

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 9th October, 2019</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website

### Membership

<b>Conservative Councillors</b>	<b>T Dean (Vice-Chairman), JP Findlow, A Gregory, S Holland and L Smetham</b>
<b>Labour Councillors</b>	<b>L Braithwaite, A Harewood, N Mannion and B Puddicombe</b>
<b>Independent Group Councillors</b>	<b>C Browne (Chairman) and I Macfarlane</b>
<b>Real Independent Group Councillors</b>	<b>B Murphy</b>

### PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

#### 1. **Apologies for Absence**

To receive any apologies for absence.

#### 2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

#### 3. **Minutes of the Previous Meeting** (Pages 3 - 6)

**Please Contact:** Sarah Baxter 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

To approve the Minutes of the meeting held on 11 September 2019 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/0618M-Demolition of existing bungalow and erection of three Townhouses with associated parking, 68 Moss Lane, Alderley Edge for Beck Homes (NW) Ltd (Pages 7 - 18)**

To consider the above application.

6. **19/3182M-Erection of a pair of 3 bedroom, semi-detached dwellings, including associated landscaping, Land located between no.18 & no.26 Shrigley Road North for Ms Lindsey Jones (Pages 19 - 30)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 11th September, 2019 at The Capethorne Room -  
Town Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor C Browne (Chairman)

Councillors M Benson (Substitute), L Braithwaite, S Edgar (Substitute),  
A Gregory, A Harewood, S Holland, I Macfarlane, B Puddicombe and  
L Smetham

### **OFFICERS IN ATTENDANCE**

Mrs S Baxter (Democratic Services Officer), Mrs C Fenghour (Senior Planning  
Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning &  
Enforcement Manager), Mr C Hudson (Principal Forestry and Arboricultural  
Officer), Mr N Jones (Principal Development Officer) and Mr P Wakefield  
(Principal Planning Officer)

### **26 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T Dean, P Findlow,  
N Mannion and L Roberts.

### **27 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 19/1955M, Councillor  
C Browne declared he alongside other Members on the Committee had  
received an email from Peter Yates who was speaking on the application.

In the interest of openness in respect of application 19/0399M, Councillor  
S Holland declared that she was acquainted with the John Twigg who was  
speaking on the application, however she had not discussed the  
application with him.

In the interest of openness in respect of application 19/1955M, Councillor  
L Smetham declared that she knew Parish Councillor Mrs T Jackson and  
Peter Yates who were both speaking on the application.

### **28 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on be approved as a correct record  
and signed by the Chairman.

### **29 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**30 19/1955M-ERECTION OF A DWELLING HOUSE WITH ASSOCIATED WORKS INCLUDING LANDSCAPING, LAND ADJACENT TO WITHINLEE HOLLOW, WITHINLEE ROAD, PRESTBURY FOR MR PETER BUSBY**

Consideration was given to the above application.

(Parish Councillor T Jackson, representing Prestbury Parish Council, Peter Yates, representing Prestbury Amenity Society and a number of local residents and Gareth Salhouse, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor P Findlow, the Ward Councillor).

**RESOLVED**

That the application be refused for the following reason:-

The proposed development would be contrary to policy H12 of the Macclesfield Borough Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy by virtue of the development not being commensurate with the surrounding area in terms of the size, form and mass of the building within its plot.

(This decision was contrary to the officers recommendation of approval).

**31 19/0399M-DEVELOPMENT OF A CAR PARK ASSOCIATED WITH THE OPERATION OF MANCHESTER AIRPORT, DEMOLITION OF 48 AND 52 MOSS LANE WITH ASSOCIATED OUTBUILDINGS, PROVISION OF A NEW LANDSCAPING BELT, FOOTPATH AND ECOLOGICAL MITIGATION, HOLLYTREE COTTAGE, 52 MOSS LANE, STYAL FOR MR ANDREW COWAN, MANCHESTER AIRPORT PLC**

Consideration was given to the above application.

(Parish Councillor R Dixon, representing Styal Parish Council and John Twigg, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor D Stockton, the Ward Councillor).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the application be referred to the Secretary of State for final determination and subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Submission of landscape management plan
7. Landscaping to include details of boundary treatment
8. Bird hazard management plan to be submitted
9. Lighting details to be submitted
10. Glint and glare assessment to be submitted
11. Development to be carried out in accordance with submitted Arboricultural Impact Assessment
12. Imported soil to be tested for contamination
13. Measures in the event of any unidentified contamination being found
14. Development to be carried out in accordance with bat mitigation and compensation measures detailed in the submitted Ecological Appraisal Report. Details of the proposed bat boxes to be submitted.
15. Updated badger survey to be submitted
16. Implementation of mitigation measures for common toad and hedgehog as described in the submitted ecological assessment
17. Nesting bird survey to be submitted
18. Detailed design and habitat creation method statement to be submitted for on and off site habitat mitigation areas. Approved details to be implemented, and habitat management plan to be submitted
19. Implementation of drainage strategy

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**32 CHESHIRE EAST BOROUGH COUNCIL (ADLINGTON - LITTLE BRECK, SUGAR LANE) TREE PRESERVATION ORDER 2019**

Consideration was given to the above Order.

**RESOLVED**

That the Cheshire East Borough Council (Adlington – Little Breck, Sugar Lane) Tree Preservation Order 2019 be confirmed with modification that the description of A2 in the schedule should read “the trees of whatever species within area marked A2 on the map”.

The meeting commenced at 10.00 am and concluded at 12.20 pm

Councillor C Browne (Chairman)

Application No: 19/0618M

Location: 68 Moss Lane, Alderley Edge, SK9 7HN

Proposal: Demolition of existing bungalow and erection of three Townhouses with associated parking.

Applicant: Beck Homes (NW) Ltd

Expiry Date: 12-Jul-2019

**SUMMARY**

The site is located within the predominantly residential area of a Local Service Centre, where the provision of housing is an acceptable form of development.

