

Application No: 20/2857C

Location: Land north of 24, LITTLE MOSS LANE, SCHOLAR GREEN

Proposal: Proposed erection of three detached bungalows and garages.

Applicant: Powell Family

Expiry Date: 08-Feb-2021

SUMMARY

The site lies within the settlement zone line for Scholar Green and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy PS5 of the CLP.

The site is sustainably located and is in easy walking distance of the services and facilities within the Scholar Green. The development complies with Policies SD1 and SD2 of the CELPS.

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 conflict with Policies GR6 and GR7 of the CBLP, and there would be limited conflict with the SPG but compliance with the later CEC Design Guide.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP, CO2 of the CELPS, and TRA-1 and TRA-2 of the ORNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

The development would have a very limited impact upon the historic hedgerow through the new access points and the visibility splays. However, the hedgerow would largely be retained along its existing line, and the limited harm would be outweighed by the benefits of the proposed development. The development complies with Policy SE5 of the CELPS and ENV-5 of the ORNP.

The design has addressed the concerns raised within the previous appeal decision and is considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The impact upon the setting of the heritage assets (the Canal Conservation Area and the Listed Milepost) is considered to be acceptable and the development would not cause harm to either. The proposed development complies with Policy SE7 of the CELPS, policies BH4 and BH9 of the CLP and the NPPF.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of planning conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Wardlaw for the following reason;

- *SE5 Trees Hedgerows and Woodland; the boundary hedge on Little Moss Lane has a 30 years protection order implemented in 2001. It is deemed "important" under Hedgerow Regulations 1997.*
- *Planning History of refusal. Two bungalows refused in March 2000 due to;*
 - *adverse visual relationship to the Conservation Area.*
 - *change from grass field to residential buildings would be materially harmful to the area's character.*
 - *the bungalows would radically transform the appearance of the site.*
 - *recognition there is no automatic acceptance of development within this Settlement Zone.*
- *PS8 /PPG2 Ensure any infill does not have an adverse effect on the character of the village concerned.*
- *GR6 Amenity/Health;*
 - *no footpaths, no safe walking route to amenities as per CE policy to promote walking and cycling.*
 - *poor bus links with Congleton and Alsager*
- *NR3 Habitats; the field houses badgers and is home to bats and owls and multiple other species.*

PROPOSAL

Full planning permission is sought to erect three bungalows each with a detached garage. The proposed bungalows would be accessed off Little Moss Lane and each would have its own driveway.

The three bungalows are of slightly different designs but each includes three bedrooms.

SITE DESCRIPTION

The application site is roughly triangular in shape and located to the eastern side of Little Moss Lane. A native hedgerow forms the boundary to Little Moss Lane with a taller hedgerow to the eastern boundary.

To the east of the site is the Macclesfield Canal Conservation Area. The Canal is set at a much lower level to the application site. Beyond the eastern boundary of the site and within the Conservation Area is a Canal Milepost which is a Grade II Listed Structure.

The canal towpath beyond the eastern boundary is a public footpath (Odd Rode FP57).

The site is surrounded by residential properties to the south and west. These properties are of varied styles and heights.

The site is located within settlement zone line of a village which is inset in the Green Belt

RELEVANT HISTORY

11/0106C – Erection of three family homes – Refused 1st March 2011 – Appeal Lodged – Appeal Dismissed 16th November 2011. Reasons of Refusal as follows;

1. The proposal represents an intrusive form of development on this Greenfield site. The height, scale, form, bulk, and massing of the proposed development would introduce an alien and suburban form of development that would unacceptably harm the rural character and visual amenities of the area. The proposal is thereby contrary to policies PS5, H5, GR1 and GR2 of the adopted Congleton Borough Local Plan First Review as well as guidance contained within PPS1 and PPS3.

2. The proposed development by virtue of its size, form, siting and design would have an unacceptable impact on views into and out of the adjacent Macclesfield Canal Conservation Area. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and is therefore contrary to Policy BH9 of the adopted Congleton Borough Local Plan First review (2005).

