



# Congleton Town Council

Historic market town

Chief Officer: **David McGifford**

10<sup>th</sup> August 2017

Dear Councillor

Planning Committee Meeting – Thursday 17<sup>th</sup> August 2017

You are requested to attend a meeting of the Planning Committee to be held in the Town Hall, High Street, Congleton, on **Thursday 17<sup>th</sup> August 2017** commencing at **7 p.m.**

**The Public and Press are welcome to attend the meeting.** There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press.

Yours sincerely

**David McGifford**  
Chief Officer

AGENDA

1. Apologies for absence

(Members are reminded of the necessity to give apologies in advance of the meeting and to give reasons for absence)

2. Minutes of Last Meeting

To confirm the minutes of the Meeting of the Committee held on 20<sup>th</sup> July 2017 (copy enclosed).



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3. Declarations of Disclosable Pecuniary Interest

Members are requested to declare both “non pecuniary” and “pecuniary” interests as early in the meeting as they become aware of it.

4. Outstanding Actions

None

5. Planning Applications

To make observations as may be necessary on planning applications submitted to Cheshire East Borough Council.

NOTE i) List for week 17<sup>th</sup> and 21<sup>st</sup> July 2017 (copy enclosed).

ii) Lists for subsequent weeks will be circulated when received.

6. Planning Appeals

To note or comment as appropriate on planning appeals lodged with Cheshire East Borough Council.

16/3286C 130, HOLMES CHAPEL ROAD, CONGLETON,

To: All Members of the Council Press 3, Burgesses 5.

**CONGLETON TOWN COUNCIL**  
**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE**  
**HELD ON 20<sup>th</sup> JULY 2017**

**PRESENT**

Councillor L D Barker (Chairman)  
J G Baggott  
P Bates  
C H Booth  
G P Hayes  
Mrs S A Holland  
Mrs A M Martin  
Mrs J D Parry

**1. APOLOGIES**

Apologies for absence were submitted from Councillors Mrs S Akers Smith, Mrs A Armitt, R Boston, D T Brown, G R Edwards, A E Morrison, E Wardlaw and G S Williams.

**2. MINUTES**

PLN/37/1617 RESOLVED: That the Minutes of the Meeting of the Committee held on 29<sup>th</sup> June 2017 be approved and signed by the Chairman as a correct record.

**3. DECLARATIONS OF INTEREST**

Members were reminded to declare both "non pecuniary" and "pecuniary" interests as early in the meeting as they become known.

Councillors Baggott, Bates and Hayes declared a "non pecuniary" interest due to their membership of Cheshire East Council.

**4. OUTSTANDING ITEMS**

There were none.

**5. PLANNING APPLICATIONS**

PLN/38/1617 RESOLVED: That the following comments be made to Cheshire East Borough Council:

**Deferred Item**

17/3184C      Car Park, Tommy's Lane, Congleton, CW12 4FD      **DEFER** to the Planning Committee on 17<sup>th</sup> August 2017 due to information from Cheshire East still not being available

### **Weekly list 26<sup>th</sup> June 2017**

17/3368D	12 – 16 Rood Hill, Congleton, CW12	NO OBJECTION
17/3335C	Beechwood, Surry Drive, Congleton, CW12 1NU	NO OBJECTION
17/3356C	Congleton Plastics, Varey Road, Congleton, 1HD	NO OBJECTION
17/3292D	Land Off Canal Road, Congleton, CW12	NO OBJECTION
17/3312C	Holly Brook Barn, Middle Lane, Congleton, CW12 3PY	<b>REFUSE</b> – on the grounds that existing hedgerow has been lost and request that this be investigated. Development of a garage would result in further loss of hedgerow
Councillor Barker declared a "non pecuniary" interest in application 17/3312C		
17/3258C	Land West of Padgbury Lane, Congleton, CW12 4LR	<b>REFUSE</b> – on the basis that the reserved matters have not taken into consideration all the TPO's i.e. they do not include the Padgbury Lane TPO 3. The Chief Officer to write to Councillor Ainsley Arnold, Cheshire East portfolio holder responsible for Planning and Anne Donkin, Landscape Officer, raising the Town Council's concerns that this has not been picked up and requesting more vigilance on future applications.
Two members of West Heath Action Group gave a presentation to the Committee		
Councillor Bates declared a "non pecuniary" interest in application 17/3258C		
17/3241C	Portree Service Station, Padgbury Lane, Congleton	NO OBJECTION
17/3160C	Land between Manchester Road & Giantswood Lane Congleton	NO OBJECTION
17/3207C	16 Moody Street, Congleton, CW12 4AP	NO OBJECTION
17/3199C	Land between Manchester Road and Giantswood Lane, Congleton	NO OBJECTION
17/3257C	Mossley Primary School, Boundary Lane, Congleton	NO OBJECTION
Councillors Baggott, Bates and Hayes declared a "non pecuniary" interest in application 17/3257C		
17/2400C	Land off Brookhouse Lane, Congleton, CW12	NO OBJECTION

### **Weekly List 3<sup>rd</sup> July 2017**

17/3462C	Crossley Hall, Peover Lane, Congleton	NO OBJECTION
17/3313C	Holly Brook Barn, Middle Lane, Congleton	<b>REFUSE</b> – due to proposed access is dangerous and too close to a mature oak tree. There is adequate access to the development from Middle Lane
Councillor Barker declared a "non pecuniary" interest in application 17/3313C		
17/3179C	Wood Farm, Wood Lane, Congleton, CW12 3PX	<b>REFUSE</b> – due to the proposal being a new building in the greenbelt which does not appear to be a conversion of an existing building

### **Weekly List 10<sup>th</sup> July 2017**

17/3471C	Land off Macclesfield Road, Congleton	NO OBJECTION
17/3542C	90 Chestnut Drive, Congleton, CW12 4UB	NO OBJECTION
17/3522C	59 Ennerdale Drive, Congleton, CW12 4FJ	NO OBJECTION
17/3525C	8 Minton Close, Congleton	NO OBJECTION

## **6. PLANNING APPEALS**

None to report.