It is considered that the scheme proposed is an efficient use of land, utilising a windfall plot to provide 2 net dwellings the scheme is appropriate for the location and has an acceptable form and layout, and makes a contribution to the Council's five year housing land supply.

The proposal makes efficient use of the land and is an acceptable form of sustainable development, and complies with the development plan. Developments that accord with the development plan should be approved without delay.

For the reasons mentioned the application is recommended for approval subject to conditions.

**SUMMARY RECOMMENDATION**

**Approve subject to conditions**

The application has been called-in to planning committee by Councillor Craig Browne on 3<sup>rd</sup> March 2019 for the following reasons:

*“Following concerns expressed by local residents, the Parish Council and Edge Association, this application is called in to Northern Planning Committee to enable a full discussion of the issues at play:*

- potential overdevelopment of the site and over intensification of use;*
- potential lack of outdoor amenity space;*
- living conditions for potential future residents;*
- respect for Cheshire East Parking Standards relating to new dwellings”*

**PROPOSAL**

The application is a full planning application for the demolition of 68 Moss Lane and its replacement with a terrace of three dwellings, seeing a net increase of 2 dwellings at the site. Through the application process the application has been amended. The design has been changed to be simplified to better respect the character of the area, and to reduce impact on

neighbouring properties. Further, the dwellings have been reduced from 4 bedroom to 3 bedroom, following comments from the highways officer in relation to car parking provision. The dwellings have been reduced in height with a lower ridge which has a flat section to reduce the impact on the bungalow to the east.

The proposal includes two car parking spaces per dwelling on the site frontage, with bin stores on the front of plot 2 (the middle plot) and to the rear of plots 1 and 3. The properties have private gardens to the rear, with a balcony seating area on each which is although is on first floor level is effectively ground level due to the changes in levels at the site. The properties are two storey at the front and 2.5 at the rear, with a master bedroom in the roof space with a dormer in the roof.

The proposed development is to be level with the terraces to the west, as to reduce the impact on the neighbouring property.

Each property has two car parking spaces to the front.

### **SITE DESCRIPTION**

68 Moss Lane is a 1970s designed bungalow with rear dormers and conservatory, located on a plot of 586sqm, the property has a terrace of 6 properties to the west, and a run of bungalows to the east. The bungalow is in an elevated position, approximately 2m higher than street level. The property has Alderley Edge Cricket club located to the south, behind the development. Moss Lane is a mix of properties, with terraces of traditional properties and later bungalows on generous plots.

The site is within the predominantly residential area. Located within Alderley Edge to the east side of the settlement, which is a Local Service Centre in the Cheshire East Local Plan Strategy (CELPS) settlement hierarchy.

### **RELEVANT HISTORY**

No relevant planning history

### **RELEVANT PLANNING POLICY**

#### **Cheshire East Local Plan Strategy 2010-2030 July 2017**

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 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

SC 1 Leisure and Recreation



IN 1 Infrastructure  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy

**Macclesfield Borough Local Plan**

In addition to the now adopted LPS, saved policies of the Macclesfield Borough Local Plan also form part of the development plan.

The relevant Saved Policies are: -

DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC15 – Provision of Facilities  
DC17 – Water Resources  
DC35 – Materials and Finishes  
DC36 – Road Layouts and Circulation  
DC37 – Landscaping  
DC38 – Space Light and Privacy  
DC41 – Infill Housing Development  
DC63 – Contaminated Land

**Alderley Edge Neighbourhood Plan – Regulation 7 Neighbourhood Area Designation –**  
No policies.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Other material considerations:**

National Planning Policy Framework  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS** (External to planning)

**Highways** – Revised site layout does not address concerns re: car parking space dimensions, revised layout should be submitted.

**Manchester Airport Group** – MAG have no aerodrome safeguarding objections to the proposal. Recommended informative in relation to cranes.

**Environmental Protection Team** - No objections subject to conditions.

**Alderley Edge Parish Council** – (response to original consultation, no comments received in relation to amended plans.)

The Parish council recommends refusal and call in to the Northern Planning Committee on the grounds it is overdevelopment of the site. The height of the proposed building being overbearing to neighbouring properties, giving to loss of light. There will be a lack of amenity for future occupants. The character of the urban grain would be undermined and with insufficient parking provision, a foreseen increase in traffic and compounded on street parking

requirement would be unsustainable and hazardous. This sets dangerous precedent for type and style of development that is not required.

## REPRESENTATIONS

Objections from 9 residents and The Edge Association on the following grounds:

3 relate to the latest consultation:

- Neighbours have a newborn baby, construction disruption could cause distress to family, request that if approved, a construction management plan should be put on approval.
- Not enough car parking for existing dwellings
- Overdevelopment of site
- Photos of street
- Loss in diversity of housing that is required in Alderley Edge to support the whole community.
- Changes only show a slight reduction in roof heights which only marginally addresses loss of light to neighbouring properties
- Loss of green space
- Impact on parking

### The Edge Association Comments

- The proposal is a clear overdevelopment of the area with 3 buildings of 2.5 storeys in height replacing a bungalow. There is also no comparison given between the footprint of the proposal versus the existing building. The application is inconsistent in that the buildings are referred to as 1.5 storeys to 2 storeys and then 2.5 storeys in the documents supplied.
- The massing of the proposal would be overbearing to neighbouring properties
- Insufficient car parking provision has been made due to the overdevelopment of the site.
- There is insufficient amenity space emphasising the over bearing and over intensive nature of the proposed development.
- The application claims that there is no loss of light to existing buildings. It is very questionable as to how three 2.5 storey buildings can lead no loss of light to neighbours in comparison with the bungalow.
- The application claims that this will not result in excessive traffic. At a minimum this is a threefold increase in traffic. If applications of this nature were replicated along Moss Road traffic conditions would become intolerable. The effect of traffic cannot be judged within the boundary of this stand-alone application, it needs to be judged in the context of the whole street. A development of this nature will cause significant disruption to traffic flows and the neighbouring residents.

