

Application No: 15/0111M

Location: GREEN LEAVES, BROOKLEDGE LANE, ADLINGTON, CHESHIRE, SK10 4JU

Proposal: The demolition of an existing garage and workshop and the construction of an eco house of exceptional design in the existing garden of Green Leaves, Brookledge Lane.

Applicant: John Costello

Expiry Date: 06-Mar-2015

## **REASON FOR REPORT**

The application has been brought to the Committee at the discretion of the Planning & Enforcement Manager due to the nature of the proposal and the issues it raises.

## **SUMMARY**

The application is for a new residential development in the Green Belt, which is an inappropriate form of development, and which reduces openness. There is therefore substantial harm to the Green Belt arising from the proposal. In addition the proposal does not meet the tests of the Habitats Directive and the site is not in a particularly sustainable location. The design of the dwelling does optimise the positive aspects of the site and the surrounding area and does create some visual interest. The approach to lifetime homes is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for contemporary designed dwellings are intriguing, and the proposal does include some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovation to justify the development. The material considerations advanced by the applicant in favour of the proposal are not considered to amount to the required very special circumstances to clearly outweigh the identified harm of the development. The proposal is therefore contrary to Local Plan policy GC1 and paragraph 89 of the Framework, and the requirements of the Habitats Directive.

For the purposes of Paragraph 14 of the Framework and the presumption in favour of sustainable development, it is evidenced that specific policies in the Framework indicate that development should be restricted in this case.

## **RECOMMENDATION**

Refuse

## **PROPOSAL**

This application seeks full planning permission for the demolition of the existing garage and workshop and the construction of an eco house within the garden.

## **SITE DESCRIPTION**

The application site is the rear garden area of a detached property within a ribbon of development along Brookledge Lane, and comprises a number of detached outbuildings. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **RELEVANT HISTORY**

14/1545M - The demolition of an existing garage and workshop and the construction of an eco house of exceptional design in the existing garden – Withdrawn 16.07.2014

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 55. New dwellings in the countryside
- 56-68 Requiring good design
- 89. Green Belt

### **Development Plan**

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

- BE1 (Design principles for new developments)
- NE11 (Protection and enhancement of nature conservation interests)
- GC1 (New buildings in the Green Belt)
- DC1 (Design quality for new buildings)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Requirements to provide and maintain landscape schemes for new development)
- DC9 (Protection of trees of amenity value)

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

Other material planning considerations

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 Presumption in favour of sustainable development
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles

IN1 Infrastructure  
IN2 Developer contributions  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

## **CONSULTATIONS**

Highways – No objections

Environmental Health – No objections subject to conditions relating to dust control, pile foundations, floor floating and emission point for wood chip boiler.

Environment Agency - Formal response from the Environment Agency not required. Refer to the guidance on Non Mains Drainage.

Manchester Airport – No objections

Natural England – No objections

Adlington Parish Council –Strongly object on the grounds of it being unneighbourly and inappropriate development in the Green Belt. With regard to Paragraph 55 of the NPPF the Parish Council's view is that the development may not be exceptional, will not significantly enhance its immediate setting and is not sensitive to the defining characteristics of the local area because it would be significantly out of character with neighbouring properties and the streetscene.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, and a site notice was posted.

Three letters of representation has been received objecting to the proposal on the following grounds:

- Loss of privacy
- Out of character
- Contrary to Green Belt policy
- Criteria in paragraph 55 not met
- Individual family needs should not be taken into account
- All shielding hedgerows will be removed
- Loss of openness

- House and garden up for sale, therefore question whether owner's intentions for lifetime home are genuine.
- Will set precedent for backland development
- Unable to find planning consent to use land as garden
- Dwelling refused on land adjacent to Penrhyn Cottage
- Discordant with streetscape and landscape
- Impact on highway safety
- Room is left for a second dwelling
- Submission refers to contradictory statements "restricting views into the site" and "maximising views out"
- Properties on Legh Road, Redbrook way and Wych Lane are not backland and all front onto highway
- A more central position in the plot would have a lesser impact

## **APPRAISAL**

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

## **ENVIRONMENTAL SUSTAINABILITY**

### **Green Belt**

#### Inappropriate development

As a new dwelling in the Green Belt, the proposal is an inappropriate form of development in the Green Belt, as it is not for one of the identified exceptions listed in policy GC1 of the Local Plan or paragraph 89 of the Framework.

