

Application No: 17/1540C

Location: Roddymoor Mill House, ROUGHWOOD LANE, HASSALL, CW11 4XX

Proposal: Demolition of existing dwelling and ancillary structures, and the creation of a new dwelling to form a modern country estate, including the erection of ancillary domestic buildings, gardens, play area, estate parkland, an estate workers cottage, gatehouse, stables, outdoor riding ménage, sunken tennis court, garden and equipment stores, facilities buildings, the erection of a boundary wall and estate fencing, the formation of a lake, the closure of the existing access and the formation of a new access onto Roughwood Lane, associated landscaping, ecological enhancements and tree planting.

Applicant: Carl Copestake

Expiry Date: 22-Jun-2017

SUMMARY

The proposed development sought on the site would be contrary to Policies H6 and subsequently Policy PS8 of the Local Plan. However, the NPPF permits the erection of isolated new dwellings in the countryside if they are of 'exceptional quality or innovative nature'. If the LPA are convinced of this, the principle of the development would be accepted.

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

Matters of; and drainage, highway safety, amenity, archaeology are all considered to be acceptable, subject to conditions where necessary.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to condition

PROPOSAL

Full planning permission for;

- Demolition of existing dwelling and ancillary structures and;
- Creation of a new dwelling to form a modern country estate, including;
 - the erection of ancillary domestic buildings
 - gardens
 - play area
 - estate parkland
 - an estate workers cottage
 - gatehouse
 - stables
 - outdoor riding ménage
 - sunken tennis court
 - garden and equipment stores
 - facilities buildings
 - boundary wall and estate fencing
 - the formation of a lake
 - access bridge
 - the closure of the existing access and the formation of a new access onto Roughwood Lane
 - Associated landscaping, ecological enhancements and tree planting.

Further/revised plans have been received during the application process in order to address consultee concerns and/or avoid pre-commencement conditions. The main change is the amendment to the boundary treatment from a wall to a dense hedgerow with fencing behind.

SITE DESCRIPTION

The site is located approximately 2 miles south-east of Sandbach and 11 miles north-west of Stoke-on-Trent entirely within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The application site extends 21 hectares (52 acres) and is located to the north of and adjacent to Roughwood Lane, with Betchton Lane to the south-east and the Trent and Mersey Canal is to the north.

The site comprises of a mix of farmland and woodland of varying levels (18 metres between the lowest and highest points) with a brook and an existing dwelling with outbuildings and barns.

Part of the site forms part of Chellshill Wood Local Wildlife Site (LWS).

PLANNING HISTORY

14/3861C - Change of Use to create wedding / function venue and associated accommodation. Provision of new site access, parking and associated landscaping – Withdrawn 10th November 2014.

30320/6 - Renewal of planning permission 25514/6 for change of use of redundant building to dwellinghouse – Approved 28th September 1988
25514/6 - Renewal of permission for change of use of redundant building to dwelling house – Approved 17th August 1993
20833/3 - Extension - dining room & first floor bedroom – Approved 4th April 1989
19502/3 - Proposed change of use from redundant building to dwelling house – Approved 3rd October 1988
19193/3 - Proposed conversion of previous mill house to form rural workshops – Refused 16th February 1988
19180/1 - Change of use from redundant building to form dwelling house (outline) – Refused 5th January 1988
18958/3 - Change of use from redundant building to dwelling house – Refused 15th September 1987
15300/3 - Alterations to form two units – Refused 4th October 1983
14391/3 - Two storey domestic extension – Approved 13th September 1982
13537/3 - Toilet and shower – Approved 8th September 1982
11956/3 - Erection of livestock building dual purpose for shippon or stabling – Approved 2nd October 1980
11955/3 - Extension and alterations to be used as store, bathroom and bedroom – Approved 8th September 1980
11505/3 - Part agricultural use/restoration of vintage cars & part body repairs – Refused 17th June 1980

NATIONAL & LOCAL POLICY

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant saved policies are:

PS8 (Open Countryside), GR1 (General Criteria for Development), GR2 (Design), GR4 and GR5 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR20 (Public Utilities), GR21 (Flood Prevention), H1 & H2 (Provision of New Housing Development), H6 (Residential development in the Open Countryside and the Green Belt), H18 (Dwellings associated with Rural Enterprises), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation – Statutory Sites), NR3 (Habitats), NR4 (Wildlife and Nature Conservation - Non-statutory sites), NR8 (Agricultural Land), NR9 (Renewable Energy), BH4 and BH5 (Listed Buildings - Effect of Proposals) and RC5 (Equestrian Facilities)

Supplementary Planning Guidance:

Cheshire East Council Design Guide SPD

Supplementary Planning Guidance note 2: Provision of Private Open Space in New Residential Developments

Supplementary Planning Document No.14: Trees and Development

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), 17 (Core planning principles), 28 (Supporting a prosperous rural economy), 47-50 (Wide choice of quality homes / affordable housing), 55 (Isolated dwellings in the countryside) and 56-68 (Requiring good design), 109-125 (Conserving and enhancing the natural environment) and 126-141 (Conserving and enhancing the historic environment)

Emerging Cheshire East Local Plan Strategy (CELPS)

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

MP1 (Presumption in favour of sustainable development), PG1 (Overall Development Strategy), PG5 (Open Countryside), 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), SE13 (Flood risk and water management), CO1 (Sustainable Travel and Transport) and CO4 (Travel plans and transport assessments)

Neighbourhood Plan

There is no neighbourhood plan for this area

CONSULTATIONS

Environment Agency – No objections, subject to a condition that the development proceeds in accordance with the measures detailed within the Flood Risk Assessment. Furthermore, various informatives are proposed.

