

Northern Planning Committee

Agenda

Date:	Wednesday, 13th July, 2022
Time:	10.00 am
Venue:	The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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 top of each report.

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

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)

To approve the minutes of the previous meeting held on 20 April 2022 as a correct record.

4. **Public Speaking**

For requests for further information

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies

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. **21/5812M-Erection of 6 No. new dwellings, Land Off, Heyes Lane, Alderley Edge for Deanbank Investments Limited** (Pages 7 - 26)

To consider the above application.

6. **WITHDRAWN BY OFFICERS-21/2866M-Replacement of existing rural buildings with 5 accessible tourist units, Higher Kinderfields Farm, Hollin Lane, Sutton for Mr Mike Eardly** (Pages 27 - 40)

To consider the above application.

Membership: Councillors L Braithwaite (Vice-Chair), T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, K Parkinson, L Smetham and J Smith

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 20th April, 2022 in the The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor J Nicholas (Chair)
Councillor L Braithwaite (Vice-Chair)

Councillors T Dean, JP Findlow, S Hogben (Substitute), S Holland, D Jefferay,
I Macfarlane, K Parkinson, B Puddicombe (Substitute), L Smetham and
J Smith

OFFICERS IN ATTENDANCE

Mr A Goligher (Development Officer), Ms E Hood (Arboricultural Officer), Mr J
Thomas (Planning Lawyer) and Mr P Wakefield (Planning Team Leader)

64 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Harewood and N
Mannion.

65 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 20/0596M, Councillor
K Parkinson declared that she had pre-determined the application and in
accordance with the Code of Conduct she would exercise her right to
speaking under the public speaking protocol and then leave the room.

In the interest of openness in respect of agenda item no.7 - Cheshire East
Borough Council (High Legh - Land to the north of 2 North Drive) Tree
Preservation Order 2021 Councillor K Parkinson declared that she had pre-
determined the item and in accordance with the Code of Conduct she
would exercise her right to speaking under the public speaking protocol
and then leave the room.

66 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the previous meeting held on 23 March 2022 be
approved as a correct record and signed by the Chair.

67 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

68 21/4883M - PLANNING APPLICATION FOR PROPOSED GENERAL PURPOSE AGRICULTURAL SHEEP HOUSING BUILDING, NEW MOUNT PLEASANT, MARTHALL LANE, MARTHALL FOR MR BRIGHOUSE, BRIGHOUSE FARMS LTD C/O HARVEY HUGHES

Consideration was given to the above application.

(Parish Councillor N Speakman, representing Ollerton with Marthall Parish Council and Chris Harvey, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the verbal update to the Committee, the application be approved subject to the following conditions:-

1. 3-Year Commencement
2. Development in Accordance with Approved Plans
3. Materials as per Application
4. Ecological Enhancement
5. Agricultural use only
6. Building to be removed if agricultural use ceases

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 has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

69 20/0596M - CHANGE OF USE OF LAND AND ASSOCIATED BARN/FIELD SHELTER FROM HORSE GRAZING TO DOG ADVENTURE FIELD/DOG EXERCISE AREA, LAND OFF SPODE GREEN LANE, LITTLE BOLLINGTON FOR JOHN PEARSON & JULIE NEWLAND, THE DOG BUS

Consideration was given to the above application.

(Councillor K Parkinson, the Ward Councillor, Mike Reed, representing Little Bollington Parish Council and John Pearson, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Development in accord with approved plans
2. Materials as application
3. Temporary use - 2 years
4. No public access to / use of site
5. Parking to be provided and retained
6. No dogs shall be left within the building on the site overnight or at weekends
7. Waste management plan to be submitted
8. No more than 45 dogs at anytime
9. Dogs to be supervised at all times in the ratio of 1 supervisor to 10 dogs
10. Hours of operation - Monday to Friday 09.00 hours to 16.00 hours
11. The development hereby permitted relates to the use of the site as a dog exercise area only. No dog day care shall take place within the site

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 has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(Prior to consideration of the following item, the meeting was adjourned for a short break).

70 CHESHIRE EAST BOROUGH COUNCIL (HIGH LEGH - LAND TO THE NORTH OF 2 NORTH DRIVE) TREE PRESERVATION ORDER 2021

Consideration was given to the above report.

(Councillor K Parkinson attended the meeting and spoke in respect of the item).

RESOLVED

That the Tree Preservation Order on land at 2 North Drive be confirmed with no modifications.

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor J Nicholas (Chair)

Application No: 21/5812M

Location: Land Off, HEYES LANE, ALDERLEY EDGE SK9 7LN

Proposal: Erection of 6 No. new dwellings

Applicant: Deanbank Investments Limited

Expiry Date: 07-Feb-2022

SUMMARY

The application lies within Alderley Edge, which is identified as a Local Service Centre where the principle of residential development on the site is acceptable. The development accords with Policies PG 2 and SE 2 of the CELPS and Policy AE1 of the made Alderley Edge Neighbourhood Plan (AENP).

The site is sustainably located and is in easy walking distance of the village centre, public transport and services and facilities within Alderley Edge. The development complies with Policies SD 1 and SD 2 of the CELPS and AE1 of the AENP.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no significant conflict with Policy DC38 of the MBLP with respect to neighbouring properties and internally, the proposal would accord with the advice of the Cheshire East Design Guide.

Following a recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised access strategy which would now retain the grass verge opposite to the access and ensure compliance with AENP Policy AE3. The development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE 3 and SE 13 of the CELPS and MBLP DC17.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE 5 of the CELPS, MBLP DC9 and AE9 of the AENP.

The design is considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan, the policies within the Alderley Edge Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application has been called to Committee by the local Ward Member, Cllr Browne for the following reasons:

“This is an identical application to 19/0684M which was refused by Northern Planning Committee in November 2020 and dismissed on appeal (APP/R0660/W/21/3266426) in June 2021. In giving their reasons for dismissal of the appeal, the inspector referenced conflict with the development proposal and policies AE1 (local character) and AE3 (green character) of the Alderley Edge Neighbourhood Plan, as well as SD1 (character and green infrastructure) of the Cheshire East Local Plan Strategy. As the current development proposals are identical to those having been previously dismissed on appeal, this application should be similarly refused, if necessary at committee or preferably under delegated authority”.

PROPOSAL

This application seeks full planning permission for the erection of 6 detached dwellings on land accessed off Heyes Lane, Alderley Edge. The 6 units would comprise of 2 x bungalows and 4 x two-storey properties with accommodation in the roof space. Vehicular access would be taken off an unadopted road which takes its access off Heyes Lane in between nos. 75 and 89 Heyes Lane.

SITE DESCRIPTION

The application site comprises a parcel of land bounded by residential properties, accessed via an unmade road, off Heyes Lane. The site is visually enclosed from wider perspectives although many private gardens front onto this development. The site itself is overgrown and is characterised by long established shrubbery / unarranged vegetation. Land levels descend to the north towards Oakfield Close with these properties at a lower topography.

The architectural styles are varied in the area with traditional dwelling types the predominant style comprising predominantly brick-built terraced and semi-detached. The site itself is not bordered and forms quite an obvious vacant site to this part of Alderley Edge. Part of the site appears to be used informally for parking.

