

Application No: 17/2610M

Location: Land between no.3 Seven Sisters Lane and No.4 Seven Sisters Lane, Ollerton, Cheshire, WA16 8RN

Proposal: Infill Development for 2no. dwellings and associated landscaping.

Applicant: Russ Brighouse, Brighouse Investments Ltd

Expiry Date: 14-Jul-2017

### **Summary**

The scheme represents an appropriate form of development as defined in paragraph 89 of the NPPF (limited infilling in villages). The design does incorporate traditional juxtaposed with contemporary elements, these encourage individuality preventing a pastiche approach. The contemporary elements would not be so prominent to significantly detract from the character of the area. The scale of the dwellings and density as viewed from Seven Sisters Lane would be appropriate within the surrounding context.

The application raises no issues relating to design, highway safety or any adverse impact in respect of environmental issues. Social benefits include the provision of 2x family sized dwellings in this village location, and the usual economic benefits for the construction industry and small benefits for the rural economy.

The NPPF, at para 14, requires development proposals that accord with the development plan to be permitted without delay and thus this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

### **RECOMMENDATION**

**APPROVE subject to conditions**

### **REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor for the following reason:

*“The Parish Council has concerns relating to the scale of the proposed dwellings together with the design dominating the character of the existing adjacent cottages. In addition there are highway concerns relating to the 'unrestricted' road and the additional access drive.”*

## **PROPOSAL**

This application seeks planning permission for the erection of 2 x detached dwellings between nos. 3 and 4 Seven Sisters Lane, Ollerton. Both units would be 4x bedroom, set back but fronting onto the highway, with an attached car-port to the front. A traditional design has mostly been sought albeit with a contemporary gabled feature to the front. Materials indicated include Cheshire Brick, slate tiles over a pitched roof, and timber/aluminium windows. Boundary treatments include a 1.8m close-boarded fence between the two proposed gardens, and retention of existing hedges and fences to the sides of the plots. To the street frontage, a small hedge, planted forward of a 1.2m high Cheshire rail fence is proposed.

A single access would be formed from Seven Sisters Lane which would lead directly to a turning area serving both properties. The car-ports would provide space for 2 vehicles, parking could also be achieved to the front of these.

Amended plans have been sought and received which show reductions in the height of the building (-300mm), setting back and reducing the height of the entrance gable by 300mm (and using a more natural timber cladding), reducing the projection of the single storey element (plot 2) by 1.5m. The rear projection of plot 2 is increased slightly.

Full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site comprises an area of land (0.1ha) between nos. 3 and 4 Seven Sisters Lane. This land has previously been associated with no.2, and is currently overgrown with semi-mature trees and shrubbery. A gated access exists to the NE corner of the site and a mature hedge fronts the site bordering the highway. Land levels are fairly consistent across the site and to neighbouring plots.

There is a mix of architectural styles in the area including a large detached dwelling (no.4), terraced 2-storey properties (nos.1-3), and a grade II listed building opposite (Hawthorn Cottage). The area is sylvan in character with non-uniform, albeit traditional, designs adding the built element. Ollerton Nursery is located immediately NW of the site (behind the proposed gardens), and larger scale residential development exists further NW (just past the A537). Within the local context, render, Cheshire brick, white painted brick, and slate roofing tiles are the predominant materials.

The site is contained within the North Cheshire Green Belt. None of the trees contained within the site are subject to a TPO.

## **RELEVANT SITE HISTORY**

None relevant

## **LOCAL AND NATIONAL POLICY**

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

### **Cheshire East Local Plan Strategy (2010-2030)**

Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)  
Policy SC4 (Residential Mix)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SD2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE3 (Biodiversity and Geodiversity)  
Policy SE4 (The Landscape)  
Policy SE5 (Trees, Hedgerows and Woodland)  
Policy SE9 (Energy Efficient Development)  
Policy SE12 (Pollution, Land Contamination and Land Instability)

### **Macclesfield Borough Local Plan (2004)**

DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)  
GC1 (Green Belt)

### **National Policy**

The National Planning Policy Framework (NPPF) (2012), of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
32 (Promoting Sustainable Transport)  
47-50 (Wide Choice of Quality Homes)  
56-68 (Requiring Good Design)  
69-78 (Promoting Healthy Communities)  
SECTION 9 (Protecting Green Belt Land)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG) (as updated online)

## **Supplementary Planning Documents**

Cheshire East Borough Design Guide (adopted 2017)

### **CONSULTATIONS**

#### **CEC Highways:**

This application is for two dwellings on land adjacent to Seven Sisters Lane, Ollerton.