3. The proposed development would fail to provide any affordable housing, of which 1 unit (or equivalent contribution in lieu) would be required. As such, the proposal is contrary to the Council's 'Interim Planning Statement on Affordable Housing' and as such is also at variance with Policy H13 of the adopted Congleton Borough Local Plan First Review (2005).

09/2282C – Proposed residential development of two-storey dwellings – Withdrawn 21st September 2009

31297/1 – Construction of two detached bungalows with garages – Refused 27th September 1999 – Appeal Lodged – Appeal Dismissed 27th March 2000. Reason for Refusal as follows;

1. In the opinion of the Local Planning Authority, residential development on this site would not comply with the requirements of Policies PS8 and H10 of the Congleton Local Plan which require development to be sympathetic to the existing character of the area, and also the proposal would have detrimental effects on the appearance and character of the adjoining Macclesfield Canal Conservation Area contrary to the requirements of Policy ECA16 of the Local Plan.

30736/1 – Erection of up to 4 private residential dwellings (houses/bungalows) – Refused 12th April 1999. Reason for Refusal as follows;

1. In the opinion of the Local Planning Authority, residential development on this site would not comply with the requirements of Policies PS8 and H10 of the Congleton Local Plan which require development to be sympathetic to the existing character of the area, and also the proposal would have detrimental effects on the appearance and character of the adjoining Macclesfield Canal Conservation Area contrary to the requirements of Policy ECA16 of the Local Plan.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
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 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Congleton Borough Local Plan (CBLP)

The relevant Saved Policies are:

PS5 Villages in the Open Countryside and Inset in the Green Belt
GR6 Amenity and Health
GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
BH4 Listed Buildings – Effect of Proposals
BH9 Conservation Areas
NR3 Habitats
NR5 Habitats

Neighbourhood Plan

The Odd Rode Neighbourhood Plan (ORNP) is at Regulation 14 stage and can be given limited weight.

HOU-1 Design
HOU-2 Type and Mix of Houses
HOU-3 Location of Housing Development
ENV-1 Landscape Character and Setting
ENV-2 Views
ENV-3 Biodiversity Net Gain

ENV-5 Trees and Hedgerows
HER-1 Designated Heritage Assets
HER-2 Non-Designated Built Heritage Assets
HER-3 Canals
TRA-1 Sustainable Transport
TRA-2 Parking
TRA-3 Footpaths and Bridleways
TRA-5 Surface Water Management

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

124 - 132 Achieving well-designed places

193 - 202 Conserving and Enhancing the Historic Environment

Other Considerations

Cheshire East Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

Odd Rode Parish – Design Statement

CONSULTATIONS (External to Planning)

United Utilities: Drainage conditions suggested.

Canal & River Trust: The proposed development could result in adverse loading upon the cutting slope which could increase the risks of land instability and movement towards the canal. In order to mitigate this risk it is essential that the method of construction and associated foundations take account of the risk. The C&RT request that supporting information is provided prior to the commencement of the development to demonstrate that the works will not result in an increased risk of land instability. The C&RT suggest a condition relating to this issue.

Conditions suggested relating to a Construction Management Plan and surface water drainage.

The Canal forms part of the wider Macclesfield Canal Conservation Area. Due to the presence of an existing hedgerow between the site and the canal the direct impact upon the setting of the canal should not be significant. A condition should secure the retention of the existing hedgerow.

An informative is suggested relating to the C&RT Code of Practice for Third Party Works.

United Utilities: Drainage conditions suggested.

Head of Strategic Infrastructure: No objection subject to the imposition of an informative.

CEC Flood Risk: No objection subject to the imposition of a planning condition.

CEC Environmental Health: Conditions suggested relating to noise mitigation measures, Dust Management Plan, Electric Vehicle Charging Points, and contaminated land.

