

Application No: 19/0684M

Location: LAND OFF HEYES LANE, ALDERLEY EDGE

Proposal: Erection of 6no. new dwellings on land off Heyes Lane

Applicant: Mr I Smits

Expiry Date: 10-Sep-2020

## **SUMMARY**

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

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

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

Following the receipt of amended plans and a Transport Note, the development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

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

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

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

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

## **SUMMARY RECOMMENDATION**

Approve subject to conditions

## **REASON FOR REFERRAL**

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

*“Following concerns expressed by local residents and supported by the Parish Council, this application is called in for the following reasons:*

- *potential overintensive development of the site*
- *potential impact on amenity of neighbouring residents*
- *potential issues with vehicular access/egress to/from the site*
- *potential incongruence with neighbouring properties (height/levels)*
- *potential contravention of Cheshire East Parking Standards*
- *potential impact on A1 graded oak tree, referenced in the Ecology Report*
- *potential disputes over land ownership and access rights to the site”*

## **PROPOSAL**

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

## **SITE DESCRIPTION**

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

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

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

## **RELEVANT HISTORY**

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

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

## **NATIONAL & LOCAL POLICY**

**Cheshire East Local Plan Strategy**

The following are considered relevant material considerations:

- PG2 – Settlement Hierarchy
- PG7 – Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SC3 – Health and Well-Being
- SC4 – Residential Mix
- CO1 - Sustainable Travel and Transport
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE 3 - Biodiversity and Geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 8 – Renewable and Low Carbon Energy
- SE 9 – Energy Efficient Development
- SE12 – Pollution, Land Contamination and Land Instability
- SE 13 - Flood Risk and Water Management

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

#### **Macclesfield Borough Local Plan**

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

**Alderley Edge Neighbourhood Plan (AENP)** - has reached Regulation 16 - Consultation Stage. At this stage, the policies are only draft and can only be given limited weight. The relevant draft policies are:

- AE1 - Alderley Edge Development Strategy
- AE2 - Location, Design, Scale and Type of New Housing
- AE3 - Sustainable Housing Design
- AE4 - Rear Garden and Backland Development
- AE17 - Car parking
- AE9 - Landscape Character and Access

**Other Material Considerations:**

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

**CONSULTATIONS (External to Planning)**

**Environmental Protection** – No objection subject to conditions and informatives relating to electric vehicle infrastructure, use of low emission boilers, construction hours and contaminated land.

**Head of Strategic Infrastructure (Highways)** – No objection.

**Flood Risk Manager** – No objection subject to conditions requiring the submission of a surface water drainage scheme and compliance with the submitted Drainage Strategy.

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

**VIEWS OF THE ALDERLEY EDGE PARISH COUNCIL**

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

*“It is an over intensive development and the design of houses not in keeping with the character of its intended location. The massing of the proposal would be overbearing to neighbouring properties in both its height of 3 floors and proximity (a case in example plots along the NW side and neighbouring Oakfield Close). The cited example of precedent of 71 Heyes lane is not in context. There would be loss of amenity to other existing properties in way of access, loss of privacy by overlooking, probable loss of daytime sunlight. There is insufficient car parking provision that is not to required CE policy. Provision of amenity space to future occupants seems inadequate, this emphasises the over intensive nature. Access to and from Heyes lane would be a severe concern, the junction is narrow, with limited splay and much needed on street parking further inhibits visibility onto a busy road. There would also be concerns around drainage and water provision and there are numerous rights of way and ownership issues that need to be resolved.”*

**OTHER REPRESENTATIONS**

Representations have been received from 91 addresses (including a petition and the ‘Edge Association residents group) over three periods of consultation objecting to this application on the following grounds:

- Development and design out of keeping with the traditional character of the area and the scale will dominate neighbouring properties