6 letters in response to original consultation

- Loss of sunlight/daylight to adjacent bungalow
- The window on the side elevation will lead to loss of privacy
- Greater sense of enclosure
- Could set a dangerous precedent for overdevelopment of bungalows
- Moss Lane could become a permanent building site
- Parking is not adequate for 4 bed units

- No provision for refuse bins
- Current bungalow is at street level, no details of levels
- Planning application unclear
- Development would exacerbate parking issues
- Already an oversupply in this type of housing as a similar property has been put up for let in area.
- The access points to the driveways will remove on street parking on Moss Lane which is already stretched
- General overdevelopment of Moss Lane
- Building is too close to no. 70
- Proposal will overlook no.70
- Will reduce light to no. 70
- Ageist application as it proposes stairs, elderly or disabled would not be able to live in the proposed dwellings
- Balconies are not characteristic of the area
- Contrary to policies SC4, SC5 & NPPF

## **APPLICANT'S SUPPORTING INFORMATION**

- Tree Survey
- Updated Bat Report
- Planning Statement
- Bat Scoping Report
- Arboricultural Report
- Design and Access Statement

## **APPRAISAL**

### **Principle of development**

The site is located within the village of Alderley Edge which is designated as a Local Service Centre within the Cheshire East Local Plan Strategy. The settlement is sustainable with links to public transport, local facilities including schools, shops and restaurants. The proposal is within the Predominantly Residential Area. Within the predominantly residential area there is a presumption in favour of sustainable development, provided the proposal accords with the development plan, which includes the Cheshire East Local Plan, and relevant saved policies of the Macclesfield Borough Local Plan.

The proposal is for 3 dwellings, within the predominantly residential area, this is considered to be an acceptable form of development. The site is a previously developed site as it is in residential use, where development is encouraged, particularly for residential development at both a Local and National Level.

Within the Cheshire East Local Plan the reuse of previously developed land is encouraged through policy SE2 (Efficient Use of Land) which states that:

- 1. The council will encourage the redevelopment/re-use of previously developed land and buildings...*
- 
- 3. All windfall development should:*

- i. consider the landscape and townscape character of the surrounding area where determining the character and density of the development;*
- ii. build upon existing concentrations of activities and existing infrastructure;*
- iii. not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable, development should be appropriately phased to coincide with new infrastructure provision; and*
- iv. consider the consequences of the proposal for sustainable development having regard to Policy SD1 and Policy SD2.*

It is considered that the proposed development is an acceptable form of windfall development on previously developed land.

A number of representations have been received regarding the overdevelopment of the site. The proposed development is considered to reflect the character of the terraces along Moss Lane in terms of the proportions and building heights. The bungalow is located on a very generous plot which is currently developed close to its side boundaries. The proposed development will fill the space available, however access paths are provided on both end terrace plots giving some relief for neighbouring properties. Whilst the proposal does represent a higher density than what exists on the site, the proposed development is considered to be of an acceptable character and density. Due to the small scale of the development the existing infrastructure can be utilised. The proposal is considered to be acceptable in terms of policies SD1 and SD2, which require developments to be sustainable.

Therefore the proposal accords with policy SE2 which requires the efficient use of land.

### **Housing Provision**

The application provides 3x 3 bedroom units, which is considered to be an appropriate housing mix within the area, and is a net gain of 2 dwellings. The Council can currently demonstrate a 5 year housing land supply and this scheme would make a contribution in maintaining this position.

### **Highways**

There are no material highway implications associated with the above proposal as:

The proposal has been amended to reduce the proposed dwellings from 4 bedroom to 3 bedroom. This was required by the Council's Highways Officer, as the previous scheme had only 2 spaces per 4 bed dwelling. Within a Local Service Centre the standard is for 3 spaces per 4 bed dwelling, and 2 spaces for a 3 bed property. Accordingly the proposal is now in accordance with CELPS policy for car parking provision.

Further, following additional highways comments, the car parking spaces have been amended to meet the minimum standards. Therefore are acceptable. No further highways issues are raised.

### **Design**

The proposed design of the dwellings is bespoke and is considered to be acceptable in the context with a varied street scene. The terrace of three properties is a continuation of the terrace properties which exist to the west. The street does reduce in density as you travel east, however the proposal is not considered to erode the character and is not considered to be harmful. The proposal will complement the existing built development in the immediate area.

There is a change in levels on the site, the site currently slopes up from the highway by approximately 2m in total. The proposed development is to be level with the terrace properties to the west, therefore is to be more at street level. This reduces the impact on the bungalow to the east which is - as with the host bungalow in this case - at a higher level. The garden to the neighbouring bungalow will be unaffected by the proposals, however due to the excavation required to allow the development to take place along the side boundary, it is expected that a retaining feature will be required.

Through the application process the application has been amended, the ridge heights have been lowered to respect the change in heights along the street and to make this more gradual between the existing terrace and the bungalow. Whilst a flat roof in the centre of the ridge of plot 1 is not ideal, it is not considered that the flat centre of the roof will be harmful to the street scene, as front on from street level this will appear as a pitched roof as with plots 2 and 3, and on balance this achieves a more gradual transition of the development between the proposal and the lower bungalow to the west.

The property currently has a driveway which slopes upwards. There is a dwarf wall at the front, which is modern in appearance, there is some mature planting to the front garden. The proposal would involve opening up the site frontage to allow for vehicular access. The site is partially open at the front currently especially when viewed from the west. A number of properties have driveways with minimal landscaping at the front along Moss Lane, so this is not peculiar to this development. Therefore the driveways to the frontage are not considered to be harmful to the street scene. The plans show proposed planting along the pedestrian accesses. A number of objections have been received in relation to car parking, therefore for this development to provide its own car parking provision is essential in this location.