VIEWS OF THE PARISH COUNCIL

Odd Rode Parish Council: Object to this application on the following grounds;

- The proposals are more in keeping with the local character than the previous refusal in 2011. However, the proposal will still negatively impact upon views to and from the Canal Conservation Area.
- There have been three previous refusals on this site
- Although the height has been reduced the linear footprint of the dwellings has increased when viewed from the Conservation Area.
- Whilst height was an aggravating factor in the 2011 refusal it was not the sole aspect out of scale. The number of dwellings and the spread also contributed to the detrimental impact.
- Two detached dwellings were refused in 1999 therefore three detached bungalows would have a detrimental impact.
- The proposed dwellings would be visible from both the Canal and the Canal Bridge. This was acknowledged within the Conservation Officer and Forestry/Landscape comments in 2011.
- The Inspector also noted the importance of the view from the bridge and the inadequacy of the hedge for screening.
- The Delegated Report in 2011 accepted that the view from the bridge will be compromised by dwellings on the site.
- The loss of open land will be intrusive within the Conservation Area.
- The hedges on both sides of the development are important. If permission is granted the hedgerows will be exempt from the protection of the Hedgerow Regulations 1997 as they will form part of the residential curtilages. It would be detrimental to the rural nature of the street scene if three sections of hedgerow were lost to form the access points and visibility splays
- The highway at this point is not suitable for the extra traffic that will be generated by the development (especially when the application for two dwellings to the north of this site is considered – 20/2039C). Little Moss Lane at this point is narrow, has no footway and regularly floods. It is not possible to turn a vehicle in this lane and the width is reduced further by parked cars.

OTHER REPRESENTATIONS

Letters of objection have been received from 16 local households raising the following points;

Principle Issues

- There has been a dramatic increase in the number of houses in Scholar Green
- Three new houses would spoil the peaceful charm of the area
- No need for further houses
- There have been a number of previous refusals on this site – 30736/1, 31297/1 and 11/0106C
- With the development of Phase 2 (39 houses) the development will result in the loss of the only remaining area of open space to the western side of the canal from Portland Drive
- The development does not constitute infilling or rounding off
- Previous refusals are still valid
- Scholar Green is no longer a village and has become a small town
- The housing being built is not affordable

- The application is for monetary gain
- This is the only parcel on undeveloped land off Little Moss Lane
- Inaccuracies contained within the planning application
- The only other approved developments along Little Moss Lane have been replacement dwellings
- The site borders the Green Belt and was never designated for housing
- Development of the site has been rejected twice on previous appeals
- Cheshire East now has a 7 year supply of housing
- The development is contrary to the Local Plan

Highways Issues

- Little Moss Lane is a narrow non-through road
- Safety issues for pedestrians including children walking to school and elderly residents
- Parked vehicles represent a hazard to pedestrians and delivery vehicles
- Little Moss Lane is only suitable for single file traffic.
- There are existing difficulties with delivery vehicles
- Difficulty exiting driveways opposite due to the narrow nature of Little Moss Lane
- Little Moss Lane is well used by ramblers
- The application does not consider the additional parking requirements for larger families
- Traffic problems in Scholar Green if there is an accident on the M6
- There have been two serious accidents along Little Moss Lane
- Concern over access for emergency vehicles
- More driveways will result in an increased risk of accidents
- Farm vehicles already have difficulty accessing Little Moss Lane due to parked cars
- Insufficient parking provision as part of the proposed development
- There is limited public transport within Scholar Green
- It is difficult to take a caravan along Little Moss Lane
- It is difficult for delivery vehicles to access the site

Infrastructure

- The Primary School fails to cope with the amount of children at present

Amenity

- The cross-section plan is misleading. The actual land level of the site is actually higher than the dwellings opposite
- Loss of light
- Loss of privacy
- The dwellings opposite are a metre lower than the application site
- Light pollution caused by the proposed development
- Concern over the height of the bungalows
- A Construction Management Plan should be secured if approved

