

Application No: 13/5184M
Location: Eaton Cottage, MOSS LANE, EATON, CW12 2NA
Proposal: Sustainable Development of 14 dwellings within the curtilage of Eaton Cottage.
Applicant: Mr & Mrs Moores, Taylor Earnshaw
Expiry Date: 17-Mar-2014

Date Report Prepared: 27 March 2014

SUMMARY RECOMMENDATION
REFUSE

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Open Countryside Policy
- Affordable Housing
- The Impact upon Landscape Character
- The Impact upon Trees of Amenity Value
- The Impact upon Highway Safety
- Design
- The impact upon the Amenity of Neighbouring Property

REASON FOR REPORT

The application is for the erection of 14 dwellings and under the Council's Constitution, is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 1.22ha and comprises Eaton Cottage, which is a 19th century house, attached to outbuildings comprising of 2 existing barn conversion dwellings, an existing barn and indoor swimming pool. The application site also comprises the curtilage and extends beyond this into the open fields beyond.

It is situated between Moss Lane to the West, and Macclesfield road A536 to the East. It has access from both these roads.

The site has existing access off both Moss Lane and Macclesfield Road A536, with latter being its principle access. The north east and northern boundaries of the site overlook open

fields towards the village of Eaton. The western boundary over Moss lane has one open field, beyond that there is new housing stretching back to the outskirts of Congleton.

To the north of Eaton cottage the crown of the site falls away to open fields and a small wood . The landscaping of the site is of a domestic garden nature.

The site lies within the designated Countryside Beyond the Green Belt.

DETAILS OF PROPOSAL

The proposals relate to the construction of 14 dwellings two storey dwellings – made up of 4 house types as follows ;

Type A - 1no 264msq(2841sqft), 5 Bedrooms

Type B - 2no 198msq(2130sqft), 5 Bedrooms

Type C - 3no 1740msq(1834sqft), 4 Bedrooms

Type D - 7no 164msq(1765sqft), 4 Bedrooms

These properties form a circle around Eaton Cottage which is to be retained. The two entrance points i.e. off Moss Lane and off Macclesfield Road are to be retained. The properties would all be situated in relatively modest plots.

Planning History

None relevant

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation

NE13 – Sites of Biological Importance

BE1 – Design Guidance

BE2 – Preservation of Historic

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 - Landscaping

DC9 – Tree Protection

DC17 – Water Resources

DC35 – Materials and Finishes

DC37 – Landscaping

DC38 – Space, Light and Privacy

DC40 – Childrens Play and Amenity Space

DC41 – Infill Housing Development or Redevelopment

DC63 – Contaminated Land

GC5 – Countryside Beyond the Green Belt
GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
GC14 – Jodrell Bank
H8 – Affordable Housing

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
PG4 – Safeguarded Land
PG5 – Open Countryside
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SC5 – Affordable Homes
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerow and Woodland
SE7 – The Historic Environment
SE9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
Planning Policy Practice Guidance
S106 Agreements SPG Interim Planning Statement on Affordable Housing

CONSULTATIONS (External to Planning)

Environment Agency – In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Environmental Health – Insufficient information has been submitted with the application in order to adequately assess the impact of road traffic noise from the A536, Macclesfield Road upon the proposed noise sensitive properties at this location.

In the absence of this information, it has not been possible to assess the impact of transportation noise on the quality of life of future occupiers of this development. Noise impact is a material planning consideration during the assessment of planning applications in accordance with NPPF.

It is recommended that the applicant addresses this issue in future planning application submissions or provide this information should the application be delayed or withdrawn (in accordance with Cheshire East planning application policy).

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, 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.

Congleton Town has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, 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 properties. Recommends conditions in respect of Travel Planning, Electric Vehicle Infrastructure, Dust Control and Contaminated Land.

Strategic Highways Manager – It is proposed that Eaton Cottage is retained and to construct an additional 14 detached dwellings on the site.

