

Northern Planning Committee

Agenda

Date:	Wednesday, 1st April, 2015
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 6)

To approve the Minutes of the meeting held on 4 March 2015 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **14/4130C-Development of 24 dwellings with associated landscaping and access, Land adjacent, Manor Lane, Manor Lane Holmes Chapel for Property Capital Plc and Mr and Mrs L Bu (Pages 7 - 24)**

To consider the above application.

6. **14/0616C-Proposed residential development of 16 no dwellings to vacant land north of Brook Street, Congleton. Proposed development is an extension to the existing approved scheme which has been designed to facilitate future access,, Land off Brook Street Phase 2, Brook Street, Congleton for Mrs Nichola Burns, Morris Homes North Ltd (Pages 25 - 38)**

To consider the above application.

7. **15/0111M-The demolition of an existing garage and workshop and the construction of an eco house of exceptional design in the existing garden of Green Leaves, Brookledge Lane, Green Leaves, Brookledge Lane, Adlington for John Costello (Pages 39 - 52)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 4th March, 2015 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, B Burkhill, H Gaddum, S Gardiner,
A Harewood, O Hunter, L Jeuda, J Macrae, D Mahon, D Neilson, L Roberts
and A Thwaite

OFFICERS IN ATTENDANCE

Mr P Hooley (Planning and Enforcement Manager), Mr N Jones (Principal
Development Officer), Mrs C McKay (Locum Planning Lawyer), and Mr N
Turpin (Principal Planning Officer)

107 **APOLOGIES FOR ABSENCE**

None.

108 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 14/4130C, Councillor
S Gardiner declared that he used to work for the agents a long time ago.

In the interest of openness in respect of application 14/5635M, Councillor
S Gardiner declared that the agent was a former colleague of his.

In the interest of openness in respect of application 14/0616C, Councillor
S Gardiner declared that he did some work related to the application site a
few years ago, however he had not commented on the proposals.

In the interest of openness Councillors Miss C Andrew, L Brown, Mrs H
Gaddum, D Neilson and R West declared that they knew some of the
public speakers speaking on the applications.

It was noted that a number of Members had received correspondence in
respect of a number of applications on the agenda.

109 **MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held on 4 February 2015 be approved as a correct record and signed by the Chairman.

110 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

111 **14/4130C-DEVELOPMENT OF 24 DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS, LAND ADJACENT MANOR LANE, MANOR LANE, HOLMES CHAPEL FOR PROPERTY CAPITAL PLC AND MR AND MRS L BU**

Consideration was given to the above application.

(Councillor L Gilbert, the Ward Councillor, Councillor Brain Bath, representing Holmes Chapel Parish Council and Steve Grimster, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for more explanation from NHS England and Education about the lack of requirement for Section 106 contributions.

(This decision was contrary the Officer's recommendation of approval. Prior to consideration of the following application, Councillor B Livesley arrived to the meeting).

112 **14/5148M-DEMOLITION OF EXISTING DETACHED HOUSE AND OUTBUILDINGS AND ERECTION OF 5NO. APARTMENTS TOGETHER WITH UNDERGROUND PARKING AND ASSOCIATED LANDSCAPING, 1 SCOTT ROAD, PRESTBURY FOR PH PROPERTY HOLDINGS LTD**

Consideration was given to the above application.

(Parish Councillor Mrs T Jackson, representing Prestbury Parish Council, Dave Gowen, agent for the applicant attended the meeting and spoke in respect of the application. In addition the Planning & Enforcement Manager read out a statement on behalf of Councillor P Findlow, the Ward Councillor.

RESOLVED

That the application be refused for reasons relating to the scale, bulk, massing, the density of the development and out of character, contrary to policies BE1 and DC1.

(This decision was contrary the Officer's recommendation of approval. Prior to consideration of the following application, Councillor A Thwaite arrived to the meeting. The meeting adjourned for a short break and Councillor H Gaddum left the meeting and did not return).

**113 14/5635M-OUTLINE APPLICATION FOR PROPOSED
DEMOLITION OF ARMITT STREET WORKS AND THE ERECTION OF
10 NO. TERRACED HOUSES, CHESHIRE WINDOWS AND GLASS,
ARMITT STREET, MACCLESFIELD FOR D HARPER**

Consideration was given to the above application.

RESOLVED

That the for the reasons set out in the report and in the written update to Committee, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- (i) Commuted sum for offsite provision in lieu of on site, at a rate of £3,000 per family dwelling. The com sums would be used to make additions, enhancements and improvement to the existing and proposed amenity and children's play facilities at South Park.
- (ii) Commuted sum for offsite provision in lieu of on site, at a rate of £1,000 per family dwelling. The com sums would be used to make additions, enhancements and improvement to the existing and proposed Recreation and Outdoor Sport facilities at South Park.

And subject to the following conditions:-

- 1. A03FP - Commencement of development (3 years)
- 2. A01OP - Submission of reserved matters
- 3. A06OP - Commencement of development
- 4. A10OP - Details to be submitted - restriction on 2 storey opposite existing 3 storey dwellings on Hatton Street and Armit Street.
- 5. A02EX - Submission of samples of building materials
- 6. A22GR - Protection from noise during construction (hours of construction)
- 7. A01GR - Removal of permitted development rights
- 8. A08OP - Ground levels to be submitted with reserved matters application
- 9. A32HA - Submission of construction method statement
- 10. A19MC - Refuse storage facilities to be approved
- 11. Foul drainage / surface water drainage
- 12. Piling - contractor to be members of the Considerate Construction Scheme
- 13. Hours of construction/noise generative works

14. Contaminated land
15. A scheme to minimise dust emissions
16. Units to be up to a maximum of 10
17. Visibility Splays

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, 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.

(Councillor L Roberts left the meeting and did not return).