Green Issues

- Impact upon wildlife
- Protected species are present on the site – Barn Owls, Bats and amphibians
- The hedges on the site are protected
- The hedgerow to Little Moss Lane was replanted after a Hedgerow Replacement Order was issued in 2001. The hedgerow would automatically be classed as important after 30 years and a protection order should remain in place for 30 years

- The hedgerow to the canal would be drastically cut down in height by the occupants of the dwellings which would open up views of the Conservation Area and make the site more visible
- The hedgerow to the canal is deciduous and the site will be more visible in winter
- The boundary hedgerows form part of the attractive countryside setting of this part of Scholar Green
- An important hedgerow can only be removed in exceptional circumstances
- Odd Rode Conservation Strategy seeks to preserve hedgerows
- The application is contrary to the CEC Environment Strategy
- The Macclesfield Canal acts as a wildlife corridor
- Green spaces such as these have become invaluable during lockdown

Design Issues

- The proposed development would adversely affect the character and appearance of the area and harm views in and out of the Conservation Area
- The levels and slopes on the site are actually steeper than shown on the submitted drawings
- The Macclesfield Canal Society have objected to this application
- Application 11/0106C was refused due to the detriment to the character of the area
- The design of the dwellings are identical and lacklustre and do not match the individuality of the existing properties along Little Moss Lane
- Loss of views from Little Moss Lane towards Mow Cop

Other Issues

- Risk to the historic Canal Bridge is used by heavy goods vehicles
- During heavy rain Little Moss Lane floods in places
- More housing will impact upon existing drainage problems
- Loss of view
- Lack of environmental credibility such as rainwater harvesting or heat pumps
- Concern over the safety of the development due to the impact upon the Canal Bank
- Impact upon the mental well-being of residents
- Potential for a landslide from the site towards the canal (there was a landslide further up the canal)
- Concern over surface water run-off
- Lack of consultation

A letter has been received from Fiona Bruce MP including a copy of one of her constituents. The letter asks that the concerns raised by the resident are recorded (this has been done and the comments are listed above).

An objection has been received from the Macclesfield Canal Society raising the following points;

- The proposed development would extend the urban sprawl of Scholar Green and would affect the amenity value of the Canal and its towpath
- At present users of the Canal can enjoy the peaceful ambience of the canal
- The future dwellings would overlook the canal and this is likely to be detrimental to the enjoyment of the canal by its users
- The hedgerow to the boundary with the canal could be compromised
- The proposed development would ruin the amenity value of the canal at this point
- It is requested that the application is rejected on grounds that it severely undermines the value of the Canal Conservation Area

APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Scholar Green which is a village settlement inset within the Green Belt. Policy PS5 of the CLP states that within these areas, development will only be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance whilst not conflicting with other relevant development plan policies. The justification to Policy PS5 then goes on to state that *'the boundaries of the Settlement Zone Lines around these villages have been drawn to accommodate future growth and also to protect the surrounding countryside from further encroachment'*.

Within the CELPS Scholar Green falls within the category 'Other Settlement and Rural Area'. Policy PG2 states that within the other settlements growth should be confined to *'proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement'*.

As a windfall site Policy SE2 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 SD1 and SD2

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'*.

Policy HOU-3 of the ORNP states that new infill development will be supported within the Scholar Green infill boundary as defined in the SADPD (the site is within the infill boundary line of the SADPD).

The principle of residential development on this site in the settlement zone line is therefore considered to be acceptable. This is consistent with the comments made by the Inspector as part of the previous appeal for application 11/0106C where she stated at paragraph 14 that *'being within an identified settlement zone the site is suitable in principle for residential development'*.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is within walking/cycling distance of a number of facilities such as a shop, public houses, medical centre, primary school, bus stops, hairdressers, village hall and church.

There is a greater range of facilities available within the adjacent settlement of Kidsgrove. The site is considered to be sustainably located and complies with Policies SD1 and SD2 of the CELPS.