It is proposed to have a shared drive access to the site and visibility has been provided at the access point. The off street car parking provision is in accordance with CEC standards.

No highway objections are raised subject to conditions

#### **Environmental Health**

Suggest the following conditions:

Pile foundations

Site Specific Dust Management Plan

Hours of operation informative

Electric Vehicle Charing Points

Contaminated Land

Contaminated Land informative

#### **Ollerton with Marthall Parish Council (summarised)**

- In conflict with Green Belt Policy
- Overdevelopment of the site
- Does not consider the rural character of the area and nearby properties
- Adversely changes the street scene
- Negative effect upon the grade II listed cottage opposite (Hawthorn Cottage), which has been carefully preserved
- Not consistent with the Cheshire Borough Design Guide
- Misinterpretation of planning policy regarding limited infill
- Vast reduction in the amenity of neighbouring properties due to close proximity
- Overlooking and loss of privacy
- Residents have not been consulted nor given the opportunity to raise concerns
- Not sustainable, reliant on car use for key services
- Application premature (not submitted for consideration under the neighbourhood plan)
- Does not support a ecological report given existing trees and vegetation
- Serious highway issues, no information given regarding time of the day the Highways report was compiled i.e. rush hour
- Increased car activity per household (up to 3 per household). Vehicles leaving the site will inevitably have to turn into the path of oncoming traffic
- Drainage report not adequate. Parish Council aware of drainage issues in the area
- Unnecessary car ports which reduce further the openness of space.

*Objection noted. The scheme has been through full neighbour consultation, and a site notice has been placed outside of the site. In addressing other concerns, please refer to the appraisal.*

## **REPRESENTATIONS**

11 letters of objection received, summarised as follows:

- Harm to the Green Belt
- No very special/exceptional circumstances identified
- Overbearing visually
- Misleading plans
- Harm to the street scene
- Proposal premature, given the neighbourhood plan being created
- Housing needs being met elsewhere (Knutsford)
- Does not constitute infill development
- Harm to the character of the rural lane
- Removal of land from the Green Belt not justified
- Not a built up frontage
- Red edge plan incorrect
- Out of character with the area
- Loss of residential amenity
- Highway safety
- Lack of information with the application
- Overdevelopment
- Not sustainable
- Not infill as 'viewed on the ground' (Court of Appeal in Wood v SoSCLG & Gravesham, 2015)
- Width of the development fills the plot
- Construction Impact
- Scheme heavily reliant on use of private car
- Accident blackspot (some of which serious)
- Not pedestrian friendly area
- High traffic in area
- Insufficient highway information.

The above objections have been received from properties within the area, two of which have been produced by planning consultants, and one by a highway consultant.

The full content of the above objections can be viewed on the public file. These have been noted and considered in the determination of this application.

Issues relating to legal matters, working hours and construction are not material planning considerations which can be afforded significant weight in this decision making. It is also noted that the proposal does not involve the removal of land from the Green Belt. This designation would remain in place with the proposed dwellings subject to Green Belt policies.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Two site inspections have been carried out. Public consultation has been carried out in accordance with statutory requirements.

## **APPRAISAL**

### **Key Issues**

- Principle of development/impact on the Green Belt
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Flooding issues
- Ecology Implications
- Sustainability

### **Principle of Development and Green Belt assessment**

The application site lies within an area of Green Belt as defined by the Development Plan. Paragraph 89 of the NPPF (2012) states that the construction of new buildings is regarded as inappropriate. One of the stated exceptions to this is *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*.