The existing back garden of the property is modest in length, due to the width of the plot. The proposed back gardens also reflect this. It is considered however that should occupiers require small garden buildings in the future these can be accommodated within the gardens. Due to the modest gardens proposed, it is considered that the removal of permitted development rights for extensions and alterations is necessary in order to ensure that the proposed development does not have a detrimental impact on neighbouring properties in the future.

The proposed dwellings include attractive features and an appropriate choice of materials. The design of the dwellings has been simplified through the submission of amendments during the application process. The layout is standard of that of a standard terrace, and respects the character of the area. It is considered that the proposed development will not have a detrimental impact on the street scene. Materials will be conditioned to be submitted, along with windows, doors and rainwater goods. Therefore the proposal accords with policy SE1 of the CELPS.

### **Trees**

This application is supported by an Arboricultural Report/ Tree Survey that identifies 12 individual trees within the site. The trees are not currently protected by a Tree Preservation Order or lie within a designated Conservation Area.

The proposal is for the demolition of the existing bungalow and erection of three townhouses with associated parking. The Arboricultural Report has identified that all the trees within and immediately adjacent to the application site are low (C) category specimens of mediocre value and consequently the report states that the whole area is available to be developed.

It is assumed therefore that on the basis of the Arboricultural Report that all trees within the application site are to be removed. It is noted that the proposed site layout does show existing trees to be retained to the rear of the site, a matter that is not reflected in the Arboricultural Report. Accordingly, appropriate landscaping conditions are recommended.

The position of Plot 3 encroaches closer to an offsite Weeping Birch (T1), although it appears that the root protection area of this tree is unlikely to be affected by the proposal. No significant arboricultural concerns are therefore raised.

## **Ecology**

### Bats

Following an assessment by an ecologist the building was given a bat potential rating of moderate, which necessitated further survey work to establish whether bats were using the building. Two surveys were carried out and no bat roosts were identified.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition is therefore recommended which requires the submission of an ecological enhancement strategy.

## **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause undue harm by overlooking, loss of light or loss of privacy to future or existing residents.

Objections have been received in relation to amenity and overlooking, with particular reference to side windows facing no 70 Moss Lane, the bungalow to the west. Following amendments to the scheme the proposal now includes obscurely glazed windows on both side elevations of the development. Further the proposed balconies have obscure glazed returns, and are of an adequate height to prevent overlooking. Therefore it is not considered that overlooking will result from the development. It is not considered that the balconies will have an overbearing impact on neighbouring dwellings as they are located to the centre of each plot, not on the edges, they are 1m above ground level. Further, the balconies are modest in depth and area, therefore do not protrude in order to be able to overlook existing

neighbouring properties to any significant degree, especially with suitable boundary treatments in place. Therefore, on balance, the balconies are an acceptable feature.

To the rear of the property is Alderley Edge Cricket Club, therefore the proposal will not cause overlooking from this aspect. There are adequate separation distances from the front elevation to properties opposite.

It is not considered that the proposal will result in a loss of light to neighbouring properties, particularly number 70 Moss Lane. Whilst the development is higher than the neighbouring property, the properties are side by side, and the juxtaposition of the properties means that significant overshadowing will not be caused by the development.

It is not considered that the proposed development would cause undue overlooking, loss of light or loss of privacy to surrounding neighbours, therefore accords with saved policies DC3 and DC38 of the Macclesfield Borough Local Plan.

A condition requiring a dust management plan is recommended in order to protect residential amenity during the demolition phase of the development.

### **Air Quality**

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable properties.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site therefore electric vehicle charging points are required for each dwelling, to be secured by condition.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Should any adverse ground conditions be encountered during excavation works, an informative is to be put onto the planning permission for this to be reported to the Local Planning Authority.

### **Flood Risk**

The proposal is located within Flood Risk Zone 1 therefore flood risk is very low. The site is in current residential use, therefore benefits from drainage infrastructure. However a drainage scheme will be conditioned to be submitted in order to ensure that the proposed development does not contribute to flooding in the area.

## **Representations**

A number of representations have been received in relation to the application, all in objection to the application. The material planning considerations raised have been considered and addressed in the report. Many objections relate to highways matters and amenity which have been addressed above. In addition to this general in principle objections have been received in relation to the loss of the bungalow and the overdevelopment of the site. Notwithstanding the concerns raised, the proposal is within the predominantly residential area, where residential development is an acceptable form of development. Whilst the loss of a bungalow is regrettable, its loss would not be contrary to policy and therefore would not be a reason to refuse the application. Policy SC 4 has been mentioned in representations, this requires new development to take into account housing mix, however does not mean that a development is contrary to policy if it sees the loss of housing that is desirable; as the local plan must be taken into account as a whole. Policy SC 5 has been mentioned in representations; this policy relates to affordable housing, the proposed development is under the threshold to require a level of affordable housing to be provided.

It is acknowledged that many of the representations received do refer to the overdevelopment of the plot. Having considered this in the context of the local area, which is a predominantly residential area, provided that the proposal does not have a detrimentally impact on the character of the area or the amenity of neighbouring properties the redevelopment of a plot of this size can be acceptable.

## **CONCLUSIONS**

The site is located within the predominantly residential area, where the provision of housing is an acceptable form of development.

It is considered that the scheme proposed is appropriate for the location and has an acceptable form and layout, and makes a contribution to the Council's five year housing land supply.

The design of the proposed scheme is not harmful to the character of the area and will not have a detrimental impact on the amenity of neighbouring properties.

Overall the scheme is an acceptable form of sustainable development, and complies with the development plan. Developments that accord with the development plan should be approved without delay.