114 **13/4995M-PROPOSED ERECTION OF DETACHED SUPER ECO HOME, WITH INTEGRAL GARAGE AND ASSOCIATED ACCESS AND LANDSCAPING, LAND OFF, BROOK LANE, ALDERLEY EDGE FOR MR PETER WIDDOWS**

Consideration was given to the above application.

(Mr Widdows, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

1. R04LP - Inappropriate development in the Green Belt

(Councillors B Livesley and J Macrae left the meeting and did not return).

115 **14/0616C-PROPOSED RESIDENTIAL DEVELOPMENT OF 16 NO DWELLINGS TO VACANT LAND NORTH OF BROOK STREET, CONGLETON. PROPOSED DEVELOPMENT IS AN EXTENSION TO THE EXISTING APPROVED SCHEME WHICH HAS BEEN DESIGNED TO FACILITATE FUTURE ACCESS, LAND OFF BROOK STREET PHASE 2, BROOK STREET, CONGLETON FOR MRS NICHOLA BURNS, MORRIS HOMES NORTH LTD**

Consideration was given to the above application.

RESOLVED

That application be deferred for more information/consideration of the affordable housing provision or contributions in lieu of provision of the site.

(The meeting was adjourned for a short period of time in order for Officers to seek clarification with the agent in respect of the application).

(This decision was contrary to the Officer's recommendation of approval).

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor R West (Chairman)

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Application No: 14/4130C

Location: LAND ADJACENT MANOR LANE, MANOR LANE, HOLMES CHAPEL

Proposal: Development of 24 dwellings with associated landscaping and access.

Applicant: Property Capital Plc and Mr and Mrs L Bu

Expiry Date: 10-Dec-2014

SUMMARY:

The proposal is situated within the Open Countryside and is therefore contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, which has been accepted in recent appeals.

The proposal is considered to be sustainable both locationally and in the context of the social, economic and environmental dimensions of sustainability. It will assist the Council's 5 year housing land supply position and will promote economic growth. It is the view of officers that these considerations outweigh the site's conflict with adopted local plan and limited impact on the nearby grade II listed Marsh Hall. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is acceptable in terms of its impact on Jodrell Bank, highways and residential amenity. The affordable housing requirement and public open space requirements are met by the proposals through on site provision and financial contributions. The design and layout is also considered to be acceptable and will respect the character and appearance of the surrounding area. The proposal will be acceptable in terms of its impact on ecology, trees and landscape. It will also assist in meeting local affordable housing needs subject to conditions and a S106 agreement to mitigate the relevant impacts.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PREVIOUS MEETING

At the last meeting of 4th March 2015, Members resolved to defer this application to seek a more detailed explanation as to why there were no contributions requested by NHS England and the Council's Education Department.

Healthcare:

Since the last meeting, NHS England has reiterated that they do not seek any contributions from this development proposal. NHS England has stated that they only wish to seek contributions from larger schemes where the impact on local healthcare provision is greater and therefore a case can be made that any financial contributions are necessary and reasonably related to the development to be permitted.

NHS England is undertaking a premises review and formulating a 'primary care premises strategy' going forward for Cheshire. Once this has been formulated, this will provide the basis for seeking contributions from housing developments where there is a need to mitigate any impacts generated by a development. However, at this moment in time, there is no definite development practice in place in order to justify contributions from small developments such as this one.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it has to be demonstrated that any contributions are fairly and reasonably related in scale and kind to the development. NHS England has confirmed that they have no evidential basis to request contributions from this small scale development. As such, any requests would be unreasonable and would fail the tests outlined in the CIL Regulations.

Education:

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has provided some further information. The proposed development of 24 houses is expected to generate 4 primary and 3 secondary children.

The primary schools within a 2 mile radius from the development that were assessed were Brereton, Goostrey, Hermitage and Holmes Chapel. Forecasts indicate a cumulative surplus of 76 primary places by 2019. The approved development sites impacting on these schools currently totals 55 pupils. Therefore, a cumulative surplus remains for primary provision in the area.

In terms of secondary provision, Holmes Chapel Comp would serve the proposed development. Forecasts indicate a surplus of 96 places at Holmes Chapel Comp by 2020. Approved development sites total 43 pupils therefore, a surplus remains for secondary provision.

Consequently, there is sufficient capacity within the local schools to absorb the children generated by this development as well as other developments which have been approved

Jodrell Bank:

Members questioned the impact on Jodrell Bank. The site lies approximately 3 ½ miles from the telescope and is within the “outer zone” for consultation.

Jodrell Bank (Manchester University) has been consulted and they have not commented on the application. Members will be aware, from other applications, that when Jodrell Bank does have concerns about the impact of a development proposal they do make representations. The site lies adjacent to a larger housing scheme that is under construction. Jodrell Bank raised no objections to that scheme subject to a condition for electromagnetic screening. The same principle is being applied to this scheme, with the same conditions proposed. As such it is considered that the Jodrell Bank telescope will be adequately safeguarded and there is no evidence to the contrary.

This update report therefore deals with the additional queries raised by Members and supplements the original report below. The recommendation remains one of approval subject to conditions and the completion of a s106 legal agreement.

PROPOSAL:

The application seeks full planning permission for the erection of 24 houses with associated landscaping and access at land adjacent to Manor Lane, Holmes Chapel.

SITE DESCRIPTION:

The application site comprises 1.15ha of greenfield land, located on the eastern side of Holmes Chapel Village. The site is broadly rectangular in shape and is bound along the south-western boundary by Marsh Lane and the western boundary by Manor Lane. On the opposite side of Manor Lane to the west, there is a small commercial / trading estate (referred to as ‘The Clocktower’) and to the south is the recently established residential development which occupies part of the former Fison’s site. There is an agricultural field to the north of the site. To the south/east there are 2 residential properties beyond which there are fields.

One of the said properties to the south (Marsh Hall) is Grade II listed and abuts the south-eastern corner of the site.