The site is designated as being within the predominantly residential area of Alderley Edge according to the Macclesfield Borough Local Plan (MBLP) 2004.

RELEVANT HISTORY

19/0684M - Erection of 6no. new dwellings on land off Heyes Lane – Refused 16-Nov-2020 – Dismissed at appeal 16-Jun-2021

18/4255M - Erection of 8 new dwellings on land off Heyes Lane – Refused 06-Nov-2018

21443P - RESIDENTIAL DEVELOPMENT (OUTLINE) – Approved 04-Jun-1980

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations:

PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SC3 – Health and Well-Being
SC4 – Residential Mix
CO1 - Sustainable Travel and Transport
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 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan

NE3 – Protection of Local Landscapes
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC17 – Water Resources
DC35 – Materials and Finishes
DC37 – Landscaping
DC38 – Space Light and Privacy
DC41 – Infill Housing Development
DC63 - Contaminated Land)

Alderley Edge Neighbourhood Plan (AENP) - has reached Regulation 20 – Made Plan Stage. The Alderley Edge NDP passed referendum on the 6 May 2021. The plan was made on the 28 July 2021. The relevant policies are:

AE1 - Alderley Edge Development Strategy
AE2 - Location, Design, Scale and Type of New Housing

AE3 - Sustainable Housing Design
AE4 - Rear Garden and Backland Development
AE17 - Car parking
AE9 - Landscape Character and Access

Other Material Considerations:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Environmental Protection – No objection subject to conditions and informatives relating to electric vehicle infrastructure, use of low emission boilers, a site-specific dust management plan, piling, construction hours and contaminated land.

Head of Strategic Infrastructure (Highways) – No objection following the receipt of amended plans reducing the 4 bed units to 3 beds.

Flood Risk Manager – No objection subject to conditions requiring the submission of a surface water drainage scheme / Drainage Strategy and levels.

United Utilities – No objection subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme and a sustainable drainage management plan.

VIEWS OF THE ALDERLEY EDGE PARISH COUNCIL

The Parish Council recommends refusal on a number of grounds and requests its call in to committee:

Inadequate parking provision as the plan does not comply with Cheshire East parking conditions for a “local” service centre This requirement should not be negotiated for a development of 6 houses and AENDP AE3:5 - The number of off-street car parking spaces should be sufficient to minimise on-street car parking and avoid environments dominated by the private car.

The Alderley Edge Neighbourhood Development Plan has now been made and as such, needs full consideration. These proposals do not comply with the following AENDP Policies:

AE2: Development does not contribute towards an appropriate mix of house types, sizes and tenures and meet local housing needs.
AE3:6 – no evidence of safe cycle storage.
AE3:7 - no evidence of charging vehicle points
AE3:9 - no plans for optimum solar gain, thermal efficiency, acoustic mitigation measures
AE3:11 - does not contribute to biodiversity net gain

AE3:15 - no illustrated locations for refuse and recycling within each dwelling curtilage

AE3.16 – the requirement for a water management system which minimises surface water run-off and ensures all surface water is addressed within the site boundary

AE4 – the development is considered backland development and will therefore not be supported as it will cause an unacceptable impact on the character of the local area and importantly, in terms of a loss of openness and a substantial increase in the density of built form.

The addition of more traffic to Heyes Lane at its junction with Buck Horn St will add to a busy road, the main link to the Prestbury spur road and which becomes a major route if there are any diversions from the bypass between Alderley Edge and Wilmslow.

The arborial report asks for root protection of the A1 graded oak tree at the entrance to the site. The roots of this tree lay directly beneath the area proposed for access improvements on the Transport note and we therefore assume such work would severely damage the protected root system.

The proposal does not comply with saved Macclesfield Borough Local Plan policy DC38 which calls for a minimum separation of 18m between the front of dwellings.

OTHER REPRESENTATIONS

Representations have been received from over 112 addresses (including a petition and the 'Edge Association residents' group) objecting to this application on the following grounds:

- Application has been rejected 4 times and was previously unsuccessful at appeal and this scheme does not address previous reasons for refusal
- Proposal is contrary to Alderley Edge Neighbourhood Plan, Macclesfield Borough Local Plan and Cheshire East Local Plans Strategy
- CEC has not notified consultees about the resubmission of the plans with considerable amendments and with such a short time to comment only hearing by way of word-of-mouth
- Has been mention of this site providing affordable housing
- Changing size of dwellings from 4 to 3 bedroom will not overcome other issues
- Lack of information regarding sustainability
- Site notices tied to lampposts etc were taken down, hand-amended and put back up again
- Proposal fails to enhance the landscape character of the area
- Proposal does not provide appropriate mix of housing
- Development, style and design out of keeping with the traditional character of the area and the scale will dominate neighbouring properties. Previous mistakes must not be repeated as can be seen nearby
- Overdevelopment of the site, backland development, over dense and will be overbearing – dimensions of the scheme are same as previously refused scheme
- Dwellings are large and close to each other and are not needed on such a small plot
- Disruption to existing services / infrastructure / utilities

- Existing infrastructure cannot cope e.g. water pressure is low, lack of school places utilities etc.
- Proposal does not match the local housing requirements specifically in relation to affordable housing
- Proposal does not maximise opportunities for sustainable housing design e.g. solar gain, thermal efficiency, acoustic mitigation
- Potential impact on trees including Grade A1 Oak at the site entrance
- Lack of parking provision including for visitors which will overspill onto neighbouring areas and deny other residents' chance to park
- Buckhorn Street is a privately owned - the proposed upgrade for access by both pedestrians, cyclists and vehicles will require the permission of other landowners for which permission is not given
- Buckhorn Street is too narrow for 2 vehicles to pass one another
- Access is dangerous and will cause further hazard, further traffic generation and congestion by future residents and construction traffic
- Road is no longer on gritting route so will be more dangerous
- Access by emergency vehicles would be difficult and compromised
- Access is substandard in width and will undermine foundations of adjacent homes
- Proposal will cause further hazard for pedestrians including children and inconvenience existing residents
- Vehicles already speed down Heyes Lane using it as a cut through
- The visibility splays on the access will be obscured by cars parked either side of the access
- The vehicle tracking plans will not work as cars will likely be parked in them (including the proposed turning area) and will not be enforced against
- Proposal does not maintain vehicular access for some existing properties accessed off Buckhorn Street and would prejudice existing prescriptive parking rights
- Buckhorn Street is unadopted
- Roads are not wide enough for vehicles to pass one another and refuse / bin collections will be difficult
- Heyes Lane is the only alternative road between the A34 and London Road and it can barely cope with the hundreds of cars and vans travelling through it caused by the infrequent but necessary re-routes of problems on the A34 and London Road
- As noted in the Transport Note there have been no traffic incidents in the past 10 years on Heyes Lane which is strong evidence that it is safe and sustainable. Any changed to this will likely change this statistic
- Vehicles and road surface damaged by increased traffic
- The proposal would require double yellow line are required on each side of the access, but this would then displace parking
- Local resident's voices should be respected
- Post-Brexit there is no need for the 'Braille' path tiles
- 6 electric vehicle charging points, cycle storage and bin storage does not address residents' concerns
- Site used to sequester carbon dioxide due to its many trees
- Loss of views and connection to wildlife will affect mental health
- Surveyors recently visited the area marking out the land down the side passageway
- Gross Internal Area – poor quality size and internal accommodation