7. **PROPOSAL FOR LINK BETWEEN THE GREENFIELD ROAD AND RADNOR PARK INDUSTRIAL ESTATES**

PLN/39/1617 RESOLVED: To write to Cheshire East Council with regard to considering a road to join the Greenfield Estate to Radnor Park Industrial Estate.

L. D. Barker – Chairman

# Weekly List for 17 July 2017

Search Type: **weekly list**, Parish: **Congleton Town Council**, Date Registered From: **17/07/2017**, Date Registered To: **24/07/2017**, Results ordered by: **date registered, newest first**

Planning Ref	Proposal	Location	Applicant
<b>1*</b> 17/3773C	Prior approval of a garden room extension extending 6m beyond the rear wall, maximum height of 3.3m and eaves height of 2.25m	17, LONGDOWN ROAD, CONGLETON, CHESHIRE, CW12 4QH	Mr J Harris
<b>2</b> 17/3703C	Erection of 5 dwellings	LAND AT FORGE MILL, FORGE LANE, CONGLETON, CW12 4HF	Wain homes

**Planning Applications Registered Weekly List**  
**W/e 21.07.17**

**SOUTH AREA**

**3 \***

	<b>App No</b>	<b>Registration Date</b>	<b>Ward</b>
Delegated Agenda	<b>17/3404C</b>	19 July 2017	Congleton East
<b>Applicant</b>	Mrs Christine Henshaw		
<b>Agent</b>			
<b>Location</b>	13, CORONATION ROAD, CONGLETON, CW12 3HA		
<b>Proposal</b>	Extension to the rear of the property to make a dinning room off the kitchen		
<b>Comments Deadline</b>	10 August 2017		

**4 \***

	<b>App No</b>	<b>Registration Date</b>	<b>Ward</b>
Delegated Agenda	<b>17/3585C</b>	18 July 2017	Congleton West (2011)
<b>Applicant</b>	Mr & Mrs Markin		
<b>Agent</b>	Ian Ankers Architecture Ltd		
<b>Location</b>	1, BEECH CLOSE, CONGLETON, CW12 4YL		
<b>Proposal</b>	Internal alterations and construction of new garage		
<b>Comments Deadline</b>	08 August 2017		

**5 \***

	<b>App No</b>	<b>Registration Date</b>	<b>Ward</b>
Delegated Agenda	<b>17/3711C</b>	20 July 2017	Congleton West (2011)
<b>Applicant</b>	TUI		
<b>Agent</b>	Colorset		
<b>Location</b>	9, BRIDGE STREET, CONGLETON, CONGLETON, CHESHIRE, CW12 1AY		
<b>Proposal</b>	Advertisment consent for 1 fascia sign and 1 projecting sign		
<b>Comments Deadline</b>	11 August 2017		

**6 \***

	<b>App No</b>	<b>Registration Date</b>	<b>Ward</b>
Delegated Agenda	<b>17/3717C</b>	18 July 2017	Congleton West (2011)
<b>Applicant</b>	Mrs Amanda Graham		
<b>Agent</b>			
<b>Location</b>	24, WESTHOLME CLOSE, CONGLETON, CHESHIRE, CW12 4FZ		
<b>Proposal</b>	Two storey side extension		
<b>Comments Deadline</b>	10 August 2017		

**7 \***

	<b>App No</b>	<b>Registration Date</b>	<b>Ward</b>
Delegated Agenda	<b>17/3729C</b>	20 July 2017	Congleton West (2011)
<b>Applicant</b>	TREVOR SNELSON		
<b>Agent</b>			
<b>Location</b>	62, HAWTHORNE CLOSE, CONGLETON, CHESHIRE, CW12 4UF		
<b>Proposal</b>	Ground floor extension to front of property.		
<b>Comments Deadline</b>	11 August 2017		

# Weekly List for 24 July 2017

Search Type: **weekly list**, Parish: **Congleton Town Council**, Date Registered From: **24/07/2017**, Date Registered To: **31/07/2017**, Results ordered by: **date registered, newest first**

Planning Ref	Proposal	Location
<b>8*</b> 17/3786D	Discharge of conditions 3, 5, 8 and 11 on planning application 15/0186C - New single-storey building to provide pre-school accommodation (resubmission of 12/3258C)	MOSSLEY C OF E PRIMARY SCHOOL, BOUNDARY LANE, CONGLETON, CHESHIRE, CW12 3JA
<b>9*</b> 17/3902T	Works to Japanese Maple and Crab Apple Trees	4, HILLESDEN RISE, CONGLETON, CW12 3DR
<b>10*</b> 17/3911T	Works to beech tree	15, MOODY STREET, CONGLETON, CW12 4AN
<b>11*</b> 17/3688C	Variation of condition 29 of existing permission 16/4558C; Proposal for the construction of 201 dwellings off Macclesfield Road Congleton	Redrow Homes development of 201 resident, Cranberry Gardens, Macclesfield Road, Congleton
<b>12*</b> 17/3688C	Variation of condition 29 of existing permission 16/4558C; Proposal for the construction of 201 dwellings off Macclesfield Road Congleton	Redrow Homes development of 201 resident, Cranberry Gardens, Macclesfield Road, Congleton
<b>13</b> 17/3358C	Prior Approval for a proposed change of use of agricultural building to dwelling house	Agricultural Building, PEOVER LANE, CONGLETON
<b>14*</b> 17/3812C	First floor extension above the existing ground floor area (above the kitchen and utility area of the property - rear/side). to create new 4th bedroom with front and rear aspect. Conversion of existing 4th box bedroom into an en-suite bathroom for the master bedroom. Pitched roof above the remaining garage and front porch area instead of the flat roof.	38, DAISYBANK DRIVE, CONGLETON, CHESHIRE, CW12 1LX
<b>15</b> 17/3184C	<b>Deferred Item</b> - Development of car park for 4 dwellings	Car Park Tommy's Lane, Congleton





## Appeal Statement

Proposal: Appeal against the refusal of planning permission for the demolition of one bungalow and the construction of four dwellings (two pairs of semi-detached dwellings)

