

Application No: 16/3286C  
Location: 130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY  
Proposal: Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings  
Applicant: Mr David Denton  
Expiry Date: 05-Sep-2016

### **SUMMARY:**

The application site lies entirely within the Congleton 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, design 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 associated 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 environmental matters, predominantly the loss of the non designated heritage asset. This harm is considered to be minimal.

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 DEFERRAL**

The application was deferred at the Southern Planning Committee on the 21<sup>st</sup> December 2016 for the following reason;

*“deferred to secure an alternative design/layout (dual frontage property at the junction with Holmes Chapel Road and the properties to be slightly angled at the junction).”*

## **PROPOSAL**

Full Planning Permission is sought for the demolition of the existing bungalow (No. 130 otherwise known as Pegasus) and garage and the erection of 4 dwellings. The original description of development was for the demolition of the existing bungalow/garage and the erection of 5 dwellings. The number of units has been reduced due to planning officer concerns relating to the overdevelopment of the site.

The dwellings would be semi-detached and would measure 8.5 metres (m) in height to ridge and 4.8 m in height to eaves with an individual width of 6.5 m and a depth of 9.0 m. Parking for each unit would be located at the front of the dwellings with a garden to the rear.

## **SITE DESCRIPTION**

This application relates to the bungalow and associated garden at 130 Holmes Chapel Road, Congleton within the Congleton Settlement Zone Line. To the immediate north and west are residential dwellings. The site is bounded by Holmes Chapel Road to the south and Delamere Road to the east and is located within a residential area.

The application site comprises a single-storey house with rendered elevations and a shallow butterfly roof incorporating a low stone chimneystack. A section of random-rubble stonework exists to the front (south-east) elevation adjacent to the main entrance. A sun room exists to the south corner with wrap-around glazing, and the south-west side elevation incorporates an acutely angled flat-roofed bay-window projection. Two windows to the right of the main entrance, which light bedrooms, have a shared modern retractable awning above. All the building's windows, including the glazing to the sun room, have been replaced with uPVC versions. A detached single garage with a flat roof and integral canopy exists to the north-east of the house and is aligned north-west to south-east.

The application site is generally flat and is accessed from Delamere Road.

## **RELEVANT HISTORY ON SITE**

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

## **LOCAL & NATIONAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68 Requiring good design

#### **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 and GR3 - Design
- GR6 - Amenity and Health
- GR9 - Accessibility, Servicing and Parking Provision
- NR1 – Trees and Woodland
- 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

#### **CONSULTATIONS:**

**Head of Strategic Infrastructure (HSI)** – No objection subject to conditions relating to a Construction Management Plan, the boundary treatment with Delamere Road and an Informative relating to a S184 licence.

**Environmental Protection** – No objection subject to a piling condition and Informative, construction hours of operation Informative, a dust control condition, a noise mitigation condition, an electric

vehicle charging point condition, an importation of soil condition a land contamination condition and a building regulations Informative.

**United Utilities** – No objection subject to a foul water condition, a surface water condition and a sustainable drainage systems condition.

**Congleton History Society** – Supports the listing of the building and the heritage of the existing building.

**Twentieth Century Society** - The proposal for the demolition of the bungalow would result in the loss of a non-designated heritage asset which makes a positive contribution to the local townscape. It is noted that whilst the current application describes the building as dilapidated, the building does not appear to be in any state of disrepair, and there are no reports contained in the application that can substantiate this claim.

### **VIEWS OF THE TOWN COUNCIL:**

**Congleton Town Council** – Object to the application due to the significance of the design of the existing building and that the proposed development is not in keeping with the area, highway safety and tree preservation.

### **REPRESENTATIONS:**

Approximately 70 letters of representation have been received from local residents, including a letter from Fiona Bruce (MP). The main concerns include;

- Size and scale of the proposed development is out of character with the area
- Impact on surrounding amenity
- Highway safety
- Impact on local facilities including schools
- Design of the dwellings are not in keeping with the area
- The dwelling is not 'dilapidated'
- Impact on trees
- Overdevelopment of the site
- Outstanding design of the existing bungalow

### **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 Congleton 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. 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 that outweigh the dis-benefits.

## **Housing Land Supply**

On 13 December 2016 the Inspectorate published a note which sets out the views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms the previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals an agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be *“appropriate, justified, effective, deliverable and soundly based.”* As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

## **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 Congleton Settlement Zone Line and is located approximately 1.8 km from Congleton town centre with access to a wide range of local facilities. Approximately 0.9 km from the application site are a number of shops and facilities (located between Sandbach Road and Holmes Chapel Road). 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 Number 130. The surrounding area is characterised by a variety of house types and the area is residential in character. As such it is not considered that there would be any significant impact on the landscape character of the area.

## **Highways and Access**

Concerns were raised regarding the proposal's impact on visibility on exiting onto Holmes Chapel Road, the ownership of the grass verge, and the proximity of the new accesses to the junction with Holmes Chapel Road. As a result, the number of units being proposed has been reduced to 4 units as shown on the submitted, revised drawings.

The proposal would result in only a few additional vehicle trips during a peak hour and other than a minor rear shunt, there have been no recorded accidents at the Delamere Road/Holmes Chapel Road junction over the past 5 years.

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 subject to conditions and Informatives.