- Loss of grass verges along on Heyes Lane will undermine the historic character of the area, the local landscape and rural village feel
- Overdevelopment of the site, over dense and will be overbearing
- Dwellings too large and close to each other
- Disruption to existing infrastructure / utilities
- Proposal does not match the local housing requirements specifically in relation to affordable housing
- The latest Cheshire East Council SADPD has been revised to remove any allocations from Alderley Edge, noting that such allocations are not needed to deliver localised housing targets
- Potential impact on trees
- Lack of parking provision which will overspill onto neighbouring areas and deny other residents chance to park
- Buckhorn Street is a privately owned - the proposed upgrade for access by both pedestrians, cyclists and vehicles will require the permission of other landowners for which permission is not given
- Access is dangerous and will cause further hazard as well as further traffic generation and congestion
- Altering Heyes Lane making the footway narrower and losing the grass verges on the opposite side will cause further hazard for pedestrians and inconvenience existing residents
- The amendments to Heyes Lane are not shown properly on the revised site plan
- Vehicles already speed down Heyes Lane using it as a cut through and this would be made worse by making it wider and because of lack of traffic calming measures
- The visibility splays on the access will be obscured by cars parked either side of the access
- The vehicle tracking plans will not work as cars will likely be parked in them (including the proposed turning area) and will not be enforced against
- Proposal does not maintain vehicular access for some existing properties accessed off Buckhorn Street and would prejudice existing prescriptive parking rights
- Access is a fait accompli
- Submitted Transport Note is inaccurate and site edged red should link with Heye's Lane
- Road are not wide enough for vehicles to pass one another and refuse collections will be difficult
- Impact on wildlife including loss of flora and fauna
- The land was originally bequeathed to the rscpa on the basis it would be used for animals and wildlife – this is illegal as it does not accord with the previous owner's wishes
- Site used to hosts oak trees which were removed
- The site was originally allotments for the existing 12 properties
- Site includes land not in the applicant's control / ownership
- Conveyancing undertaken in 1853 states the land cannot be built on
- Will devalue neighbouring properties
- Loss of green space / green belt
- Impact on neighbouring amenity through overlooking, loss of light, sun and privacy, light pollution and noise during construction

- Flooding / high water table - neighbouring gardens have previously flooded, made worse by the removal of the trees on the site and would be worsened further by the proposals
- Drainage cannot cope including the sewerage system
- Likely to be further amendments to the scheme
- Who will meet the financial responsibility of the scheme
- Proposal would be contrary to the Alderley Edge Neighbourhood Plan including protection of green spaces, design policies and back-land development
- Developer has not consulted with residents
- Proposal is for commercial gain / profit and will not benefit the community
- Planning decisions must be made within 6 months
- Change to bungalows makes no difference

## **APPRAISAL**

### **Background**

This application follows the refusal of a scheme for the erection of 8 no. terraced three storey dwellings (planning ref; 184255M refers). The previous scheme was refused for the reasons summarised below:

1. Impact on the character of the area
2. Poor design
3. Amenity
4. Insufficient information (Flood Risk)

This application seeks to address the previous concerns and is now for the erection of 6 no. detached dwellings. During the life of this application, there have been a number of revisions in response to officer concerns and those raised by residents also. The main revisions have been the subject of a re-consultation.

### **Principle of Development**

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise". The National Planning Policy Framework reinforces a 'presumption in favour of sustainable development' and states that decisions that accord with an up to date development plan should be approved without delay.

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'.

The application site lies within a predominately residential area in Alderley Edge. Alderley Edge is identified as being a Local Service Centre under Policy PG 2 of the Cheshire East Local Plan Strategy (CELPS). This policy confirms that within Alderley Edge, small scale

development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Whilst Alderley Edge Neighbourhood Plan (AENP) has not yet been the subject of examination, draft Policy AE1 advises that new residential development within the settlement boundary (such as this site) will be supported where proposals are for 'small to medium sized developments' (under 10), are sustainably located have a high quality of design.

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

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

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

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

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

## **Housing Mix**

CELPS Policy SC 4 and draft Policy AE2 of the emerging AENP identify the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units capable of being occupied by the elderly and people who require specialist accommodation. Whilst a proposal for 6 dwellings would not usually be of a size that would be expected to provide such accommodation, in this case, two of the proposed units would be bungalows. This is a positive of the scheme as the provision of such would assist in providing a diverse community and would therefore compliment CELPS Policy SC 4 and draft AENP Policy AE2.

## **Design, Character and Appearance**



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

Amongst other criteria, Policy SD 2 of the CELPS also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

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

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

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

Owing to the back land nature of the site, the proposal will not be directly visible from Heyes Lane and consequently the public domain. As such, the impact on the street scene will be neutral. It is considered that the proposed dwellings are acceptable in terms of the detailed design. As amended, the proposal will sit well in the existing surroundings. Conditions relating to landscaping and materials will be included on the decision notice. Having regard to the above, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS, the CEC Design Guide and draft Policy AE2 of the AENP.

## **Landscape**

The proposed dwellings have been aligned with existing neighbouring dwellings which are set behind and to the west of Heyes Lane, and which have their gable-ends facing this site's south-east boundary. Following officers comes and concerns raised by representation, revised plans have moved the southern row of dwellings further north to increase the separation distance from existing dwellings along the SW site-boundary. The proposed dwellings' alignment and positions within the site would make them largely obscured from view from public highways due to the site's set-back location and due to existing buildings and therefore landscape impact is minimised.