Site: 130 Holmes Chapel Road, Congleton, Cheshire,  
CW12 4NY

for Mr David Denton

EP Ref: 17-173

LPA Ref: 16/3286C



Project : 17-173

Site address : 130 Holmes Chapel  
Road, Congleton,  
Cheshire, CW12 4NY

Client : Mr David Denton

Date : 09 June 2017

Author : Nick Smith

Approved by : Rawdon Gascoigne

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

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## 1. Introduction

- 1.1 This statement has been prepared in support of an appeal against the refusal of planning permission by Cheshire East Council for the demolition of an existing bungalow and the construction of four dwellings (two pairs of demi-detached dwellings) with associated accesses at 130 Holmes Chapel Road, Congleton.
- 1.2 The appeal application was registered on 11 July 2016 and given reference 16/3286C. The application as originally submitted sought full planning permission for the construction of five two-storey dwellings comprising two pairs of semi-detached dwellings and one detached dwelling with associated accesses.
- 1.3 Following the submission of revised plans, including a reduction in the number of dwellings to four, the application was recommended for approval by officers but was refused by the planning committee, contrary to officer recommendation, with the decision notice dated 3 March 2017. The background and reason for refusal are outlined in Section 3 of this statement and fully addressed in Section 7.
- 1.4 This statement will demonstrate that the proposal would be a sustainable form of development and that in accordance with the NPPF; there should be a presumption in favour of approval. There would be no harm to the character and appearance of the area, neighbouring amenity or highway safety. There would certainly be no significant and demonstrable harm to outweigh the presumption in favour of approval.

## **2. Propositions**

2.1 The case for the appellant will be set out with reference to the following propositions.

### **Proposition 1**

The site is within a highly sustainable urban location and there should be no objection to the principle of new development.

### **Proposition 2**

The appeal application is a sustainable form of development and as such, the presumption should be in favour of approval. No significant and demonstrable harm has been identified to outweigh the presumption in favour of approval.

### **Proposition 3**

The proposed development would have no significant adverse impact on the character and appearance of the area.

### **Proposition 4**

The proposed development would have no adverse impact on the amenity of neighbouring properties.

### **Proposition 5**

The proposed development would have no adverse impact on highway safety.

2.2 The statement will then refer to other considerations and the overall planning balance.

### **3. The appeal proposal**

#### **The application**

- 3.1 An application was submitted by David Denton who prepared the plans for the original submission. The application sought full planning permission for the demolition of the existing bungalow and the construction of five dwellings. This comprised two pairs of semi-detached dwellings and one detached dwelling.
- 3.2 The application was registered on 11 July 2016 and given reference 16/3286C. The following plans and documents were submitted:
- Application form;
  - Ecology report prepared by Avian Ecology Ltd dated 23 September 2016;
  - Sun study;
  - Various house types photographic study;
  - Location plan (drawing RESI-11);
  - Existing site plan (drawing RESI-01);
  - Proposed site plan (drawing RESI-02);
  - Proposed ground floor plan – semis (drawing RESI-03);
  - Proposed first floor plan – semis (drawing RESI-03);
  - Proposed floor plans – detached (drawing RESI-05);
  - Proposed elevations – semis (drawing RESI-06);
  - Proposed elevations – detached (drawing RESI-07);
  - Proposed visuals 1 (drawing RESI-08);
  - Proposed visuals 2 (drawing RESI-09).
- 3.3 Objections were received from Congleton Town Council and neighbouring residents. Copies of these will be submitted by the council with the appeal questionnaire.
- 3.4 During consideration of the application, a concern was also raised by the highways department regarding the visibility at the proposed new access point. Concerns were also raised regarding the development in relation to trees. A copy of the responses will be provided by the council with the appeal questionnaire. These are also referred to below.

3.5 NC Architecture was subsequently instructed while the application was still under consideration. In order to address the concerns raised it was agreed with officers to remove the proposed detached dwelling from the proposed layout and submit additional information in respect of trees. The following revised plans were submitted:

- Proposed site layout (drawing – 110 Rev 00) – SUPERSEDED BY PLAN BELOW
- Proposed site layout (drawing – 110 Rev 01) – SUPERSEDED BY PLAN BELOW (tree added)
- Proposed site layout (drawing – 110 Rev 02) – REFUSED PLAN (amended access)

3.6 On the basis of the revised plans and additional information no objections were raised by the highways department or the tree officer. Their comments are referred to below.

3.7 The final plan listed above is the one considered and refused by the planning committee in March 2017. We would request that the above plan is the one referred to by the Inspector in consideration of the appeal, not the plans originally submitted.

## **Consultation responses**

### **Environmental protection**

3.8 No objection subject to conditions.

### **Congleton Town Council**

3.9 At its meeting on 4 August 2016 the town council concluded to reject the application due to the following reasons:

- "The significance of the design of the existing building and the proposed development is not in keeping with the area.*
- Access and egress issues due to the location being a corner plot on an A road.*
- Tree Preservation – there is a tree preservation order against a mature oak tree on the site."*

3.10 At its meeting on 9 February 2017 the town council recommended refusal of the application due to:

- "Design, visual appearance and materials*
- Layout and density of building*

- iii) Loss of daylight or sunlight
- iv) Overlooking/loss of privacy"

## Highways

- 3.11 In its consultation response the highways department stated that the proposal is a full application for 5 dwelling units with off-road parking with access off Delamere Road. Concerns were raised regarding the proposal's impact on visibility on exiting onto Holmes Chapel Rd, the ownership of the grass verge, and the proximity of the new accesses to the junction with Holmes Chapel Road.
- 3.12 As a result, the number of units being proposed was reduced to 4 units as shown on plan (RESI-02 - Rev B). The highways department concluded that 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 St/Holmes Chapel Rd junction over the past 5 years. It also confirmed that the proposed parking provision would be in accordance with CEC standards.
- 3.13 No objections were raised subject to the following conditions and informative.

