

Strategic Planning Board

Updates

Date: Wednesday, 9th March, 2011

Time: 1.00 pm

Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The information on the following pages was received following publication of the committee agenda.

- a) **Planning Updates** (Pages 1 - 10)

Please contact Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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STRATEGIC PLANNING BOARD – 9th March 2011**UPDATE TO AGENDA**

APPLICATION NO: 09/0842M

**LOCATION: BROAD HEATH HOUSE, SLADE LANE, OVER
ALDERLEY, SK10 4SF**

UPDATE PREPARED: 7th March 2011

CONSULTATION REPONSE

The Landscape Officer has now had opportunity to consider the proposal, and advises:

'The revised entrance details shown on plan 285/26A are an improvement on those previously put forward. The brick finish is preferable to the white render originally proposed and the lower piers (now 1.8m high) without the ornamental urns are more appropriate for the rural setting.

The proposals could be further improved by making the gates slightly lower in height than the pier copings and by planting a beech hedge to the rear of the low wing walls to improve privacy for the residents and to soften the entrance in views from Slade Lane'.

REPRESENTATIONS

Three additional representations have been received from/on behalf of the occupants of Broad Heath Farm, Acton Cottage and the CPRE.

A summary of the concerns raised are below, along with our views in **bold text**.

Consultation

- Local residents have not been notified in respect on amended plans. ***The plans dated 24th February 2011 have not been accepted by the Local Planning Authority***
- As a result of the planning system database being upgraded, comments and reports have not been available to view online, which puts the public at a disadvantage. As such, the determination of the applications should be delayed.
Hard copies of representations and reports were available on the planning application file; however, no requests were made to view these documents.

Policy

- The Council has a duty to protect the Green Belt and Area of Special County Value.

Agreed.

- The relevant test for the determination of replacement dwellings in paragraph 3.6 of PPG2, which indicates that replacement dwellings need not be inappropriate provided that the new dwelling is not materially larger than the dwelling it replaces. This test is materially different to the test for extensions to dwellings in the Green Belt, assessed under policy GC12.

Agreed.

- The Regional Spatial Strategy is soon to be abolished. Therefore, the Council may choose to give it limited weight.

The RSS still forms part of the Development Plan, and therefore is a material consideration.

- When assessing the replacement dwelling, the size is key, rather than the visual impact.

Whilst it is agreed that the size is a key consideration, we also have to consider the visual impact of the development, having regard to paragraph 3.15 of PPG2.

- The basement must be included in any assessment of whether the replacement dwelling is materially larger.

Agreed.

- No Very Special Circumstances have been submitted to outweigh the harm to the Green Belt.

Agreed.

Judicial Review

- No Supplementary Planning Document (SPD) has been produced which was recommended by the Judge in his letter following the Judicial Review. To make a decision without this guidance is perverse.

Whilst no SPD has been produced to date, it is not essential in the determination of the application. The proposals can be adequately assessed against the guidance contained within PPG2.

- Within the Judicial Review letter, the Judge describes the basement as a “very significant feature of the proposed replacement dwelling”

Noted.

Procedure

- The proposals are inconsistent and inaccurate.

There are some inconsistencies the plans, if Members are minded to approve the development, a condition will be required to clarify matters.

- Amended plans, dated 24th February 2011, should not be considered as part of this application. They should form part of a new application, as the changes are so vast.

Agreed, the council has not accepted the amended plans.

- It is unclear why various applications are being submitted.
It is thought that the applicants want to give themselves a number of options, hence the submission of alternative proposals.
- If approved, the new garage would add 100sq m of habitable floorspace to the existing dwelling, whilst the loft conversion would add 91 sq m. It is considered that these applications may be theoretical and unlikely to come to fruition.
The new garage would create 50 sq m; whilst the loft conversion would create 83 sq m. If approved, it is the applicants choice whether he implements the consents.
- From within the site, the reduction in ground levels (by just under 1m) will be apparent. Therefore, drawing 285/08J is inaccurate.
It is agreed that the ground levels will be reduced by just under 1m, it is thought that drawing 258/08J has been measured from street scene.
- It is highly likely that a garage/bin store would be built under PD rights.
If Members were minded to approve the application, they may want to consider withdrawing Permitted Development Rights to control future development on this site, having regard to the scale of the replacement dwelling, and its position within the Green Belt. If PD rights remained intact, it would be possible for the applicant to build a garage/bin store under his PD rights.
- Inspectors on three appeal decisions for replacement dwelling proposals determined by Cheshire East Council considered that the floorspace, design and basements were all relevant when assessing whether the replacement dwelling is materially larger.
Noted.