For the reasons mentioned the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

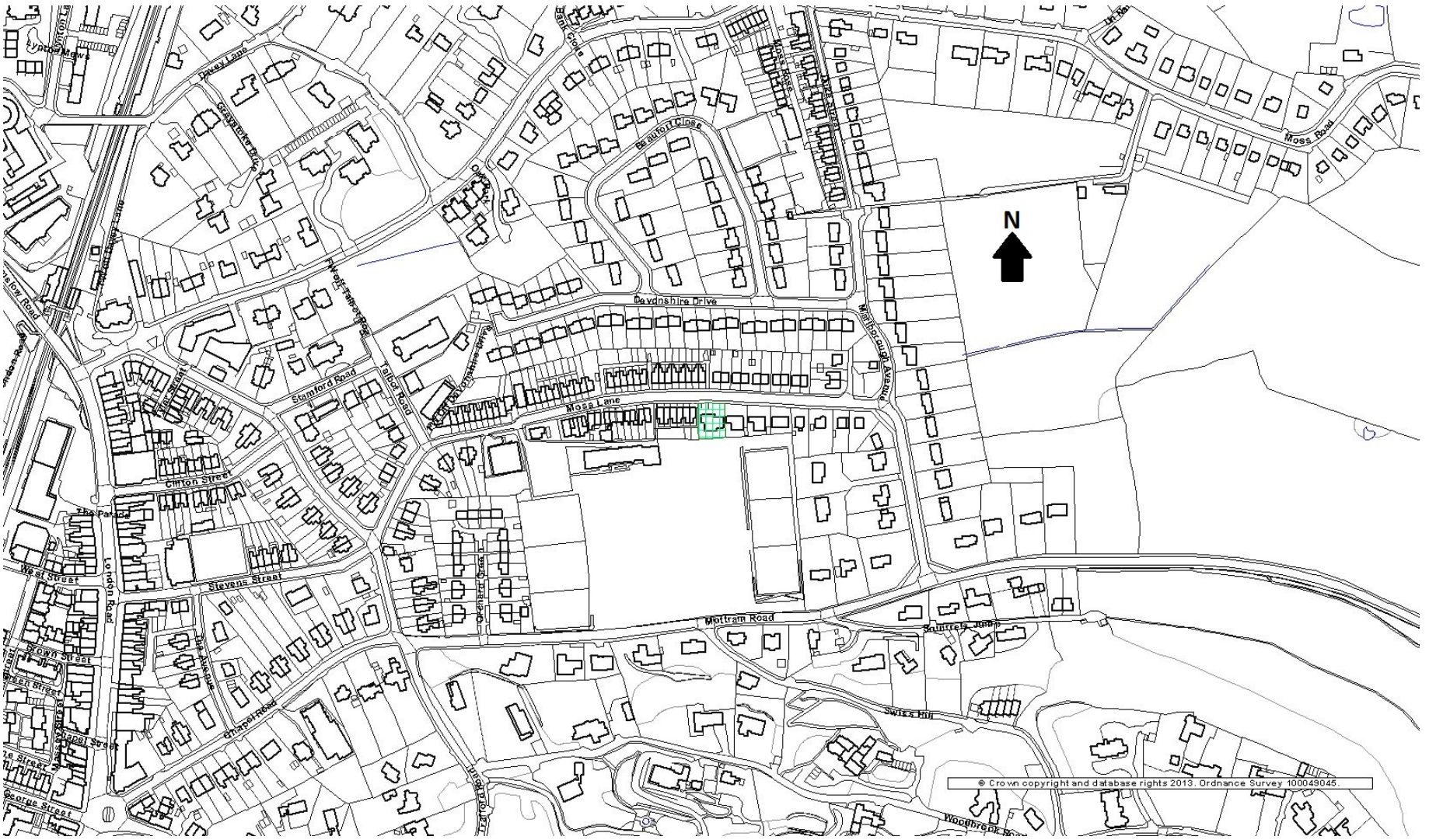
**The application is recommended for approval subject to the following conditions:**

### **1. Time Limit**



- 2. Plans**
- 3. Details of materials, including windows, doors and rainwater goods**
- 4. Details of boundary treatments**
- 5. Levels to be approved**
- 6. Landscaping scheme for soft and hard landscaping**
- 7. Landscape implementation**
- 8. PD removal for extensions and alterations.**
- 9. Strategy for the incorporation of features to enhance the biodiversity value of the site to be submitted**
- 10. Nesting bird survey to be submitted**
- 11. Detailed drainage strategy to be submitted**
- 12. Detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage to be submitted**
- 13. Site specific dust management plan to be submitted**
- 14. Electric Vehicle charging points to be provided**
- 15. Broadband connection to be made available**

*In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, including wording of conditions and reasons, between approval of the minutes and issue of the decision notice. Should the application be subject to any appeal, the Heads of Terms as set out in the Section 106 part of the report should be secured as part of any S106 Agreement.*



Application No: 19/3182M

Location: Land located between no.18 & no.26 Shrigley Road North

Proposal: Erection of a pair of 3 bedroom, semi-detached dwellings, including associated landscaping.

Applicant: Ms Lindsey Jones

Expiry Date: 29-Aug-2019

**SUMMARY**

There are not considered to be any significant adverse impacts relating to residential amenity, highways safety, ecology or environmental health arising from the development. The site is also considered to be in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

However, by virtue of the overall height and width of the development proposed, which is collectively considered to be greater than that refused as part of the previous application on the site, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.

Furthermore, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes that have been made from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS.