*Condition 1: Before commencement of development, a Construction Management Plan should be submitted and approved which details construction vehicle and contractor parking.*

*Condition 2: To aid with pedestrian visibility, any boundary treatment on Delamere Rd should not exceed a height of 600mm.*

*Informative: a S184 license to create the new vehicle crossings will be required.*

- 3.14 Following a request from the highways department, the access and parking area for the corner unit was amended which was illustrated on drawing 110 Rev 2. No highway objections were raised by officers on this basis.

## Trees

- 3.15 Following submission of the application an arboricultural constraints report was prepared by Godwin's Arboricultural Ltd.



- 3.16 The council's tree officer stated that the applicant has now provided an arboriculture constraints report which includes a tree constraints plan based on the existing site. The consultation response stated that:

*"The report covers 13 trees and 3 hedges. The two mature trees on the western boundary (A TPO Oak and a Maple) are afforded Grade B in the survey. The remaining trees have lower values. Although requested previously, the tree report does not show the tree constraints on a proposed site plan or assess arboriculture implications. A revised plan provided on 25th September shows several circles to represent trees with two small specimens identified for removal. It does not show tree trunk positions and does not state if the circles are intended to represent the crown spread or root protection area. Having checked for the two largest trees, the circles do not represent the same areas as identified in the tree survey for crown spread or root protection area. From my observations on site, the sun assessment does not appear to be a true representation in respect of the two larger trees however, it is clear that there would be shading of several of the rear gardens for part of the day. As it stands, the submission still does not meet BS 5837 Recommendations. The tree constraints as identified by the tree surgeon need to be accurately shown on a site plan, implications need to be assessed, protection measures identified. A Donkin 6/10/16"*

- 3.17 An updated tree report dated was then submitted.

- 3.18 The consultation response then states that further information was received on 2 November 2016. In response the tree officer stated:

*"The updated arboriculture information suggests that subject to the implementation of the proposed tree protection measures, the development could be accommodated without direct harm to 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. In the event of approval a condition would be necessary to ensure that all the tree protection measures detailed in the arboriculture impact assessment are followed both in relation to demolition of the existing dwelling and ongoing development works. A Donkin 4/11/16"*

- 3.19 It then states that revised plans were received on 26 January 2017. In response the tree officer stated:

*"The revised plan 'Proposed plans, elevation and Site Plan P-110 dated 1/17 does not show the trees present. This needs to be corrected. In the event of approval a condition to secure tree protection in accordance with the submitted details would be appropriate as cited in comment dated 4/11/16. A landscape condition would also be appropriate. A Donkin 31/1/17"*

- 3.20 It then states that revised plans were received 8 February 2017. In the response the tree officer stated:

*"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. In the event of approval, a condition would be necessary to ensure that an updated tree protection plan is provided to reflect the latest layout, together with a requirement that in all other respects, the tree protection measures detailed in the arboriculture impact assessment received on 2nd November 2016 are followed both in relation to demolition of the existing dwelling and ongoing development works. A Donkin 12/2/17"*

## **The decision**

- 3.21 As part of the consultation process, the local ward member had requested that the application be considered by the planning committee.
- 3.22 Following the negotiations as outlined above, including a reduction in the number of dwellings, the application was presented to planning committee on 21 December 2016 with a recommendation of approval, subject to conditions. NC Architecture was instructed to speak in support of the application on behalf of the landowner.
- 3.23 The application was deferred at that planning committee "to secure an alternative design/layout (dual frontage property at the junction with Holmes Chapel Road and the properties to be slightly angles at the junction".

3.24 NC Architecture was subsequently instructed to prepare a revised set of plans to address the concerns that had been raised on the design detail. Revised plans were submitted as outlined in paragraph 3.5 above.

3.25 The application was then re-presented to planning committee on 1 March 2017, again with a recommendation of approval.

3.26 The application was refused, contrary to officer recommendation for the following reason:

*"The proposed development is not sympathetic to the character, appearance and form of the site and the surrounding area and represents an overdevelopment of the site. The development is contrary to Policies GR2 (Design) of the Congleton Local Plan, SE1 (Design) of the CELP and guidance within the NPPF."*

3.27 Copies of the decision notice and officer reports for both planning committees are attached at Appendix EP1.

## **4. Site and area description**

- 4.1 The application site is located within the settlement of Congleton, approximately 2km west of the town centre.
- 4.2 The site is located on the corner of Holmes Chapel Road and Delamere Road and is currently occupied by a detached bungalow and garage.
- 4.3 The site is bounded by dwellings on all sides with Delemere Road to the east and Holmes Chapel Road to the south.
- 4.4 As illustrated in the photographic survey submitted, the surrounding areas consist of a variety of detached and semi-detached dwellings, both single-storey and two-storey. Overall, the area comprises a range of house types.

### **Locational Sustainability**

- 4.5 In sustainability terms, the site is ideally situated within walking and cycling distance of Congleton town centre which is approximately 2km to the east.
- 4.6 There is also a local shopping parade approximately 500 metres to the east of the site.
- 4.7 Black Firs Primary School is located approximately 350 metres to the north of the site.
- 4.8 Congleton High School is located approximately 150 metres to the south west of the site.
- 4.9 Bus stops along Holmes Chapel Road provide convenient access to the wide range of services and facilities within Congleton and surrounding areas.
- 4.10 The site is considered to be within a sustainable location where new residential development should be encouraged.

## **5. Relevant planning history**

- 5.1 There is no planning history relevant to the determination of the appeal application.

## 6. Planning policy context

### National Planning Policy Framework (NPPF) (2012)

#### Achieving Sustainable Development

6.1 Paragraph 7 states that *"There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- **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;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the 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;
- **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."

6.2 Paragraph 8 states that *"These roles should not be undertaken in isolation, because they are mutually dependant. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

#### The Presumption in Favour of Sustainable Development

6.3 Paragraph 14 states that *"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking."*

6.4 It also states that for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted.*

### **Core Principles**

6.5 Paragraph 17 sets out the core land-use planning principles that should under-pin plan-making and decision-taking. These include:

- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

### **Delivering a Wide Choice of High Quality Homes**

6.6 Paragraph 49 states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. 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*".