Local Plan policy GC1 relates to new buildings in the Green Belt. Criteria 5 of this policy refers to infilling and allows for *“limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question”*. In seeking to restrict infilling to a small number of villages with the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight. The key test, therefore, is whether the development would constitute infilling.

The Macclesfield Borough Local Plan defines infilling as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*. The width of the two plots are approximately 20m, which would be appropriate in the context of the surrounding plot sizes.

Whilst the residential line does stop abruptly beyond no.4, the adjacent property southeast of the site, the two dwellings proposed would respect both the building line and the height would be compatible with the surrounding built forms. Given the above, the scheme is acceptable in principle and would infill a gap in an otherwise built up frontage.

Other considerations include whether the proposal would have a detrimental impact on openness or the permanence of the Green Belt, both fundamental characteristics as stated in paragraph 79.

As openness is “the absence of built development”, the assessment of openness must be taken with consideration of the built context of the locality. Built forms border the application site to both sides and there are a range of residential properties, including larger detached dwellings, and a terrace.

The two dwellings would be constrained at both sides by development and would not encroach any residential development into the open countryside beyond the village. The scale of the development is generally in keeping with that of the surrounding properties. Whilst the village does contribute to the openness of the Green Belt, hence its inclusion in this designation, the site and its surrounding context cannot be said to be primarily characterised by openness due to the surrounding built development. No significant harm is found to exist to the openness of the Green Belt. Whilst objections have been raised about the removal of land from the Green Belt, the site itself would still remain within the Green Belt and be subject to the restrictions associated with this designation.

The proposed development would comply with the NPPF, and policy PG3 of the CELPS.

### **Design assessment and impact on the character of the area**

The dwellings designed are proportionate, and utilise styles (Cheshire brick, slate tiles to a pitched roof, and chimney stacks) which are sympathetic to the local vernacular. The pitched roofs would follow the linearity of the road and through the similar roof heights and building lines to adjacent sites the development would assimilate well into the site and surrounding context. Details of materials will be requested via condition.

The following gaps (approximate) are defined within the development

- Between dwellings 1 and 2 = 3.5m
- Distance to the street scene from the principal elevation = 9.0m
- Distance of the car-ports to the street scene = 3.5m

Whilst the car-ports do sit closely to Seven Sisters Lane it is worth noting that these are open-framed and would be largely screened by hedges (to be ensured via condition). No issues are raised with these aspects.

Concerns have been raised regarding the contemporary entrance halls and that these may not be visually in keeping. Design, however, as highlighted at paragraph 60 of the NPPF, is a subjective matter, and planning decisions should not attempt to stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles. With this in mind, and in the recognition that these would not be prominent in the street scene, nor harmful to the character of the area, these features are acceptable.

Given the modest scale of the gardens to the rear, it is appropriate to removed permitted development rights for Classes A (extensions) and E (outbuildings). This will ensure the LPA can control the scale of any further development with due respect to residential amenity and impact on the Green Belt. Landscaping and boundary treatment conditions are recommended, to ensure a suitable setting for the dwellings and to help ensure a ‘green’ frontage to the development which would soften their impact. The trees to the SE corner of the plot are also indicated to be retained which would help soften any appearance of the buildings when traversing Seven Sisters Lane in an eastward direction. Dwelling 1 would be

more visible when approaching the site from the east, although this would be in the context of the terraced form (positioned closer to the highway) and the appearance of a detached dwelling or open-framed car-port would not be incongruous. Permitted development rights shall also be removed for Part 2, Class A (fences and means of enclosure) in the interests of protecting the character of the area.

Hawthorn Cottage (Grade II listed) is situated opposite Seven Sisters Lane approximately 40m east of the site. This gap coupled with the mature trees and shrubbery which extensively screen the site, would prevent any significant impact to the setting of the heritage asset.

The scheme has been assessed the Cheshire East Borough Design Guide, and policy SE1 of the CELPS and no significant conflict has been found.