**SUMMARY RECOMMENDATION**

**Refuse**

**REASON FOR REPORT**

This application has been called in to committee by Cllr Jos Saunders for the following reasons:

*“Applications to build on this site have already been rejected on 2 occasions.*

*It is unneighbourly and out of character being 3 stories.*

*It involves “digging” down.*

*There are continuing problems with utilities. In the last week alone there have been 2 major electrical power cuts and no water supply for 5 hours.*

*It is in the green belt and the development is contrary to the policies set out in the Macclesfield Local Plan and the NPPF especially in respect of the openness of the green belt.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises the former side garden of number 18 Shrigley Road. Number 18 comprises a bungalow with the surrounding properties comprising a mix of semi-detached and terraced two storey dwellings. Opposite the application site to the east is a single storey ‘workshop’ building which is positioned adjacent to a block of 5 no. two storey terraced properties. The workshop building recently received an approval for the redevelopment of the site to provide a single dwelling. Adjacent to the site, to the north, is the detached bungalow at number 18, followed by a pair of semi-detached properties. Adjacent to the site to the south is a pair of semi-detached two storey properties with open agricultural fields to the rear.

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography of the local area, the houses on the west side of Shrigley Road (including the application site) are at a lower level than the road. The site is within the North Cheshire Green Belt.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a pair of semi-detached infill dwellings. The dwellings would appear as two storey structures from the front, with rear dormers on each of the properties to the rear.

## **RELEVANT HISTORY**

- 17/2129M      Erection of 2 new dwellings - Refused 21 July 2017 for the following reasons:
1.      *The proposed development does not reflect local character by virtue of the bulk and massing of the proposed dwellings, and associated impact on streetscene, and over intensification of use / development. It would therefore be contrary to the principles contained in the NPPF and Local Plan policies BE1, DC1, DC41, which identify and seek to protect or enhance the key visual characteristics of the area.*
  2.      *The development would be detrimental to the interests of highway safety due to inaccessible car parking, contrary to policy DC6 of the Macclesfield Borough Local Plan.*
- 17/0624M      Erection of 5 no. new dwellings - Refused 18 April 2017 for the following reasons:
1.      *The proposal constitutes inappropriate development in the Green Belt, contrary to Local Plan policy GC1 and guidance on Green Belts contained within the*

*National Planning Policy Framework. The new dwellings would reduce the openness of this part of the Green Belt. It is not considered that the proposal represents limited infilling and furthermore very special circumstances do not exist to justify the approval of inappropriate development in the Green Belt.*

2. *The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site, contrary to policies BE1, DC1 and DC2 of the Local Plan. .*
3. *The development would be detrimental to the interests of highway safety through an increase in parking taking place in unsuitable locations on the highway or within the site, taking account of the nature of the proposed development, the location of the site and the predicted number of parked vehicles arising from the development. Contrary to saved policy DC6 of the Macclesfield Borough Local Plan.*

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SC4 Residential Mix

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

### **Macclesfield Borough Local Plan Saved Policies (MBLP)**

NE11 (Nature conservation interests)

DC3 (Amenities of residential property)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree protection)

DC35 (Materials and Finishes)

DC37 (Landscaping in housing developments)

DC38 (Space, light and Privacy)

DC41 (Infilling housing or redevelopment)

DC63 (Contaminated Land)

GC1 (New buildings in the Green Belt)

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
The Cheshire East Borough Design Guide (2017)  
Draft Site Allocations Development Plan Document (SADPD)

### **Poynton Neighbourhood Plan**

The Poynton Neighbourhood Plan referendum will take place on the 10 October 2019, and therefore the draft policies can be afforded moderate weight:

HOU1 Higher Poynton  
HOU8 Density and site coverage  
HOU11 Design

### **CONSULTATIONS (External to Planning)**

**United Utilities** - No objections subject to conditions relating to drainage

**Coal Authority** – No objections subject to scheme of intrusive site investigations

**Head of Strategic Infrastructure** - No objections

**Environmental Health** – No objections subject to conditions relating to working hours, piling, dust management, electric vehicle charging points and contaminated land

**Poynton Town Council** – Recommend refusal of the following grounds:

- Contrary to Green Belt policies and in particular the principle of openness in the Green Belt.
- Additional turning movements due to Shrigley Road North being a narrow road and would be contrary to highway safety.
- Inadequate car parking
- Out of character with neighbouring properties including the remaining bungalow on the site.
- Continuing problems in this rural area with the standard of utilities in particular the electricity supply and the state of the sewers running down Coppice Road.”

### **OTHER REPRESENTATIONS**

Letters of representation have been received from 54no. different properties objecting to the proposal on the following grounds:

- Highway safety issues - Insufficient parking and an increase in traffic.
- Not an infill or brownfield site.
- Not in keeping with other properties.
- Inappropriate development within the Green Belt.
- Overdevelopment.
- Would impact on neighbour's privacy because they extend further to the rear.

- Would reduce the openness.
- Increasing burden on local infrastructure.
- Significant excavation is required

## OFFICER APPRAISAL

### Green Belt

CELPS policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exception to the current proposal listed in paragraph 145 of the Framework is:

“e) limited infilling in villages;

Policy PG3 of the CELPS reflects exception (e) of paragraph 145. Policy GC1 of the MBLP also relates to the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for an identified purpose, including limited infilling within specific settlements. However, in line with the decisions of Planning Inspectors on a number of other sites in the Borough, policy GC1 should be given only limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

Draft policy HOU1 of the Poynton Neighbourhood Plan explains that the *“NPPF (2012) states that limited infilling in villages is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt.”* An “impact on openness” test for limited infilling in villages is not included within the Framework or within policy PG3 of the CELPS, therefore whilst moderate weight could be attached to this draft policy, given the advanced stage of the Neighbourhood plan, it is not consistent with adopted planning policies, and therefore any weight that could be attached to this draft policy in this assessment is reduced.

Therefore in terms of Green Belt policy, the category of exception in paragraph 145 of the Framework and policy PG3 of the CELPS which is being considered here, “limited infilling in villages”, is unqualified. If a development is considered to be limited infilling within a village, and therefore not inappropriate, then there is no separate test in terms of the impact on openness of the Green Belt. This principle has been established in the Court of Appeal in *R (on the application of Lee Valley Regional Park Authority) v. Epping Forest District Council and Valley Grown Nurseries* [2016] EWCA Civ 404. The only requirement is that the development is “limited”.