### **Requiring Good Design**

6.7 Paragraph 56 states that "*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".

6.8 Paragraph 58 states that planning policies and decisions should aim to ensure that developments "*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*".

- 6.9 Paragraph 60 states that *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness"*.

## **National Planning Practice Guidance (NPPG)**

### **Design**

- 6.10 Section 2 states that *"Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture while not preventing or discouraging appropriate innovation"* (Paragraph: 007 Reference ID: 26-007-20140306).

### **Housing and economic development needs assessments**

- 6.11 Paragraph 033 (Reference ID: 3-033-20150327) of the PPG: *"Updating evidence on the supply of specific deliverable sites sufficient to provide five years' worth of housing against housing requirements"* states:

*"Demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in the National Planning Policy Framework, a five year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development."*

## **The Development Plan**

- 6.12 The Development Plan comprises the Congleton Borough Local Plan.

### **Congleton Borough Local Plan (2005)**

- 6.13 The site is located within a residential area. It is not allocated for development or designated for any other purpose. The policies relevant to the determination of this application are as follows:

- Policy PS1 – General scale and location of development;
- Policy PS4 – Towns;

- Policy GR1 – New development;
- Policy GR2 – Design;
- Policy GR6 – Amenity and health;
- Policy GR0 – Accessibility, servicing and parking – new development;
- Policy NR1 - Trees and woodland;
- Policy H4 – Residential development in towns.

### **Supplementary Planning Document**

- Private Open Space

### **Emerging Cheshire East Local Plan**

6.14 The emerging Cheshire East Local Plan will comprise two documents: the Local Plan Strategy and the Site Allocations DPD. The Council consulted on its Local Plan Strategy – Submission Version (March 2014) in March and April 2014. It then submitted the plan to the Secretary of State for examination in May 2014. Initial examination hearings took place in September and October 2014, with further hearing sessions in October 2015 and examination hearings on the proposed changes in September/October 2016.

6.15 On 13 December 2016 the Local Plan Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. The Inspector's recommendations indicate that objections to the plan are substantially resolved and the policies are compliant with National advice. As such, the Local Plan Strategy is at an advanced stage and the emerging policies, whilst not adopted, are a material consideration in the determination of planning applications.

6.16 Emerging policies relevant to the determination of this application are as follows:

- Strategic Priority 2 – Creating sustainable communities
- Policy MP1 - Presumption in favour of sustainable development
- Policy PG2 - Settlement hierarchy
- Policy SD1 – Sustainable development in Cheshire East
- Policy SD2 – Sustainable development principles
- Policy SC4 – Residential mix



Appeal Statement  
130 Holmes Chapel Road, Congleton, Cheshire, CW12 4NY  
09 June 2017

- Policy SE1 – Design
- Policy SE2 – Efficient use of land
- Policy SE5 – Trees, hedgerows and woodland

## 7. Planning considerations

- 7.1 This section will address the propositions set out in Section 1 of this statement and set out an overall planning balance.

### Proposition 1

**The site is within a highly sustainable urban location and there should be no objection to the principle of new development.**

- 7.2 The site is located within the defined settlement zone line of Congleton. The site currently comprises a detached bungalow within a spacious residential curtilage.
- 7.3 The demolition of the existing dwelling and the construction of four new dwellings (net gain of three dwellings) on the site would result in a more efficient use of the land than occurs at present and given its location there should be no objection to the principle of new residential development.
- 7.4 Policy PS4 of the Congleton Local Plan states that within the settlements listed (including Congleton) there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies. In addition, the proposed development must be appropriate to the character of the locality in terms of use, intensity, scale and appearance.
- 7.5 The appeal proposal would comply with the requirements of policy PS4 and the NPPF in that it would create new housing development within a sustainable settlement on a site which is already in residential use and surrounded by residential development. As such, there should be no policy objection, in principle, to new residential development on the appeal site, subject to there being no adverse harm to the character of the area.
- 7.6 The proposal is to construct four dwellings predominantly on the footprint of the existing bungalow with some minor encroachment into the existing garden. However, most of the existing garden would remain undeveloped and provide a plot ratio which is more commensurate with surrounding residential properties, especially those immediately to the north of the appeal site.

7.7 The definition of 'previously developed land' as defined in NPPF, excludes residential gardens. This is to protect areas where character is being eroded through infill development. It is not to prevent development in urban areas where there is no material harm to the character of an area, especially where there is a pressing need to deliver additional housing and where the urban area is surrounded by Green Belt thus requiring a greater reliance on sites of this nature to meet housing needs. There is nothing in national or local planning policy to preclude development on Greenfield sites in urban areas. The proposed development would not conflict with the objectives for excluding gardens from the definition of previously developed land as there would be no adverse harm to the character of the area. This is further assessed below.

7.8 It should be noted that the planning officer stated in the committee report that:

*"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."*

7.9 The principle of development in this location should therefore be acceptable.

7.10 The Council has accepted in consideration of other planning applications and appeals that it cannot demonstrate a deliverable five year supply of housing land in accordance with paragraph 47 of the NPPF. In addition, in seeking to demonstrate a deliverable supply of housing the council has included a small sites and windfall allowance that relies on sites of this nature to deliver housing. It is also noted that in considering the appeal application the planning officer stated in the report that the council cannot demonstrate a 5 year supply of deliverable housing.

- 7.11 Paragraph 033 (Reference ID: 3-033-20140306) of the PPG: *"Updating evidence on the supply of specific deliverable sites sufficient to provide five years' worth of housing against housing requirements"* states:

*"Demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in the National Planning Policy Framework, a five year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development."*

- 7.12 Consequently, the absence of a deliverable five year housing land supply is a key material consideration weighing in favour of this appeal. Although the provisions in place to remedy the shortfall and the advanced stage of the emerging Local Plan Strategy are also relevant, it should be noted, that the council is seeking to rely on many small scale sites of this nature within the urban area to meet its housing requirement. In accordance with paragraph 49 of the NPPF, housing policies should be considered out of date and the presumption should be in favour of approval. The 'tilted balance' through paragraphs 49 and 14 of the NPPF are therefore engaged. Any objections to the proposal would need to be 'significant and demonstrable'.
- 7.13 No objections were raised to the principle of development by officers or the planning committee in considering and determining the appeal application. The main issue raised by the planning committee related to the impact on the character and appearance of the area. This is addressed further below.