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition seeking the prior submission/approval of an updated Construction Management Plan (CMP) and a informative advising that a S184 licence will be required for the new access

Environmental Protection - No objections, subject to a number of conditions relating to; the provision of Electric Vehicle Charging infrastructure, the prior submission/approval of a scope of works for addressing contamination report; the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives are also proposed in relation to hours of work and contaminated land.

Archaeology – No objections, subject to a condition seeking the prior submission/approval of a programme of archaeological works

Public Rights of Way Officer (PROW) – No objections

Cheshire Brine Subsidence Board – No objections, subject to the foundations being strengthened to mitigate against subsidence

Canal and River Trust – ‘No comment’

Flood Risk Manager – No objections, subject to a condition that details of the design, maintenance and management of surface water be submitted to the LPA for prior approval. In addition an informative with regards to infiltration testing is proposed.

United Utilities – No objections, subject to informatives

Betchton Parish Council – No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the proposal featured in the local newspaper. At the time of drafting the report no letters of representation have been received.

APPRAISAL

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

Paragraph 55 of the NPPF states;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *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.'*

The proposal seeks to pursue the erection of a dwelling of '**exceptional quality or innovative nature.**'

As this is not a policy exception with Policy H6 of the Local Plan, this would be at variance with the local plan and under paragraph 215 of the NPPF; this national policy would therefore be given greater weight than the Local Plan in decision making. Therefore, if this exception can be achieved, the principle of the development would be deemed to be acceptable, subject to other material considerations.

It should be noted at this juncture that Cheshire East Council has not permitted such a scheme under this exception since the publishing of this policy as part of the NPPF and the preceding PPS7 (Planning Policy Statement 7) before that. This is because the LPA has not deemed that any such scheme to date has adhered to the required high standard. Furthermore, where applications have been submitted to the Council in an attempt to meet this exception, where these have been refused and subsequently appealed, all such appeals to date have all subsequently been dismissed by the Planning Inspectorate. The bar for achieving such an 'exception' is therefore set very high.

Design

The design of the proposed dwelling, coupled with the concept and vision of the entire site is critical to whether the scheme can be considered to be truly exceptional. Design is inevitably a subjective matter but the comments of the Councils Senior Design and Conservation Officer are produced in detail below to highlight the key thoughts about why this could be considered exceptional.

The design of the main house, from the use of materials, use of water and glazing, allows for the outside landscape to become part of the visual appreciation of the buildings, to live inside whilst connected firmly to the outside. These factors on their own, do not make the project innovative. It is the fine tune detail and the design of the project itself which makes this scheme innovative and truly outstanding.

The innovation is embedded in the use of progressive materials and ideas of design today, all of which is demonstrated in the supporting documents provided with the application.

The specific features drawn out include;

- *Roof - The use of carbon fibre, for the cantilever roof on a central steel spine beam, which will allow for a large column free space and a full glass façade. This provides an adaptable space which future-proofs it as it allows for the house to be fitted out in various ways. This structural solution is proposed allowing for the span to be cleared by cantilevering a pre-cambered, carbon fibre reinforced plastic (CFRP) roof structure from a central steel spine beam. This combined with a pre-tensioned glass façade (referred to below) creates the large column free space.*
- *8-metre tall structural glass (The largest that can be fabricated) which allow expansive views through the building to the landscape*
- *Pre-fabricated large stone panels*
- *A combination of the above create a quick and cost-effective pre-fabricated build which has the potential to raise the standards of design, inform future residential development and act as a research and development project for the residential typology.*

Fosters and Partners provided an example of carbon fibre being used on the Apple theatre in Cupertino, California. It is understood from the information provided and discussions at pre-app, show that there is no domestic examples of using carbon fibre in the way proposed within this scheme. This innovation and use of material sets it apart from other projects. Bringing technology used in commercial projects, scaled to domestic projects.

The strong architectural relationship shared between the main house and its ancillary buildings across the site also presents a special opportunity, the concept of an historic estate in a contemporary vision.

The design philosophy presented is committed to ensuring that the project is environmentally responsive and constitutes sustainable design. It states within the Design & Access Statement.

“to ensure a legacy of sustainability for a project, a more wide-ranging view of sustainability is required. Foster + Partners have developed 10 themes of sustainable design. The 10 themes are used as part of a methodology to develop and track the environmental performance of our projects throughout the design and construction process”.