The application site is positioned just outside of the settlement boundary of Holmes Chapel and as such is within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

06/0332/OUT – Construction of 38 affordable houses and 12 affordable apartments and associated access parking and landscaping. All houses 2 storey with 3 storey apartments – Refused 31-May-2006

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49 and 55.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

- PS8 Open Countryside
- NR4 Non-statutory sites
- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- BH4 Listed Building Effect of Proposals
- BH5 Listed Building Effect of Proposals
- NR1 Trees and Woodland
- NR3 Habitats
- NR5 Habitats
- H2 Provision of New Housing Development
- H6 Residential Development in the Open countryside
- H13 Affordable Housing and low cost housing

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy SE 3 Biodiversity and Geodiversity
- Policy SE 5 Trees, Hedgerows and Woodland
- Policy SE 9 Energy Efficient Development
- Policy IN 1 Infrastructure
- Policy IN 2 Developer Contributions
- Policy PG 1 Overall Development Strategy

Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS:

Highways:

No objection subject to conditions.

Environmental Protection:

No objection subject to conditions relating to hours of construction / piling, dust control, submission of an environmental management plan and air quality measures.

Jodrell Bank:

No comments received

United Utilities:

No objection provided that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Environment Agency:

No objection

Flood Risk Manager:

No objection

Natural England:

No objection

Sustran:

If this land use is approved, the following comments are made:

- 1) As the proposed roundabout is on Marsh Lane, an A road, we would like to see crossing facilities for pedestrians/cyclists included in the design of the junction
- 2) Can the development make a small contribution to traffic management measures on Marsh Lane/Station Road toward Holmes Chapel centre?

- 3) We would like to see secure and conveniently sited cycle parking provided for those smaller properties without garages
- 4) We would like to see travel planning set up for the site with targets, monitoring and with a sense of purpose

VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council:

Object on the grounds that:

- 1) this is a green field site
- 2) outside the settlement zone
- 3) the local housing quota has already been exceeded
- 4) the development is in the immediate vicinity of a listed building

REPRESENTATIONS:

Representations have been made by 9 properties objecting to this application on the following grounds:

- This is a Greenfield site in Open Countryside outside of the village boundary
- There are Brownfield sites which should be used
- Site is not in the new 5 year local plan
- Holmes Chapel has already exceed its quota of housing
- Proposal will open the floodgates and spoil the Village
- Already too much development in Holmes Chapel
- Local service and amenities area already stretched to capacity (health centre/schools/leisure facilities)
- Traffic and parking is becoming dangerous
- No pedestrian crossings
- Increase in population is affecting local businesses
- Lack of consultation
- Loss of agricultural land
- Density of development too much and harmful
- Site is in vicinity of a listed building

APPRAISAL:

The key issues are:

Principle of Development
Design Considerations
Impact on Heritage Asset
Affordable Housing
Trees & Landscape
Highways
Residential Amenity
Ecology
Jodrell Bank

CIL – S106 Obligations
Planning Balance

Principle of Development

The site lies outside of the Holmes Chapel settlement zone line as shown on the local plan map. Consequently the proposal represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”. The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council’s calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

The site is located on the easterly edge of Holmes Chapel Village. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account, the site is considered to be in a sustainable location.

Locational factors and the carbon footprint associated with car borne travel are an important aspect of sustainability. However, the Framework advises that there are three interdependent

dimensions to sustainable development, these being economic, social and environmental. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Having regard to the current housing land supply, the fact that this site is sustainably located, the economic growth and social benefits are considered, on balance, to outweigh the limited conflict with local plan policy in terms of the scale of development. Consequently, the adverse impacts are not considered to be significant or demonstrable and as such the principle of the development is found to be acceptable.

Design Considerations

The site occupies a prominent position on edge of Holmes Chapel with a decent frontage to Manor Lane. The site is also viewed within the context of the adjacent grade II listed Marsh Hall. Consequently, any development will need to be high quality in design terms and will need to address and respond appropriately to the setting of the listed building.

This scheme has been the subject of pre-application discussions with officers and has been amended and developed to minimise as far as practicable the impact on both the visual amenities of the area and the setting of the adjacent listed building (designated heritage asset).

In terms of design, the proposed scheme would see the introduction of a number of frontage units addressing the Manor Lane frontage wrapping part way round the corner where the site meets with Marsh Lane. The remaining units adjoining Marsh Lane would turn their backs onto Marsh lane but would make use of existing screen planting and would supplement it further thus softening views and allowing them to front the internal layout within the site.

The internal layout would comprise of an internal spine round taken off Manor Lane which would run parallel with the curvature of the corner of the site and allowing views to open up and terminate in the direction of the grade II listed Marsh Hall towards the south east corner of the site. This is aimed at framing Marsh Hall and together with a comprehensive planting scheme, would help to soften views of the listed building.

Section 12 of the Framework seeks to conserve and enhance the historic environment. In determining planning applications para 132 states that 'great weight should be given to the asset's conservation, depending on its significance.

The Council's Conservation Officer has confirmed that the proposal will have some harm to the setting of the designated heritage asset. However, it is considered that such harm would be minimised with time once the proposed landscape buffer establishes itself and owing to the fact that the nearest units (as amended) to the heritage asset would be more modest sized properties with cottage style like features and half dormers.

On this basis, it is considered that the proposals as indicated would not appear incongruous and the proposal would, when considering the benefits of sustainable development would offset any impacts to the setting of the adjacent grade II listed Marsh Hall given that such

harm has been limited as far as practicable. As such, the scheme is found to be acceptable in design terms and in terms of its impacts on a designated heritage asset.

Affordable Housing

The site falls within the Holmes Chapel Parish and is within the Holmes Chapel sub area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 10 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 2x 1bd, 12x 3bd, 1x 4+bd general needs units and 4x 1bd older persons accommodation. There is an oversupply of 2 bed general needs and older persons accommodation.