### **Residential amenity**

The scheme has been assessed on-site and no concerns are raised in respect of residential amenity. Due to the siting of the two dwellings and orientation relative to the adjacent plots, there would be no significant losses of light nor a significant overbearing presence.

Two upper floor windows are to be positioned within the side elevation of plot 1. These shall be conditioned to be obscure glazed to protect the privacy of no. 3. The relationship between the two sites is appropriate subject to the 1.8m close boarded fence between the 2 gardens. This will be ensured via a boundary treatment condition.

### **Highways**

The Highways Officer has been consulted and has raised no objection regarding visibility from the access, nor the off street scar parking provision. Conditions suggested include:

- Visibility splays in accordance with submitted plans
- Construction Management Statement to be submitted and approved by the LPA.

These conditions are recommended to be attached to the decision notice.

### **Flooding issues**

The site is located within EA Flood Zone 1 meaning there is a “low probability of flooding”. Adequate drainage could be achieved on-site and areas of permeable surfacing can be ensured via landscaping condition. It is not expected that the development would significantly increase surface water flooding in this location. A drainage scheme, will, however be reserved via condition to ensure that drainage within the site is adequate and will be assessed by the Council’s flood risk team.

### **Ecology and Nature Conservation**

The Nature Conservation Officer has been consulted who has suggested that if planning consent is granted a landscape condition be attached ensuring the inclusion of native species in created hedgerows and the enhancement, where possible, of the retained hedgerows.

Conditions are also suggested regarding breeding birds (detailed surveys, and features suitable for the use of breeding birds).

The above suggested conditions are recommended to be added to the decision notice.

### **Arboricultural impacts**

No issues are raised. The trees located on the site to be removed are small, not protected and are not significant in their contribution to the wider character of the area.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is not considered to represent an inappropriate form of development in the context of the area and Green Belt, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential amenities. The visual amenities which contribute to the street scene would be preserved and there would be no significant highway issues, flood risk issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

#### ***Social sustainability / Housing Land Supply***

National Planning Policy strongly emphasises the need to provide more housing to meet future needs as well as the present. Whilst the council can demonstrate a five year supply of deliverable housing land, housing must continue to be provided across the borough including through windfall sites such as this, including in certain villages, and crucially in sites which comply with the NPPF (as indicated in paragraph 89). Weight in itself is given to the sustainability of the site which is considered to represent "*optimum viable use*" as prescribed in paragraph 134 of the NPPF.

It is recognised that the provision of two additional houses in this locale would provide a small social benefit and a small contribution to the housing requirements of the Borough. The scheme would help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

#### ***Economic sustainability***

The proposed development will help to maintain a flexible and responsive supply of land for housing, albeit to a small extent. Some direct and indirect benefits for the local economy will also be evident, including additional trade for local shops and businesses.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor and short term.

## Summary and Planning Balance

The objections have been noted and considered, however the scheme represents a form of sustainable development which is a material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies all aspects of sustainable development. It is acknowledged there would be a greater impact on the character of the area than that at present. However, this impact would not be significantly detrimental to the general rural character, and constitutes an appropriate form of development in the Green Belt.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thus this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Plans
2. Time limit
3. Materials to be submitted prior to commencement of works.
4. Parking provided prior to use of development
5. Landscaping (Boundary treatments, including hedges) details prior to commencement of works.
6. Landscaping (hard/soft details) details prior to commencement of works
7. Features for breeding birds - details submitted prior to commencement of development
8. Prior to removal of vegetation - detailed survey for nesting birds.
9. Removal of Class A and E (Part 1, Schedule 2) and Class A (Part 2, Schedule 1) of the GPDO
10. Visibility splays to be provided in accordance with plans
11. Construction Management Statement - details to be submitted prior to commencement of works
12. Obscure Glazing

13. Pile foundations
14. Dust Management Plan
15. Electric Vehicle Charging Point (1 per dwelling)
16. Import of soil - details submitted prior to commencement
17. Unexpected contamination
18. Hours of construction informative
19. contaminated land informative
20. NPPF informative
21. Drainage scheme - details to be submitted prior to commencement of works.
22. Development in accordance with approved landscaping