The standard of design presented by Foster and Partners is truly outstanding and display innovation not reached in Cheshire East before.

Fosters & Partners have an international reputation, one where the designs of the firm are constantly pushing the boundaries of what can be achieved in the built environment. Their designs, in my opinion and that of an international audience, are that their designs enhance and expand our experience, with a high standard of architecture being left behind for future generations. The proposed scheme is no different.

The Willis building, built in 1973-5, is a Grade I listed building by Foster and Partners. In 1991 the Willis building became the youngest building to be given Grade I listed status in Britain. At the time, it was one of only two listed buildings under 30 years of age. This building is considered an exceptional building of its period, testament to the legacy Fosters and Partners are leaving behind, the listing signifies the national significance and standard of

architecture being produced by the firm for 20th century buildings and into the 21st century. This high quality is replicated in the proposed scheme.

The main house design and technology is replicated in the ancillary buildings around the site, the gardens and cottage particularly. The other buildings are designed carefully and with the high quality and technology. The use of materials on the ground floor of the house and its relationship with the lake, gives the impression that the water flows under the house, positioning of the lake house, and the summer house, creative ways of making the spaces fit with the landscape as opposed to the common clutter associated with features such as this. Attention to detail at each level of the scheme.

Domestic dwellings are limited to the company, with only a few examples, this would also be a rare project for Foster and Partners, transferring the high standards in commercial architecture to domestic.

Discussion during pre-application stages and replicated in the Design and Access Statement, it is clearly an ambition of the architects to enable future high standards of domestic architecture to mass scale, which will raise the standards of design across the mass market of housing. The design statement says;

“the advanced technology used in the main dwelling can be scaled and replicated to be used on smaller projects and the mass housing market. The proposed estate workers cottage, is proposed to be a scale of a traditional house to demonstrate how the technology can be scaled down and easily replicated. The proposed estate workers cottager would therefore act as a frontrunner, which will use the latest technology to act as a research project for the house builders, to demonstrate how mass house building could be made more sustainable in the future”

The architecture displayed within the scheme will help raise the bar overall in rural projects and across the Borough of Cheshire East as a whole. The innovation shown in this scheme will require new ideas to come forward pushing the boundaries of design further as technology and ideas advance and progress.

The site has historically housed a Mill and mill pond. Evidence of this remains on the site today and is evident beyond the red line of the scheme. The design team have worked with the strong ties water has to the historic use of the site from an early stage. The early pre application discussions with the design team and the Council, showed the positive thinking within the early stages. The team started at the very basics of the site; its evolution, landscape and even going beyond to the land outside the client's ownership, and also carefully considering the topography and site constraints. The buildings were indicated in tentative positions, with no commitment to location or even a design. By considering these important factors at an early stage, they have sought to “significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area” and design terms it is considered that they have.

The location of the building is now located in the rough position of the existing house. This was done as a result of discussions with ecology and trees. In my view, focused on the design aspects of the scheme, the landscape comes as important and as critical as the main house/buildings on the site. It is what binds the concept of an estate together and creates the

“specialness” of the place as a whole. This balance between the landscape and built environment has been achieved from day one of the process, the building position and relationship with surroundings is informed by its setting rather than the other way around. An easy concept and process in theory and a process every scheme should follow, but all too often done the other way around.

The process in which the landscape and setting has been considered in the design process is positive. There will be a significant change to its immediate setting on the site, but in my view long term will be an enhancement. However, the success of the immediate setting, in terms of the landscape will be considered by Tree, Ecology and Landscape officers.

The concept of an estate, is defined historically by the large statement house, supported by ancillary buildings. These ancillary buildings sometimes have a specific functional and others for pleasure, or to define vistas and sense of place around the parkland. In almost every case the estate is hidden from view entirely, with the gate house being a mini statement piece, visible to the public, and a taste of the specialness which lies behind. Historically the gate lodge acted as the prelude to the main estate.

The proposed gate lodge will be the only public view of the estate from outside, one for public enjoyment and the only part of the Fosters and Partners design the public will get to enjoy, the attention to detail is replicated to this feature as with the main house, with the landscape filtering through the expansive glass facade. Within the estate, the individual elements, whilst sharing a cohesive and similar architectural quality, have a different character and purpose. Often hidden from the main house and its landscape, to allow for a series of rooms and experiences. These spaces, at times allow for key views, carefully designed, back to the main feature of the house or from the house. In the case of the proposed development, it follows this character/ Each individual element forms part of a cohesive concept for the whole site, much like historic estate creations it's a sum of component parts rather, than one solitary idea.

Historic estates always displayed the highest quality and standards of design, to stand alone but in a respectful and harmonious way. The architecture and the innovation displayed in the proposed scheme is important, but of equal importance are the final two points of paragraph 55, where it says to be sensitive to the defining characteristics of the area. How the proposed house and ancillary buildings respond to the site and how this has been designed is where the success of the scheme lies. The overarching concept of replicating the dynamics of an historic country estate is interesting and the design process has carefully considered the components of a large estate and has executed these well.