POS

As a development of this size falls below the threshold for open space provision.

Education

This application falls below the threshold for education provision.

Affordable Housing

Policy SC5 requires that developments with a floor space of more than 1,000sqm should provide at least 30% of all units as affordable dwellings. This development would fall below that threshold and there is no requirement for affordable housing as part of this application.

Highways Implications

The proposed dwellings would each have a driveway off Little Moss Lane. The submitted plans show that visibility splays of 2m x 20m would be provided for each access point. The highways Officer has confirmed that the visibility splays are acceptable and would provide a safe and suitable access for each of the dwellings.

Comments have been received regarding the suitability of Little Moss Lane for additional vehicle movements. However, the additional movements as a result of the development will be minimal and Little Moss Lane received no through traffic. It is also worth noting that the previous applications have not been refused on highways grounds.

The CEC parking standards require a parking provision of 2 spaces per dwelling. Off-road parking provision exceeds CEC standards and the turning areas are sufficient with an acceptable width.

Details of secure cycle parking for each dwelling will be controlled through the imposition of a planning condition.

Subject to the above condition, no highway objections are raised and the proposal is deemed to adhere with Policy GR9 of the CBLP, Policy SD1 of the CELPS with regards to highways matters and TRA-1 and TRA-2 of the ORNP.

Amenity

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted 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 main impact is upon the dwellings to the opposite side of Little Moss Lane. The submitted plan shows that the development would have the following separation distance;

- Plot 1 – 22m to the front elevation of 21 Little Moss Lane and 21m to the front elevation of 23 Little Moss Lane.
- Plot 2 – 19m to the nearest point of 25 Little Moss Lane
- Plot 3 – 26m to the nearest point of 27/29 Little Moss Lane

The separation distances largely meet the required standards with the minor exception being No 25 Little Moss Lane, although the separation distance falls below the standard within the SPG it does meet the requirements of the CEC Design Guide. It is also worth noting that the proposed development is for single storey dwellings, and there would be no privacy impact from first floor. In such circumstances the lower separation distance is acceptable.

As part of the previous appeal decision (11/0106C) for two-storey dwellings (which met the required spacing standards) the Inspector stated at paragraph 7 that;

'During my site visit, however, I saw that they would be clearly visible from the gardens and front rooms of some of the houses opposite. In particular No. 27 relies on the front aspect for its outlook. Whilst the outlook from these dwellings would alter and the existing views to the surrounding countryside would be impeded I do not consider this a reason in itself for refusal'

The same statement is considered to apply to this current proposal.

To the south of the site 24a Little Moss Lane has a blank side elevation and a detached garage to the boundary with the site. The relationship to this dwelling is considered to be acceptable.

With regards to private amenity space, the minimum recommended standard detailed within SPG is 65 square metres. The proposed private garden spaces are commensurate with the size of the dwellings as proposed and meet the requirements of the SPG.

Noise

A railway line lies to the east of the site to the opposite side of the Macclesfield Canal. An Acoustic Report has been submitted in support of this application. The Acoustic Report has been assessed by the Councils Environmental Health Team who have raised no objection subject to the imposition of a planning condition to secure double glazing and trickle vents.

Air Quality

Policy SE12 of the CELPS 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.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and a condition relating to a dust management plan.

Contaminated Land

Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The issue of contaminated land could be dealt resolved through the imposition of planning conditions.

Trees and Hedgerows

The only trees affected by this application are to the northern end of the site and they appear to be sited on land to the east of the site. These trees are unaffected by the development.

The site is enclosed by hedgerows and these form prominent features to the boundary with Little Moss Lane and the Canal Conservation Area.

The hedgerow to the Little Moss Lane frontage was the subject of an appeal dated 5th November 2001 following the issue of a Hedgerow Replacement Notice by the former Congleton Borough Council. A letter from the former Congleton Borough Council dated 13th June 2001 provided by one objector states that the replacement hedgerow will *'automatically qualify as 'important' under the Hedgerow Regulations 1997 for a period of 30 years following its planting. This means that the removal of the hedgerow would only be considered for exceptional reasons, such as public safety'*.