- Impact on wildlife including loss of flora and fauna
- The land was originally bequeathed to the rscpa on the basis it would be used for animals and wildlife – this is illegal as it does not accord with the previous owner's wishes resulting in social injustice
- Site used to host oak trees which were removed
- Conveyancing undertaken in 1853 states the land cannot be built on
- Will devalue neighbouring properties
- Loss of green space
- Impact on neighbouring amenity through overlooking, overbearing (made worse by the levels), loss of light, overshadowing, sun and privacy, light pollution, and noise (including noise during construction)
- Flooding / high water table - neighbouring gardens have previously flooded, made worse by the removal of the trees on the site and would be worsened further by the proposals
- Drainage cannot cope including the sewerage system
- Proposal would be contrary to the Alderley Edge Neighbourhood Plan including protection of green spaces, design policies and back-land development
- Proposal is for commercial gain / profit and will not benefit the community
- Change to bungalows makes no difference

APPRAISAL

Background

This application follows the refusal of a scheme for the erection of 8 no. terraced three storey dwellings (planning ref; 18/4255M refers) and a subsequent scheme for the erection of 6 dwelling comprising of 2 x bungalows and 4 x two-storey properties with accommodation in the roof space (planning ref; 19/0684M). The more recent scheme was refused by the Council for the reasons summarised below:

1. Insufficient pedestrian access would exist undermining pedestrian safety
2. The proposed development would result in an overdevelopment of the site which would undermine the visual amenity of the area

This more recent scheme was dismissed at appeal by a planning inspector. In dismissing the appeal scheme, the planning inspector did not agree with the Council that insufficient pedestrian access would exist nor that the proposal would result in an overdevelopment of the site. However, the inspector considered that *“although the built development would not be harmful, the loss of the grass verge would cause unacceptable harm to the character and appearance of the area”*. The inspector had specific regard to the loss of the grass verge on the opposite side of Heyes Lane, which was being modified to accommodate a realignment of Heyes Lane in order to provide the vehicular access to the site.

This application seeks to address the previous concerns of the inspector. During the life of this application, there has been a revision to the floor plans reducing the 4 bed units to 3 bed units in response to officer concerns about parking provision.

Principle of Development

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’*.

The application site lies within a predominately residential area in Alderley Edge. Alderley Edge is identified as being a Local Service Centre under Policy PG 2 of the Cheshire East Local Plan Strategy (CELPS). This policy confirms that within Alderley Edge, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Alderley Edge Neighbourhood Plan (AENP) Policy AE1 advises that new residential development within the settlement boundary (such as this site) will be supported where proposals are sustainably located and have a high quality of design.

As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

In this case, the provision of 6 no. dwellings would be of an acceptable scale relative to Alderley Edge and would deliver housing within a sustainable location with the Village centre within walking / cycling distance. From here, there are good rail links (including to Manchester and London) and buses to other local / key service centres. There are local amenities nearby, and social infrastructure such as schools, hairdressers, gyms, employment etc. The site is vacant and its redevelopment to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood policy.

The development would make a small contribution to the Borough's housing requirements through the provision of 6 no. market dwellings. It must be noted that a development of this size, does not trigger the need for affordable housing provision or any other planning obligations.

In accordance with these policies, there is no objection in principle to new dwellings in this location, subject to compliance with the other relevant development plan policies

Housing Mix

CELPS Policy SC 4 and Policy AE2 of the AENP identify the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic and should include:

- 35% 1-2 bedrooms

- 60% 3 bedrooms
- 5% 4 + bedrooms.

Reference is made to the need for development proposals to accommodate units capable of being occupied by the elderly and people who require specialist accommodation. In this case, 5 of the units would be 3 bed roomed and 1 unit would have two bedrooms. Two of the proposed units would be bungalows. This is a positive of the scheme as the provision of such would assist in providing a diverse community and would therefore compliment CELPS Policy SC 4 and generally accord with AENP Policy AE2.

Design, Character and Appearance

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhance the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Amongst other criteria, Policy SD 2 of the CELPS also 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;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy AE2 of the Alderley Edge Neighbourhood Plan applies a similar approach to design as Policies SE 1 and SD 2, but also seeks to secure an appropriate mix of housing, which is already dealt with earlier in this report.

The proposal seeks the erection of 6 detached properties comprising of 2 bungalows and 4 two and a half storey dwellings. Each property would provide further accommodation in the roof space. The units would comprise of a 1 x two bed bungalow, 1 x three bed bungalow and 4 x three bed 2.5 storey units. They would be arranged in two blocks of 3 facing one another and would take their access off Buck Horn Street. Plots 1-5 inclusive would be traditionally designed gable ended properties with Plot 6 benefiting from a hipped roof form. They would be of simple form and design with good proportions with some architectural details such as stone cills, brick banding and bay windows. Subject to the use of good quality materials, this would not be at variance with the character of the surrounding area.

The immediate area is characterised by traditionally designed Edwardian / Victorian properties situated to the east along Heyes Lane. To the west and northwest, there are more modest post war terraced properties. Whilst predominantly gable ended, there are a number of hipped roof forms in the locality and properties that make use of their roof space including Velux and dormer windows, similar to those subject of this application. As such, the proposed use of predominantly gabled ended properties and the use of their roof space would accord with the

existing form of property in the area, which whilst predominantly terraced, also features detached and semi-detached properties.

Owing to the back land nature of the site, the proposal will not be directly visible from Heyes Lane and consequently the public domain. As such, the impact on the street scene will be neutral. It is considered that the proposed dwellings are acceptable in terms of the detailed design. The proposal will sit well in the existing surroundings. AENP Policy AE4 states that “residential development in rear gardens and backlands will be resisted where there would be an unacceptable impact on the character of the local area.....in terms of loss of openness, mature trees, hedges and shrubbery, and a substantial increase in the density of built form”. Having regard to the existing character of the area (i.e. terraced properties and a tightly packed grain of development), the proposal would not undermine character and appearance of the area. The inspector drew the same conclusions in determining the previous appeal scheme.

Conditions relating to landscaping and materials will be included on the decision notice. Having regard to the above, and the conclusions reached by the planning inspector on the previous similarly designed scheme, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS, the CEC Design Guide and Policies AE2 and AE4 of the AENP.

Landscape

The proposed dwellings have been aligned with existing neighbouring dwellings which are set behind and to the west of Heyes Lane, and which have their gable-ends facing this site's south-east boundary. The proposed dwellings' alignment and positions within the site would make them largely obscured from view from public highways due to the site's set-back location and due to existing buildings and therefore landscape impact is minimised.