Notwithstanding the physical appearance of the architecture there is clearly much to be supportive of the approach and evolution of the entire site to reach the detailed submission that has now been made. The concept and vision of the site has been well thought through and the architects clearly have an international reputation for quality and innovation.

The significant factors involved in the design of this scheme are in applying that quality and innovation to a domestic scale. Applying that philosophy to the main house and also other ancillary buildings provides a unique element with the potential for this to be applied in future construction.

It is therefore considered that in design terms alone the exception of para.55 of the NPPF can be applied in this case. However, as identified, the acceptability of this matter is not solely a strict design consideration. Landscape, ecology and tree matters also establish whether the proposal 'significantly' enhances the setting.

Landscape Impact

Overall

The 21 hectare site is located in open countryside and has no statutory landscape designation. Part of the site is within a flood risk zone.

The Landscape and Visual Impact Assessment (LVIA) report correctly identifies that the site lies within the National Landscape Character Area 61 Shropshire, Cheshire and Staffordshire Plan, and in the Cheshire Landscape assessment within Landscape Character Type Higher Farms and Woods, specifically HFWS: Little Moreton Character Area.

The Council's Landscape Officer concurs with the assessment that the location of the proposed main dwelling in the valley benefits from some natural screening from external views. It is agreed that when established, enhanced boundary planting and proposed perimeter earthworks would provide improved screening of the site in views from Roughwood and Betchton Lane and more distant receptors such as the Salt Line. Nevertheless, screening would take time to mature and it is likely that there may be residual views into the site from the public highway.

The LVIA suggests that there would be minor to major adverse landscape impacts and adverse visual amenity effects associated with the period of construction. On the basis of the submitted Construction Management Plan, there are concerns that the impacts of the construction phase would be significant and should not be underestimated. The tranquil character of this rural location and the very narrow lanes which appear to be well used by cyclists and horse riders would be subject to major disruption.

The Council's Landscape Officer has advised that subject to some amendment of the planting specifications, (see Planting proposals below section), overall the planting and estate management proposals have the potential to benefit the landscape in the long-term.

Ground modelling (including lake)

The proposals include significant cut and fill operations with the creation of an approximately 7000 square metre artificial lake of lined construction, and ground modelling across the site with re-profiling of the farmland, mounding to the road boundary, mounding around the estate workers cottage, greenhouse and garden store, and the creation of a sunken tennis court with a tiered surround.

The submitted plans make it difficult to compare existing and proposed levels to work out the degree of engineering being carried out and the profiles of the final landform being created. Equally the cross-sections that have been created cannot be read and are only indicative. As such, for any areas subject to 'cut and fill' and the areas for the flood compensation storage, it is recommended that plans showing the existing and proposed levels on one plan are

submitted so there is an easy comparison. A series of cross-sections are also required for the lake to clearly demonstrate the proposed slope profiles on the banks and the degree of level change proposed.

In addition, a bulk excavation and earth moving strategy is also required which should detail the quantities of material to be excavated, locations of storage for the different materials and timescales for material to be stored. This is because if its there for months, it needs seeding to stop problems with dust or it being blown into the watercourse or shifting through rainfall (etc). It should also include considerations of separate stockpiles for the storage of top soils and subsoils and any material requiring remediation, if its going anywhere near the watercourse then details of how the watercourse will be protected to prevent harm to water quality and flow, any material handling methods when they re-use the material and if there is any processing of the material proposed then what is being processed and what machinery proposed.

It has also been recommended that conditions be imposed preventing the importation of any material required in connection with the engineering works and preventing any material generated as part of the engineering works being exported off site, except for that identified in the remediation strategy as requiring off site disposal, unless otherwise agreed in writing with the LPA.

Boundary treatment

A two metre high site boundary wall was originally proposed. This raised both design, landscape and ecology concerns. As such, a revised proposal has been suggested comprising of the planting of a dense hedgerow with a 2 metre-tall post and rail fence behind for security purposes.

In response to this amendment, concerns were originally raised with regards to the type of hedgerow proposed and the possible loss of the existing hedgerow. In response, the applicant has advised that they shall maintain the existing hedgerow and supplement with native species. Should the application be approved, it is recommended that this detail be conditioned.

Bridge

The Council's Landscape Officer has advised that a detailed engineers designs and a technical specification for the construction of the bridge will need to be supplied for approval. This could be secured via condition.

Generator/switch/ transformer room building and separate external services building

On the Proposed Estate Plan 2 service buildings are proposed. These are located on the edge of the application site, close to the existing access.

One of these buildings would be rectangular in shape measuring approximately 17.7 metres in length, 3.6 metres in width and would comprise of a flat-roof with a maximum height of 3.5 metres. This building would house a packaged generator, LV switchroom and Transformer Room.

The second building would be located 2.9 metres further to the north. This would have a square footprint and measure approximately 10.5 metres in length, 9 metres in width and would comprise of a flat roof with a maximum height of 3 metres. This building would be an external services compound.