## **Proposition 2**

**The appeal application is a sustainable form of development and as such, the presumption should be in favour of approval. No significant and demonstrable harm has been identified to outweigh the presumption in favour of approval.**

- 7.14 As set out in Section 3 of this statement, the site is in a sustainable location for new residential development with Congleton town-centre, local shops and schools all within walking and cycling distance of the appeal site. The council acknowledged in the committee report that the development would be in a sustainable location. Notwithstanding this, accessibility is one element of sustainability and there are other components.

- 7.15 In terms of the wider definition of sustainable development, paragraph 7 of the NPPF identifies the three dimensions to sustainable development: economic, social and environmental. These matters and how they relate to the development proposal are referred to individually below.

### **An Economic Role**

- 7.16 The proposed development would help contribute to ensuring the Borough has a stable workforce. This development would boost the supply of housing in Congleton which is one of the largest sustainable settlements in the borough. Once occupied, the residents of the scheme would spend money in Congleton which can only assist in maintaining facilities and services in the local area.
- 7.17 In considering the appeal application the planning officer stated in the committee report that the proposed development would be economically sustainable.

### **A Social Role**

- 7.18 The proposed development would assist in retaining existing services and facilities in Congleton to the benefit of the local community. The provision of open market family housing in the area would boost the supply of housing in a sustainable settlement in accordance with the NPPF. The council acknowledged in the committee report that this would be a social benefit.

### **An Environmental Role**

- 7.19 The proposed development would comply with current building regulation standards. As stated above, shops and services would be readily available on foot, bicycle and by public transport and therefore reduce reliance on the private car. The development would not adversely affect the character and appearance of the area or the amenity of neighbouring properties. The development of sites of this nature will assist in reducing the extent of Green Belt and land in the open countryside that needs to be released to meet housing needs in the borough.
- 7.20 The proposed development would accord with the three elements of sustainable development as set out in paragraph 7 of the NPPF. Having regard to the above and the assessment detailed below, the development proposal should be considered to be a sustainable form of development in the urban area and in accordance with paragraph 14 of the NPPF, there should be a presumption in favour of approval. Any harm would need to be significant and demonstrable to outweigh the presumption in favour of approval.

### Proposition 3

#### **The proposed development would have no significant adverse impact on the character and appearance of the area.**

- 7.21 It is understood that during consideration of the appeal application, a request was made for the existing bungalow to be listed at both national and local level. As set out in the committee report, the request was refused and then refused on appeal. The council concluded that the building is not of a suitable quality to be listed locally.
- 7.22 In consideration of the appeal application the council have determined the existing building to be a non-designated heritage asset and as such a balanced judgement must be made having regard to its loss against the overall benefits of delivering the proposed development. In refusing the application the council did not object to the loss of the existing dwelling.
- 7.23 In terms of an assessment of the proposed development on the character of the wider area, it was recognised that the character of the surrounding urban area varies significantly and there is a considerable range in the type, scale and design of houses in the locality with a mixture of bungalows and two-storey dwellings.
- 7.24 Policy GR1 of the local plan 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."*
- 7.25 The site has a wide frontage onto Holmes Chapel Road (approximately 36 metres) and Delamere Road (approximately 34 metres excluding the grass verge). The plot would be subdivided into 4 plots with the proposed new dwellings fronting onto Delamere Road. Three of the proposed plots would be 8 metres wide with the corner plot being 10 metres wide. The proposed plot dimensions would not appear out of keeping with the area and would be similar to those semi-detached properties to the north of the appeal site.
- 7.26 The existing property equates to a density of 7.4 dwellings per hectare which is particularly low for the character of the area. The proposed development would increase the density to 29 dwellings per hectare. The 28 dwellings to the north on the west side of Delamere Road equate to a density of 25 dwellings per hectare.

- 7.27 The proposed density and plot dimensions would therefore be more in keeping with the character of development along Delamere Road than the existing dwelling.
- 7.28 The proposed dwellings would clearly not represent over development of the site as suggested in the reason for refusal and would respect the density and pattern of development along Delamere Road.
- 7.29 The position of the proposed dwellings would be in line with the front elevation of properties to the north and would have an almost identical eaves and ridge height. The proposed dwellings would be two-storey in height, almost identical to the height of the existing detached and semi-detached properties to the north of the site.
- 7.30 It should be noted that in considering the appeal application the planning officer stated in the committee report that:

*"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)".*

- 7.31 The two pairs of semi-detached properties were revised during consideration of the application to add detailing to the elevations and have two different roof designs, one having a gable end roof to match properties to the north and the corner pair having a hipped roof with gable feature on the Holmes Chapel Road elevation given this corner property would have a dual aspect.
- 7.32 In recommending approval of the application the planning officer stated in the committee report that:

*"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 of 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)."*

- 7.33 Having regard to the above, the proposed development would have no adverse impact on the character and appearance of the area, a point agreed with officers during consideration of the application. The development would full comply with policies of the local plan.

## **Proposition 4**

**The proposed development would have no adverse impact on the amenity of neighbouring properties.**

- 7.34 The application property is bordered by dwellings on all sides. Policy GR6 of the local plan states that planning permission for any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity. The councils SPD on private open space requires 21.3 metres between principal elevations and 13.7 metres between a principal and side (flank) elevation.
- 7.35 There would be a distance of approximately 27 metres between the front elevation of the proposed dwellings and 128 Holmes Chapel Road to the east. There would also be approximately 26 metres between the rear elevation of the proposed dwellings and 23 Chatsworth Drive to the west. Both of these distances would be in excess of the guidelines and in any case these properties are both at an angle and do not directly face the appeal properties.
- 7.36 There would be no harm to 1 Delamere Drive which has a side elevation facing the side elevation of the appeal property immediately adjacent. There would also be no harm to the amenity of properties to the south on the opposite side of Holmes Chapel Road due to the relationship and distances involves. The proposed development would meet all the relevant interface distances as outlined in the council's SPD. The layout and orientation of the dwellings seek to maintain the residential amenity of the existing dwellings surrounding the site whilst also providing a commensurate level of privacy and amenity space for the proposed dwellings. The proposed development would not result in any loss of amenity to neighbouring residential properties and would comply with policy GR6 of the local plan.