Whilst the previous scheme subject of appeal proposed a reduction in grass verges on Heyes Lane in order to facilitate the junction improvement for access into the site, the applicant has proposed an alternative access design that would not require loss of the grass verges on Heyes Lane. This was the reason for the inspector dismissing the previous appeal scheme. In light of the retention of the grass verges, this scheme would not negatively impact on the character and appearance of Heyes Lane.

Internally, the site is bounded by existing residential gardens with associated boundary treatments. Given the back-land nature of the development, it is considered that appropriate boundary treatments and soft landscape can be appropriately secured by condition. Subject to this, the scheme is found to accord with CELPS Policy SE 4 and saved MBLP Policy DC8 and Policy AE9 of the AENP.

Trees

The site contains some natural regeneration of young Oak and Willow which present no significant contribution to the wider amenity of the area. A mature Oak standing outside the site adjacent to Heyes Lane is a prominent specimen in the immediate locale but is not afforded any formal protection. The proposed access remains unchanged from that previously proposed where it was concluded that the said Oak specimen would not be directly impacted by the development. Consequently, there are no significant arboricultural implications associated with

this application and it is found to accord with CELPS Policy SE 5, MBLP saved Policy DC9 and Policy AE9 of AENP.

Highways and Parking

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. As a local service centre, it is accepted that Alderley Edge is a suitably accessible and sustainable location for additional housing.

Concerns have been raised regarding the safety of the access by both the Parish Council and neighbours.

MBLP saved Policy DC6 requires new developments to provide safe and convenient access for vehicles and pedestrians, as well as providing adequate parking and turning for vehicles.

The site is accessed using an existing private access road known as 'Buck Horn Street', which provides access to some existing properties and also a number of garages. The use of an existing path adjacent to Maple Cottage is also proposed as access to the site for pedestrians and cyclists. It is intended that the proposed vehicular access to the northeast is a shared surface for pedestrians and vehicles. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the use of a shared surface would be acceptable having regard to the low speeds and low traffic generated by the proposed development.

With respect to car parking provision, each of the units would benefit from 2 spaces. The proposal originally included 4 x 4-bedroom properties. However, this would have required the provision of 3 car parking spaces per 4-bedroom unit. Following officer concerns, the scheme has subsequently been amended so that there are now no 4 bed properties and instead, the 4 x 2.5 storey dwellings will now be 3 bed with 2 car spaces each. This is consistent with the car parking standards found at Appendix C of the CELPS. Cycle parking is to be provided within each of the units.

The application has been supported by a Transport Technical Note. The Technical Note has assessed the refuse collection for the site and provided a swept path analysis. Currently, the refuse vehicle enters Buck Horn Street and turns at the end of the road. As part of the proposal, an additional turning area will be provided within the development to allow the refuse vehicle to collect close to each of the proposed units. This has been confirmed to be acceptable by the HSI.

The existing junction of Buck Horn Street and Heyes Lane has visibility problems due to a boundary hedge and also the presence of a tree. The applicant has submitted a number of options to improve the visibility at the junction. The revised access proposals would provide a build out on each side of the access to provide the required level of visibility. This formalises the current situation where there is existing on-street parking on the northern side of Heyes Lane and vehicles edge out to exit Buck Horn Street. This would negate the need to realign Heyes Lane on the opposite side with a resultant loss of grass verge as previously proposed. As visibility can be achieved to the required standard there is no technical reason to reject the proposed improvement and accordingly, the HSI has confirmed that there is no technical reason to reject the proposed improvement.

Regarding the use of Buck Horn Street as access to the proposed development, it is a private road and the applicant will require a right of access to use the road. However, this is not a material planning consideration and will be a civil matter.

In summary, the technical issues regarding achieving a safe access to serve the development has been addressed and also the requirements for providing adequate parking and facilities for refuse and deliveries has been demonstrated to be acceptable subject to a condition that secures the access improvements to be delivered via a S278 Agreement.

Therefore, the Head of Strategic Infrastructure (HSI - Highways) has confirmed that the application is acceptable, and the proposal complies with saved MBLP Policy DC6 and the adopted parking standards.

Residential Amenity

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The nearest neighbouring properties to the site are no.s 10, 11 and 12 Oakfield Close to the north, no.s 81 and 83 Heyes Lane to the east, Pear Tree Cottage, Helmscraig and Harmattan to the south and no. 2 Oakfield Road to the west.

The properties on Oakfield Close to the north are angled obliquely to the proposed dwellings. The existing pair of north-facing semi-detached houses and the west-facing end-terrace house, located in the south-east corner of Oakfield Close, would have the most direct views of these proposed dwellings from their south-facing rear-windows and gable-end windows. However, the proposals have been amended so that the nearest proposed dwelling (Plot 3) would be a modest sized bungalow (2.1 metres to eaves and 5.6 metres to ridge) as well as moving it slightly further away from the boundary. It would also be offset at an angle. The effect of this is that the proposals, whilst occupying slightly higher ground (c800mm), would not directly overlook the side elevation or rear elevation of no. 10 Oakfield Close. The next unit, Plot 2 would be two and half storey. However, it would be 9 metres away from the boundary with no. 10, and 17 metres from no. 10's side elevation and would therefore be sited far enough into the site so as to not result in direct overlooking, to have an overbearing impact or to result in loss

of sunlight / daylight. The same conclusions are drawn for no. 11 Oakfield Close, which would enjoy a slightly greater separation.

The rear of Plots 1-3 would look out over the rear gardens of properties on Heyes Lane, but would be sufficient distance to ensure not direct overlooking.

The end of the row of terraced properties forming no.s 83-87 Heyes Lane would sit alongside Plots 1-3 with the access road sat in between. The side elevation of no. 83 would be most affected. However, this neighbouring elevation only has secondary windows in it and therefore the separation of 7.5 metres between the side elevation of Plot 1 and no. 83 is acceptable.

The second row of terraced properties forming nos. 77-81 Heyes Lane would sit alongside Plots 4-6, although the proposed units would sit slightly further forward. The side elevation of no. 81 would be most affected. However, during the life of the application, the scheme has been amended so that Plot 6 has been changed from two and half storey to a hipped roofed bungalow with accommodation in the roof. The effect is that the eaves height would be 2.1 metres with the roof sloping away from the common boundary shared with no. 81 up to a height of 5.7 metres. The side of Plot 6 would be sited 4 metres from the side of no. 81. Whilst no. 81 has side facing windows, including one which is a principal window at ground floor level, the very modest height and the slight offset nature of the units would ensure no overbearing impact or loss of light would result. No side facing windows are proposed and therefore no direct overlooking would result.

There are 3 properties on Oakfield Road to the south whose rear windows would face the development. 2 of these Oakfield Road properties' rear gardens would abut proposed rear gardens of Plots 4-6. The proposed dwellings with their backs facing Oakfield Road have rear skylights in Plots 4 and 5 and a rear dormer in the bungalow on Plot 6. The separation here would be over 21 metres. This would be sufficient to ensure no direct overlooking, overbearing impact or loss of light.

Within the development itself, the front-to-front separation between the 2 proposed blocks would be 17 metres. Whilst this is short of the separation advised by saved Policy DC38, it generally aligns with the guidance of the Cheshire East Design Guide of 18 metres and accordingly, the scheme is found to be acceptable in this regard. Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be acceptable having regard to the character of the area.

