

Application No: 21/5812M

Location: Land Off, HEYES LANE, ALDERLEY EDGE SK9 7LN

Proposal: Erection of 6 No. new dwellings

Applicant: Deanbank Investments Limited

Expiry Date: 07-Feb-2022

## **SUMMARY**

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

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

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

Following a recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised access strategy which would now retain the grass verge opposite to the access and ensure compliance with AENP Policy AE3. The development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

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

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

The design is considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

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

## **SUMMARY RECOMMENDATION**

Approve subject to conditions

## **REASON FOR REFERRAL**

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

*“This is an identical application to 19/0684M which was refused by Northern Planning Committee in November 2020 and dismissed on appeal (APP/R0660/W/21/3266426) in June 2021. In giving their reasons for dismissal of the appeal, the inspector referenced conflict with the development proposal and policies AE1 (local character) and AE3 (green character) of the Alderley Edge Neighbourhood Plan, as well as SD1 (character and green infrastructure) of the Cheshire East Local Plan Strategy. As the current development proposals are identical to those having been previously dismissed on appeal, this application should be similarly refused, if necessary at committee or preferably under delegated authority”.*

## **PROPOSAL**

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

## **SITE DESCRIPTION**

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

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

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

## **RELEVANT HISTORY**

19/0684M - Erection of 6no. new dwellings on land off Heyes Lane – Refused 16-Nov-2020 – Dismissed at appeal 16-Jun-2021

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

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

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

The following are considered relevant material considerations:

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

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

### **Macclesfield Borough Local Plan**

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

**Alderley Edge Neighbourhood Plan (AENP)** - has reached Regulation 20 – Made Plan Stage. The Alderley Edge NDP passed referendum on the 6 May 2021. The plan was made on the 28 July 2021. The relevant policies are:

AE1 - Alderley Edge Development Strategy  
AE2 - Location, Design, Scale and Type of New Housing

AE3 - Sustainable Housing Design  
AE4 - Rear Garden and Backland Development  
AE17 - Car parking  
AE9 - Landscape Character and Access

**Other Material Considerations:**

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

**CONSULTATIONS (External to Planning)**

**Environmental Protection** – No objection subject to conditions and informatives relating to electric vehicle infrastructure, use of low emission boilers, a site-specific dust management plan, piling, construction hours and contaminated land.

**Head of Strategic Infrastructure (Highways)** – No objection following the receipt of amended plans reducing the 4 bed units to 3 beds.

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

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

**VIEWS OF THE ALDERLEY EDGE PARISH COUNCIL**

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

Inadequate parking provision as the plan does not comply with Cheshire East parking conditions for a “local” service centre This requirement should not be negotiated for a development of 6 houses and AENDP AE3:5 - The number of off-street car parking spaces should be sufficient to minimise on-street car parking and avoid environments dominated by the private car.

The Alderley Edge Neighbourhood Development Plan has now been made and as such, needs full consideration. These proposals do not comply with the following AENDP Policies:

- AE2: Development does not contribute towards an appropriate mix of house types, sizes and tenures and meet local housing needs.
- AE3:6 – no evidence of safe cycle storage.
- AE3:7 - no evidence of charging vehicle points
- AE3:9 - no plans for optimum solar gain, thermal efficiency, acoustic mitigation measures
- AE3:11 - does not contribute to biodiversity net gain

AE3:15 - no illustrated locations for refuse and recycling within each dwelling curtilage

AE3.16 – the requirement for a water management system which minimises surface water run-off and ensures all surface water is addressed within the site boundary

AE4 – the development is considered backland development and will therefore not be supported as it will cause an unacceptable impact on the character of the local area and importantly, in terms of a loss of openness and a substantial increase in the density of built form.

The addition of more traffic to Heyes Lane at its junction with Buck Horn St will add to a busy road, the main link to the Prestbury spur road and which becomes a major route if there are any diversions from the bypass between Alderley Edge and Wilmslow.

The arborial report asks for root protection of the A1 graded oak tree at the entrance to the site. The roots of this tree lay directly beneath the area proposed for access improvements on the Transport note and we therefore assume such work would severely damage the protected root system.

The proposal does not comply with saved Macclesfield Borough Local Plan policy DC38 which calls for a minimum separation of 18m between the front of dwellings.