Whilst concern has been expressed regarding the reduction in grass verges on Heyes Lane which are required to facilitate the junction improvement for access into the site, the loss would be minimal and the re-alignment of Heyes Lane would not negatively impact on the character and appearance of the street.

The Council's Landscape Officer initially expressed concern that the proposed properties were too close to the north-western boundary to allow appropriate landscaping and that the properties should be terraced to facilitate this. However, the site is not sensitive in landscape terms and is bounded by existing residential gardens with associated boundary treatments. Given the back-land nature of the development, it is considered that appropriate boundary treatments and soft landscape can be appropriately secured by condition. Subject to this, the scheme is found to accord with CELPS Policy SE 4 and saved MBLP Policy DC8 and draft Policy AE 9 of the AENP.

## **Trees**

The site contains some natural regeneration of young Oak and Willow which present no significant contribution to the wider amenity of the area. A mature Oak standing outside the site adjacent to Heyes Lane is a prominent specimen in the immediate locale but not directly impacted by the development. Consequently there are no significant arboricultural implications associated with this application and it is found to accord with CELPS Policy SE 5 and MBLP Policy DC9.

## **Highways and Parking**

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

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

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

The site is accessed using an existing private access road known as 'Buck Horn Street', which provides access to some existing properties and also a number of garages. The use of

an existing path adjacent to Maple Cottage is also proposed as access to the site for pedestrians and cyclists. It is intended that the proposed vehicular access to the north east is a shared surface for pedestrians and vehicles. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the use of a shared surface would be acceptable having regard to the low speeds and low traffic generated by the proposed development.

With respect to car parking provision, each of the units would benefit from 2 spaces. This is consistent with the car parking standards found at Appendix C of the CELPS. Cycle parking is to be provided within each of the units.

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

The existing junction of Buck Horn Street and Heyes Lane has visibility problems due to a boundary hedge and also the presence of a tree. The applicant has submitted a number of options to improve the visibility at the junction. The revised access proposals would realign Heyes Lane around the junction to achieve the required visibility by widening the footway on one side. Given there is no loss of carriageway width caused by the realignment of the road and also that visibility can be achieved, the HSI has confirmed that there is no technical reason to reject the proposed improvement.

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

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

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

## **Residential Amenity**

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

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

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

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

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

The properties on Oakfield Close to the north are angled obliquely to the proposed dwellings. The existing pair of north-facing semi-detached houses and the west-facing end-terrace house, located in the south-east corner of Oakfield Close, would have the most direct views of these proposed dwellings from their south-facing rear-windows and gable-end windows. However, the proposals have been amended so that the nearest proposed dwelling (Plot 3) would be a modest sized bungalow (2.1 metres to eaves and 5.6 metres to ridge) as well as moving it slightly further away from the boundary. It would also be offset at an angle. The effect of this is that the proposals, whilst occupying slightly higher ground (c800mm), would not directly overlook the side elevation or rear elevation of no. 10 Oakfield Close. The next unit, Plot 2 would be two and half storey. However, it would be 9 metres away from the boundary with no. 10, and 17 metres from no. 10's side elevation and would therefore be sited far enough into the site so as to not result in direct overlooking, to have an overbearing impact or to result in loss of sunlight / daylight. The same conclusions are drawn for no. 11 Oakfield Close, which would enjoy a slightly greater separation.

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

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

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

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

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

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

### **Air Quality**

Policies SC 3, SE 8 and SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This includes encouraging the uptake renewable and low carbon energy. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

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

### **Nature Conservation**

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

The application has been supported by a Phase 1 Ecology Report. The Council's Nature Conservation Officer (NCO) has confirmed that the proposal would be unlikely to affect any species protected by law. CELPS Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This proposal provides an opportunity

to incorporate features to increase the biodiversity value of the development. The NCO therefore recommends that a condition should be attached which requires the submission of an ecological enhancement strategy. Subject to this and a condition to safeguard nesting birds, the proposal is considered to comply with policy NE11 of the MBLP and SE 3 of the CELPS.

### **Flood Risk and Drainage**

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

### **Contaminated Land**

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

### **Economic Sustainability**

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

### **Other Issues Raised by Representation**

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

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

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

In terms of the reference to site allocations in the draft SADP of the Local Plan, these relate to sites outside of the settlement boundaries and are not therefore relevant.

## **CONCLUSIONS**

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

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

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

Following the receipt of amended plans and a Transport Note, the development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

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

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

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

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

## **RECOMMENDATION**

Approve subject to the following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved and amended plans**
- 3. Construction of access and parking made available for use prior to first occupation**

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

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



