

Application No: 20/4737M

Location: LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER

Proposal: Demolition of existing buildings and erection of 10 dwellings with associated garages, parking, gardens, access and landscaping

Applicant: Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee

Expiry Date: 12-Jan-2022

SUMMARY

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The application is considered to result in less than substantial harm to the listed buildings and their setting.

Nevertheless, the proposal would include a number of public benefits. On balance, the provision of new housing within a sustainable location on part of an allocated site, two of which would be affordable would outweigh the harm to the listed buildings. The application is recommended for approval.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to conditions and s106 contributions.

RECOMMENDATION: Approved subject to conditions and s106 contributions

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern edge of Wilmslow and is surrounded by new and existing residential development. The site was previously used as a horse training facility but is no longer in use as the associated paddocks have now been built on.

There are currently five existing buildings on site, comprising single storey stable buildings, a small stable block and a large two-storey barn with mezzanine floor which was used for storage.

The northern section of the site is allocated for residential development in the adopted Local Plan Strategy. The remainder of the allocated site is currently being developed by David Wilson Homes to create 174no. new homes. The southern section of the application site was removed from the Green Belt with the adoption of the Cheshire East Local Plan Strategy and currently has no allocation.

Historically, a former farm building sat in the south west corner of the site, thought to form part of the Little Stanneylands farm complex dating back to the 17th Century. This area of the site is predominantly laid to grass with established trees and flower beds around the edge. To the south of the site are three grade II listed buildings.

There are a number of existing mature trees on the site; all of which are protected by a Tree Preservation Order (TPO)

An existing watercourse is present on site, flowing in a westerly direction from the centre of the site. The stream is culverted under the eastern part of the site and is understood to be used for drainage of land to the east, eventually flowing into the River Dean to the west of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings and the erection of 10 dwellings with associated garages, parking, gardens, access and landscaping.

Amended plans have been received during the course of the application reducing the number of dwellings on site from 11 to 10.

RELEVANT HISTORY

There is no planning history on the application site of direct relevance to this application. Previous applications on the site relate to works to TPO trees and minor alterations to the existing buildings.

Full planning permission for the residential development of agricultural land to the north and west of the application site was approved by CEC in February 2018 (ref. 17/4521M).

That land was previously designated as 'Green Belt' but was allocated for residential development in the Cheshire East Local Plan Strategy (adopted July 2017) in order to help meet identified housing needs over the plan period to 2030.

The site is currently being developed by David Wilson Homes (DWH) for 174 homes and associated public open space including a pedestrian / cycle connection between Linneys Bridge and the River Dean and a new bridge crossing of the River Dean. As part of the approved works, a new roundabout onto Stanneylands Road has been constructed.

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017 (CELPS)

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Boundaries
- PG7 Spatial distribution of development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE7 The Historic Environment
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th 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.

Saved Macclesfield Borough Local Plan Policies (MBLP)

- NE11 (Nature conservation interests)
- DC3 (Amenities of residential property)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials and Finishes)
- DC36 (Road layouts and circulation)
- DC37 (Landscaping in housing developments)
- DC38 (Space, light and Privacy)
- DC41 (Infilling housing or redevelopment)

DC63 (Contaminated land)
BE2 (Historic Fabric)

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

Wilmslow Neighbourhood Plan

LSP1: Sustainable Construction
LSP2: Sustainable Spaces
LSP3: Sustainable Transport
NE5: Biodiversity Conservation
NE6: Development in Gardens
H2: Residential Design
H3: Housing Mix
CR3: Local Green Spaces
CR4: Public Open Space
CR5: Health Centres
TA2: Congestion and Traffic Flow

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)
Cheshire East Parking Standards - Guidance Note

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways) – the site will be served via a single access off Stanneylands Road. Adequate visibility at the access has been provided. The design and width of the access is acceptable and is suitable for adoption, each of the units have a minimum of two car parking spaces and meets current CEC parking requirements. To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site. The provision of 10 units is a low generation development and would not lead to traffic capacity problems on the local highway network. In summary, the application is an acceptable design in relation to highways and no objections are raised subject to conditions

Environmental Health – no objection subject to conditions relating to construction days / hours of operation, foundations, dust management, ultra-low emission boilers, electric vehicle infrastructure and contaminated land.