## **Ecology**

As the development comprises the demolition of the existing dwelling an Ecology report was requested by the Local Planning Authority. The submitted protected species report is acceptable and it is considered that roosting bats are not reasonably likely to be present in the existing dwelling. An oak tree on site was however identified as potentially supporting a bat roost. The submitted protected species report states that this tree would be retained and as such the development is considered acceptable in Ecology terms.

## **Trees and Hedgerows**

The revised plans suggest that subject to the implementation of tree protection measures, the development could be accommodated without direct harm to significant retained trees. Some smaller trees and a section of hedge would be lost to accommodate the development. Trees will influence the gardens of the plots although there would be some usable garden space outside tree crown spreads.

The Forestry Officer has advised that there are no arboricultural implications subject to a tree protection condition.

## **Layout**

The proposal is for four semi-detached dwellings. The proposed dwellings would have a similar building line to Number 1, Delamere Road (the neighbouring property to the north). The immediate neighbouring properties are either detached or semi-detached and the area is characterised by a mix of garden/plot sizes. Delamere Road comprises detached and semi-detached, two storey dwellings. Directly opposite to the east (fronting Holmes Chapel Road) is characterised by bungalows (two plots on the corner) which then change to large, detached dwellings set in relatively large plots. To the rear of these dwellings on Leamington Road are a mix of two storey and single storey dwellings located in smaller plots.

It is recognised that the application site is located within the Congleton 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 Delamere Road and Holmes Chapel 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 have any significant impact upon the surrounding area by virtue of the its location and siting.

It is considered that the layout of the proposal respects the pattern of the surrounding area as the development would comprise four dwellings with a smaller footprint (when compared to the surrounding dwellings to the north) 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 dwellings 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 the development is considered to comply 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).

### **Design of the Existing Dwelling and the Proposed Dwellings**

During the planning application procedure a request was made for the existing bungalow to be listed at both a national and local level. The national listing request was refused and then subsequently refused at appeal. There is no provision for the listing of a building at a local level whilst there is a live planning application relating to the site. In any event it is not considered that the building is a listable quality.

As a result the existing dwelling is a non designated heritage asset and in accordance with the NPPF a balanced judgement will be required having regard to its loss.

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.

Following on from the last application being deferred the design of the proposed units have been amended to incorporate a dual aspect dwelling on the corner of Holmes Chapel Road and Delamere Road as well additional design detailing.

The two pairs of semi-detached dwellings would be of different designs. The pair to the north of the plot would have a pitched roof which is consistent with the dwellings further north along Delamere

Road. The detailed design includes a gable features at eaves level, bay window, canopy, brick banding and window header and sill detailing.

The pair of dwellings to the south would be sited at the junction of Delamere Road and Holmes Chapel Road. These units would have a hipped roof which is not out of character to the dwellings to the north (at Leamington Road and Delamere Road). Again the dwellings would have design features such as gable features at eaves level, bay window, canopy, brick banding and window header and sill detailing. To the side elevation the dwelling at the junction of Holmes Chapel Road/Delamere Road would have a projecting two-storey gable feature and a number of first floor windows, this helps to create a dual frontage to this prominent unit.

The proposed dwellings would of a standard two storey height. It is recognised that there is a mix of house types in the area and it is not considered that the proposed dwellings would be out of character with the area of within the street scene and it is considered that the proposal would be in keeping with the character and appearance of the locality. It is considered that a condition relating to the submission of materials for local authority approval is required so that the materials are in keeping with the surrounding area.

It is considered that the design and proportions of the proposed apertures are in keeping with the existing property and area and will not appear as alien or obtrusive features.

The location, siting and design of the dwellings are in keeping with form of the surrounding development. Due to the orientation of the dwellings and the fact that the application site is located in a residential area it is not considered that there would be any significant negative impact on the street scene.

The proposed dwellings are considered to be of appropriate design and it is not considered that it will have a detrimental impact on the streetscene. It is considered that the proposal would not be harmful to its overall character and appearance of the streetscene and therefore complies with the policy requirements of Policy 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 four new market dwellings 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 for each dwelling is more than sufficient (minimum of 120 m<sup>2</sup>).

The proposed dwellings would be positioned 26 m to the east of No. 23, Chatsworth Drive (the neighbouring property to the west) at its closest point. The side elevation of the closest dwelling to No. 1 Delamere Road (the neighbouring property to the north) would face the side elevation of No. 1. The front elevation would face No. 128, Holmes Chapel Road with a separation distance of 27 m. The side facing elevations would feature 2 windows. These windows would either serve bathrooms/toilets (and as such would be obscure glazed) or would be secondary windows serving stairways.

The proposed development meets the separation guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of any nearby residential dwelling.

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 Congleton 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 loss of the non designated heritage asset. This harm is considered to be minimal.

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 conditions**

1. **Time (3 years)**
2. **Plans**
3. **Materials to be submitted and approved**
4. **Tree retention (Oak tree)**
5. **Tree protection to be submitted and approved**
6. **Boundary treatment to be submitted and approved**
7. **Piling**
8. **Dust control to be submitted and approved**
9. **Noise mitigation to be submitted and approved**
10. **Electric vehicle charging point to be submitted and approved**
11. **Soil condition**
12. **Land contamination**
13. **Construction management plan to be submitted and approved**
14. **Foul water to be submitted and approved**
15. **Surface water to be submitted and approved**
16. **Sustainable drainage to be submitted and approved**

**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 Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of the 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.**