The Framework does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines “infill development” as *“The development of a relatively small gap between existing buildings”*, and the MBLP defines “infilling” as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*.

In this case the site sits between an existing detached bungalow to the north and a two-storey semi-detached property to the south. The site is approximately 19 metres wide, with the gap between the buildings either side being approximately 21.7 metres wide, which could only

accommodate one or two houses, and is considered to be relatively small. Accordingly, it is considered that the site does comply with the definition of an infill plot.

Whilst the site can be considered as an infill plot it is then necessary to consider whether the development amounts to “limited infilling”. Two dwellings are proposed on plot widths that are characteristic of others in this ribbon of development. However, as noted further below in the design section of this report, the dwellings are shown to maintain a constant ridge height with the neighbour to the south, but reduce existing land levels to create a dwelling that is 1 metre taller than its neighbours with features that increase dominance in the streetscene. Added to this, since the previous refusal attached garages have also been added which now means that the proposed dwellings also now fill the width of their plots. These factors combine to result in a development that is not considered to be limited infilling, and is therefore contrary to policy PG3 of the CELPS and paragraph 145 of the Framework.

Given that the proposal is not considered to be limited infilling, there is no need to consider whether it is in a village. However, for the avoidance of doubt commentary on this matter is provided as follows. The site is located within a relatively built up area outside of defined settlement boundary. An appeal decision in 2015 on a site on Coppice Road (approximately 200 metres from the application site) referred to the area as *“having a village character and as such it appears reasonable to me to consider that the site is within a village”*. An application for infill development on the site directly opposite the application site was approved in March 2019, and was accepted as being limited infilling in a village. In addition to this, the site lies within the Higher Poynton Proposed Infill Boundary line defined under policy HOU1 of the Draft Poynton Neighbourhood Plan. The site is also identified as being within the infill boundary line for Higher Poynton defined under draft policy PG10 of the CEC Site Allocations Development Policies Document. There is therefore considerable evidence (albeit some is at a draft stage) to support the contention that the site is within a village. On this basis it is considered that the site does lie within a village.

Having regard to the above, it is considered that the proposal does not amount to limited infilling in a village. Therefore assessing the proposal against point (e) of paragraph 145 of the Framework, and point 3(v) of policy PG3 in the CELPS, the proposal is considered to be inappropriate development in the Green Belt. The development is similarly contrary to the requirements of policy HOU1 of the draft PNP.

### **Design / Character**

A similar application for two dwellings on the site was refused for the following reason in July 2017:

*“The proposed development does not reflect local character by virtue of the bulk and massing of the proposed dwellings, and associated impact on streetscene, and over intensification of use / development. It would therefore be contrary to the principles contained in the NPPF and Local Plan policies BE1, DC1, DC41, which identify and seek to protect or enhance the key visual characteristics of the area.”*

Since then, the design policies of the MBLP referred to above have been deleted following the adoption of the CELPS. Policies SE1 and SD2 of the CELPS relate to design. Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:



- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, some of the houses on the same side of the road as the application site are at a lower level than the road. The application site also slopes down from the road.

The overall height of the building has been reduced from the previous refusal by approximately 500mm. This ensures that the ridges and eaves of the dwellings are no higher than the two-storey neighbour to the south of the site. However, the submitted section drawings suggest that land levels are being reduced even further than existing levels to compensate for maintaining the ridge at the same height as the neighbour. This leads to a partially submerged bay window feature to the front elevation sitting alongside an access threshold that is some 630mm lower than the land levels to the front of the bay window, and approximately 1 metre lower than the land levels to the dwellings either side.

In attempting to provide living accommodation within the proposed roofspace, the dwellings have a 1 metre gap between the top of the first floor windows and the eaves of the building. The majority of the semi-detached properties along this western side of Shrigley Road North do not have any gap between the top of the first floor windows and the eaves. Some of the older terraced properties along the eastern side do have gaps, but these are smaller than those currently proposed, and are decorative design features which positively contribute to the local area and appropriately reflect the vertical emphasis of the fenestration on these period properties.

In comparison, when the proposed lowered land levels are coupled with the space between the top of the first floor windows to the eaves of the roof, it results in a very elongated and vertically stretched front elevation that looks proportionally out of sorts with its neighbours. This accentuates the increased overall height of the building, when compared to neighbouring properties, and by virtue of the proposed dwellings being located marginally forward of the adjacent bungalow, results in the proposed development being the unwelcome dominant feature in the streetscene. Consequently, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS. It is considered that the physical characteristics of this sloping site could be better utilised to provide a development that meets the objectives of policy SD2 and PG3 of the CELPS.

### **Amenity**

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. Similarly, saved policy DC41 of the MBLP states that

proposals should not result in overlooking of existing private gardens and should not lead to excessive overshadowing of existing habitable rooms.

There is no breach of the interface distances between dwellings set out in policy DC38. While the ground floor rear elements do extend slightly further to the rear than the adjoining properties this is only single storey and would not cross a 45 degree line taken from the rear windows of either number 18 or 26.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with saved policies DC3, DC38 and DC41 of the Macclesfield Borough Local Plan (MBLP).

### **Highways**

The proposal includes a new access and provision would be made for two car parking spaces and a garage per unit. This differs from the previously refused application as tandem parking for 3 vehicles was previously proposed. Space exists within the site for vehicles to enter and leave whilst other cars remain parked within the site.

There are no material highway implications associated with this development proposal. The proposals for the access arrangements are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

The site is considered to be sustainable with regard to access to local services and facilities.

No objections are raised by the Head of Strategic Infrastructure.

### **Ecology**

No significant ecological issues are raised by the proposal. The nature conservation officer raises no objections. A condition requiring the incorporation of features into the scheme suitable for use by breeding birds is recommended, in the event that the application is approved, to lead to an ecological enhancement as required by policy SE3 of the CELPS.