United Utilities – a public sewer crosses the site. An access strip will be required for maintenance or replacement. Conditions requested in relation to surface water, foul water and sustainable drainage.

Cadent Gas Ltd – recommend applicant be advised of infrastructure (low or medium pressure (below 2 bar) gas pipes and associated equipment) in the vicinity of the proposal with an informative of steps development must take as a result.

Strategic Housing Manager – the applicant has now provided evidence that supports the provision of 2 Affordable Dwellings due to vacant building credit. An Affordable Housing Statement has been provided and this shows 2 dwellings to be rented and intermediate respectively. Under the site circumstances this is acceptable.

Lead Local Flood Authority – the applicant should select an appropriate drainage strategy. It must ensure that flood risk is not increased on or off site as a result of the new development. For the surface water drainage methods, further infiltration testing should be carried out. It is worth noting that we are currently reviewing a Land Drainage Consent application for the culverted watercourse on site. However, we would ask that the applicant submits a detailed cross-sectional drawing of the culverted watercourse and its existing and proposed route within the site boundary at detailed design stage. Conditions and informative are included with the representation.

Environment Agency – the proposed development site and/ or its surroundings appears to have been the subject of past activity which poses a risk of pollution to controlled waters. Advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site. Recommend that you consult with your Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management. Informative on contaminated land and advice on matters including waste on site, waste to be taken off-site and dewatering / abstraction activity included in the representation.

Manchester Airport – no aerodrome safeguarding objections subject to conditions on the control of dust / smoke and lighting. There are also comments regarding reflective materials and no solar photovoltaics used without first consulting with the aerodrome safeguarding authority for Manchester Airport.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“recommend refusal of this planning application on the grounds of being out-of-keeping with the character of the Grade II Listed Building within its immediate vicinity. Furthermore, Wilmslow Town Council recommend refusal in accordance with Cheshire East Council’s Housing Officer’s view that the application fails to provide adequate affordable housing within the proposed scheme.”*

OTHER REPRESENTATIONS

Representations have been received from approximately 40 addresses, on the following grounds: -

- The 174 homes adjacent to the site has changed the nature of the area and the construction period has impacted negatively on residents.
- The development does not serve to meet housing needs, including affordable homes.
- Object to removal of trees, mature vegetation and hedgerows along Stanneylands road.
- Object to impact of development on protected trees.

- Negative impact on wildlife including badgers, bats, birds including owls.
- Bat survey is limited in scope
- Negative impact of development on 'wildlife corridor' created as part of the adjacent development. Wildlife corridor should be secured and widened.
- Ecological impact on the surrounding countryside
- Negative impact of development on local environment and facilities. Area has insufficient infrastructure, including school places
- The applicant should be made financially responsible to provide funds to correct negative impacts that occurs because of development.
- What about the people of Wilmslow who are proud of the village – now a town with overpriced, high rentals and rated shops.
- The previous moratorium on housing development in Cheshire should be re-instated.
- Stanneylands Road is not designed to take a further influx of vehicles
- Access road to the site is unsuitable, it is sited on a blind bend with poor visibility splays and near a pedestrian crossing.
- There are too many entrances onto Stanneylands Road in quick succession. There are safer alternative access options into the site
- Traffic impacts on Stanneylands Road is leading to increased pollution and on street parking. The adjacent development is not fully occupied so the full increase in growth of traffic is unknown.
- Lack of space on site for construction vehicles leading to parking in the surrounding area
- Drainage around Stanneylands Road is inadequate. Risk of surface water runoff and drainage concerns on the site and adjacent properties.
- Concerns over land levels, two storey homes opposite a row of single storey bungalows are not in keeping with surrounding street scene.
- Concerns over land levels leading to a loss of amenity / natural sunlight for adjacent properties and those opposite the proposed development. It will also lead to overlooking.
- The Council has a five-year supply of housing and a sufficient housing stock through to 2030.
- Proximity of the site to Listed Buildings, including Little Stanneylands and historic farmstead and impacts of development on properties of historic interest.
- Preparation works have already commenced on the site.
- There is already a proposal for significant development in Handforth, no need for this site.
- Design is not in keeping with surrounding development
- Object to the number and type of buildings proposed for the site
- Noise pollution
- Procedural issues – lack of publicity
- There are too many new builds in the local area
- The sustainability of the proposed development is undermined by several factors, including distance to local amenities
- The application represents over-development of a former Green Belt site. A reduction in the number of new dwellings may provide a better transition of design styles with adjacent uses. More consideration should be given to the historic and equestrian heritage of the site.
- The site fails to meet Wilmslow Neighbourhood Plan policy H3 (Housing Mix).