The proposal is for a residential type use in close proximity to other residential properties. On that basis the proposal will not have any adverse impacts in respect of noise, dust, odour or any other environmental impact. Whilst some disruption may be apparent during the construction process this is for a limited time.

Air Quality

Policies SC 3, SE 8 and SE 12 of the 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 includes encouraging the uptake of renewable and low carbon energy. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

Electric vehicle infrastructure can be provided on-site and this would be conditioned. Environmental Protection Officers have suggested single Mode 2 compliant charging points per property (30a spur to enable minimum 7kW charging). This would be a reasonable condition and is necessary in tackling local and wider air quality issues and promoting the uptake of more renewable and environmentally sustainable transport modes in accordance with CELPS Policy SC 3, SE 8 and SE 12.

Nature Conservation

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused.

The application has been supported by a Phase 1 Ecology Report. The Council's Nature Conservation Officer (NCO) has confirmed that the proposal would be unlikely to affect any species protected by law. CELPS Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This proposal provides an opportunity to incorporate features to increase the biodiversity value of the development. The NCO therefore recommends that a condition should be attached which requires the submission of an ecological enhancement strategy. Subject to this and a condition to safeguard nesting birds, the proposal is considered to comply with policy NE11 of the MBLP and SE 3 of the CELPS.

Flood Risk and Drainage

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Whilst some objectors have expressed concern that flooding of adjoining gardens has been made worse by the removal of vegetation from the site, subject to conditions (including a surface water drainage strategy and updated flow rates and ground conditions), the proposal would not exacerbate this and would not give rise to flooding or drainage issues. The Council's Flood Risk Manager and United Utilities offer no objection to the proposal. Details relating to foul sewage connection would be a separate matter for approval by United Utilities. Subject to conditions, the development is considered to comply with Policy SE 12 of the CELPS.

Contaminated Land

The Council's Environmental Protection Unit have offered no objection subject to a Phase 1 and Phase 2 Ground investigation and risk assessment being carried out prior to the commencement of works. Any soil or soil forming material brought to site for use as garden area or soft landscaping shall be tested for contamination and suitability for residential use. Consequently, the proposal complies with saved Policy DC63 of the MBLP and CELPS Policy SE 12.

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Alderley Edge including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. This attracts moderate weight in favour of the proposal.

Other Issues Raised by Representation

Several the points of objection have been addressed in the main body of the report.

Given the scale of the development and proximity to nearby residential properties, a construction method statement would be necessary. This would seek to minimise the impact on amenity and highways during construction works.

With regard to private access rights and landownership issues, these are not material planning considerations and cannot be given due weight in the determination of this application. They will be a civil matter between the developer and the respective landowners. Additionally, any covenants or parking rights are also civil matters.

It is confirmed that the application has been publicised and for the appropriate period of time in accordance with the requisite statutory requirements.

CONCLUSIONS

The application lies within Alderley Edge, which is identified as a Local Service Centre where the principle of residential development on the site is acceptable. The developments accords with Policies PG 2 and SE 2 of the CELPS and Policy AE1 of the made Alderley Edge Neighbourhood Plan (AENP).

The site is sustainably located and is in easy walking distance of the village centre, public transport and services and facilities within Alderley Edge. The development complies with Policies SD 1 and SD 2 of the CELPS and AE1 of the AENP.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no significant conflict with Policy DC38 of the MBLP with respect to neighbouring properties and internally, the proposal would accord with the advice of the Cheshire East Design Guide.

Following a recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised access strategy which would now retain the grass verge opposite to the access and ensure compliance with AENP Policy AE3. The development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE 3 and SE 13 of the CELPS and MBLP DC17.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE 5 of the CELPS, MBLP DC9 and AE9 of the AENP.

The design is considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan, the policies within the Alderley Edge Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

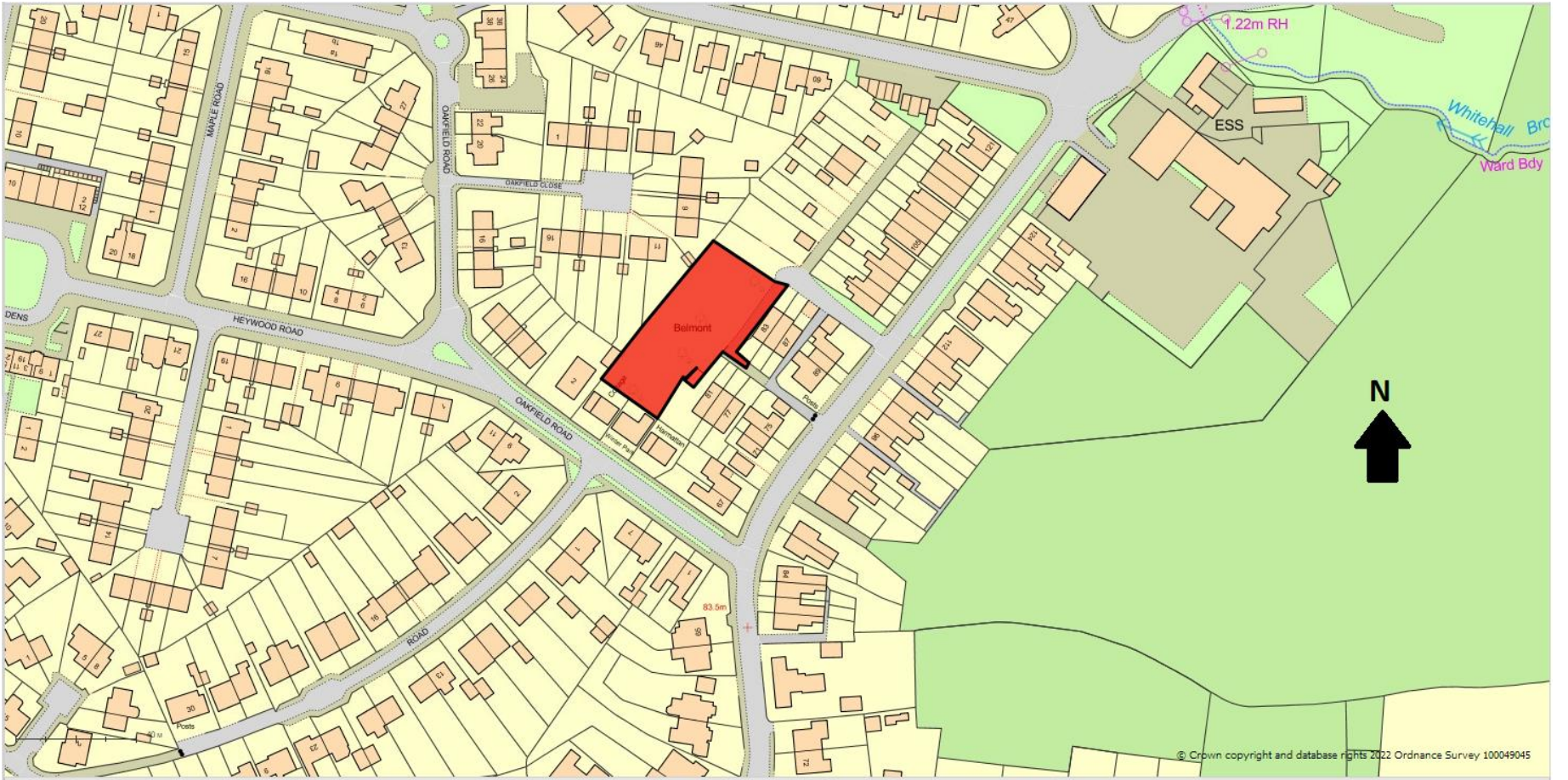
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement of development (3 years)**
- 1. Development in accordance with approved and amended plans**
- 2. Construction of access and parking made available for use prior to first occupation**
- 3. Details of boundary treatments to be submitted, approved and implemented**
- 4. Details of ground levels to be submitted, approved and implemented**
- 5. Foul and surface water drainage to be connected on separate systems**
- 6. Scheme of surface water drainage and management plan to be submitted, approved and implemented**
- 7. Sustainable drainage management and maintenance plan to be submitted, approved and implemented**
- 8. Details of materials to be submitted, approved and implemented**
- 9. Removal of permitted development rights for extensions and outbuildings**
- 10. Phase I contaminated land investigation to be submitted and approved**
- 11. Verification of remediated contaminated land to be submitted and approved**
- 12. Details of bin / refuse storage to be submitted, approved and implemented prior to first occupation**
- 13. Details of pile foundations to be submitted, approved and implemented**
- 14. Electric Vehicle Infrastructure to be provided prior to first occupation**
- 15. Scheme of construction management plan including dust control to be submitted, approved and implemented**
- 16. Accordance with Ecological Assessments**
- 17. Nesting bird mitigation measures to be submitted, approved and implemented**
- 18. Scheme of biodiversity enhancement to be submitted, approved and implemented**
- 19. Cycle storage provided prior to first occupation**
- 20. Applicant to enter into s278 highways agreement**