In this case Policy NR3 of the CLP states that proposals that would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development, and the likely effects can be mitigated or the habitat successfully recreated or there are no suitable alternatives.

Policy SE5 of the CELPS states that development which would result in the loss of, or threat to the continued health and life expectancy of hedgerows will not normally be permitted except where there are clear overriding reasons for allowing the development and no suitable alternatives.

In this case the Inspector who determined the appeal against application 11/0106C found that

'I have noted the earlier decision and replacement notice for the hedgerow bordering Little Moss Lane, including the need for this to be protected for 30 years. The Council has not referred to these in its submissions and I have little information as to their implications. In any event the proposal would retain a substantial majority of the hedgerow'

As part of this application the access points and visibility splays would result in some loss of hedgerow. However, a substantial majority of the hedgerow would be retained with some additional planting to maintain the width of the hedgerow where it would be reduced to provide visibility splays. The line of the historic hedgerow would be retained.

As a result, the harm through loss of an important hedgerow would be limited and any harm would be outweighed by the benefits of the proposed development. The proposed development complies with Policy SE5 of the CELPS and Policy ENV-5 of the ORNP.

Landscape

There are no significant landscape issues. Details of boundary treatment and landscaping could be sought by condition.

Land Levels

Finished floor levels of the proposed dwellings have been provided on the submitted plans. The plans show that the dwellings on plots 1 and 2 would be sited at a lower level than the existing site but would have a Finished Floor Level higher than Little Moss Lane (this is to address the risk of surface water flooding as discussed below).

The proposed levels would not cause any harm in terms of appearance or residential amenity and are acceptable.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. 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 and HOU-1 of the ORNP.

The Odd Rode Village Design Statement (ODVDS) is a material planning consideration; paragraph 3.2.11 that *'there is no coherence of building style and no vernacular. Preferred style has changed throughout time right up to current development preferences with a noticeable absence of the use of true contemporary style and technology'*. The ODVDS then gives the following building guidelines;

- Development is encourages on infill and brownfield sites. It must be well designed and of a scale comparable to the surroundings
- Where appropriate materials used should be in harmony with the traditional brick and roofing materials used in nearby existing structures
- Off street parking should be encouraged where possible, provided it does not detract from the character of the streetscape.

As explained elsewhere in this report this site has been the subject of two previous appeal decisions. This first following the refusal of application 31297/1 was in 2000 and this related to an outline application with all matters reserved for two bungalows. As part of this appeal decision the inspector stated that the 'change from a grass field to domesticated sites with residential buildings would in my view be materially harmful to the area's character' and the Inspector concluded that this would be contrary to Policy PS8 of the Congleton Local Plan 1998.

Over 20 years have now passed since the determination of this appeal and planning decisions are now made when considering proposals against different Development Plans and different National Planning Guidance. The weight to be attached to this previous appeal decision is therefore very limited.

The appeal decision following the refusal of application 11/0106C related to a full application for three two-storey dwellings, this decision was made under the current Congleton Local Plan but prior to the adoption of the CELPS and the NPPF. As part of her appeal decision the Inspector stated that the proposed dwellings;

‘would be well spaced with the narrow tip of the site remaining undeveloped. Nevertheless, to my mind their large scale and eye-catching appearance would result in them being conspicuous, obtrusive elements in Little Moss Lane, uncharacteristic of its generally low-key character and the more modest dimensions and form of most of the existing dwellings. The proposed development would not, therefore, be appropriate to the local character in terms of its height, scale, appearance and visual relationship to the street scene, contrary to Local Plan Policies PS5, H5 and GR2’

Consistent with the ORVDS there is no coherent building style or local vernacular along Little Moss Lane. The dwellings vary from detached-semidetached, single-storey to two-stories in height, some include dormers and the roof-styles vary from hipped to pitched. The material palette is also varied and includes red brick, buff brick, render, grey tiles and brown tiles.