- Any approval should include a condition requiring a stone wall at the boundary of the development and the listed buildings, rather than timber fence.
- Housing development should be considered as part of LPS 56 (land at little Stanneylands, Wilmslow) for the purposes of housing mix and affordable housing. Application does not comply with Wilmslow Neighbourhood Plan policy NE5 (Biodiversity Conservation)

OFFICER APPRAISAL

Principle of Development

The application site consists of part of the LPS 56 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five-year supply of housing, with the southern section of the site also being released from the Green Belt. Therefore, the principle of residential development is acceptable in this location and subject to all other matters being satisfied the application should be determined without delay.

In addition to around 200 dwellings the development is expected to deliver the following;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road.
- Retention of trees and woodlands at the edges of the site, with new planting to re-enforce landscape features - to properly define a new Green Belt boundary and to maintain the setting of existing properties and protect the amenities of those occupiers.

Site Specific Principles of Development

- a. The development must be a high-quality design which reflects and respects the character of the area and the amenities of neighbouring properties.
- b. Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows where possible.
- c. Creation of a new vehicular access to Stanneylands Road, or as an alternative to Manchester Road.
- d. Improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages.
- e. Provision must be made for public open space to the north and west of the site utilising the river valley. Any new development will be expected to make contributions to playing fields and children's play facilities where these cannot be provided on site.
- f. New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation.
- g. Provide contributions to health and education infrastructure.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- i. Provide for a long-term management strategy for land along the Dean Valley shown as Protected Open Space.
- j. Respect for the setting of listed buildings adjacent to the site.

k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated.

As mentioned previously the site to the north, as part of allocation LPS 56, has had an application approved for the delivery of 174no. dwellings and is currently under construction. There are 7no. proposed dwellings located within the LPS 56 allocation.

The southern section of the site containing 3no. dwellings, 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 3no. additional windfall dwellings would be of an acceptable scale relative to Wilmslow and would deliver housing within a sustainable location. From here, there are good rail links (including to Manchester, 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 development 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 contribute to the Borough's housing requirements through the provision of 3no. additional market dwellings. 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

Residential Mix

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”* PNP policy HOU 6 repeats this aim with the additional statement that *“The provision of smaller units to meet local needs should be given priority subject to compliance with other housing policies”*. The mix of three, four bed and five bed dwellings located within a residential area would contribute to the mix of housing sizes and types and would complement the existing provision within the area.

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a proposed development of 10 dwellings with a site area of 0.96 Hectares in a Key Service Centre, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 3 dwellings to be provided as affordable homes.

The applicant has now provided evidence that supports the provision of 2 Affordable Dwellings, when vacant building credit is taken into account. An Affordable Housing Statement has been provided and this shows the 2 dwellings will be provided as one rented and one intermediate. Under the site circumstances this is acceptable and the initial objection from the Council's Housing Officer is withdrawn.

Design and Impact on Character of the Area

NPPF Chapter 12 deals with achieving well-designed places. Paragraph 126 identifies good design as a key aspect of sustainable development.

Paragraph 130 states that *"planning policies and designs should ensure that, developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- a) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience"*

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

Wilmslow Neighbourhood Plan Policy NE6 outlines three criteria which applications are encouraged to meet:

- The built form and hard surface areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new planting.
- The landscape proposals developed must meet all 10 Green Biophilic Points set out within Wilmslow Neighbourhood plan policy SP2: Sustainable Spaces.