The applicant has advised that this could be painted to blend into the surroundings and that enhanced boundary planting as should and perimeter earthworks would screen the proposal. Should the application be approved it is recommended that the finish of these buildings be submitted for prior approval.

Lighting Strategy

The scheme proposes lighting throughout the site. In this rural location where there is no street lighting, there is a risk that widespread lighting as proposed could appear intrusive. Lighting needs to be minimised and specific design details and hours of use would need to be agreed. This could be secured via condition.

Planting proposals

a) Domestic areas

Details have not been supplied for planting specifications or proposals for the domestic areas adjacent to the main house (hedges, orchard etc.) or the estate manager's cottage. This would need to be secured via condition, along with a plan demarcating the extent of the domestic residential curtilages.

b) Planting mixes

The Council's Landscape Officer considers that the tree/shrub planting mixes are not entirely appropriate to this area and would need to be adjusted to more accurately reflect locally found species. The Officer also considers that the sizes of material on planting will need to be reviewed if establishment is to be successful. There appears to be no detail of the specification details for grassland /meadow seeding mixes, or new hedgerow planting. This detail could be conditioned.

c) Parkland trees

The proposal seeks to plant 190 new parkland trees. This represents a significant planning benefit.

The Council's Landscape Officer has advised that several of the species proposed for parkland trees are small stature and are not typical parkland trees. The species palette will need to be amended. Revised planting proposals could be sought by condition.

Construction Management Plan

The Council's Landscape Officer suggests that the Construction Management plan and associated elements (for example a proposed but not yet defined bulk excavation and earth movement strategy) will need further development and consideration from a multi-disciplinary

LPA team to consider. This would be a major engineering project with potential for impacts not only within the site but on the narrow tree and hedge lined routes along Roughwood and Betchton Lanes. Although not detailed, the current proposals suggest localised widening of Roughwood Lane and several access points from the lanes with associated haul routes across the site.

Landscape Conclusion

In respect of the requirements of paragraph 55 of the NPPF, the landscape elements of the project have to be considered in an overall context of an innovative approach to the design of a building, together with the design and management of its immediate and wider setting. The design process has been the subject of detailed analysis and offers opportunities for landscape enhancement, new tree and hedge planting in particular. The Council's Landscape Officer has advised that these enhancements would contribute toward the achievement of the qualifying criteria.

Ecology

There are various ecology matters for consideration; these are broken down below;

Chellshill Wood Local Wildlife Site (LWS)

Part of the red line of the proposed development falls within this locally selected wildlife site. The proposed lake occupies an area of semi-improved grassland within the Local Wildlife Site. The Council's Nature Conservation Officer (NCO) advises that the grassland habitats in this part of the site are however not of significant nature conservation value and therefore advises that their loss would not have a significant adverse impact on the LWS.

Previously a flood storage area was proposed within the boundary of the LWS. The proposals have now been amended to relocate the storage area.

The Council's Nature Conservation Officer has advised that if planning consent is granted, a condition should be attached which requires proposals to be submitted to safeguard retained woodlands and other habitats during the construction phase.

Construction Management Plan

The Council's Nature Conservation Officer has advised that the submitted Construction Management Plan raises the following concerns:

- The project office and site welfare block is located within an area of priority woodland habitat.
- The enlargement of the existing driveway and contractor parking is also likely to adversely affect this block of priority woodland.
- The security cabin proposed in Logistics Plan Area 3 is located in the vicinity of a tree identified with bat roost potential. Confirmation as to whether any tree removal to facilitate the security cabin should be sought from the applicant.

The Council's Nature Conservation Officer therefore recommends that either the submitted construction management plan be revised or if planning consent is granted a condition should be attached which requires a revised construction management plan be submitted prior to the commencement of development.

Bats

Evidence of bat activity in the form of minor roosts of a relatively common bat species has been recorded within the existing buildings on site. The usage of the building by bats is likely to be limited to 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 Council's NCO advises that the loss of the roosts associated with 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 low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and a replacement features for bats in the proposed buildings on site 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.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations 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.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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 be granted. 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.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of bats.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for bats would not be provided which would be of benefit to the species.

The Council's NCO has advised that if planning consent is granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

A number of trees were identified on site with the potential to support roosting bats. Two trees with bat roost potential are located in close proximity the revised flood storage area. The applicant has confirmed that the works within the flood storage area will not require the removal of these trees.

To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's NCO recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Great Crested Newts (GCN)

A Medium population of GCN's was recorded at two ponds in close proximity to the proposed development. In the absence of mitigation, the Council's NCO has advised that the proposed development would result in a LOW adverse impact on this species as a result of the loss of terrestrial habitat. The proposed development would also pose the risk of killing or injuring any animals present with the footprint of the proposals when works commence.

In order to mitigate the risk of GCN's being killed or injured during the works the applicant is proposing to remove and exclude animals from the footprint of the development using standard best practice methodologies under the terms of a Natural England license. The loss of terrestrial habitat associated with the development would be compensated for through the creation of two additional ponds together with extensive areas of woodland and scrub planting.

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The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations 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.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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 be granted. 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.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for GCN’s would not be provided which would be of benefit to the species.