7.37 In considering the appeal application the planning officer stated in the committee report that:

*"The proposal is considered to be acceptable in terms of residential amenity and in compliance with policy GR6 (Amenity) of the Local Plan".*

7.38 It should be noted that loss of residential amenity did not form a reason for refusal.

## **Proposition 5**

### **The proposed development would have no adverse impact on highway safety**

7.39 As set out in Section 3 of this statement concerns were raised by the highways department during consideration of the appeal application but that these were addressed with the submission of a revised plan. This involved removing the detached dwelling from the scheme and reducing the number of units to 4 in total. In addition, the access of the property closest to the junction with Delamere Road and Holmes Chapel Road was amended.

7.40 No objections have been raised by the council's highways department following this revision and highway safety does not form a reason for refusal. Sufficient parking can also be provided on site.

## 8. The planning balance

- 8.1 Paragraph 49 of the NPPF states that applications for residential development should be considered in the context of the presumption in favour of sustainable development. The 3 dimensions of sustainable development as set out in paragraph 7 of the NPPF have been considered.
- 8.2 In terms of the economic and social dimensions of sustainable development, the proposal would deliver housing in a sustainable urban location which would increase the supply and choice of housing and would contribute to economic growth during the construction phase and increase in local spending, supporting the retention of existing shops and facilities.
- 8.3 In terms of the environmental dimension there would be no adverse harm to the character of the area, additional landscaping can be provided throughout and the site is located within a highly sustainable location reducing reliance on the private car.
- 8.4 In the planning balance section of the committee report the planning officer concluded that the development would provide positive planning benefits. There would be no adverse impacts that would outweigh the presumption in favour of approval and that was the conclusion of the planning officer in the committee report.
- 8.5 There would be no harm to the character and appearance of the area, the amenity of neighbouring properties or to highway safety as a result of the appeal proposal. There would certainly be no significant and demonstrable harm to outweigh the benefits of delivering the proposed development. The proposal would therefore be a sustainable form of development and should be approved without delay.

## 9. Summary and conclusions

- 9.1 This appeal application seeks full planning permission for the demolition of one bungalow and the construction of four semi-detached dwellings with separate accesses.
- 9.2 The proposed development makes efficient use of a site within a highly sustainable location in the urban area of Congleton. There is currently less than a five year supply of deliverable houses and in accordance with paragraphs 49 of the NPPF there should be a presumption in favour of approval.
- 9.3 The development offers the opportunity to deliver new market housing and assist the council in boosting its housing land supply in accordance with the NPPF.
- 9.4 The density, plot dimensions, layout, scale and appearance of the proposed dwellings would not be harmful to the character of the area. It would not represent overdevelopment of the site as stated in the reason for refusal and would be entirely in keeping with its surroundings. There would also be no harm to the amenity of neighbouring properties or highway safety, a view shared with officers during consideration of the appeal application.
- 9.5 The development would comply with local planning policy and meet the 3 dimensions of sustainable development as set out in paragraph 7 of the NPPF, namely social, economic and environmental benefits. It would therefore be a sustainable form of development and in accordance with paragraph 14 of the NPPF.
- 9.6 The appeal proposal would be a sustainable form of development which would accord with the objectives of the NPPF and policies of the development plan. No significant and demonstrable harm has been identified that would outweigh the presumption in favour of approval. As such, it is respectfully requested that the appeal be allowed and planning permission be granted.

## 10. Appendices

- EP1. Decision notice and committee reports dated 21 December 2016 and 1 March 2016

EP1

Mr David Denton  
Brookside Cottage, Broadoak Lane  
Mobberley  
Congleton

Development Management  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP

email: [planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

## DECISION NOTICE

Application No: **16/3286C**

### **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

Particulars of Development

**Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings**

Location

**130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY**

for **Mr David Denton**

In pursuance of its powers under the above Act, the Council hereby **REFUSES** to grant planning permission for the above development referred to in the application and accompanying plans submitted by you for the following reasons:

1. The proposed development is not sympathetic to the character, appearance and form of the site and the surrounding area and represents an overdevelopment of the site. The development is contrary to Policies GR2 (Design) of the Congleton Local Plan, SE1 (Design) of the CELP and guidance within the NPPF.

### INFORMATIVES:

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice, a solution has not been reached that overcomes the social harm identified in the reason for

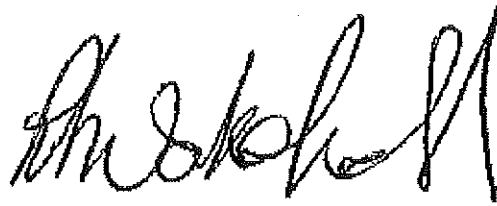
refusal.

2. The plan to which this decision relates is as follows:

P-110 Rev 02

Dated: 3 March 2017

Signed

A handwritten signature in black ink, appearing to be 'A. Stokell', written in a cursive style.

**Authorised Officer for  
Cheshire East Borough Council**

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 predominantly the impact on the character of the area which is not considered to be significant.

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. Hayes due to the significant local interest relating to highways, trees and the impact on the character of the area due to the demolition of the existing bungalow.

## **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 approximately 8.6 metres (m) in height to ridge and 5.2 m in height to eaves with an individual width of approximately 5.7 m and a depth of 8.1 m. Parking for each unit would be located at the front of the dwellings with a garden to the rear.

Limited information has been provided regarding the proposed materials.