## **OTHER REPRESENTATIONS**

Representations have been received from over 112 addresses (including a petition and the 'Edge Association residents' group) objecting to this application on the following grounds:

- Application has been rejected 4 times and was previously unsuccessful at appeal and this scheme does not address previous reasons for refusal
- Proposal is contrary to Alderley Edge Neighbourhood Plan, Macclesfield Borough Local Plan and Cheshire East Local Plans Strategy
- CEC has not notified consultees about the resubmission of the plans with considerable amendments and with such a short time to comment only hearing by way of word-of-mouth
- Has been mention of this site providing affordable housing
- Changing size of dwellings from 4 to 3 bedroom will not overcome other issues
- Lack of information regarding sustainability
- Site notices tied to lampposts etc were taken down, hand-amended and put back up again
- Proposal fails to enhance the landscape character of the area
- Proposal does not provide appropriate mix of housing
- Development, style and design out of keeping with the traditional character of the area and the scale will dominate neighbouring properties. Previous mistakes must not be repeated as can be seen nearby
- Overdevelopment of the site, backland development, over dense and will be overbearing – dimensions of the scheme are same as previously refused scheme
- Dwellings are large and close to each other and are not needed on such a small plot
- Disruption to existing services / infrastructure / utilities

- Existing infrastructure cannot cope e.g. water pressure is low, lack of school places utilities etc.
- Proposal does not match the local housing requirements specifically in relation to affordable housing
- Proposal does not maximise opportunities for sustainable housing design e.g. solar gain, thermal efficiency, acoustic mitigation
- Potential impact on trees including Grade A1 Oak at the site entrance
- Lack of parking provision including for visitors which will overspill onto neighbouring areas and deny other residents' chance to park
- Buckhorn Street is a privately owned - the proposed upgrade for access by both pedestrians, cyclists and vehicles will require the permission of other landowners for which permission is not given
- Buckhorn Street is too narrow for 2 vehicles to pass one another
- Access is dangerous and will cause further hazard, further traffic generation and congestion by future residents and construction traffic
- Road is no longer on gritting route so will be more dangerous
- Access by emergency vehicles would be difficult and compromised
- Access is substandard in width and will undermine foundations of adjacent homes
- Proposal will cause further hazard for pedestrians including children and inconvenience existing residents
- Vehicles already speed down Heyes Lane using it as a cut through
- The visibility splays on the access will be obscured by cars parked either side of the access
- The vehicle tracking plans will not work as cars will likely be parked in them (including the proposed turning area) and will not be enforced against
- Proposal does not maintain vehicular access for some existing properties accessed off Buckhorn Street and would prejudice existing prescriptive parking rights
- Buckhorn Street is unadopted
- Roads are not wide enough for vehicles to pass one another and refuse / bin collections will be difficult
- Heyes Lane is the only alternative road between the A34 and London Road and it can barely cope with the hundreds of cars and vans travelling through it caused by the infrequent but necessary re-routes of problems on the A34 and London Road
- As noted in the Transport Note there have been no traffic incidents in the past 10 years on Heyes Lane which is strong evidence that it is safe and sustainable. Any changed to this will likely change this statistic
- Vehicles and road surface damaged by increased traffic
- The proposal would require double yellow line are required on each side of the access, but this would then displace parking
- Local resident's voices should be respected
- Post-Brexit there is no need for the 'Braille' path tiles
- 6 electric vehicle charging points, cycle storage and bin storage does not address residents' concerns
- Site used to sequester carbon dioxide due to its many trees
- Loss of views and connection to wildlife will affect mental health
- Surveyors recently visited the area marking out the land down the side passageway
- Gross Internal Area – poor quality size and internal accommodation

- Impact on wildlife including loss of flora and fauna
- The land was originally bequeathed to the rscpa on the basis it would be used for animals and wildlife – this is illegal as it does not accord with the previous owner’s wishes resulting in social injustice
- Site used to host oak trees which were removed
- Conveyancing undertaken in 1853 states the land cannot be built on
- Will devalue neighbouring properties
- Loss of green space
- Impact on neighbouring amenity through overlooking, overbearing (made worse by the levels), loss of light, overshadowing, sun and privacy, light pollution, and noise (including noise during construction)
- Flooding / high water table - neighbouring gardens have previously flooded, made worse by the removal of the trees on the site and would be worsened further by the proposals
- Drainage cannot cope including the sewerage system
- Proposal would be contrary to the Alderley Edge Neighbourhood Plan including protection of green spaces, design policies and back-land development
- Proposal is for commercial gain / profit and will not benefit the community
- Change to bungalows makes no difference

## **APPRAISAL**

### **Background**

This application follows the refusal of a scheme for the erection of 8 no. terraced three storey dwellings (planning ref; 18/4255M refers) and a subsequent scheme for the erection of 6 dwelling comprising of 2 x bungalows and 4 x two-storey properties with accommodation in the roof space (planning ref; 19/0684M). The more recent scheme was refused by the Council for the reasons summarised below:

1. Insufficient pedestrian access would exist undermining pedestrian safety
2. The proposed development would result in an overdevelopment of the site which would undermine the visual amenity of the area

This more recent scheme was dismissed at appeal by a planning inspector. In dismissing the appeal scheme, the planning inspector did not agree with the Council that insufficient pedestrian access would exist nor that the proposal would result in an overdevelopment of the site. However, the inspector considered that *“although the built development would not be harmful, the loss of the grass verge would cause unacceptable harm to the character and appearance of the area”*. The inspector had specific regard to the loss of the grass verge on the opposite side of Heyes Lane, which was being modified to accommodate a realignment of Heyes Lane in order to provide the vehicular access to the site.