The two existing access points to the site are to be retained but are being improved as part of the application. The access to Macclesfield Road does provide good visibility in the leading direction, the visibility in the non leading direction is not as extensive due to the dip in Manchester road but is still acceptable and is aided by the double white lines to prevent overtaking. Moss Lane is a narrow rural lane that has low traffic speeds due to its alignment, the requirement for the visibility provision is much lower and can provide sufficient visibility in both directions.

With regard to accessibility, the site is poorly located, although there is a narrow footway on the opposite side of Macclesfield Road there is no provision on the development side. There are no crossing facilities on Macclesfield Road and given the high traffic speeds crossing the road would be difficult and have a road safety issue. Additionally, there is no footway on Moss Lane linking the site with Macclesfield Road. There are bus services that run along Macclesfield Road, a bus stop and shelter is provided close to Moss Lane in an eastbound direction but there is no stop westbound.

There are no highway issues arising from the traffic generation of the 14 units and the impact is very small indeed.

In summary, I would have to raise issues regarding the accessibility of this site, especially for the pedestrian access to the development and therefore would recommend that this is a reason to refuse the application.

United Utilities – No objections

VIEWS OF THE PARISH COUNCIL

The whole of Eaton Parish Council has inspected the plans for the above and had a full discussion on the implications of this application. We would wish to put forward our concerns and comments as follows:

The development is too large for the site.

The granting of permission for this development would create a precedent for further housing towards the village.

We have already approached Cheshire East and have been verbally assured that the establishment of a strategic green gap would be implemented in future plans for the area.

Plots 9 and 10 are on agricultural land.

The development is not in keeping with the original residence on site, e.g. a Georgian cottage.

We would encourage the preservation of the many trees on the land

There is concern on the visibility to the North on the access from the development on to the A536.

We trust that all these concerns will be taken into account in your determination of this application.

OTHER REPRESENTATIONS

- Letter of objection from Eaton Cottage on the grounds of:
 - insufficient information
 - description of development misleading as application includes agricultural land
 - impact on Jodrell Bank
 - no open space provision
 - impact on biodiversity and nature conservation
 - departure from the development plan
 - Cheshire East has a five year housing land supply
 - concerns regarding suburban appearance of development

Letter from Agent requesting that issues such as ecology and flood risk be conditioned.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Design & Access Statement

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. The design references Eaton Cottage and is a more traditional design approach. Would meet Code For Sustainable Homes Level 4 and include PV panels and rainwater harvesting. Considers absence of five year land supply justifies development.

Transport Assessment

The report concludes that the road network can accommodate the development and that the Travel Plan would seek to reduce the associated carbon emissions.

Sustainability and Servicing Strategy

This report looks at zero carbon technologies, renewable, servicing, drainage, code for sustainable homes and includes a feasibility study and incorporates a number of recommendations.

OFFICER APPRAISAL

Principle of Housing on the Site

Paragraphs 54 and 55 of the NPPF set out broad principles for housing development in rural areas. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The site lies within the designated countryside beyond the Green Belt, as defined by the Development Plan. Policies within the Macclesfield Borough Local Plan seek to control development in the countryside unless it is for specific purposes..

Policy PG5 and SC6 within the emerging Local Plan suggest that infilling, rural exception sites and the construction of a single dwelling where this is exceptional in design and sustainable development terms may be acceptable.

The proposals do not fulfil any of these criteria.

The applicant has put forward a number of arguments justifying the proposals which relate to the viability of the existing dwelling and its garden, the sustainability credentials of the proposals and the lack of five year land supply in Cheshire East.

The sustainability considerations and the Council's position in respect of five year housing land supply are considered below. No information in respect of viability has been put forward and therefore this carries no weight whatsoever.

In summary, the proposals represent an unacceptable form of development within the open countryside.

Housing Land Supply

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.83 year housing land supply with a 5% buffer or 5.1 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 7.9 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with

countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Affordable Housing

The proposal is for 14 dwellings within the curtilage of Eaton Cottage in Eaton which is a settlement with less than 3,000 people. The Council’s IPSAH states that there is a requirement for an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%.