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, in

consultation with the Chairman (or in his absence the Vice Chairman) 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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Application No: 21/2866M

Location: HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN

Proposal: Replacement of existing rural buildings with 5 accessible tourist units.

Applicant: Mr Mike Eardly

Expiry Date: 10-Jun-2022

SUMMARY:

The application seeks Planning Permission for a replacement building for use as tourist accommodation.

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with the 2017 Planning Permission for a replacement garage and store.

However, it is considered however that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead, in order for the proposals to be assessed under CELPS PG6(3)(iii) insofar as it relates to the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

That being said, the application proposals, as currently designed, would have an adverse impact on the appearance of the countryside. This harmful effect would be compounded by the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would be likely to take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to both the main farmhouse and the nearest residential properties.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to the Countryside policy is not clearly outweighed by the other considerations identified.

SUMMARY RECOMMENDATION:

Refuse Planning Permission

REASON FOR REPORT:

The application has been referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (*Sutton Ward*) for the following reasons: -

1. *"The development is in an area of Open Countryside within the Peak Park Fringe and is considered to be an unwelcome development in what is an area of outstanding natural beauty;*
2. *There are concerns as to the increase in traffic along a stretch of Hollin Lane which is already busy with visitors to the nearby public house, the Ryles Arms;*
3. *Hollin Lane has long stretches of road without any pavement and a walk from the site to Sutton village will involve long walks along an unlit road;*
4. *The design of the buildings, with the use of metal cladding is not in keeping with the locality and represents a reduction in the amenity in the local area. The remaining buildings are constructed of stone;*
5. *The development is unneighbourly due to its close proximity to the building next to it and represents an over intensification of the site, being a traditional farm;*
6. *The present drive entrance is narrow and the entrance and exit of some 9 vehicles (there are 9 parking spaces) represents a further danger to all road users; and*
7. *There is no evidence that there is a need for additional tourism in the area. The camping site has a restricted permission for a limited number of weeks each year and therefore the link between the need for the units and the camping use is not sustainable."*

PROPOSAL:

This application seeks Planning Permission for a replacement building for use as tourist accommodation.

Three units are located on the lower ground floor, with two above. The two above units have interconnecting doors so that they can be let flexibly to a family group or individuals.

DESCRIPTION OF SITE AND CONTEXT:

The application site is known as 'Higher Kinderfields Farm', in Sutton. The application site comprises a dwelling and outbuilding accessed from Hollin Lane. The house is a three-bedroomed detached two-storey stone-built farmhouse. The site has a gated drive with parking to the front and hardstanding to the rear of the main property. There is a large lawned garden to the front and south of the house, with a paddock beyond.

The application relates to a former outbuilding/garage that sits to the west (rear) of the main farmhouse.

The land noticeably falls from Hollin Lane through the site, and then quite steeply beyond the site boundary down towards a small brook to the west.

The site is located within Countryside Beyond the Green Belt and is also within an Area of Special County Value.

RELEVANT HISTORY/BACKGROUND:

Planning permission was granted for the demolition of an existing garage and its replacement with a garage in a similar location and of a similar scale on 6 October 2017, under planning reference 17/4021M.

The garage was granted on the basis that it would be used for some domestic storage, but also for the stationing of an agricultural engineering vehicle associated with the applicant's agricultural business.

It is noted that during the determination of that approval, revised plans were secured to amend the location of the entrance facing onto the hardstanding (as per the original garage) as opposed to the open countryside beyond the built-up area of the site.

This replacement building was to be relocated further back from the hardstanding area and the main farmhouse to allow a more convenient access for a vehicle. This new access would be in the form of a ramp down to a new lower floor level, as an increased volume was needed to store larger vehicles.

POLICIES:

Cheshire East Local Plan Strategy (CELPS):

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG3 Green Belt
PG6 Open Countryside
EG2 Rural Economy
EG4 Tourism
SC3 Health and Wellbeing
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
SE1 Design
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE15 Peak District National Fringe
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments
Appendix C – Parking Standards

Saved policies of Macclesfield Borough Local Plan (MBLP):

RT8 Access to Countryside
GC1 The Green Belt
NE1 Area of Special County Value
NE3 Landscape
NE11 Nature Conservation
DC3 Protection of the amenities of nearby residential properties
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 Landscaping
DC9 Tree protection
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC38 Space, light and Privacy

Other Material Considerations:

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

Revised Publication Draft Site Allocations and Development Policies Document (SADPD):

CONSULTATIONS (External to Planning):

Sutton Parish Council:

Sutton Parish Council object to this application for the following reasons: -

1. The proposal is for a significant change to the current use of the building, which only four years ago was granted planning permission to be a workshop/garage, which would support the development of an agricultural related business;
2. The current application is a proposal to support the development of a tourist business. There are many aspects of planning regulations with regard to design, appearance and materials, visual amenity, traffic generation etc that need to be considered for this proposed development in an Area of Special County Value;
3. The application is an over intensification of the site with nine more parking spaces;
4. Due to its close proximity to nearby property the Council feels it would be unneighbourly;
5. With more traffic using the driveway on to the lane, this creates more traffic emerging onto a country lane along with traffic entering and exiting the camp site which is only 100yds along the roadway;
6. The barn, which is going to be converted, had permission in 2017 and with that in mind it should not then be converted for residential;
7. The materials to be used in the conversion are cladding and metal windows. Although the present barn is metal cladding it is not in common with the surrounding buildings which are stone. Therefore, making a more residential building rather than an agricultural workshop the materials used should be more in line with a property of this sort;
8. The extra sewage would have to be adequately dealt with as the property is on a septic tank;
9. The Parish Council is concerned that the plot is already partly converted;
10. We are concerned that the extra hardstanding for parking etc may result in increased run off of water into the watercourse, in storm conditions, and therefore have an adverse impact on properties downstream; and

11. This should not be considered as a Class Q application, (conversion of former agricultural buildings) as it has not been used as such nor has it been in use prior to 2013 (as far as the Parish Council are aware).