This application seeks to address the previous concerns of the inspector. During the life of this application, there has been a revision to the floor plans reducing the 4 bed units to 3 bed units in response to officer concerns about parking provision.

### **Principle of Development**

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’*.

The application site lies within a predominately residential area in Alderley Edge. Alderley Edge is identified as being a Local Service Centre under Policy PG 2 of the Cheshire East Local Plan Strategy (CELPS). This policy confirms that within Alderley Edge, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Alderley Edge Neighbourhood Plan (AENP) Policy AE1 advises that new residential development within the settlement boundary (such as this site) will be supported where proposals are sustainably located and have a high quality of design.

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

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

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

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

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

## **Housing Mix**

CELPS Policy SC 4 and Policy AE2 of the AENP identify the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic and should include:

- 35% 1-2 bedrooms

- 60% 3 bedrooms
- 5% 4 + bedrooms.

Reference is made to the need for development proposals to accommodate units capable of being occupied by the elderly and people who require specialist accommodation. In this case, 5 of the units would be 3 bed roomed and 1 unit would have two bedrooms. Two of the proposed units would be bungalows. This is a positive of the scheme as the provision of such would assist in providing a diverse community and would therefore compliment CELPS Policy SC 4 and generally accord with AENP Policy AE2.

## **Design, Character and Appearance**

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

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

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

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

The proposal seeks the erection of 6 detached properties comprising of 2 bungalows and 4 two and a half storey dwellings. Each property would provide further accommodation in the roof space. The units would comprise of a 1 x two bed bungalow, 1 x three bed bungalow and 4 x three bed 2.5 storey units. They would be arranged in two blocks of 3 facing one another and would take their access off Buck Horn Street. Plots 1-5 inclusive would be traditionally designed gable ended properties with Plot 6 benefiting from a hipped roof form. They would be of simple form and design with good proportions with some architectural details such as stone cills, brick banding and bay windows. Subject to the use of good quality materials, this would not be at variance with the character of the surrounding area.

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

existing form of property in the area, which whilst predominantly terraced, also features detached and semi-detached properties.

Owing to the back land nature of the site, the proposal will not be directly visible from Heyes Lane and consequently the public domain. As such, the impact on the street scene will be neutral. It is considered that the proposed dwellings are acceptable in terms of the detailed design. The proposal will sit well in the existing surroundings. AENP Policy AE4 states that “residential development in rear gardens and backlands will be resisted where there would be an unacceptable impact on the character of the local area.....in terms of loss of openness, mature trees, hedges and shrubbery, and a substantial increase in the density of built form”. Having regard to the existing character of the area (i.e. terraced properties and a tightly packed grain of development), the proposal would not undermine character and appearance of the area. The inspector drew the same conclusions in determining the previous appeal scheme.

Conditions relating to landscaping and materials will be included on the decision notice. Having regard to the above, and the conclusions reached by the planning inspector on the previous similarly designed scheme, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS, the CEC Design Guide and Policies AE2 and AE4 of the AENP.

## **Landscape**

The proposed dwellings have been aligned with existing neighbouring dwellings which are set behind and to the west of Heyes Lane, and which have their gable-ends facing this site’s south-east boundary. The proposed dwellings’ alignment and positions within the site would make them largely obscured from view from public highways due to the site’s set-back location and due to existing buildings and therefore landscape impact is minimised.

Whilst the previous scheme subject of appeal proposed a reduction in grass verges on Heyes Lane in order to facilitate the junction improvement for access into the site, the applicant has proposed an alternative access design that would not require loss of the grass verges on Heyes Lane. This was the reason for the inspector dismissing the previous appeal scheme. In light of the retention of the grass verges, this scheme would not negatively impact on the character and appearance of Heyes Lane.

Internally, the site is bounded by existing residential gardens with associated boundary treatments. Given the back-land nature of the development, it is considered that appropriate boundary treatments and soft landscape can be appropriately secured by condition. Subject to this, the scheme is found to accord with CELPS Policy SE 4 and saved MBLP Policy DC8 and Policy AE9 of the AENP.

## **Trees**

The site contains some natural regeneration of young Oak and Willow which present no significant contribution to the wider amenity of the area. A mature Oak standing outside the site adjacent to Heyes Lane is a prominent specimen in the immediate locale but is not afforded any formal protection. The proposed access remains unchanged from that previously proposed where it was concluded that the said Oak specimen would not be directly impacted by the development. Consequently, there are no significant arboricultural implications associated with

this application and it is found to accord with CELPS Policy SE 5, MBLP saved Policy DC9 and Policy AE9 of AENP.