Wilmslow Neighbourhood Plan Policy H2 states that all new residential development should seek to deliver high quality design.

The Council's Design Officer has reviewed their proposal and has offered their support to the scheme.

The site is approximately 1 ha and is located on Stanneylands Road, between the settlements of Wilmslow, Handforth and Styal. It is bordered by a residential development currently under construction to the north and by a cluster of three Grade II listed buildings to the south. The site currently contains five existing buildings which comprising a mixture of pitch-roofed stable blocks with a Tudor-style cladding and flat roofed barns.

The proposed dwellings are all 2-storey with suitable variations in roof pitches and gables to provide interest and relieve monotony. In addition, the change in levels across the site is effective in providing a varied street scene. Overall, the scale and massing of the scheme presented provides no concern.

Resident parking provision is adequate in volume and well located predominantly to the front and side of the properties. Whilst there are no specific spaces for visitor parking, it is felt that the streets and driveways could cope with this adequately.

The design development work undertaken to the dwellings during the application process demonstrate a marked improvement on those more standardised and less coherent house-types submitted originally. The influence of local context (and the CEC Design Guide) is now more readily apparent, and these are now acceptable in design terms.

It is considered that the improvements satisfy the raised issues of elevational design and the referencing locally distinctive design and scale, and the proposal complies with the design policies listed above.

Heritage

The site is currently occupied by single storey equestrian buildings, of a simple style with "Tudor" timber decorative cladding. There are a number of established trees within the site and hedges which lie on the southern border adjacent to the Grade II listed C17th barn. The hedges screen a large area of grass covered garden. The northern part of the application site is within LPS56, where housing is currently under construction on the adjacent land, the southern part of the site is outside of LPS56. The open land currently provides a visual buffer between the listed houses and new housing development. The principles of development are quite clear within LPS 56 that any scheme needs to respect the setting of the listed buildings adjacent to the site.

The listed buildings are Little Stanneylands, the Barn 15m west of Little Stanneylands and Rose Cottage to the east, all designated at Grade II.

The timber framed, thatched buildings of Little Stanneylands a former farmhouse/stables and the barn date from the 17th century and are in use as dwellings. They have been altered and extended but are of both historical and architectural interest, providing good examples of Cheshire vernacular farmhouse and agricultural buildings. Rose cottage is early C18th century, although altered in the 20th, it is brick built with slate roof. It is also of architectural and historic interest and is a good example of a vernacular cottage.

The C17th barn, lies to the south of the site backing on to the road and is timber framed, painted noggin, with thatched roof on stone plinth. A modern extension has been added to the right of plan in a vernacular style, with large eye-brow dormer, the overall appearance is one of a small-scale timber framed, thatched farm building.

As well as being of interest in their own right, they hold value as a group, set around what remains of a part of a farm complex with central courtyard. There are views of the buildings from Stanneylands Road, with the former barn and its extension having most prominence as it sits at back of pavement, Rose Cottage is located within the plot. There are views through the garden to the north of the wider group.

Listed Buildings are designated heritage assets for the purposes of NPPF chapter 16 and CELPS policy SE 7. NPPF paragraph 189 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 199 states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph NPPF 200 notes that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

In accordance with NPPF paragraph 202, *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

CELPS Policy SD 2 Sustainable Development Principles notes that all development will be expected to respect, and where possible enhance, the significance of heritage assets, including their wider settings.

Policy SE 7 notes that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal. In the case of designated heritage assets, SE 7 notes that this will be done by:

i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.

ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.

iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part, of a heritage asset is accepted.

Additionally, in accordance with the Section 16 and 66 of the 1990 Act, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

The application is supported by a Heritage Statement which describes the significance of the heritage asset and assesses the impact of the proposals upon the significance.

The Conservation Officer assessed the proposals and raised concerns regarding the impact upon the listed buildings and their setting. Following on from these concerns the unit closest to the listed buildings was removed to create a larger gap between the listed buildings and the proposed built development allowing for more landscaping to create a buffer.