In addition, information taken from Cheshire Homechoice shows there are currently 98 applicants registered who have selected the Holmes Chapel lettings area as their first choice. These applicants require 25x 1bd, 47x 2bd, 22x 3bd and 4x 4bd accommodation.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The proposal is for 24 no. dwellings. This equates to a requirement for 7 affordable units in total on the site, with 4 to be provided as affordable or social rent and 3 as shared ownership. The applicant is offering 30% of the total units as affordable with a tenure split of 65% rented and 35% shared ownership. The Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Trees and Landscape

The site has no landscape designations. Housing development on this site would obviously change the character of the site itself; however, given the context and the prominence of urban development adjacent to the site it is not considered that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. On the basis of the information provided and a site inspection, it appears that whilst some of the proposed units would come in close social proximity to certain specimens; they would not result harm to their amenity value or health and would ensure that they could be retained. In terms of hedgerows, there are none that would be considered to be 'important' under the Hedgerow Regulations and as such, the scheme is acceptable in this regard. As such, subject to protection measures and a

detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

The Head of Strategic Infrastructure (HSI - Highways) has examined the application and confirmed that the proposed access strategy has been the subject of discussions. Subsequently the speed limit has been reduced on this section of Manor Lane and this has made the access strategy more robust. The HSI has confirmed that the junction design and geometry meets required standards and the traffic generation from this small number of units is not a material consideration against national policy. In light of this, the HSI is satisfied with the scheme having regard to matters of highways safety. He considers that site can be satisfactorily served by the proposed access and the level of parking provision would be acceptable. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Sustran have commented that they would wish to see a pedestrian crossing built into the junction with Manor Lane, a travel plan and whether contributions could be sought towards traffic management measurements. It is considered that the provision of such off the back of only 23 no. units would not be reasonably related or necessary to the size and scale of development to be permitted. This is supported by the lack of objection / recommendations from the Head of Strategic Infrastructure. Further comments have been made regarding the prospect of securing cycle parking, Given that the development is for the provision of private family dwellings, with ample private amenity space allocated to each unit, it is not considered necessary to require provision of cycle parking at this development. As such, the comments would not sustain a refusal.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light or visual intrusion. The proposed layout would allow sufficient separation to be achieved between the proposed dwellings and the properties on the opposite side of Marsh Lane as well as Marsh Hall to the southeast. With regard to the proposed units within the site, the relationship between the proposed dwellings and spacing would be acceptable and would achieve a satisfactory standard of amenity for the future occupants. As such, the scheme is deemed to accord with policies GR6 and SPG2.

Public Open Space

Having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site and the existing number of houses which use it, 24 new homes does not generate a need for new AGS. However, heavily planted areas are being provided on site as part of buffer with the adjacent Marsh Hall and part of the site has a wetland/pond area located in it. For this reason it is recommended that a management company takes over the maintenance along with any buffer or boundary planting.

With respect to Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons

Provision. Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

Due to the small size of the proposed development, it is recommended that the development help to ease a qualitative deficit at Elm Drive (Bridge Farm) play area. This would help to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity. The Supporting Planning Statement 6.24 refers to pre application advice with the figure of £22,468.03. This was based on an average of 2.4 persons per dwelling in accordance with policy however revised figures in accordance with the housing schedule are shown below.

Applying the standards and formulae in the 2008 Guidance the Council would need £7,142.46 to upgrade Elm Drive. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £23,468.00 to maintain the upgraded facilities over 25 years. Subject to this being secured under a S106 legal agreement, the proposal is found to be acceptable having regard to Public Open Space requirements.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value with the exception of 2 trees in the north-western extent of the site. The said trees have potential to support roosting bats. However, these features appear to be retained as part of the proposed development. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

"where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

The National Planning Policy Framework highlights that the use agricultural land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has submitted an agricultural land classification study which concludes that the site is an area of Grade 3a and 3b land (0.3ha and 0.8ha respectively). The land is not presently farmed and would only result in the loss of 0.3ha of the 'best and most versatile land'. Previous appeal decisions make it clear that in situations where authorities have been

unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. Owing to the small loss and matters of housing need, the proposal is therefore considered to be in accordance with policy SE2 and the provisions of the NPPF in respect of loss of agricultural land

Jodrell Bank

The close proximity of the development to the existing urban environment and distance (over 3 miles) from the telescope limit the impact. The University of Manchester has not objected. Subject to an appropriate screening condition, it is considered any potential impact is appropriately mitigated.

Infrastructure – Education and Health Care

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that '*...no contribution will be required from this development.*'

It is noted that during consideration of an application for residential development at a nearby site referred to as 'Saltersford Corner', the local Health Centre raised concerns that the Holmes Chapel Medical Centre is operating near capacity. Such concerns were validated and contributions were secured to towards the provision of health care within Holmes Chapel Medical Centre. However, comments have been received from NHS England confirming that they would not request any contributions from this development owing to its small size and scale. As such, no contributions are required towards health care provision.

S106 contributions Levy (CIL) Regulations:

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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 Council's Statagic Housing Officer, has advised that the proposed development will need to address a need for affordable housing by providing 7 units on site. Without such, the

scheme would exacerbate the need for affordable housing. Thus, the affordable housing requirement is necessary to meet an identified need and accords with the Council's IPS, and is directly and reasonably related to the scale of development.

Additionally, the proposed development would provide the requisite public open space contributions which would be necessary to offset the demands arising from the residents of the proposed development.