Policy SC5 within the emerging Local Plan reiterates the requirement for 30% affordable housing provision on sites of 0.2 hectares or 3 dwellings or more in Local Service Centre’s and all other locations.

The site falls within the Macclesfield Rural sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This showed a net annual requirement for 59 affordable units for the period 2013/14 – 2017/18.

In addition, information from Cheshire Homechoice, shows there are currently 2 live applicants who have selected the Eaton lettings area as their first choice. Furthermore the location of the site may meet the need of Congleton – The SHMA 2013 shows an annual net requirement of 58 affordable units per annum from the period 2013/14 – 2017/. In addition Cheshire Homechoice currently has 584 live applicants who have selected one of the Congleton lettings areas as their first choice. In October 2008, a Rural Housing Needs Survey was carried out that covered the Parish of Eaton; this showed there were 9 households who were in housing need. Whilst this is now out of date, it does provide a guide of the level of housing need in the area.

Given the need identified above and the policy position, there is a requirement to provide 4 dwellings, with a tenure split of 3 rented units and 1 intermediate tenure unit.

The applicant has indicated that they are unwilling to provide affordable housing on viability grounds, although no evidence to substantiate this has been provided. The Council’s Housing Team object to application on the grounds that affordable housing has not been incorporated within the scheme.

Impact on Landscape Character

The site lies within designated countryside beyond the Green Belt and whilst it is not within a designated Area of Special County Value, this does not mean that the area is devoid of landscape character.

The existing site is enclosed with extensive tree cover which obscured views on the house from the road and wider public vantage points.

The presence of the Havannah Mill development would also set a visual precedent for new housing estates. However, the development would extend beyond the original curtilage to the property and extend into undeveloped rolling fields which make an important contribution to landscape character. Moreover, the visual impact associated with this encroachment is likely to be severe given the open nature of the field affected and its lack of boundary trees reducing the opportunities to buffer the impact.

A Landscape Visual Impact Assessment has not been submitted in support of this application.

Design

External Appearance

The plans adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials. The properties have the appearance of a 1930s garden city style which is not locally distinctive and fails to take reference of the existing house and grounds.

The existing property is an Estate Manor House in style, age and historic use and given that these are new build properties they could have been designed to mimic farmers cottages or outbuildings which would have been more in keeping with the use of the site and would have reinforced local distinctiveness in a way which the current proposals notably lack.

The fenestration includes suitable relief and interest which may be appropriate in a suburban or urban location, however given intrinsic historic and landscape value of the site, the design is totally inappropriate and does not reinforce local distinctiveness in any way.

Size and Scale

Given the sheer size of the host dwelling, the size and scale of the new properties would not be overdominant and therefore a reason for refusal in itself, however, the size and scale chosen by the application actively contributes to the argument that the development is not locally distinctive.

Layout

The layout would produce a form of development denser and more compact than existing development densities and again does not take the opportunities available to sensitively respect and respond to the character of the site. Whilst not a reason for refusal in itself it also contributes to the issues raised above.

The design in a number of aspects fails to respond to its context and reinforce local distinctiveness of respect the character of the site and the wider area.

Trees / Landscaping

The site contained an area of woodland and numerous mature and semi-mature trees which have amenity value and should be protected in the public interest.

No Tree Report or Tree Survey has been submitted and the proposals would involve widespread felling of trees.

This is a reason for refusal on the grounds of both insufficient information and impact upon mature trees with amenity value.

Leisure / Public Open Space

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004). The SPG also states that developments above the trigger of 6 dwellings and where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of community centre space or services to address local youth needs.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £42,000, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities which would be used to make additions, improvements and enhancements to recreation and open space facilities nearby.

This contribution could be required via a legal agreement.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result

in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The site could be a suitable habitat for Great Crested Newts, Bats and Barn Owls. No protected species surveys have been submitted and therefore the proposals would be contrary to the Habitat Regulations and policy NE11 within the MBLP 2004.

Amenity

Overlooking

The interface distances between units and to existing residential properties (i.e. the main house and nearest neighbours) would be adhered to and therefore the proposals would not raise any issues in this regard.