These amendments have not addressed the initial concerns raised by the Conservation Officer. Their latest comments are as follows:

“Houses 7,8 and 9 plus the access road lie outside of the boundary of LPS 56 which was carefully considered and designated in 2015. The area to the south of LPS56 was to allow for a buffer between LPS56 and the listed group in order to maintain their setting and significance. It was made clear at pre-application stage in 2019 that any development should respect this buffer and the boundary of LPS56 and that development within the buffer outside of the boundary would be unlikely to be viewed as acceptable.

Whilst plot 10 has been removed 9 and 8 are still in proximity to the 17th century barn and will still appear in views from inside and outside of the site, including long views from Stanneylands Road and Stanneylands Drive. The green buffer of open land, hedges and trees still be filled with new houses in close proximity to the historic buildings. The topography of the land adjacent to the barn currently occupied by a garden would give further prominence to the housing. The existing garden rises up from the level of the barns and courtyard space. The remains of the

former stream which lies between the gardens to Little Stanneylands, and the stables would now be filled.

Rose Cottage which is set back from Stanneylands Road will have a further group of houses set to its rear. Although set back from the cottage, they will appear in views of the listed cottage from within the site, altering the existing open backdrop.

The 2017 heritage statement which accompanied the David Wilson adjacent scheme, made it clear, that their proposals would not cause harm as the buildings were set at such a distance from the listed buildings that they would not alter their backdrop. This clearly would not be the case for the above scheme.

The garden area adjacent to the barn was once occupied by a farm building but this was lost prior to the mid 1930's. The setting of the listed buildings has been one of open gardens with fields and small-scale stable buildings/barns for a significant period of time. I remain unconvinced that the current stable complex provides a convincing justification for development in such close proximity to the assets. The existing gardens, established trees and shrubs and open aspect in my view greatly enhance the setting of the designated assets. On approaching the listed barn from the north, instead of the natural backdrop of a hedge, trees and open gardens, in which there are views of the listed group, there will now detached houses sitting in the view.

Conclusions

The proximity, location and height of the proposed housing development and its associated landscaping within the wider setting would cause harm to the significance of the group of listed buildings adjacent. The scheme therefore fails to meet the requirements of section 66 of the Act, the saved heritage policies of the MBLP BE2, BE15, Policy, SD2, SE 1 and SE 7 of the CELPS which in combination seek to secure appropriate design in a heritage context and also Section 16 of the NPPF in particular (but not exclusively) policy 189 and 200 requiring the provision of a clear and convincing justification in relation to harm.

This harm discussed in detail above would in my view be at the less than substantial end of the scale, but this does not mean that the harm would be minor or unimportant. The Framework states that heritage assets are an irreplaceable resource and emphasises the desirability of sustaining and enhancing their significance.

Part of the development also lies outside of the boundary of LPS56 and within a landscape buffer between LPS56 and the listed group, it therefore fails to address the requirements set out in LPS56 as far as they relate to impact upon the setting of adjacent heritage assets."

The conclusions of the Council's Conservation Officer in terms of the impact on the listed buildings and their setting are noted and agreed with. The development would be a prominent feature, highly visible in many of the public viewpoints from which the buildings are also experienced, although this is reduced with the removal of the closest dwelling. The cumulative impact of the three dwellings outside the allocation would detract from the relatively modestly proportioned listed buildings. It is agreed that the development would result in 'less than substantial harm' to these designated heritage assets.

As stated in paragraph 202 of the Framework, the harm needs to be weighed against the public benefits of the proposal including, where appropriated securing its optimum viable use.

The public benefits are set out later in this report.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

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.

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 separation distances between the existing properties on Carlton Avenue and those proposed is a minimum of 41 metres, with a minimum distance between the proposed dwellings and the recently approved dwellings of 25m and as such the proposals will not cause an unacceptable level of overlooking or have an unacceptable adverse impact on privacy. The vast majority of the trees along the site boundary with the existing properties are retained and they will effectively screen the development from neighbouring properties.

Highways

The site will be served via a single access off Stanneylands Road, the access road is a shared surface cul-de-sac with a turning head at the end. Adequate visibility at the access has been provided in accordance with the 30mph speed limit on Stanneylands Road.

The design and width of the access is acceptable and is suitable for adoption, each of the units have a minimum of two car parking spaces and meets current CEC parking requirements.