The proposed dwellings would be bungalows and do not include any accommodation within the roof-space. The dwellings would each have a detached single garage to the side and there would be a gap 8-8.5m between the side elevations of the proposed dwellings. This spacing is greater than that to the opposite side of Little Moss Lane and in terms of the density the development would not appear out of character in this locality.

The proposed dwellings would have an eaves height of 2.7m and a ridge height of 6.3m, this compares to the scheme which was dismissed as part of application 11/0106C which had an eaves height varying from 4.8m-5.4m and a ridge height of 7.6m.

The detailed design of the dwellings includes features such as a projecting gable, bay-window, header and sill details and a covered entrance to the front doors. The dwellings would have simple pitched roofs. The design of the proposed bungalows is simple and uncluttered they would be appropriate to the local character along Little Moss Lane.

Since the previous appeal decision, the height of the development has been reduced and the dwellings would be adequately spaced along Little Moss Lane. The detailed design is relatively simple and would not detract from the local character. It is considered that the proposed development represents an acceptable design solution on this site and would not cause harm to the character and appearance of the area or the street-scene.

It is considered that the design complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD, the ORVDS and the NPPF.

Built Heritage

As stated above the site lies adjacent to the Macclesfield Canal Conservation Area and there is a listed structure (Canal Milepost) to the east of the site. Policy SE7 identifies that all new developments should *'seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets'*.

In accordance with the NPPF it is necessary to consider the level of harm to the heritage assets (if any).

As part of this appeal decision 31297/1 the inspector stated that *'I consider that the proposed buildings would impinge markedly on the canal environment'*, the inspector then concluded that the development would materially affect the setting of the Conservation Area causing harm to its character and appearance.

Following the refusal of application 11/0106C the Inspector stated that

'The site's canal-side boundary is also screened by a well established and tall hedgerow. I saw at my visit, however, that there are clear views from the canal towpath into the site through the hedge. It is mainly deciduous and I consider it likely that the proposed dwellings would be considerably more visible during the later and early parts of the year when branches were bare of leaves. They would also be clearly seen from the bridge north of the site from where, by reason of their height, bulk and design, they would be unduly dominant, harmful elements in the outlook.'

'Whilst its proximity to the conservation area does not rule out development on the site, in this case I consider that the proposed dwellings' prominence in views would have a detrimental effect upon the appearance of the conservation area. The proposed development would, therefore, be contrary to Local Plan Policy BH9'

The application site lies within an elevated position to the Canal and its towpath which are sited within a cutting to the eastern boundary of the site. When viewed from the canal towpath and the bridge over the canal the site largely screened by the existing vegetation and boundary hedgerow, however it is accepted that the site would be more visible in the winter months (it appears that the vegetation has matured since the earlier appeal decisions). There is also likely to be some maintenance of the hedgerow by future residents which would mean that the site would be more visible.

If the hedgerow was reduced in height or during winter months when viewed from the Canal Bridge then the existing side elevation of 24A Little Moss Lane would be visible as would the residential development to the opposite side of Little Moss Lane. The scale of the development being single-storey and lower than some of the adjacent dwellings would mean that the development would not be unduly dominant. The development would be seen in the context of the adjacent residential development.

From the canal towpath the level changes, boundary treatment, siting and single-storey nature of the development would again mean that the dwellings would not appear prominent when viewed from the Conservation Area and the Listed Milepost.

The applicant has taken on-board the comments from the previous inspector (for 11/0106C) and reduced the scale of the development whilst the detailed design is now simpler and would not appear over-bearing or cause harm to the setting of the Conservation Area of Listed Milepost. In

this case it is noted that both the Council Conservation Officer and the Canal & River Trust have considered the impact upon the Conservation Area and raised no objection to the application (although there is an objection from the Macclesfield Canal Society). This is subject to satisfactory materials being agreed and this can be controlled through the imposition of a planning condition.