### **Landscape**

Landscaping details for the site can be secured by condition.

### **Flood Risk**

A number of comments relate to the impact upon existing drainage infrastructure arising from the proposed development. No objections are raised by United Utilities subject to appropriate drainage conditions. Subject to these conditions the proposal is considered to comply with policy SE13 of the CELPS.

### **Contaminated land**

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. The underlying soil should be proven to be suitable for use in a residential setting garden setting.

As such, and in accordance with the Framework and policy SE12 of the CELPS conditions are recommended relating to unforeseen contamination, the testing of soil imported onto the site, a scope of works to address risks posed by land contamination, and a verification report.

## **Coal Mining**

The application site falls within the Coal Authority's defined Development High Risk Area.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment Report.

The report correctly identifies the thick coal seam outcrop within vicinity of the site, which is likely to underlie the site at very shallow depth. Accordingly, appropriate recommendations are included in the report for intrusive site investigations in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

The Coal Authority concurs with the conclusions and recommendations of the submitted Coal Mining Risk Assessment Report, relating to intrusive site investigations. A condition relating to intrusive site investigations and remedial works is therefore recommended.

## **CONCLUSIONS**

The comments from the neighbours are acknowledged and have been fully taken into consideration. There are not considered to be any significant adverse impacts relating to residential amenity, highways safety, ecology or environmental health arising from the development. The site is also considered to be in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

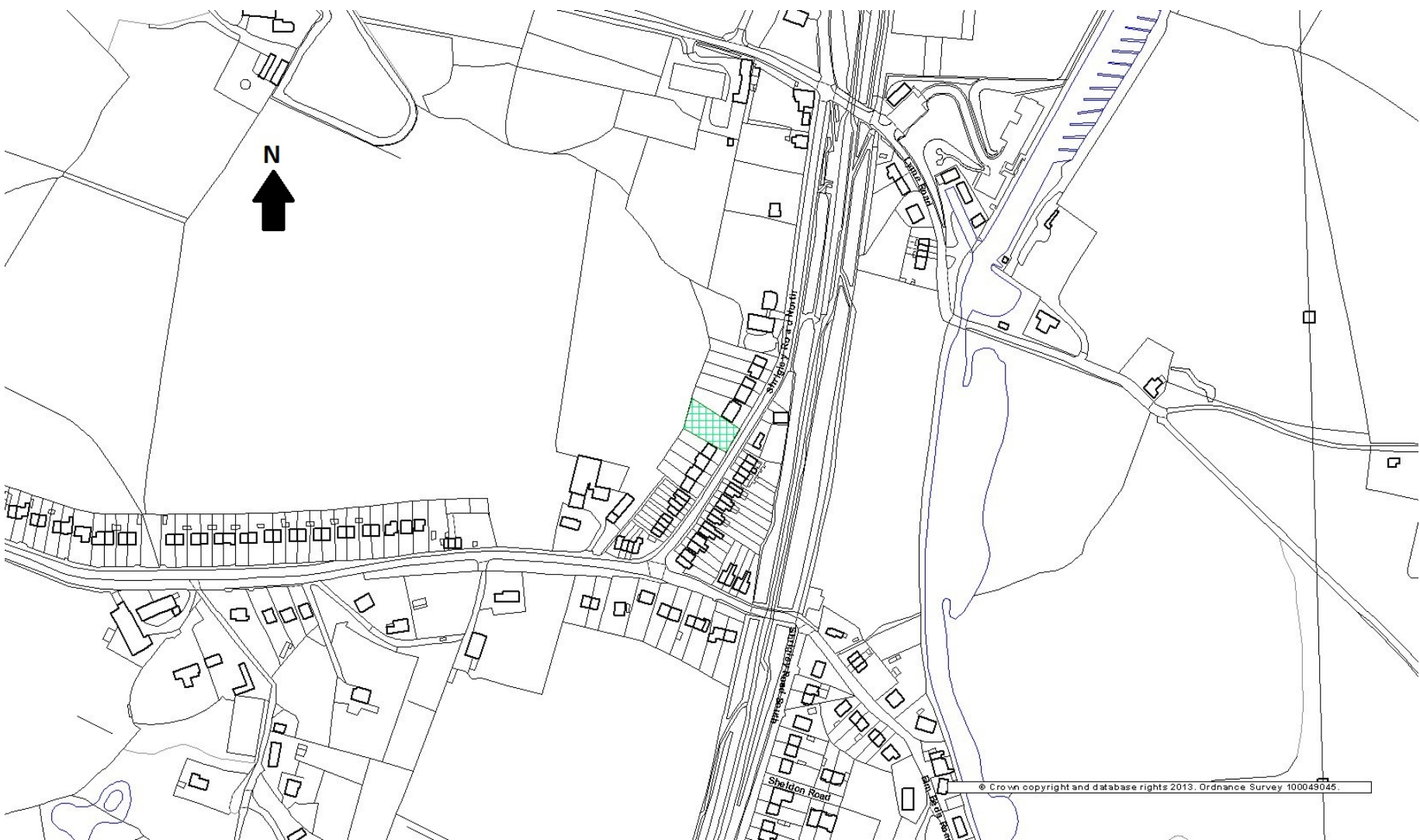
However, by virtue of the overall height and width of the development proposed, which is collectively considered to be greater than that refused as part of the previous application on the site, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.

Furthermore, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes that have been made from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS.

A recommendation of refusal is therefore made for the following reasons:

- 1. The proposed development does not contribute positively to the local area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore contrary to policy SD2 of the CELPS and chapter 12 of the NPPF.**
- 2. Whilst the principle of infill development on the site is accepted, the scale of the proposed development does not amount to limited infilling in a village, and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chair) of Northern 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.*



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