To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site.

The provision of 10 units is a low generation development and would not lead to traffic capacity problems on the local highway network.

In summary, the application is an acceptable design in relation to highways and no objections are raised by the Head of Strategic Transport, subject to conditions.

Arboriculture and Forestry

The application has been supported by an updated Arboricultural Statement by Cheshire Woodlands (CW/9340-AS-2) dated 12th May 2021.

Concerns were raised with regards the relationship of Oak (T27) and Plot 7. No additional changes have been proposed in terms of position of the plot although the submitted assessment has confirmed that the adequate daylight and sunlight levels have been achieved and are within the parameters of BRE 209. It is noted that new hard standing is now proposed although engineer designed hard surfacing has been indicated to accord with best practice recommendations.

Plots 8 and 9 are located to the north west of group G5 which comprises of closely spaced trees of varying quality with two trees considered to be protected. The updated proposal has removed all trees from the rear garden of properties with planting indicated to the south east of these. Irrespective of the removal of the trees in favour of replacement planting, the shading and sunlight assessment has found that light levels do not meet the recommended minimum targets of BRE 209 Guidance.

Plot 3 has also been amended with this revised layout and is now shown as 2 semi-detached properties (plots 3 & 3A). While the side elevation of 3A is now shown to have increased separation from trees in G4, the rear elevation of the property is now closer to tree T6 and the shading assessment confirms that light levels to plot 3A also fail to meet the minimum requirements of the BRE Guidance.

This amended layout presents some improvements in terms of relationship with important trees on the site. The additional submitted information confirms that the majority of the properties will meet the requirements regards shading to amenity space and internal habitable rooms as stipulated in BRE 209.

Consultation comments remain largely unchanged in terms of the concerns expressed regards dominance and shading to some of the plots, although the layout has ensured all retained trees remain outside residential curtilage and within communal areas. Extensive planting of new, heavy standard trees is proposed in mitigation for tree losses in particular to the road frontage where the additional losses are indicated. The submission of a management plan provides some confidence that both existing and newly planted trees will ensure the sustainability of tree cover in the area in the longer term.

No significant objections are raised by the Council's Arboricultural Officer, subject to a condition to provide tree protection measures, tree retention, levels survey, service/drainage layout and a method statement.

Nature Conservation

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Policy NE5 of the WNP states that “Planning applications will be supported where it can be demonstrated that they will not adversely affect designated and non-designated wildlife habitats including Priority Habitats within Wilmslow.”

Bats

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

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained.

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

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional much need dwellings to the area.

Mitigation

To compensate for the loss of the existing roost The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Woodland and bluebells

A small area of woodland is present on site associated with the ditch. The submitted ecological assessment advises that this woodland may support bluebells a priority species and hence a material consideration. A further survey of the bluebells on site has now been completed. The majority of bluebells on site are thought to be hybrids of no nature conservation importance. A smaller number of native bluebells were however recorded.

The woodland would be lost under the current proposals and bluebells would also be lost from the site. Due to the relatively limited extent of woodland on site the number of bluebell plants present this impact would be correspondingly small.

A strategy has been submitted for the planting of native bluebells on site to compensate for those lost to the development. This approach is acceptable and would be conditioned accordingly.

Nesting birds

A number of priority species have been recorded in the broad vicinity of the application site. The application site is likely to support nesting birds potentially including the more widespread priority species recorded in the wider area. The application site is however unlikely to be significantly important for birds.

If planning consent is granted standard conditions would be required to safeguard nesting birds.

Badgers

Evidence of badger activity was recorded on site. No setts are however present. The Council's Nature Conservation Officer advises that the proposed development will result in a minor adverse impact upon badgers as a result of the loss of an area of foraging habitat. The submitted badger report recommends that the 'Ecological buffer zone' shown on the submitted layout plan be fenced to retain an accessible corridor for the use of badgers. If planning consent is granted, conditions are required in respect to badgers.

Hedgehogs

This priority species is known to occur in the broad locality and may occur on the application site on at least a transitory basis. the proposed development would have a minor adverse impact upon this species. If planning consent is granted a condition would be required to safeguard hedgehogs.