Environmental Protection:

No objections, subject to conditions.

Highways:

No objections.

Lead Local Flood Authority (LLFA):

No objections, subject to Informatives.

REPRESENTATIONS:

The application has been duly advertised by means of direct neighbour notification letters and site notice.

Five letters of representation have been received and their comments can be summarised as follows: -

- Adverse implications to future agricultural opportunities;
- Adverse implications to existing residential amenity;
- Adverse implications to existing residential enjoyment;
- Visual appearance of the land;
- Conflicts with highway safety;
- Does not conform with development control policy;
- The building does not conform with current planning approval;
- Abuse of the planning system;
- Does not add anything to the economy of the area;
- The ecology of the area;
- A tiny area of countryside making it urban; and
- Site notice was located too far from the application site.

A letter of objection has also been received from Andrew Ellis Planning Consultants Ltd, on behalf of four local residents and their comments can be summarised as follows: -

- CELP Policy PG6 states that Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The proposal does not satisfy any of these requirements and cannot be regarded as an exception under Part 3 of the Policy;
- The construction of new build holiday accommodation is a flagrant and deliberate breach of planning control;
- The expansion of the existing tourist facility would lead to an intensification in the use of the site causing further noise and disturbance for neighbouring residents;
- The existing access is unsuitable to cater for the additional traffic that would be created by the holiday lets and this would be detrimental to the interests of highway safety; and

- The proposal fails to satisfy the requirements set out in Policies RUR8 and RUR13 of the Draft Site Allocations and Development Plan Document which is now at Main Modifications Stage.

OFFICER APPRAISAL:

The Principle of Development:

CELPS Policy PG6 (Open Countryside) states that *“within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.”*

However, CELPS Policy PG6(3) provides six exemptions, two of which are as follows:

- PG6(3)(ii) for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and
- PG6(3)(iii) for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

An assessment of the planning history on the site was undertaken by the Case Officer. Members should note that the measurements and calculations listed below were taken from the submitted and approved plans held on the Council's Planning Register.

The Original Building:

The original building was an irregular quadrangle measuring between 15.6m (front) and 15.8m (rear) long and 4.7m wide on the south-side elevation and 8m wide on the north-side elevation. The building was 3.3m high at the front and 3m at the rear, with a nearly flat roof. This created approximately 100m² of floorspace or 1,430m³ of volume within the building. It was constructed of black metal cladding (including roof and doors) with perspex sheet windows. The building was sited perpendicular at 4.7m from the rear of the farmhouse.

The 2017 Approved Building:

The approved building was rectangular measuring 15.2m long and 6.8m wide. The building was between 4.1m and 4.5m high from the front (east), and 5.6m high from the rear (west), as it was dug into the ground. It has a single 8 degree pitched roof. This created approximately 103m² of floorspace, but 4,755m³ of volume. It was to be constructed of black metal cladding, with a roller shutter door to the front accessed via a ramp. The replacement garage also had no windows. The building was to be sited parallel 7.2m from the rear of the farmhouse.

The Council therefore approved a materially larger building in 2017, by reason of increased volume. This increase in volume was created by a cut and fill exercise which made a new lower floor level, with access ramp as stated above.

The Current Building:

The current building as constructed is rectangular, measuring 15.2m long and 7.2m wide. The building is 4m high from the front (east), and 5.7m high from the rear (west), as the ground has been dug away. It has a single 9 degree pitched roof. This has created approximately 109m² of floorspace, and 4,687m³ of volume. It has been constructed of black metal cladding. It has one large window and one door in the east elevation, two full height windows in the side elevation (north and south) and six floor to ceiling window (and doors) to west elevation. The building has been sited parallel 11.3m from the rear of the farmhouse.

Reuse of an Existing Building:

The application was submitted as a change of use of the existing garage building. However, following a review of the planning history and the proposed plans, it does not appear that the structure currently built conforms with the 2017 Planning Permission in that its size, location, roof design, fenestration and construction do not correspond to the approved plans. The application has therefore been amended accordingly.

Replacement of an Existing Building:

CELPs Policy PG6(3)(iii) does allow for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

It is acknowledged that the current building has been relocated even further from the rear of the existing farmhouse, although this relocation is parallel, it goes beyond the 2017 approved building relocation by some 4 metres in distance.

It is accepted that there was, and for a considerable amount of time, a building in a similar position and with external massing to that of both the 2017 Planning Permission and the current building.

In the absence of any other evidence, it appears that the current building replaced the original building on site, and it is not considered that the 2017 approved building has been implemented in accordance with the approved plans. However, this is still a material consideration.

Overall, it is considered that the proposal can be assessed as replacement building and therefore an assessment must be made as to whether the building that has been constructed is materially larger.

Materially Larger:

What constitutes 'materially larger' is not defined in the Framework or the Development Plan Policies as regards replacement buildings. Every application must of course be assessed on its own merits and an assessment must first be made in relation to all dimensions of size of the existing and proposed buildings.

It is accepted that the Council approved a materially larger replacement building in 2017. It is also accepted that the proposed building is not materially larger than the 2017 permission in overall volume. The insertion of an additional usable floor does increase the floor area. The height of the proposed building, when viewed from the context of the farmstead is very similar to the original and the 2017 permission.

Overall, and on balance it is considered that the proposed building is not material larger than the one it replaces (i.e. the 2017 consent), as there is no materially greater impact on the openness of the countryside.

Conclusions on the Principle of Development:

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with the 2017 Planning Permission for a replacement garage and store. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

However, it is considered that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead, in order for the proposals to be assessed under CELPS PG6(3)(iii) as a replacement building. It is concluded that the replacement building is not materially larger than the buildings they replaced.

Impact on the Rural Character of the Countryside:

CELPS Policy SE4 states that “The high quality of the built and natural environment is recognised as a significant characteristic of the Borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.”

The previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

Moreover, the introduction of a building used for tourism, would in itself markedly change the character and appearance of the site from one that is at present quite typical of countryside to one that is overtly residential in nature. This harmful effect would be compounded by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia. The imposition of planning conditions would be unlikely to be effective in preventing this harmful effect and the proposal is therefore contrary to CELPS Policies PG6 (Open Countryside) and SE4 (The Landscape).