## **Highways and Parking**

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

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

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

The site is accessed using an existing private access road known as 'Buck Horn Street', which provides access to some existing properties and also a number of garages. The use of an existing path adjacent to Maple Cottage is also proposed as access to the site for pedestrians and cyclists. It is intended that the proposed vehicular access to the northeast is a shared surface for pedestrians and vehicles. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the use of a shared surface would be acceptable having regard to the low speeds and low traffic generated by the proposed development.

With respect to car parking provision, each of the units would benefit from 2 spaces. The proposal originally included 4 x 4-bedroom properties. However, this would have required the provision of 3 car parking spaces per 4-bedroom unit. Following officer concerns, the scheme has subsequently been amended so that there are now no 4 bed properties and instead, the 4 x 2.5 storey dwellings will now be 3 bed with 2 car spaces each. This is consistent with the car parking standards found at Appendix C of the CELPS. Cycle parking is to be provided within each of the units.

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

The existing junction of Buck Horn Street and Heyes Lane has visibility problems due to a boundary hedge and also the presence of a tree. The applicant has submitted a number of options to improve the visibility at the junction. The revised access proposals would provide a build out on each side of the access to provide the required level of visibility. This formalises the current situation where there is existing on-street parking on the northern side of Heyes Lane and vehicles edge out to exit Buck Horn Street. This would negate the need to realign Heyes Lane on the opposite side with a resultant loss of grass verge as previously proposed. As visibility can be achieved to the required standard there is no technical reason to reject the proposed improvement and accordingly, the HSI has confirmed that there is no technical reason to reject the proposed improvement.

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

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

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

### **Residential Amenity**

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

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

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

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

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

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

of sunlight / daylight. The same conclusions are drawn for no. 11 Oakfield Close, which would enjoy a slightly greater separation.

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

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

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

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

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

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

## **Air Quality**

Policies SC 3, SE 8 and SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This includes encouraging the uptake of renewable and low carbon energy. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

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

### **Nature Conservation**

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

The application has been supported by a Phase 1 Ecology Report. The Council's Nature Conservation Officer (NCO) has confirmed that the proposal would be unlikely to affect any species protected by law. CELPS Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This proposal provides an opportunity to incorporate features to increase the biodiversity value of the development. The NCO therefore recommends that a condition should be attached which requires the submission of an ecological enhancement strategy. Subject to this and a condition to safeguard nesting birds, the proposal is considered to comply with policy NE11 of the MBLP and SE 3 of the CELPS.

### **Flood Risk and Drainage**

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

### **Contaminated Land**

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

### **Economic Sustainability**

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

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

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

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

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

It is confirmed that the application has been publicised and for the appropriate period of time in accordance with the requisite statutory requirements.

### **CONCLUSIONS**

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

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

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

Following a recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised access strategy which would now retain the grass verge opposite to the access and ensure compliance with AENP Policy AE3. The development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS and AE17 of the AENP.

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

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

The design is considered to be acceptable and complies with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide and AE2 of the AENP.

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

## **RECOMMENDATION**

Approve subject to the following conditions:

- 1. Commencement of development (3 years)**
  - 1. Development in accordance with approved and amended plans**
  - 2. Construction of access and parking made available for use prior to first occupation**
  - 3. Details of boundary treatments to be submitted, approved and implemented**
  - 4. Details of ground levels to be submitted, approved and implemented**
  - 5. Foul and surface water drainage to be connected on separate systems**
  - 6. Scheme of surface water drainage and management plan to be submitted, approved and implemented**
  - 7. Sustainable drainage management and maintenance plan to be submitted, approved and implemented**
  - 8. Details of materials to be submitted, approved and implemented**
  - 9. Removal of permitted development rights for extensions and outbuildings**
  - 10. Phase I contaminated land investigation to be submitted and approved**
  - 11. Verification of remediated contaminated land to be submitted and approved**
  - 12. Details of bin / refuse storage to be submitted, approved and implemented prior to first occupation**
  - 13. Details of pile foundations to be submitted, approved and implemented**
  - 14. Electric Vehicle Infrastructure to be provided prior to first occupation**
  - 15. Scheme of construction management plan including dust control to be submitted, approved and implemented**
  - 16. Accordance with Ecological Assessments**
  - 17. Nesting bird mitigation measures to be submitted, approved and implemented**
  - 18. Scheme of biodiversity enhancement to be submitted, approved and implemented**
  - 19. Cycle storage provided prior to first occupation**
  - 20. Applicant to enter into s278 highways agreement**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in*

*consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