#### Other harm

The site is located to the rear of a ribbon of development in the Green Belt and currently comprises two detached single storey outbuildings used in association with the existing dwelling at the front of the site. The proposed development will replace these two outbuildings with a modern detached dwelling over two storeys. The combined floor area of the existing two buildings is approximately 193sqm, with the proposed new dwelling having a floor area of 615sqm over two storeys, and a footprint of 282sqm. Whilst the dwelling will cover a similar footprint to the existing buildings on the site along the western boundary it will also project eastwards into the garden, and as such will result in a significant loss of openness. The house is a very substantial structure which will accommodate several occupants. This would have a subsequent impact upon the levels of outside activity, all of which would also have some impact upon openness. This would conflict with the most important attribute of the Green Belt. Therefore very special circumstances need to be identified that clearly outweigh the harm by reason of inappropriateness and loss of openness.

#### Very special circumstances

The applicant's submission states that the "whole ethos of the design, the construction and the layout of the plot make this indeed the very special circumstances required by NPPF 55". This is explained further below.

### **Design / character**

Paragraph 56 of the NPPF notes that "the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning".

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The proposed dwelling will have a contemporary appearance with mono pitched sedum roofs and rendered walls, which does have considerable visual interest. Its contemporary style is not seen elsewhere in the immediate area, but given the varied nature of the properties on Brookledge Lane, and the limited visibility of the new building it is not considered to be unduly out of keeping with the character of the area.

The applicant anticipates that the house will achieve level 6 of the Code for Sustainable Homes (CSH). Level 6 is the highest rating within the CSH and is stated as having net zero carbon emissions. The application is not explicit as to how this will be achieved, but it will have highly insulated walls, roof and floor and low air permeability, and sustainability features that will be incorporated into the scheme will include passive solar design strategies, passive heat recovery ventilation, thermal mass construction, wood pellet boiler, photovoltaic panels, solar thermal panels, the use of low energy white goods, low water use sanitary ware, low energy lighting, rainwater harvesting, green sedum roof, recycling and composting systems

In addition the design & access statement states that the applicant will look to incorporate the principles of Lifetime homes into the design of the house. The design and access statement notes, "lifetime Homes are about flexibility and adaptability; thoughtfully designed to create and encourage better living environments for everyone. From raising small children to coping with illness or dealing with reduced mobility in later life, Lifetime Homes make the ups and downs of daily living easier to manage." In this regard it is intended that the lower floor can be thermally broken (or isolated) when the house is only occupied by two people.

Other design aspects rely on the letters from Places Matter! (an independent design body) that have resulted from the application going through a design review process. Places Matter!'s design review panel meetings allow local authorities, developers and design teams to present schemes at the pre-planning stage to a panel of experts from the built environment sector and benefit from the advice of the panel.

The three submitted Places Matter! letters highlight the following positive aspects of the scheme:

- High quality design with open views.