Living Conditions:

Saved MBLP Policy DC3 states that development proposals should not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation. Saved MBLP Policy DC38 sets out guidelines of space between buildings.

Paragraph 185 of the Framework establishes in summary, that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and identify and protect areas of tranquillity which have remained relatively undisturbed from noise.

Noise and Disturbance:

The Planning Practice Guidance, in line with the explanatory note of the Noise Policy Statement for England, identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs, and for non-continuous sources of noise, the number of noise events and the frequency and pattern of occurrence of the noise.

As stated above, the building is located just over 11m from the main farmhouse. It is also located just over 21m from the neighbouring property known as 'Kindersfield Edge'.

The application seeks to use the existing farm access to serve the proposal.

It is considered that there would be a loss of amenity to Kindersfield Edge by way of noise and disturbance through increased comings and goings to the proposed tourist units. However, it is considered that this loss of amenity is not significant enough to warrant a reason for refusal on its own. This is because of the nature of the proposed use of the building, and the nature of the existing arrangements.

The relationship between the tourist units and the main farm house would normally not give cause for concern. This is because of the nature of farm diversification. A condition could be normally imposed on a permission of this nature to ensure that the building and use are not severed from the main use of the farm and farmstead.

However, the Case Officer has become aware that the main farm house is currently for sale, and the particulars state that *"the grazing land to the side and at the rear is not being sold with the property, likewise the building to the rear for which our clients are awaiting planning permission to create holiday accommodation which will use a separate access drive."*

Given the nature of the use, the onus is upon the applicants to demonstrate that the introduction of the new sound sources do not create a negative impact upon residential amenity or quality of life, and shall not cause an increase in the ambient background noise level at the boundary of the nearest residential property.

This could possibly be addressed by way of a 'Noise Management Plan' condition if Members were minded to approve the application. However, noise management may not be acceptable on its own unless there is on-site presence to control noise.

It is considered that the Council cannot reasonably impose a condition requiring that the proposed building remains in the same planning unit as the farmstead and is not severed, as it would be unreasonable as this is the applicant's stated intention. As such, approval of the development would be contrary to CELPS Policy SE12, saved MBLP Policy DC3 and paragraphs 185 and 187 of the NPPF.

Lighting:

Prior to its installation, the details of the location, height, design, and luminance of any external lighting could be controlled via a sustainable worded condition. This could ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

Contamination:

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. The application area has a history of workshop use and therefore the land may be contaminated. No information relating to land contamination has been submitted in support of the planning application. Therefore, if Members were minded to support the application, conditions would be required to secure a Risk Assessment, Remediation Strategy in the event that any unforeseen contamination is discovered.

Air Quality:

This scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, but there is a need for the Local Planning Authority 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. The cumulative impact of developments is likely to make the situation worse, unless managed. Therefore, if Members were minded to support the application, a condition to secure Electrical Vehicle Infrastructure would be required.

Highway Safety, Access and Parking:

CELPs Policy CO1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking. Saved MBLP Policy DC6 relates to circulation and access. It sets out the circulation and access criteria for new development. This includes amongst other matters, the provision of adequate visibility splays, manoeuvring vehicles and emergency vehicles.

The proposed change of use would not be expected to result in a material change in the volume of traffic generated by the site; therefore, there are no grounds for refusal based on sustainability. The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The proposal for use of the existing farm access to serve the proposal is acceptable. It is noted that lateral visibility associated with the existing site access, along Hollin Lane, does not appear to conform to current design guidance. However, this is a modest proposal and its daily traffic generating potential will likely be seasonal and limited. It is also noted that there have been no reported Personal Injury Accidents in this location during the last four-year period of data availability (2017 to 2020). This is not considered to be a sustainable reason for refusal.

There is sufficient space set aside within the site to accommodate car parking demand expected to be associated with the proposal.

The Head of Strategic Transport has raised no objection to the planning application and as such it accords with CELPS Policy CO1 and Saved MBLP Policy DC6.

Tourism:

CELPS Policy EG2 supports developments that create or extend rural based tourist attractions, visitor facilities and recreational uses. CELPS Policy EG4 seeks to *“protect and enhance the unique features of Cheshire East that attract visitors to the area”*.

It is acknowledged that the site is within walking/cycling of the village settlements of Sutton and Langley where there are a range of local pubs, community facilities and local shops. It is also within a 5-minute walk of the Ryles Arms and a short drive to other nearby pubs. There are numerous public/designated footpaths running close to the site giving access to open countryside and the Peak Park fringes.

It is accepted that the scheme would boost tourism and the rural economy, benefits which are given due weight. It is evident that the locality would be suitable for a tourism use and the proposal would enable access to the countryside for the purposes of recreation. This is also reflected in the Framework which states that Local Planning Authorities should plan positively to enhance the beneficial use of the countryside such as looking for opportunities to provide access and recreation. This is given moderate weight in favour of the scheme.

Other Material Considerations:

There are no ecological or arboriculture issues in relation to this planning application.

Flood Risk and Drainage:

If Members were minded to approve the application, then an Informative could be suggested, reminding the applicant that if any alterations to ordinary watercourses are proposed, the developer will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority. An additional Informative could also be suggested as that an appropriate drainage strategy that follows the hierarchy of drainage is set out in Part H of the Building Regulations.

BALANCE OF ISSUES AND CONCLUSION:

The application seeks Planning Permission for the replacement of existing rural buildings for use as tourist accommodation.

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with a previous 2017 Planning Permission for a replacement garage and store. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

However, it is considered that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead. The proposals have

been assessed under CELPS PG6(3)(iii) insofar as it relates to the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

That being said, the application proposals, as currently designed, would have an adverse impact on the appearance of the countryside. This is because the introduction of a building used for tourism, would markedly change the character and appearance of the site from one that is at present quite typical of countryside to one that is overtly residential in nature. This harmful effect would be compounded by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia. The imposition of planning conditions would be unlikely to be effective in preventing this.

Further harm, albeit minor would be caused to the appearance of the countryside, as the previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to both the main farmhouse and the nearest residential properties. The application therefore fails to comply with CELPS Policy SE12, Saved MBLP Policy DC3 and paragraphs 185 and 187 of the NPPF, in that it fails to effectively integrate with and adversely affects the amenities of adjoining and nearby residential property, through noise and disturbance.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to the countryside policy is not clearly outweighed by the other considerations identified and as such the proposal fails to adhere to the Local and National policies outlined above.

RECOMMENDATION:

It is recommended that the application for planning permission be refused for the following reasons: -

- 1. The proposed development, by reason of its design and use, would detract from the rural character and appearance of the area within which it is located by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would be quite likely to take on a suburban character and appearance. The approval of the development would therefore be contrary to CELPS Policies PG6 (Open Countryside) and SE4 (The Landscape), thereby causing harm to the objectives of those policies.**
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on residential amenity. In particular, adequate information of the proposed use, as operated, would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the main farmhouse and nearby residential properties. The approval of**

the development would therefore be contrary to CELPS Policy SE12, Saved MBLP Policy DC3 and Paragraph 185 and 187 of the NPPF.

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 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.