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance & Conclusions

The proposal is contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - n specific policies in the Framework indicate development should be restricted.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable

development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside and some adverse impact on the setting of the nearby listed building. However, this incursion and adverse impact would be limited and it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- 7 units on site 4 for social rented and 3 for shared ownership

Public Open Space comprising of:

- £7,142.46 to upgrade Elm Drive and £23,468.00 towards future maintenance (25 years)
- Management company for onsite Amenity Green Space

* * * * *

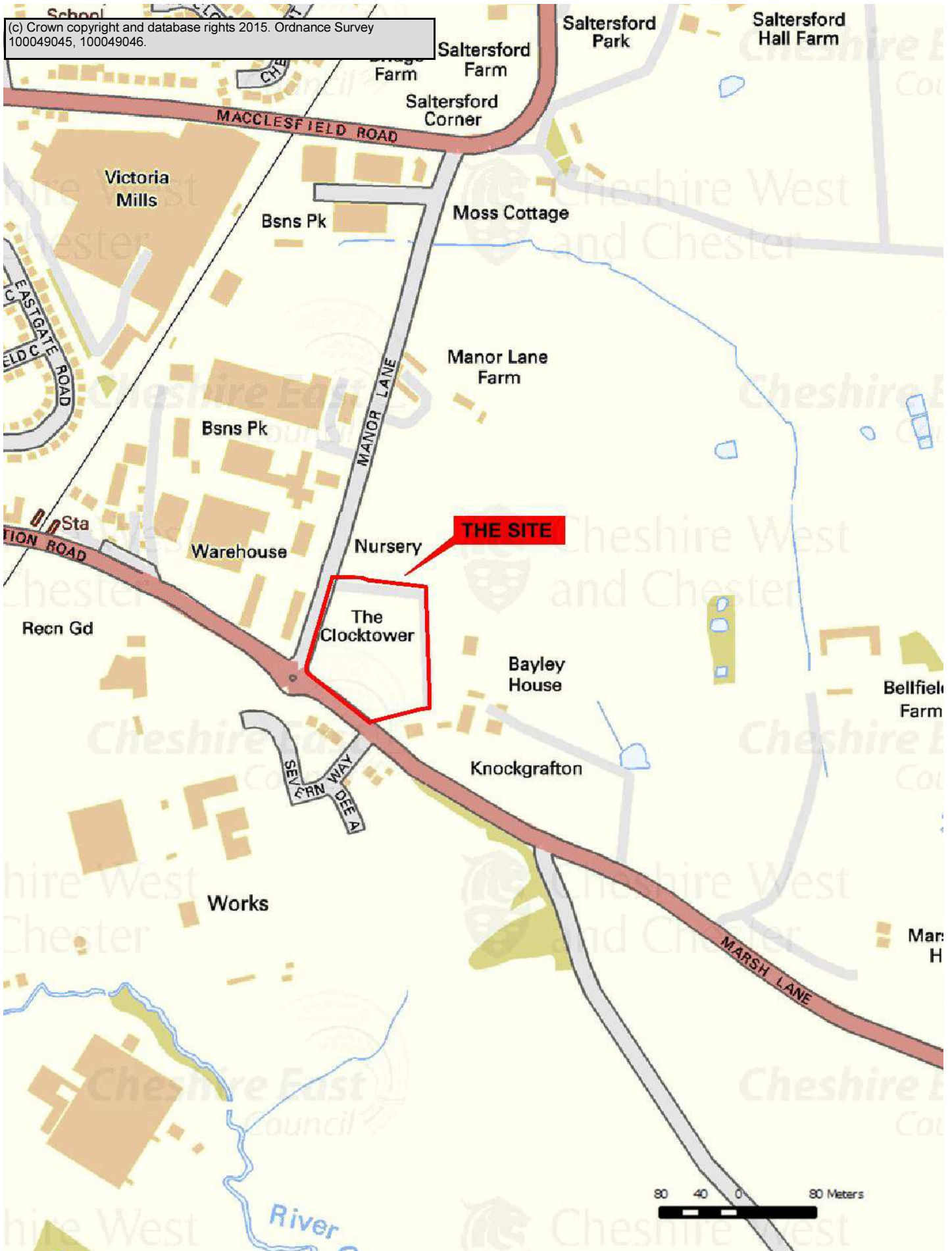
In order to give proper effect to the Committee’s intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip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

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

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

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved plans
3. Submission / approval and implementation of scheme of electromagnetic screening
4. Submission / approval and implementation of environmental management plan
5. Hours of construction limited
6. Hours of piling limited
7. Accordance with submitted noise mitigation scheme
8. Submission / approval and implementation of scheme to minimise dust emissions
9. Foul drainage should be connected to foul sewer
10. Construction of approved access
11. Ecological mitigation to be carried out in accordance with submitted statement
12. Accordance with ecological mitigation
13. Bird breeding survey
14. Materials to be submitted and approved
15. Landscaping scheme to be submitted including management details and boundary treatments
16. Landscaping implementation
17. Tree protection scheme
18. Arboricultural Method Statement
19. Submission of plan showing refuse vehicle tracking
20. Submission of a suite of design and construction plans which will include for the proposed tactile paving on Manor Lane and 2 metre service strips
21. Submission of details of any external lighting
22. Removal of permitted development rights Classes A-E



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Application No: 14/0616C

Location: Land Off Brook Street Phase 2, BROOK STREET, CONGLETON, CHESHIRE

Proposal: Proposed residential development of 16 no dwellings to vacant land north of Brook Street, Congleton. Proposed development is an extension to the existing approved scheme which has been designed to facilitate future access.

Applicant: Mrs Nichola Burns, Morris Homes North Ltd

Expiry Date: 12-May-2014

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development . Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use and owing to cost of remediating the site, it has been demonstrated that the site can only bear a reduced quantum of affordable housing (3 units) with no other financial commitments.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme and retention of an existing building (The Wheelhouse).

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PREVIOUS MEETING

At the last meeting of 4th March 2015, Members resolved to defer this application to seek more information and greater consideration of the affordable housing and whether a financial contribution in lieu of on site provision could be secured.

Following discussions and negotiations with the applicant, the developer has revisited the proposed affordable housing provision. They have subsequently amended the scheme to provide 1 additional affordable unit on the site. This would result in an overall provision of 3 units (20%).