- Works nicely as a family house and has a pragmatic way of anticipating the future needs of the client
- Relationship between the inside and the outside and the massing are well resolved and the building is sensitive to the context
- There is a story between the formality, informality and the entry
- Mono pitched roof works well
- We support your client's approach to replacing dying non-native conifers with a native deciduous species
- We commend your approach to aging.
- The ambition and quality of thinking shown by this team represents the highest standards in architecture.
- The scheme has the potential to significantly enhance the existing landscape setting while showing sensitivity to its garden context and the neighbouring fields.
- The points discussed which we consider are pertinent to the scheme's innovation and quality are as follows:
- The panel applauded the approach to lifetime homes, designed for future living, with the potential for flexibility of use by the horizontal splitting of the house for use by only two people or more people;
- The panel noted that there was a good working relationship between client and architect and appreciated the presentation of the design options and process by which they had been designed and appraised. The panel felt the client and architect had selected the right option for the site;
- The panel felt the proposals are sensitive to the local context in form, massing and location on the site in terms of views and turning its back on the existing house
- The panel supported the applicant's proposed removal of the leylandii hedge and replacement with a native beech hedge and considered initial visibility of the new house from adjacent fields would be outweighed by the longer term benefits of a newly planted, replacement native hedge. The panel did not consider this approach compromised the outlook towards the new house as only glimpses would be visible from outside the plot and in any case, the boldness of the design is not something to shy away from;
- The panel liked the form of the house and considered the inside/outside relationship was resolved well (apart from the comments about the arrival sequence covered in more detail in the design review letter and subsequently addressed by the applicant);
- The panel welcomed the aspiration for achieving Code Level 6 and considered the passive measures proposed were good and that materials proposed had the potential to deliver a sustainable approach to the building;
- One panel member described it as 'refreshingly innovative';
- The panel felt the internal plan worked well and there is a hierarchy of spaces that responds to proposed functions."
- Will be virtually invisible to any adjacent neighbours or from any long views and is a clever solution for an aging population in the countryside.
- It is character buildings such as this that we would hope to become the Grade I listed buildings of the future

Clearly the house is well designed, and the letters from Places Matter! confirm this. The design officer raises some concern about the principle of building a house within the garden of Greenleaves, which is out of keeping with the grain and character of the area and will no doubt encourage others to do the same. There are of course existing buildings in the rear

garden and therefore the principle of a built form in this location, albeit on a smaller scale and for purposes ancillary to the main house, is established. Such tandem development is not characteristic of the area, however given the presence of existing buildings, limited visibility of the development and size of the existing garden, on balance it is not considered to have such a significantly adverse impact upon the character of the area to justify a refusal of planning permission on these grounds. Any future similar applications will need to be assessed on their own merits at that time.

### **Trees / landscape**

The images in the design and access statement show the building in a setting of substantial, mature vegetation. This is provided by the existing conifer trees, which are to be removed.

Only limited landscaping is proposed. It is intended to keep the existing very well maintained garden as is, with the main change being the removal of the very tall and mature conifer trees along the south and west boundaries of the site. These will be replaced with a Beech hedge. The Beech hedge will not provide sufficient screening in the short term, therefore a temporary Bamboo screen is proposed, whilst the Beech hedging establishes.

### **Ecology**

The nature conservation officer has made the following comments on the application:

#### Great Crested Newts and Reptiles

There is potential for these two protected species to occur on site however no detailed surveys have been undertaken to confirm their presence/absence. The quality of the habitats available for these however means the risk of these species being present and affected by the development is low and the only risk relates to animals being killed or injured during the construction phase. To mitigate the risk of amphibians or reptiles being killed or injured during the development the applicant's ecologist has recommended a suite of reasonable avoidance measures.

Provided these measures are implemented the risk posed to great crested newts and reptiles would be avoided and the proposed development would be highly unlikely to result in a breach of the Habitat Regulations or wildlife and Countryside Act. This could be controlled by condition.

#### Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the outbuildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a very low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

Since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Whilst there are no known alternatives to the proposed development, other than no development, the proposal does raise fundamental concerns about the principle and scale of the development in the Green Belt. Unless very special circumstances can be demonstrated (see planning balance section below) there is not considered to be any “other imperative reasons of overriding public interest”. Therefore the proposal would fail to meet the requirements of the Habitats Directive, and permission should be refused.

#### Breeding Birds

If planning consent is granted, conditions are recommended to safeguard breeding birds:

#### **Residential Amenity**

Local Plan policy DC3 seeks to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The proposed dwelling is located to the rear of the existing property at Green leaves and exceeds the distance guidelines outlined in policy DC38 of the local plan. This is also the case to all other neighbours. The proposed dwelling is located immediately adjacent to the western boundary of the site. The western boundary is currently occupied by a row of very tall conifer trees, which the plans indicate will be removed and replaced by a Beech hedge. This will open up the western boundary considerably. The western elevation of the building includes habitable room windows and an internal terrace area, with sliding shutters. Due to the presence of these openings concerns have been raised by the adjoining neighbour about



loss of privacy. The immediate neighbour, and all subsequent neighbours are set forward of the new dwelling and therefore any views from the new house will be at an acute angle, which when combined with the distances involved is not considered to result in a significant loss of privacy. No further amenity issues are raised.