The Council’s NCO has advised that the submitted GCN mitigation and compensation is acceptable to maintain and possible improve the favourable conservation status of the affected GCN population.

In the event that the application is approved, the Council’s Nature Conservation Officer recommends that it be conditioned that the proposal proceed in accordance with the GCN report and mitigation strategy.

Common toad

Common Toad is a priority species and a material consideration. The proposed development will result in the loss of a pond used for breeding by this species and an area of suitable

terrestrial habitat. The Council's NCO advises that the submitted GCN strategy, which includes proposals for the provision of two replacement ponds and a lake, would be sufficient to address the adverse impacts of the proposed development upon this species.

Reptiles

No evidence of reptiles was recorded during the submitted survey and so the Council's NCO advises that this species group does not present a constraint on the proposed development.

Otters

Evidence of otter activity was recorded along the stream on site. No features used for shelter and protection were identified and providing construction works are undertaken in daylight hours, the Council's NCO advises that the proposed development would be unlikely to result in an offence under the habitat regulations as a result of the disturbance of otters. The Council's NCO therefore recommends that in the event that planning permission is granted a condition should be attached which restricts the construction to daylight hours.

As the usage of the site by otters may change after the grant of planning permission, the Council's NCO also recommends that if planning consent is granted a condition should be attached which requires an updated otter survey to be undertaken prior to the commencement of the development.

Nesting Birds

A number of notable bird species were recorded during the submitted breeding bird survey. Overall, the Council's NCO advises that the landscaping scheme associated with the proposed development is likely to deliver an enhancement in terms of the available habitat for nesting birds on site. As such a condition to protect breeding birds and the prior submission of breeding bird features is proposed.

Badgers

A number of badger setts are present on site. The submitted badger survey report recommends the implementation of undeveloped buffer zones around each sett. The proposed layout plans have been amended to ensure the requirement for these buffer zones is complied with.

Hedgerows and proposed boundary wall

Hedgerows are a priority habitat and hence a material consideration. The applicant proposes a boundary treatment that consists of a densely planted hedgerow backed by a fence. The Council's Nature Conservation Officer advises that this strategy is preferred to the originally proposed estate wall.

The Council's Nature Conservation Officer advises that this strategy must seek to retain existing hedgerows where they occur and the fence must be permeable to wildlife. Permeability for wildlife can be achieved by simply providing a low gap at the base of the fence.

As such, should the application be approved, the Council's Nature Conservation Officer recommends that this could be secured by condition.

Habitat management plan

An estate management plan has been submitted. The Council's Nature Conservation Officer has advised that should the application be approved, this should be conditioned.

In conclusion

The Council's NCO has advised that the proposed development is likely to have an adverse impact upon a number of protected/priority species. The landscaping scheme associated with the proposed development is however likely, to deliver a significant enhancement for a number of species of wildlife. As such, no objections, subject to conditions are raised.

Conclusion on the Principle

Para 55 of the NPPF permits new isolated dwellings in the countryside in certain circumstances. One of these is;

- *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.'*

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

Other Considerations

Estate Worker's Cottage and other structures

The proposal also seeks the provision of an estate workers cottage. It is proposed that this dwelling would replicate much of the technology used in the main dwelling and would represent a working example of how the technologies used could be replicated on a smaller scale.

The Council's Urban Design Officer supports this provision of this building for these reasons. In addition, it would also be expected that such a dwelling would be characteristic of historic country estates which this proposal seeks to replicate, although with a modern twist.

Due to the scale and extent of the site it is considered justified to have an estate worker as the grounds are expected to require significant management. Subject to a condition being imposed to ensure that this dwelling should not be occupied by any persons not associated with the direct management of the site, it is considered that the principle of this dwelling is acceptable.

A number of other buildings and structures are proposed around the site – albeit part of the overall design. These include garden stores, sunken tennis courts, a boathouse and infrastructure. These buildings in themselves do require justification as independently they could be considered isolated and impact on the character and surroundings of the countryside and landscape they are located within. However, they form part of the overall concept of the proposed estate and have been designed to both fit within and compliment the existing and proposed landscape strategy for the site. As such, if the principle of the new house is accepted then these additional structures/features can also be accepted subject to careful conditions. A restriction should also be applied to the gatehouse to ensure that it is not used as an independent dwelling.

Equine development

It is advised within the submitted information that the stables are features that are found within the traditional country estate. The provision of equine development within the countryside is considered to be acceptable in principle.

Policy RC5 of the Local Plan advises that proposals involving the development of equestrian facilities will be permitted where a number of criteria are satisfied.

The key considerations in this instance are the impact of the development upon the landscape and the possible impact upon nature conservation.

As the proposal would be well screened from wider viewpoints with no significant concerns in respect of landscape or ecology it is considered that the equine development proposed would be acceptable, subject to a condition to ensure no commercial use.

Flood Risk and Drainage

The Environment Agency's indicative flood map shows that most of the site lies within Flood Zone 1 - an area with low risk of flooding. The areas along the margins of the Kidsgrove Stream which fall within flood Zone 2 and 3 - a medium and high risk flood zones respectively.