It is important to note that there are issues of viability in this case, as evidenced in the original committee report. There is the real prospect that if the developer does not yield a reasonable return from the site, then the development will not be capable of being delivered. The accepted industry standard that a developer should expect to achieve on a site is a 20% increase in Gross Development Value (GDV).

Taking into account the site abnormal costs, which comprise of; vehicular bridge (Phase 1 link); demolition and site clearance; remediation; foundations; under-build; retention of ecology features and foul sewer diversion; the development cannot bear any further contributions or affordable housing. If such requirements were placed on the development, the GDV would fall below the 17.5-20% that would make the scheme less attractive to the developer / landowner and would potentially risk the deliverability of the scheme.

It is important to note that the applicant's viability appraisal was independently assessed by an expert, whom confirmed that the development could only bear the provision of 2 units. The developer is now offering 3 units which exceeds that expected in order to make the development attractive and therefore viable. As such, the development is found to be acceptable in this regard and would help to bring forward much needed housing within a sustainable location within the Town whilst re-suing a site that is presently brownfield and in inefficient use. The scheme is therefore regarded as highly sustainable within the context of the NPPF.

To facilitate the increase in provision of affordable housing, the proposal would involve some plot substitutions using the standard house types which have already been proposed. In terms of layout, this would cause minimal disruption or alteration to the proposed scheme and in design terms would be acceptable.

This update report therefore deals with the additional queries raised by Members and supplements the amended report below.

PROPOSAL:

Full planning permission is sought for the erection of 16 dwellings on land to the north of Brook Street / Mill Street in Congleton. The scheme comprises the second phase of development to a scheme for 54 units which is nearing completion.

SITE DESCRIPTION:

The application site is located within Buglawton, in close proximity to Congleton Town Centre. The site comprises 1.6 ha of partly previously developed land. The Dane-in-Shaw Brook runs along the southern boundary of the site before merging with the River Dane, which travels along the western and northern boundaries of the site.

The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook. Pedestrian and vehicular access to the site can be gained from Mill Street.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south (including phase 1 of the development) and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do exist to the southeast along Bridge Row and Mill Street.

Due to the site's proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 2 and 3.

RELEVANT HISTORY:

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2nd February 2011)

12/0410C - Residential Development off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park – Approved subject to conditions and S106 agreement (27th August 2013)

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping

GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

Highways:

No comments received.

Green Spaces (Ansa: Environmental Operations):

There has been found to be a surplus in the quantity of provision for Children and Young Person's Provision accessible to the proposed development. However, a qualitative deficit has been identified giving the opportunity to enhance and upgrade facilities in Congleton Park to increase its capacity and cater for a wider range of age groups. The financial contributions sought from the developer are;

Enhanced Provision: £ 6,409.90

Maintenance: £ 20,895.00

The response identified a surplus of amenity Greenspace within the area and advised that the provision of on-site Greenspace was therefore unnecessary. However, they also noted that the proposed POS formed an important part of the strategy to ensure flood protection for the site.

Education:

No contribution is required as there is sufficient provision

United Utilities:

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer. UU also noted that existing sewers run across the site which would need to be either diverted or protected by an easement.

Environment Agency:

No objection to the development subject to the imposition of conditions. They advise that they are satisfied that the applicants have successfully demonstrated the site can be given an adequate level of protection from fluvial flood risk associated with the River Dane and Dane-in-Shaw Brook.

Natural England:

No objection, but advise that consideration should be given to the incorporation of features within the scheme which are beneficial to biodiversity.

Cheshire Fire & Rescue:

No objection provided development complies with building regulations and provided further advice regarding fire hydrants and carrying out a fire risk assessment.

VIEWS OF THE CONGLETON TOWN COUNCIL

No objection

REPRESENTATIONS:

None received.

APPRAISAL:

The key issues are:

Principle of Development
Housing Land Supply
Loss of Employment Land
Affordable Housing
Viability and Deliverability
Design & Layout
Highways
Drainage and Flood Risk
Trees and Landscaping
Ecology
Public Open Space Provision
Residential Amenity
Environmental Health Considerations

Principle of Development

The principle of residential development on the site has been accepted previously by the council's resolution to approve an outline application for 'residential development, close care/retirement units and care home with access' (planning ref; 08/1236/OUT). Planning permission has already been granted and partly implemented for the erection of 54 no. residential units under planning ref; 12/0410C.

This application seeks full planning permission for the erection of a further 16 no dwellings as part of a second phase. This second phase would replace the close care/retirement units and care home that were initially put forward under the outline proposals.

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. The applicants must address a host of other issues including demonstrating that the development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

The proposals seek to utilise previously developed land, inside the settlement zone and in close proximity to Congleton Town Centre which offers a good range of shops and services and transport links. Further, the delivery of a footbridge linking the adjoining development to Congleton Park provides a direct pedestrian link to such services and facilities as well as recreational provision.

On that basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Further, the NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an

additional 16 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise partly 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and is in its present form represents inefficient use of land. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The application includes an undertaking for the provision of 16 homes within the site of which only 20% (3 units) would be affordable. The tenure split being offered is 66% social rent and 33% intermediate tenure housing.

The Housing Manager has stated that the proposal does not provide the required level of affordable housing. The level to be provided would be 4 units short of the 7 required. However, the Housing Manager has stated that they would be satisfied with this level of provision provided that there are genuine viability issues and consequently, the applicant has submitted a detailed viability assessment.

Viability and Deliverability

The applicants state that the site is subject to a number of abnormal costs and as such, the application is subject to a financial viability appraisal. The abnormal costs identified within the financial viability report are surface/foul water drainage, bridge construction, site clearance, foundations, remediation and demolition.

Whilst it is clearly unfortunate that a higher level of affordable provision and public open space contributions cannot be secured in accordance with the usual requirements, policy H13

and the Interim Housing Policy and Public Open Space Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision.