## **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**

### **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, Serving 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

### **National Policy:**

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

### **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.

**Heritage and Design (Forestry)** – No objection subject to a tree protection condition.

**Ecology** – No objection.

**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 60 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

#### **SUPPORTING INFORMATION:**

Planning Statement  
Ecology Survey  
Tree Survey

#### **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**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

## **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 plan RESI-02 - Rev B.

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**

There is a protected tree within the site and the application is supported by a Tree Survey and 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 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 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 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).

### **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.

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.

The proposed dwellings would be of a standard two storey design. 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 or 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 the 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 (approximately 130 m<sup>2</sup>).

The proposed dwellings would be positioned approximately 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 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 impact on the character of the area which 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**

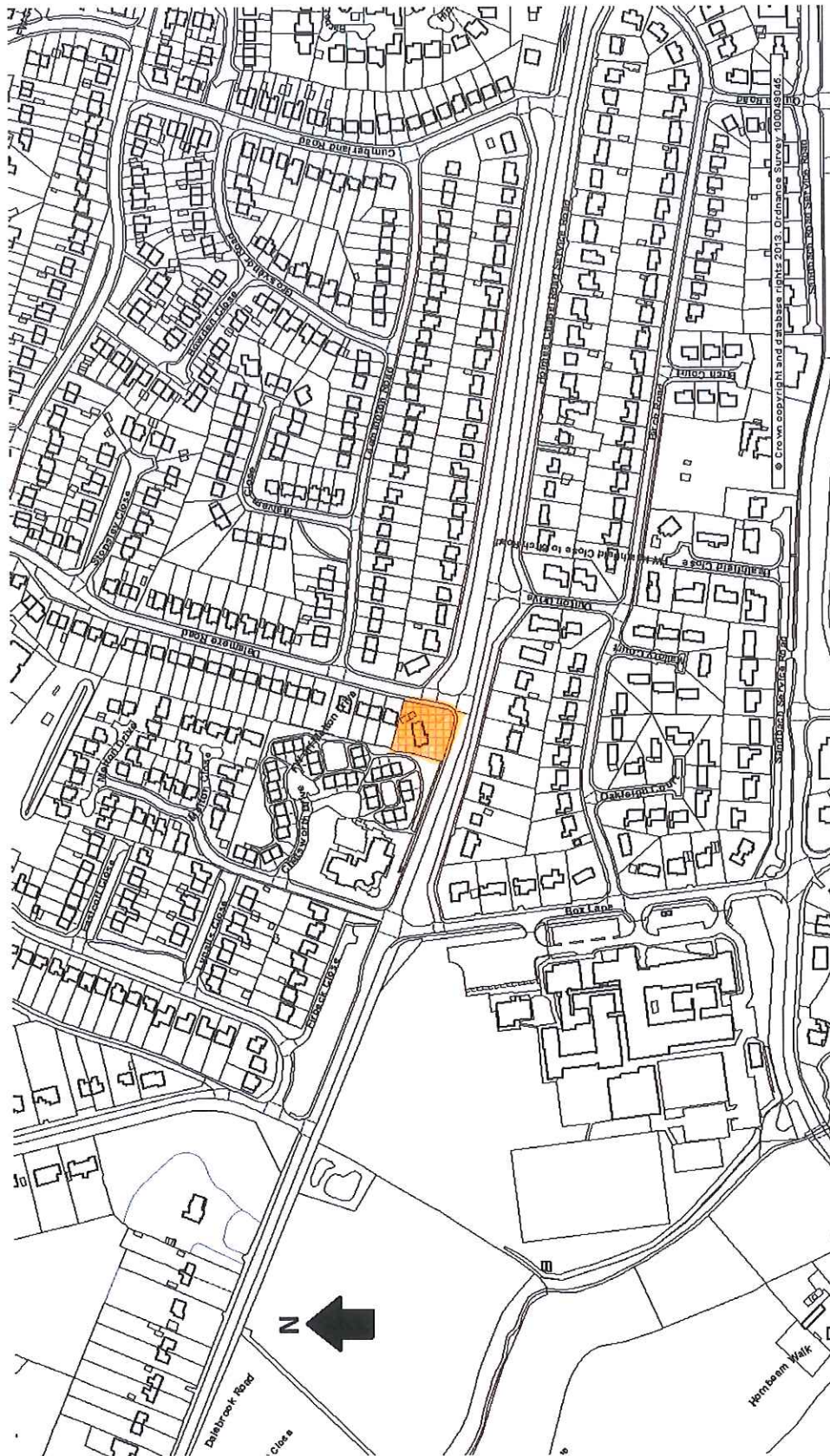
- 1. Time (3 years)**
- 2. Plans**
- 3. Materials for submission**



- 4. Tree retention (Oak tree)**
- 5. Tree protection**
- 6. Boundary treatment**
- 7. Piling**
- 8. Dust control**
- 9. Noise mitigation**
- 10. Electric vehicle charging point**
- 11. Soil condition**
- 12. Land contamination**
- 13. Construction management plan**
- 14. Foul water**
- 15. Surface water**
- 16. Sustainable drainage**

**Informative(s):**

- 1. NPPF**
- 2. Pile foundations**
- 3. Hours of operation**
- 4. Building control**
- 5. S184**



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.





**SOUTHERN PLANNING COMMITTEE – 1<sup>st</sup> March 2017**

**UPDATE TO AGENDA**

**APPLICATION NO.**

16/3286C

**LOCATION**

130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY

**UPDATE PREPARED**

24<sup>th</sup> February 2017

Strategic Infrastructure (Highways) have agreed a minor adjustment to the scheme with the Agent and a revised drawing has been received to reflect this (drawing P-110 Rev 02). The revised drawing shows that; for the proposed dwelling on the corner of Holmes Chapel Road and Delamere Road, there is enough space for 2 cars to park and enter/exit the parking area. The revised drawing also shows the distance from the edge of Holmes Chapel Road to the proposed drop kerb for this unit.

**Highways**

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 St/Holmes Chapel Rd junction over the past 5 years. Off-road parking provision is in accordance with CEC standards.

No objection is raised.

**Recommendation**

No change to the recommendation.