In addition to the normal flooding considerations created by development in the above-mentioned areas, the proposal also seeks the creation of a new lake occupying an area approximately 7,000sqm which at its maximum point, is proposed to be 4 metres in depth. Such a proposal also includes an associated flood plain. Two new ponds are also proposed.

The application is supported by a 'Drainage, Flood Risk and Flood Plain Compensation Report'.

The Environment Agency have reviewed the proposals and the above-mentioned report and raised no objections, subject to the mitigation proposed within the report being conditioned and subject to a number of informatives.

The Council's Flood Risk Officer has advised that he has no objections, subject to a condition that details of the design, maintenance and management of surface water be submitted to the LPA for prior approval. In addition an informative with regards to infiltration testing is proposed.

United Utilities have advised that they have no objections, subject to informatives.

Access / Highway safety

The proposal includes a new vehicular access onto Roughwood Lane towards the southern edge of the site, which would in turn extend internally within the site as a long driveway to the proposed main house. A new bridge is proposed over an internal stream and the parking for the house would be beneath the raised ground floor of the main house.

The Council's Head of Strategic Infrastructure (HSI) has advised that ATCs have been carried out indicating design speeds of approximately 30mph in the vicinity of the proposed vehicle access. Visibility splays have been provided which reflect this and the Council's HSI subsequently advises that the access will be of adequate standard to allow for safe movement of vehicles into and out of the site. The HSI has advised that the proposal would result in a small number of vehicle movements which would be associated with the site and the highways impact would be small.

The Council's HSI originally advised that the main issue may be with construction vehicles access and details of this should be conditioned detailing construction vehicle size and type, routing and access, and construction and contractor vehicle parking and loading/unloading locations.

This was subsequently provided by the applicant. However, the HSI on review advises that further information with regards to details of road closures, diversions, vehicle types and number for each stage of the works, swept paths, plans showing proposed off-site works, construction access visibilities, is still required.

Subject to this being conditioned and an informative advising that a S184 licence would be required for the new access, no highway safety concerns are raised.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for the proposed new dwelling would adhere to this standard which is a private garden located adjacent to the house.

The closest neighbouring properties to the application site include; Mullwood House and Roughwood Cottage Farm on the opposite side of Roughwood Lane but largely offset to the west and Roughwood Hill Farm, which would be encompassed by the application site to 3 sides.

Mullwood House and Roughwood Cottage Farm on the opposite side of the road to the application proposal would be in excess of 50 metres from the application site. Given this separation distance, it is not considered that the occupiers of these properties would be detrimentally impacted by the application proposal with regards to loss of privacy, light of visual intrusion.

Roughwood Hill Farm would be enclosed by the application site to the west, north and east. However, the property would be at least 40 metres away from any of the proposed built form. As such, it is not considered that the occupiers of these dwellings would be detrimentally impacted with regards to the above considerations when it comes to the impact of new built form.

Significant earthworks are also proposed as part of the development and consideration of how these could impact on neighbouring amenity is also needed – particularly for Roughwood Hill Farm.

On the boundary of the site a shelter belt is proposed which shall range in depth between approximately 4.6 and 17.7 metres on relatively level land. However, approximately 29 metres to the north-west of this neighbouring property a hill is proposed approximately 3 metres higher than the surrounding land. The top of this hill would be approximately 41 metres from the neighbouring property. Given the distance of this feature from Roughwood Hill Farm from this feature with a relatively deep shelter belt between, it is not considered that this would create any issues with regards to loss of privacy, light and visual intrusion.

Just beyond the eastern boundary, within a wider section of the proposed shelter belt, further land re-modelling is proposed. A hill approximately 3.5 metre tall is proposed in order to screen the proposed gardener's stores. The top of this hill would be over 30 metres from this neighbouring dwelling. As a result, as with the hill to the north-west, due to the extensive distance of this feature from this dwelling, it is not considered that this feature would create any significant concerns for the occupiers of this dwelling with regards to loss of privacy, light and visual intrusion.

With regards to environmental amenity disturbance, the Council's Environmental Protection Officer has advised that she has no objections, subject to a number of conditions relating to; the provision of Electric Vehicle Charging infrastructure, the prior submission/approval of a scope of works for addressing contamination report; the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives are also proposed in relation to hours of work and contaminated land.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan and create no significant amenity concerns.

Archaeology

Betchton Tithe Map of c.1841 depicts several structures within the application area, including Roughwood Hill Farm Barn, Higher Roughwood Mill House and the Higher Roughwood Mill and Pond, which is recorded as a non-designated heritage asset on the Cheshire Historic Environment Record (CHER: 7883). The proposed development would involve the total destruction of these buildings and involve below ground disturbance.

As such, an Archaeological Desk-Based Assessment has been submitted.

This has been reviewed by the Council's Archaeologist who has subsequently advised that they have no objections, subject to a condition that no development shall take place until a programme of archaeological work has been submitted to and approved in writing by the LPA.