Invertebrates

A number of priority moth and butterfly species have been recorded in the broad locality of the application site. The proposed development would result in the loss of suitable habitat for these species which would result in a localised adverse impact.

In order to ensure that the potential impacts of the proposed development upon these species is adequately addressed it must be ensured that the development delivers a net gain for biodiversity as discussed below.

Reptiles

The submitted ecological assessment has identified habitat on site that is suitable for slow worms. There are no records for this species within 1km of the proposed site and the species is very scarce in Cheshire. It is therefore considered that this species is not reasonably likely to be present or affected by the proposed development.

Non-native invasive plant species

Two non-native invasive plant species were recorded on site. These species would likely be removed during site clearance in the event that planning consent was granted.

Biodiversity net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the losses/gains for biodiversity resulting from the proposed development the applicant has undertaken an assessment of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

The metric shows that the proposed development would deliver a net gain for hedgerows. But result in the loss of 0.79 biodiversity units for other habitats.

To compensate for this loss of biodiversity and deliver a net gain of 10% an additional 1.13 biodiversity units would be required. The Council may consider accepting a commuted sum to ensure that suitable habitats could be created at an offsite location.

Using figures from the CEC Draft Biodiversity SPD this would be costed as £10,035 per unit and £1,200 admin fee per unit. Total £11,235.00 per unit. Therefore, a commuted sum would be calculated as below:

$1.13 \times £11,235 \text{ (cost per unit and admin fee)} = £12,695.55.$

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.

The application is supported by an ecological enhancement strategy which proposes the incorporation of features to enhance the biodiversity value of the completed development. If planning consent is granted an appropriate condition is required to secure the implementation of these proposals.

Landscape management Plan

The application is supported by a Landscape Management Plan (TEP Version 9.0). If planning consent is granted condition should be attached to secure its implementation for a thirty-year period.

Subject to the proposed contributions and conditions, the proposal will comply with the requirements of policy SE 3 of the CELPS.

Landscape

CELPS policy SE 4 relates to Landscape. Amongst other matters, all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness in both rural and urban landscapes.

Soft landscape

The landscape proposals for site frontage were originally ornamental and have been amended to be more in keeping with the leafy, semi-rural character of Stanneylands Road. It is recommended a mixed native hedgerow with large native trees along the site frontage.

Cross sections will help to determine the position of the native hedgerows – which must be located behind visibility splays and be set back a sufficient distance to allow the hedges to mature without encroaching into sight lines. Grass verges with bulbs would be appropriate in front of the hedges.

It should be noted that the approved landscape proposals for the adjacent David Wilson (DW) site frontage comprises a broad, mixed native hedgerow and large species native trees. Unfortunately, DW have inadvertently planted the wrong hedgerow species - these hedges will be replanted to the correct specification.

Close board garden fences are not normally approved in prominent positions but are appropriate here due to the mature trees and RPAs. The proposed close board fencing on plot 10 will be screened with a hedge or climbers (depending on the position of the roadside hedge).

Native hedgerows (Holly in shady areas) should be planted along the rear and side boundaries of plots 3 & 4 and 8, 9 & 10, the southern site boundary and the boundary of the ecology buffer at the side of plot 7 – to screen fencing, enhance the site and to mitigate for tree losses.

Ecology Buffer

On the adjacent DW site the ecology buffer will be maintained in perpetuity by the site management company. It would seem appropriate to adopt the same approach to the buffer management on this site - rather than passing the responsibility to individual property owners. This would ensure a consistent approach to the management of the buffer. It is suggested that the proposed knee rail on the rear and side garden boundaries should be replaced with 1.2m high post and rail fencing with wire mesh to allow views from gardens but prevent access. A track from the road to the double access gates should also be provided (using no-dig construction where necessary). The proposed Management Plan has been updated accordingly and will be conditioned with any approval.

Hard landscape

Proposed materials for the access road, footpaths, shared and private drives and plot paving must be submitted and must be in accordance with the CEC Design Guide. This can be dealt with by condition.

