement Zone Line of Alsager where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan. Consequently this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

As detailed below, it is considered that the development is in keeping with the character of the area and the pattern of the surrounding development. A planning application has been approved at Planning Committee for the erection for 14 dwellings opposite the application therefore it is considered that the principle of residential development in the area is acceptable (see planning history). It is noted that the application site is fundamentally different (i.e. part of the garden of an existing dwelling) however it is not considered that a reason for refusal based on the impact on the character of the area can be substantiated following on from the approved planning application opposite. As such, the principle of new residential development in this location is considered to be acceptable.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## **Housing Land Supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will*

*earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental Role**

### **Locational Sustainability**

The site is classified as being within the Alsager Settlement Zone Line and is located approximately 0.8 km from Alsager town centre. As such it is considered that the location of the development is sustainable.

### **Landscape Impact**

The proposed dwelling would be located within the existing curtilage of Dunster Lodge located in a residential area with approval for 14 dwellings opposite the application site. As such it is not considered that there would be any significant on the landscape of the area.

### **Highways and Access**

The proposal is for one dwelling and will be accessed from Cedar Avenue.

The point of access to serve this development would be via Cedar Avenue and the existing dwelling would retain an existing vehicular access point off Brookhouse Road.

The highways officer has confirmed that the proposed access off Cedar Avenue would provide adequate visibility splays to serve this proposed development.

Off-road parking provision accords with CEC parking standards and the Head of Strategic Infrastructure has no objection to the proposal. It is therefore considered that the proposal is in accordance with Policies GR1 and GR9 of the adopted local plan.

## **Ecology**

The Council's Ecologist has advised that there are no Ecology issues subject to a condition relation to nesting birds.

## **Trees and Hedgerows**

The application site has been subject of an amount of pre-determination felling, with trees removed from both the southern and eastern boundaries. The trees which have been removed appear to have been a number of mature Beech, with stumps still evident; none of the trees were protected

The removal of the trees has established adequate space to allow the proposed build footprint and associated access to be implemented. The off site trees located to the west of Brookhouse Road are a material consideration in terms of light attenuation, but any impact on the proposed dwelling and external living space is considered to be extremely limited.

The application is supported by a Tree Survey and the Forestry Officer has advised that there are no arboricultural implications.

## **Layout**

The proposal is for one detached dwelling with all matters reserved except for access and layout. An indicative layout has been submitted and would be subject to a reserved matters application to finalise the scale, landscaping and appearance. The indicative layout is analysed below.

The plot would measure approximately 25 metres (m) in length and 20m in width at its maximum. The dwelling proposed for this plot would be positioned approximately 9 m from Cedar Avenue at its closest point. The dwelling would stand 3.5 m from the western boundary and 4.0 m from the eastern boundary.

The proposed dwelling would have a similar building line to Greenlands (the neighbouring property to the east). The neighbouring properties are either detached or semi-detached in nature and the area is characterised by a mix of garden/plot sizes. It is recognised that the application site is located within the Alsager Settlement Boundary, and the proposal layout confirms with the varied residential layouts in the vicinity of the area and broadly follows the existing building line along Cedar Avenue and Brookhouse Road.

Policy GR2 states that development should be *“sympathetic to the character, appearance and form of the site and the surrounding area in terms of the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally”*.

Policy GR1 states that *“all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, and to have regard to the principles of sustainable development.”*

As detailed in this report it is not considered that the proposed development would conserve or enhance the character of the surrounding area by virtue of the its location and siting.

The proposed dwelling would be located within the garden of Dunster Lodge and it is considered that the layout of the proposal respects the pattern of the surrounding area as the development would comprise a dwelling with a smaller footprint (when compared to the surrounding dwellings) set in an appropriate curtilage, which is a consistent with the character of the area.

Paragraph 55 of the NPPF states that *“local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”* and it is considered that the proposed dwelling would not cause significant harm to the local area by virtue of the above. One of the core planning principals of the NPPF is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings and it is considered that the proposed development conforms with this.

The proposal would be consistent with the pattern, character and form of the surroundings and is therefore acceptable. As a result of the above it is considered that the layout of the proposal is in keeping with the character of the area and is considered to be in accordance with Policy GR1 (New Development) and GR2 (Design Standards).

### **Economic Role**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’*

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident’s spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **Social Role**

The proposal will provide a new market dwelling which in itself would be a social benefit.

### **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation. The SPD recommends a minimum amenity space of 65 m<sup>2</sup> and the proposed amenity space is more than sufficient (approximately 230 m<sup>2</sup>).

The proposed dwelling would be positioned approximately 29 m to the west of Greenlands (the neighbouring property to the east) at its closest point. No indicative house type has been provided at this stage but it is noted that the principal elevation of Greenlands is the elevation facing the application property. If the elevation facing Greenlands was to be a flank elevation then the spacing requirement would be met. If this elevation was a principal elevation then the spacing standards would not be met. This is an issue that can be resolved at reserved matters stage.

The proposed dwelling would be approximately 25 m from Dunster Lodge (the dwelling to the north). The proposal meets the guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of Dunster Lodge. It is noted that the design could be amended to alleviate any amenity concerns raised regarding the layout.

A planning application for a dwelling within the garden of Greenfields (the dwelling to the east). This application is yet to be determined.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions/Informatives.

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6 (Amenity) of the Local Plan.

As a result of the provision of market housing, it is considered that the proposed development would be socially sustainable.

## **Planning Balance**

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly the impact on the character of the area.

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

Accordingly it is recommended for approval.

#### **RECOMMENDATION:**

##### **Approve subject to the following conditions:**

- 1. Time Limit (Outline)**
- 2. Submission of reserved matters**
- 3. Reserved Matters application made within 3 years**
- 4. Development in accordance with approved plans**
- 5. Nesting birds**
- 6. Land contamination**

**In order to give proper effect to the Board`s/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 her 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.**