Economic benefits

It is accepted that the construction of such a dwelling and its associated estate would bring the usual economic benefit to the closest shops in the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

The proposal would also provide direct employment opportunities such as the estate manager and associated staff. Within the application form it is advised that the development would generate 12 jobs. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposal would be economically sustainable.

Impact upon Mineral Resources

The site lies within land identified as an 'Area of Search' for sand and gravel in the Cheshire Replacement Minerals Local Plan 1999 where any additional new reserves of sand and gravel required to maintain the policy requirement should be located (Policy 47).

Whilst the Minerals Local Plan encourages the prior extraction of minerals in advance of development which would otherwise cause the permanent sterilisation of proven mineral resources (policy 6), this is subject to this being able to be completed within an acceptable timescale and providing it does not compromise the subsequent development. There has been no proposed mineral development on this site nor has there been any expression of interest from the mineral industry. It is also noted that the 'Areas of Search' are only a general guide to the broad distribution of sand in the authority.

Furthermore, due to the age of the Minerals Local Plan, the Council is in the process of preparing a minerals and waste DPD which will identify new areas of search for future mineral extraction. The application site was not identified by the mineral industry in the most recent

'Call for Sites' exercise (2014) carried out by the Authority as part of the evidence base for the emerging Minerals and Waste DPD. It is therefore considered that the proposals would not conflict with the approach of the Minerals Local Plan.

Other Matters

The proposed development would not affect a Public Right of Way, would not have an impact upon the Canal and River Trust infrastructure and would not create any significant subsidence concerns subject to foundation strengthening (that would be considered at building regulations stage).

Conclusion / Planning Balance

The proposed development sought on the site would be contrary to Policies H6 and subsequently Policy PS8 of the Local Plan.

However, the NPPF permits the erection of isolated new dwellings in the countryside if they are of '*exceptional quality or innovative nature*'. If the LPA are convinced of this, the principle of the development would be accepted.

It is considered that the innovative technology used in the design of the scheme, particularly the unique roof design to the main house which creates a large column free, adaptable space future-proofs it and allows for the house to be fitted out in various ways. This combined with a pre-tensioned glass façade, in conjunction with the respectful adherence to the classic country estate layout and the significant landscape and ecological enhancements, all result in a proposal that would meet the paragraph 55 exception within the NPPF and would therefore be deemed to be acceptable in principle.

Matters of flood risk and drainage, highway safety, amenity, archaeology are all considered to be acceptable, subject to conditions where necessary.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE Subject to a number conditions including;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Prior submission/approval of existing and proposed levels on the same plan for 'cut and fill' areas and the areas for the flood compensation storage**
- 5. Prior submission/approval of a series of cross-sections for the lake and flood storage area**
- 6. Prior submission/approval of a bulk excavation and earth moving strategy**
- 7. No importation of any material required in connection with the engineering works and no material generated as part of the engineering works being exported off site, except for that identified in the remediation strategy as requiring off site disposal**

8. Prior submission/approval of engineers designs and a technical specification for the construction of the bridge
9. Prior submission/approval of external lighting (Landscape and Ecology)
10. Prior submission/approval of plan demonstrating extent of domestic curtilages to main dwelling and estate workers cottage
11. Prior submission/approval of a landscaping scheme for domestic curtilages
12. Prior submission/approval of updated grass, hedgerow and shrub planting plan for wider site (to include the specification details for grassland /meadow seeding mixes, or new hedgerow planting)
13. Prior submission/approval of an updated tree planting plan
14. Prior submission/approval of samples of hard landscape materials
15. Landscape - Implementation
16. Prior submission/approval of an updated CMP
17. Implementation of Estate Management Plan (with reference to adjustment of dates if project delayed)
18. Prior submission/approval of boundary hedge planting details - To include retention of existing
19. Prior submission/approval of proposals to be submitted to safeguard retained woodlands and other habitats during the construction phase
20. Bat mitigation - Implementation
21. Great Crested Newt Mitigation – Implementation
22. Badger Mitigation - Implementation
23. Restriction of construction to daylight hours (Ecology)
24. Prior submission/approval of an updated otter survey
25. Nesting Birds
26. Prior submission/approval of breeding bird features
27. Estate Workers Cottage - Worker's restriction
28. Flood Risk mitigation - Implementation
29. Prior submission/approval of Electric Vehicle Charging infrastructure
30. Prior submission/approval of a scope of works for addressing contamination report
31. Prior submission/approval of a soil verification report
32. Works should stop if contamination is identified
33. Prior submission/approval of a programme of archaeological work
34. Prior submission/approval of finish of service buildings
35. Prior submission/approval of a development phasing plan
36. No commercial equine use
37. Prior submission/approval of a surface water drainage scheme
38. Gatehouse – Ancillary building only
39. Prior submission/approval of scaled greenhouse/enclosure plans
40. PD Removal Classes A-E, Part 1, Schedule 2 – domestic curtilages of main house and estate workers cottage
41. PD Removal – Class A, Part 2, Schedule 2 – Overall site

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