Furthermore, the guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

The reports submitted to support the applicant's case have been prepared on behalf of DTZ. The reports reach the conclusion that the site abnormal costs and the assumed Gross Development Value (GDV) would be such that in order to achieve a 20% increase over and above the existing use value, they cannot realistically provide any affordable units and no other financial commitments to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed housing.

The Council's Financial Viability Consultant has confirmed that on the whole, the figures contained within the updated Viability Appraisal are considered to be reasonable. However, the Consultant has confirmed that whilst the development cannot bear the expected quantum of affordable housing and any other commuted sums usually expected by policy, the scheme can support 12.5% affordable housing provision (2 affordable units).

The 20% figure for GDV reflects the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Without such reduction in affordable housing, pressure would be placed on other positive planning benefits such as the provision of much needed sustainable housing making use of land which is presently in inefficient use.

Provided that the developers and the Registered Social Landlord chosen to manage the affordable units enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Public Open Space Provision

The Greenspaces section have confirmed that the site has access to a sufficient level of amenity Greenspace but that the upgrade of the existing play equipment at Congleton Park as well as a financial contribution towards its future maintenance would be desirable. However, such comments were based on an earlier scheme for 23 units. This amended scheme is only for 16. The trigger for considering public open space provision is for 15 units and therefore only exceeded by 1 unit on this scheme. Owing to the abnormal site costs, viability and deliverability issues identified, it is not considered that this scheme can support such provision.

Design Considerations

The proposal offers an attractive layout focusing on an area of open space, which would provide an attractive outlook over soft landscaping and views over the River Dane. The site would serve to continue the development to the south (Phase 1) by continuing the access limb into the site across the Dane-in-Shaw Brook which separates both sites.

In general terms, this proposed layout would encourage views to terminate on active frontages and would reduce the need for long stretches of blank boundary walls except on the private side of the development.

The house types would vary in terms of their architectural detail but would all be of a similar character and style and would serve as a welcome continuation of the development to the south. The units positioned towards the north of the site would be larger detached units to help assist with the transition with the areas of open space and views across to Congleton Park to the north and the west.

Overall, the proposed development would complete the development of this part of Congleton. As the surrounding development is mixed in terms of its design and style, the proposal would not materially harm the character or appearance of the area and would be acceptable as viewed from the adjacent River Dane and Dane-in Shaw-Brook. This is subject to the use of good quality materials, and high quality boundary treatments. The scheme is therefore deemed to comply with local plan policy GR2.

Trees and Landscape

The site has no landscape designations. Housing development on this site would obviously change the character of the site itself; however, given the context and the prominence of urban development adjacent to the site it is not considered that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. The report acknowledges that the high proportion of tree coverage on this site will result in some degree of tree loss to facilitate any future development. It suggests that foremost consideration should be given to the retention of riverline trees along the waterways which are viewed as visually and ecologically important to the local landscape, perform specific screening functions and are largely irreplaceable in the short to mid-term. The report states that their incorporation into future development will serve to provide an immediate sense of maturity and increased amenity. As such, subject to protection measures and a detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

The Head of Strategic Infrastructure (HSI - Highways) has not commented on this application. However, the application will be served by continuing the spinal road into the site from the recently constructed development to the south. This proposal would utilise the existing access serving the adjoining development which is taken directly off Brook Street.

The said access that has been created for the Phase 1 scheme but additionally has been designed and constructed to accommodate the vehicle movements associated with this development also, which was assessed when it was resolved to approve the original outline scheme ref; 08/1236/OUT. Sufficient parking would be provided for each unit. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Ecology

The ecological assessment of the site concluded that the range of habitats across the site is of low diversity. There are a number of areas that contain invasive species such as Japanese knotweed, Himalayan balsam, which will require a method statement for removal. During an earlier survey in 2008, a bat roost was identified within a derelict wheel house building to the north of the site in 2008. As such, it has been recommended that the wheel house either be retained or a new roost constructed. At present the proposals show the retention of the wheel house with the demolition of the adjoining buildings.

Evidence of otter has been found adjacent to the wheel house (spraint and resting place). In accordance with the ecologists recommended mitigation measures, this area must be avoided and a stock-proof fence erected to prevent access. Accordingly, subject to such provisions including retention of the wheelhouse, which could be secured by condition, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Two non native invasive plant species, Japanese Knotweed and Himalayan Balsam are present on site. It is recommended that if planning consent is granted a planning condition is attached requiring the submission of a method statement detailing proposals for the eradication of these two species.

Subject to these recommendations being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties (including those on Bridge Row and those within phase 1 of the development to the south), the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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 Council's Statistic Housing Officer, has advised that the proposed development will need to address a need for affordable housing by providing 7 units on site. Without such, the scheme would exacerbate the need for affordable housing. However, as discussed, this development can only bear the provision of 3 affordable units. This is necessary to help meet an identified need, and is directly and reasonably related to the scale of development.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use and owing to cost of remediating the site, it has been demonstrated that the site can only bear a reduced quantum of affordable housing (2 units) with no other financial commitments.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme and retention of an existing building (The Wheelhouse).