Land Use

- High numbers of replacement dwellings can cumulatively have a significant impact on the character and appearance of an area.
Agreed.
- The proposed loft conversion is unlikely to provide a reasonable level of accommodation.
The applicants must consider that the proposed floorspace is useful.

Design

- In terms of the design, the existing dwelling is modest, extended over the years. The proposed dwelling is a dominating structure. It is large, because of the floorspace, bulk, size and massing, design detailing, ancillary activities / paraphernalia and symmetrical with a solid ridgeline. It is completely out of character with this quiet, rural and leafy farmed landscape. It gives the impression of a large country mansion / retirement home.
Concern is raised in respect of the scale and design of the development, hence the recommendation of refusal.

- The development creates substantial harm on the openness of the Green Belt.

Agreed.

- The original application forms stated that no hedgerows were to be removed. However, the plans show the hedge being grubbed out to be replaced by brick piers, boundary walls and ugly solid gates, which are out of sympathy with the agricultural area.

The repositioning of the vehicular entrance requires the removal of the Beech Hedge. A new hedge is proposed in the existing opening. Our Landscape Officer has recommended amendments to the gates/piers to improve its appearance.

- Balconies are an incongruous feature in the Green Belt, as a result they are considered to harm the character and appearance of the countryside, contrary to policy NE1

Balconies can be considered out of keeping in the Green Belt; however, each case has to be assessed on its own merits.

Size

- In terms of floorspace, the existing dwelling is 399 sq m. The replacement dwelling is 1419 sqm (including the rear balconies), which represents a 356% increase in floorspace.

The floorspace of the existing house has been measure at 399 sq m, the floorspace of the replacement dwelling is 1369 sq m, which represents a 343% increase.

- In terms of footprint, the ground floor is 311 sq m, including the basement it is 688 sq m.

The floorspace of the ground floor is agreed, the footprint of the basement has been measured at 685 sq m.

- Due to its size, the replacement dwelling is materially larger, and represents inappropriate development.

Agreed.

- The proposal is harmful to the openness of the Green Belt by virtue of the solid ridge line increasing from 9.5 m in width to 22 m in width, a 230% increase.

Agreed.

- At eaves level, the increase is from 16 m to 28.3m, a 177% increase.

Agreed.

- The north – south ridgeline will be 2m higher, above the annex, the ridgeline will be 3m higher.

Agreed.

- Significant changes to the hard surfaces are proposed, including an increase in hardstanding by 500 sqm, which erodes the openness of openness of the Green Belt further.

Agreed.

- Potential Permitted Development Rights would add a further 225 sqm, which would bring the resultant dwelling to 1644 sqm, which represents a 412% increase over the existing dwelling.

Noted.

Other

- No garage/bin store/play equipment is proposed within the application. These should be considered as part of the replacement dwelling.
We can only consider the development submitted, however, if Members are minded to approve the development, they may wish to consider the removal of Permitted Development rights.
- The removal of 12m of beech hedge has not been considered by the applicant's Arboriculturalist.
The Council's Arboriculturalist considered the removal of the Beech hedge, but its removal falls outside the 1997 hedgerow regulations, and therefore it can not be protected.

STRATEGIC PLANNING BOARD – 9 March 2011

UPDATE TO AGENDA

APPLICATION NO.