The proposed development would not cause harm to the designated heritage assets and complies with policy SE7 of the CELPS, policies BH4 and BH9 of the CLP, policies HER-1 and HER-3 of the ORNP and the NPPF.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of hedgerow to facilitate the proposed driveway access points. In the event that this loss is considered unavoidable the development proposals for the site must include compensatory planting to address that lost.

Nesting birds

If planning consent is granted a condition could be imposed to safeguard nesting birds.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. However, the representations received do identify that some surface water flooding occurs within the highway along Little Moss Lane. The revised plans show that the Finished Floor Levels (FFL) of the dwellings would be set at 128.90 AOD. These levels demonstrate that the levels are set above the existing Little Moss Lane ground levels, and as such this would address the risk of flooding for the proposed dwellings.

The Councils Flood Risk Officer and United Utilities have been consulted as part of this application and have raised no objection subject to the imposition of a planning condition. Subject to this condition the development would comply with Policy SE13.

Public Rights of Way

The canal towpath beyond the eastern boundary is a public footpath (Odd Rode FP57). The development would not lead any obstruction or require any diversion of the PROW. The impact upon the PROW is considered to be acceptable.

Other Issues

Concerns have been raised in terms of the impact of the construction traffic upon the canal bridge and the stability of the land to the Macclesfield Canal. The imposition of conditions would deal with these matters.

As stated within the design section the appeal decision as part of application 31297/1 is only given very limited weight. This decision was made against a previous Development Plan and National Planning Policy.

CONCLUSION

The site lies within the settlement zone line for Scholar Green and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy PS5 of the CLP.

The site is sustainably located and is in easy walking distance of the services and facilities within the Scholar Green. The development complies with Policies SD1 and SD2 of the CELPS.

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 conflict with Policies GR6 and GR7 of the CBLP, and there would be limited conflict with the SPG but compliance with the later CEC Design Guide.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP, CO2 of the CELPS, and TRA-1 and TRA-2 of the ORNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

The development would have a very limited impact upon the historic hedgerow through the new access points and the visibility splays. However, the hedgerow would largely be retained along its existing line, and the limited harm would be outweighed by the benefits of the proposed development. The development complies with Policy SE5 of the CELPS and ENV-5 of the ORNP.

The design has addressed the concerns raised within the previous appeal decision and is considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The impact upon the setting of the heritage assets (the Canal Conservation Area and the Listed Milepost) is considered to be acceptable and the development would not cause harm to either. The proposed development complies with Policy SE7 of the CELPS, policies BH4 and BH9 of the CLP and the NPPF.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Standard time**
- 2. Approved Plans**
- 3. Breeding birds – timing of works**
- 4. Ecological Enhancement Strategy**
- 5. Tree/Hedgerow Protection to be submitted and approved**
- 6. Submission and approval of a drainage strategy**
- 7. Land levels in accordance with the approved plans**
- 8. Compliance with acoustic mitigation measures**
- 9. Electric Vehicle Charging points**
- 10. Details of any soils imported onto the site**
- 11. Works to stop if any unexpected contamination is discovered**
- 12. Boundary Treatment to be submitted and approved**
- 13. Landscape Scheme (including replacement hedgerow planting) to be submitted and approved**
- 14. Landscaping implementation**
- 15. Materials to be submitted**
- 16. Remove Permitted Development Rights – Extensions, Outbuildings and Roof Alterations**
- 17. Construction and Environment Management Plan to be submitted and approved**
- 18. Land Stability Assessment to be submitted and approved**
- 19. Retention of the existing hedgerows and removal of permitted developments to replace with walls or fences**
- 20. Cycle parking details to be submitted and approved**

In order to give proper effect to the Board's/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 his absence the Vice Chair) of Southern 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