Flood Risk

CELPS policy SE 13 deals with Flood Risk and Water Management. It requires all development to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

The Environment Agency has been consulted on the scheme but have not commented.

The Council's Flood Risk Officer has advised that the principle of the development is acceptable, but that approval should be subject to conditions requiring:

- Implementation in accordance with details of surface water storage/disposal in the Flood Risk Assessment submitted with the application.
- Submission and approval of a detailed surface water drainage design/strategy.

The Flood Risk Officer also advised that advisory notes on the surface water drainage hierarchy, and on the need for consent for any alterations to ordinary watercourses, should be added to any approval.

It has been confirmed by the Council's Flood Risk Officer that the information has received is sufficient to avoid prior to commencement conditions and Their formal response will follow.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The new housing would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off-site provision in line with policy SE6 of the Cheshire East Local Plan.

In lieu of onsite provision of POS, a com sum for offsite provision will be required at a rate of £3,000 per dwelling. It is not yet clear where the provision will be used as comments from Ansa Greenspace have not been received and will be provided with an update. An ROS contribution of £1000 per two + bed plus dwelling to be used in line with the Council's playing pitch strategy.

The required contributions sought for two x three-bed, four x four-bed and four x five-bed dwellings would therefore be as follows:

- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Biodiversity compensation = £12,695.55
- Affordable Housing - plots 3 and 3A to comply with affordable housing policy.
- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, biodiversity compensation and POS and ROS is necessary, fair and reasonable to provide a sustainable form of development, and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and type of the development

Planning Balance - including heritage balance

The proposal would result in less than substantial harm to the listed building. Paragraph 202 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*”.

The proposal would contribute to the Borough’s housing requirements with the addition of 7no. new dwellings within the Council’s allocation LPS56 with a further 3no. new windfall dwellings. The inclusion of 2no. affordable dwellings on site in a sustainable location, in line with policy, would carry significant weight. The proposal would complete the development of the housing allocation.

There would be a creation and ongoing management of ecological areas. The removal of the invasive species and non-native bluebells that cross pollinate with native bluebells which leads to native bluebell populations diminishing, together with the compensation payment which help to achieve a biodiversity net gain of 10%. These factors would carry modest weight in favour of the development, as a public benefit.

The removal of the dwelling furthest to the south of the site during the application process has retained a buffer between the heritage assets and the proposed development, and while the development would be visible from the listed buildings the distance along with appropriate landscaping would reduce the impact. While there is a degree of harm to the designated heritage assets, there are also compelling public benefits, which outweigh this harm.

On balance, the public benefits attributed, resulting from the provision of housing within an existing allocation with the inclusion of two affordable units, together with the biodiversity gains, outweigh the harm to the listed buildings.

Therefore, the application is recommended for approval subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

- Biodiversity compensation = £12,695.55
- Affordable Housing - plots 3 and 3A to comply with affordable housing policy.
- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
1. Development in accord with approved plans
2. Submission of samples of building materials
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Landscaping to include details of boundary treatment
6. Nesting bird survey to be submitted
7. Foul and surface water shall be drained on separate systems.
8. Surface water drainage details to be submitted
9. Ground protection (trees)
10. Electric vehicle infrastructure to be provided
11. Contaminated land - verification report to be submitted
12. Ecological Enhancement details to be submitted
13. Imported soil to be tested
14. Steps to be taken in event of unidentified contamination
15. Car parking spaces to be provided and retained at all times thereafter
16. Details of proposed finished floor levels and land levels to be submitted
17. Development carried out in accordance with Flood Risk Assessment
18. No dig specification
19. Shared pedestrian/cycleway to be constructed
20. Construction management plan to be submitted
21. Implementation of bat mitigation.
22. Implementation of bluebell mitigation.
23. Safeguarding nesting birds

24. Updated badger survey
25. Proposals are to be submitted for the retention and fencing off of the "Ecological Buffer Zone".
26. Implementation of hedgehog mitigation.
27. Implementation of landscape master plan.
28. Implementation of Landscape management plan for a thirty-year period.
29. Phase II investigation required (contamination)
30. Tree Protection and Implementation Measures
31. Tree Retention
32. Levels Survey
33. Service/Drainage Layout