10/1292M

LOCATION

Baguley Farm, Hocker Lane, Over Alderley

UPDATE PREPARED

7 March 2011

APPLICANT'S SUBMISSION

A letter has been received from the applicant's agent making the following comments in response to the Committee Report:

- 1) The fact that the proposed dwelling would have limited additional impact on the openness and visual amenity of the Green Belt constitutes a very special circumstance of sufficient weight to warrant the grant of planning permission.
- 2) Planning permission 09/3122M is accepted as a fallback.
- 3) There would be no additional harm arising from the proposed dwelling.
- 4) Alterations to the building and erection of outbuildings would have significantly greater impact upon the openness and visual amenity of the Green Belt.
- 5) The report states that only limited weight should be given to this fallback as no details have been put forward. However, plans have been supplied showing potential outbuildings and the extent of a basement and side extension to the approved dwelling. In his legal opinion, their barrister confirmed the scale of the permitted development and his client's intention to implement the permission (09/3122M). No additional information has been sought.
- 6) The likelihood of the fallback being implemented is question on the basis of successive amendments to the scheme; absence of discharge of conditions on 09/3122M; and no commencement on site. These successive amendments have been made to achieve the desired accommodation for the applicants. The conditions have not been discharged as the applicant's understood until recently that the application would be granted permission under delegated powers. If the desired accommodation cannot be achieved, as a successful property developer, the applicant will have no hesitation in implementing the extant consent. The dwelling attainable under 09/3122M would achieve a sufficiently high sale price to warrant the cost of implementing permitted development rights to provide a basement and side extension. A similar issue was raised at the

Sandbach Farm, Henbury appeal, when the Council argued that the appellant would not implement the fallback position. In that case the Inspector accepted that, should the appellant not achieve his desired accommodation, he would sell the site with the extant planning permission for which there was a ready market.

Overall, a recommendation of refusal based on the unlikelihood of 09/3122M being implemented should not be made without seeking the views of the owner of the site, and in light of the Sandbach Farm decision.

The agent has been instructed by the site owner to submit an appeal if there is a refusal of planning permission on Wednesday. They may seek a Public Inquiry and costs on the basis that the Council has acted unreasonably.

KEY ISSUES

The comments raised by the agent are acknowledged. However, for the reasons outlined in the original report, it is considered that the very special circumstances required to outweigh the harm to the Green Belt arising from the identified inappropriate development have not been demonstrated. The proposal is therefore considered to be contrary to policy GC1 of the Macclesfield Borough Local Plan and the national guidance contained within PPG2.

CONCLUSION

As in the original report, a recommendation of refusal is made.

STRATEGIC PLANNING BOARD UPDATES
9th March 2011

APPLICATION NO: 10/4977C

PROPOSAL: Extension to existing gypsy caravan site including laying of hardstanding, stationing of 9 caravans for residential purposes and, erection of 6 utility buildings.

ADDRESS: Horseshoe Farm, Warmingham Lane, Moston, Middlewich, Cheshire, CW10 0HJ

COMMENT

Correspondence has been received from Moston Parish Council

The Parish Council objects to the application on the grounds:-

1. The council believes that there is no proven need to double the area of this site.
2. That Traveller allocation for the area has already been met and there is no requirement to approve this application.
3. That the Parish Council understands that this site does not have legal status and that any further approval would exacerbate the issue.

Comment

The comments raised by the Parish Council are dealt with in main report and do not require further consideration.

Additional comments have been received by email Higson relating to typographical errors in the report and a further email was received asking a number of questions relating to consultation letters, the officer recommendation, enforcement history and questions the accuracy of comments made by the planning agent for the application. An anonymous letter has been received objecting to the application in principle and suggesting that Travellers do not by their nature require permanent sites.

Comment

*That the word "no" should be inserted into the wording of Condition 2. There shall be **no** more than 3 permanent Residential pitches..... etc*

Issues relating to officer recommendation and comments made by the agent have been dealt with in the main report. The other matters will be dealt with by separate correspondence to the person concerned.

The issues raised by the anonymous letter do not require further comment.

RECOMMENDATION

The conclusion and recommendations made within the main committee report stand without alteration.

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