### **Highways**

The existing access point onto Brookledge Lane will be utilised by the new dwelling. The addition of one additional dwelling will not significantly intensify the use of this access. As a 3 bed property, it would be expected that 2 parking spaces are provided, and more than enough car parking is shown to be provided within the application site. The Head of Strategic Infrastructure raises no objections to the development and the proposal is therefore considered to comply with policy DC6 of the Local Plan.

### **Accessibility**

The site is located approximately 750 metres from Adlington train station, bus stops on London Road, the nearest pub and the local primary school. Most other facilities are located some distance from the application site in Poynton, which is approximately 4km away. There is a footpath that runs along Brookledge Lane to London Road (train station and bus stops), however the lane is unlit, which will limit the attractiveness of this route for pedestrians and cyclists. Given the distances involved it is likely that most journeys to and from the site will be by car.

## **SOCIAL SUSTAINABILITY**

The proposal will provide one new family dwelling at a time when the Council cannot conclusively demonstrate a five year supply of housing.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development would make a very limited contribution to this by potentially creating some jobs in construction and economic benefits to the construction industry supply chain.

## **PLANNING BALANCE**

The proposal is an inappropriate form of development in the Green Belt, which reduces openness. In accordance with paragraph 88 of the Framework, substantial weight is given to any identified harm to the Green Belt. The proposal does not meet the tests of the Habitats Directive and the site is not in a particularly sustainable location.

In terms of considerations in favour of the proposal, the applicant states that the “whole ethos of the design, the construction and the layout of the plot make this indeed the very special circumstances required by NPPF 55”.

The test in paragraph 55 relates to dwellings in the countryside in general and requires “special circumstances” to be shown, whereas paragraph 87 relates to inappropriate development in the Green Belt and requires “very special circumstances” to be identified.

The fact that the dwelling will achieve level 6 of the Code for Sustainable Homes is notable, and it is accepted that the number of dwellings that achieve this rating is relatively low. However this is not considered to be exceptional given that all new houses will need to be at least level 6 by 2016. Moderate weight is therefore attached to this.

Places Matter! applauded the approach to lifetime homes, designed for future living, with the potential for flexibility of use by the horizontal splitting of the house for use by only two people or more people. Such an approach would have obvious energy saving benefits, but the question has to be raised, in a Green Belt location, where the primary aim is to keep land permanently open and in a development policy context of restraint, as to whether the house is bigger than it needs to be if half the house can be effectively shut down, when not required. This aspect appears to result in an unnecessary impact upon openness and therefore can, at best, only be afforded limited weight.

Paragraph 55 of the Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. These circumstances include:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

Given the close proximity of the application site to so many other dwellings, the proposal cannot be considered as an isolated home in the countryside in terms of paragraph 55. Consequently the provisions of paragraph 55 do not directly apply. However, it is acknowledged that the design of the property can be a material consideration in the Green Belt balance.

The design of the dwelling does optimise the positive aspects of the site and the surrounding area and does create some visual interest. In addition, the approach to lifetime homes is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for contemporary designed dwellings are intriguing, and the dwelling includes some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovative nature to justify the development in the Green Belt.

The proposal is inappropriate development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt, and paragraph 14 of the Framework does indicate that this is one area where development should be restricted. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply.

Furthermore, the Council is a considerable way along the local plan process which does seek a strategic response to meeting the housing needs of the area and the Borough as a whole. It would not therefore be appropriate to undermine the local plan process by allowing the

development of a Green Belt site that would result in substantial harm to matters of public interest.

It is therefore concluded that the above considerations, taken together or individually, do not amount to the required very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other identified harm.

The proposal is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and the National Planning Policy Framework.

## **RECOMMENDATION**

**The application is recommended for refusal for the following reasons:**

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan, which reduces openness. The material considerations advanced by the applicant in favour of the proposal do not amount to the required very special circumstances to clearly outweigh the identified harm to the Green Belt. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the National Planning Policy Framework.**
- 2. A European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the Green belt harm identified, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