Overshadowing

Given the spacious nature of the plots the proposals would not result in overshadowing either between units or to the nearest neighbours.

Garden Space

Given the nature of the plots, there would be an appropriate level of garden space for the new units and the existing house.

Noise

The site lies adjacent to Manchester Road and therefore the application should have been supported by a Noise Assessment – this information has not been forthcoming.

Impact of noise on amenities of future occupants is a material consideration.

Air Quality

Given that the site lies close to 3 Air Quality Management Areas (AQMA) an Air Quality Assessment should have been submitted with the application.

Impact of poor air quality on amenities of future occupants is a material consideration.

Contaminated Land

The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a further survey work to be submitted.

Highways

Access

The submitted transport statement examined various access options and the most appropriate option was to use the points existing access – this was accepted by the Council's Highways Engineer.

Car Parking

The proposals provide in excess of two spaces per unit with additional space available for parking. This is in accordance with the standards within the MBLP and the emerging Local Plan.

A total of 24 off street parking spaces are being provided to serve the development. Having regard to the location of the site in the centre of the village and proximity to public transport, this level of car parking is considered to be justified. The scheme has been amended to widen the point of access and provide a shared surface which would enable parking along the access road as overspill parking if required. No highway safety issues are therefore raised.

Accessibility

The objections from the Strategic Highways Manager regarding poor accessibility to the site is noted, and whilst this would not have a direct adverse impact upon highway safety, it makes for an unsustainable form of development and has not effectively been considered as part of the Transport Information submitted.

Flood Risk

The Environment Agency has objections to the proposed development as it is a major application and no Flood Risk Assessment has been submitted.

There is a statutory obligation on LPAs to take on board the advice of statutory consultees. This is a further reason for refusal.

Jodrell Bank

The site lies some distance from Jodrell Bank although it is within the Jodrell Bank Zone. No comments have been received at the time of writing the report although members may be aware that Jodrell Bank Observatory have objected to new housing within the consultation zone previously. However, at appeal it has been held that the impact to the Observatory can be mitigated via condition and a similar condition could be imposed if members were minded to approve the application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposals would be unsustainable and inappropriate in the open countryside contrary to policies GC5 – Countryside Beyond the Green Belt and GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone within the MBLP 2004 and MP1 – Presumption in Favour of Sustainable Development, PG5 – Open Countryside, SD1 – Sustainable Development in Cheshire East and SD2 – Sustainable Development Principles of the emerging Local Plan. In addition, the proposals raise design issues result in a development which would be

contrary to policies BE1 – Design Guidance, H2 – Environmental Quality in Housing Developments, DC1 – Design: New Build, DC41 – Infill Housing Development or Redevelopment and SE1 – Design within the emerging Local Plan. The proposals would also fail to provide affordable housing contrary to policies H8 – Affordable Housing within the MBLP 2004, POLICY SC5 – Affordable Homes within the emerging Local Plan and guidance within the IPSAH. The proposals would have an adverse impact upon trees and there is insufficient information in respect of trees contrary to policy DC8 and DC9 within the MBLP 2004 and SE5 within the emerging Local Plan. There is insufficient information in respect of protected species and as such the proposals would be contrary to policy NE11 within the MBLP 2004, SE3 within the emerging Local Plan and the Habitat Regulations. There is also insufficient information in respect of Air Quality contrary to policy DC3 within the MBLP 2004, insufficient information in respect of noise also contrary to policy DC3 and insufficient information in respect of flood risk contrary to policy DC17 within the MBLP 2004. All of the above reasons are supported by guidance within the NPPF.

These issues make for compelling justification to refuse the application. The agent has been informed of these issues and given advice on how some of the issues can be overcome. No information has been forthcoming which would resolve/ outweigh these environmental impacts.

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. unacceptable in open countryside
2. unacceptable design
3. no affordable housing
4. adverse impact on trees/ insufficient information
5. insufficient information - protected species
6. insufficient information - air quality
7. insufficient information - noise
8. insufficient information - flooding

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