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **3 units on site 2 for social rented and 1 for shared ownership**

*** * * * ***

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) 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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

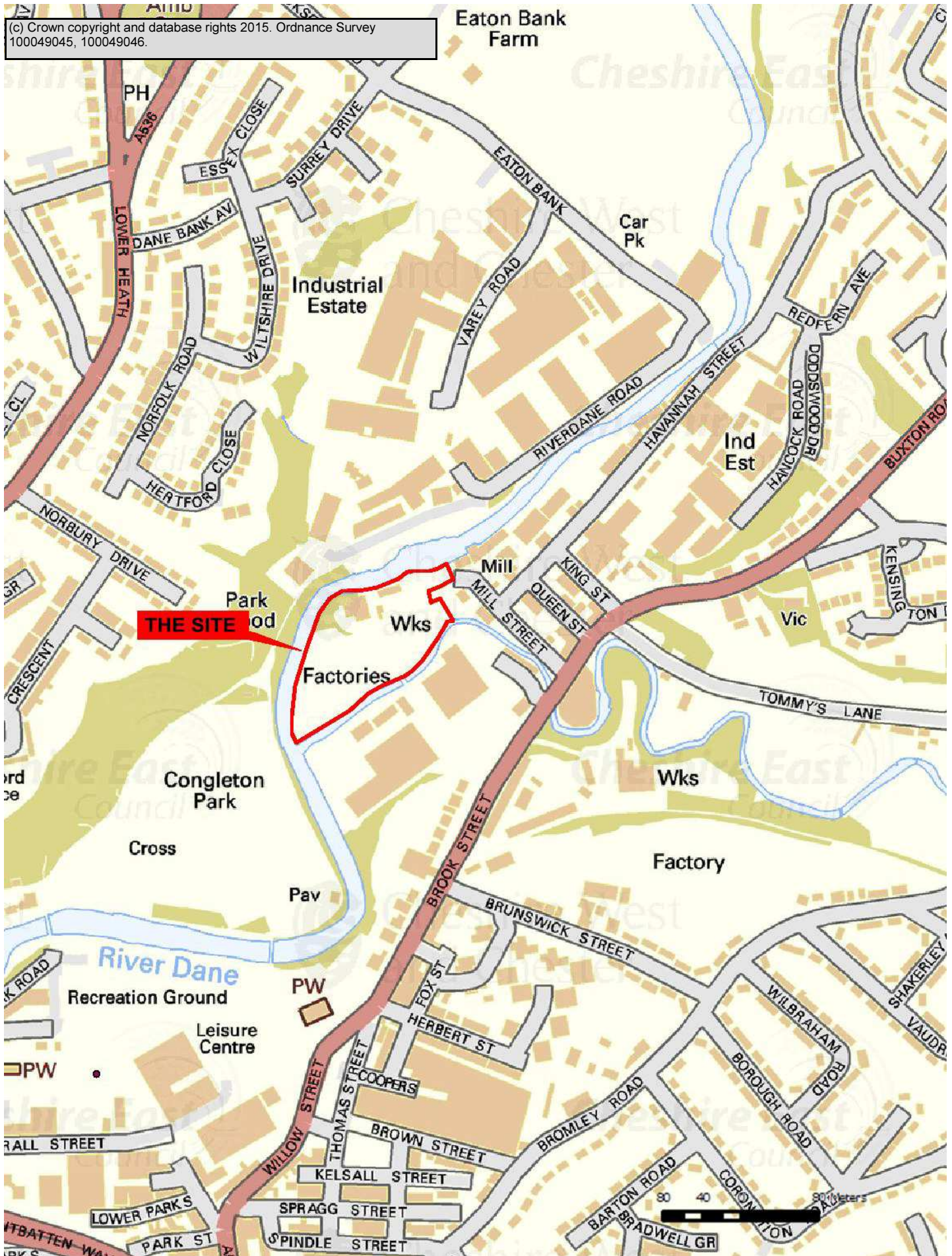
Application for Full Planning

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

1. Standard time limit 3 years
2. Development in accordance with submitted plans
3. Hours of construction restriction – construction including delivery vehicles.
4. Hours restriction - piling activity
5. Updated Contaminated land Phase 1 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats
12. Submission/approval and implementation of a programme of remedial works to retained trees

13. Levels to be submitted
14. Materials to be submitted to and approved
15. Detailed scheme for dust mitigation during demolition and construction
16. Details of external lighting strategy to be submitted and agreed
17. Retention of Wheel House Building
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Development to be carried out in accordance with Flood Risk Assessment
21. Site Waste Management Plan to be submitted and agreed
22. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
23. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
24. Details of bin storage to be submitted to and approved
25. Removal of PD classes A-E

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Application No: 15/0111M

Location: GREEN LEAVES, BROOKLEDGE LANE, ADLINGTON, CHESHIRE, SK10 4JU

Proposal: The demolition of an existing garage and workshop and the construction of an eco house of exceptional design in the existing garden of Green Leaves, Brookledge Lane.

Applicant: John Costello

Expiry Date: 06-Mar-2015

REASON FOR REPORT

The application has been brought to the Committee at the discretion of the Planning & Enforcement Manager due to the nature of the proposal and the issues it raises.

SUMMARY

The application is for a new residential development in the Green Belt, which is an inappropriate form of development, and which reduces openness. There is therefore substantial harm to the Green Belt arising from the proposal. In addition the proposal does not meet the tests of the Habitats Directive and the site is not in a particularly sustainable location. The design of the dwelling does optimise the positive aspects of the site and the surrounding area and does create some visual interest. The approach to lifetime homes is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for contemporary designed dwellings are intriguing, and the proposal does include some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovation to justify the development. The material considerations advanced by the applicant in favour of the proposal are not considered to amount to the required very special circumstances to clearly outweigh the identified harm of the development. The proposal is therefore contrary to Local Plan policy GC1 and paragraph 89 of the Framework, and the requirements of the Habitats Directive.

For the purposes of Paragraph 14 of the Framework and the presumption in favour of sustainable development, it is evidenced that specific policies in the Framework indicate that development should be restricted in this case.

RECOMMENDATION

Refuse

PROPOSAL

This application seeks full planning permission for the demolition of the existing garage and workshop and the construction of an eco house within the garden.

SITE DESCRIPTION

The application site is the rear garden area of a detached property within a ribbon of development along Brookledge Lane, and comprises a number of detached outbuildings. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

14/1545M - The demolition of an existing garage and workshop and the construction of an eco house of exceptional design in the existing garden – Withdrawn 16.07.2014

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 55. New dwellings in the countryside
- 56-68 Requiring good design
- 89. Green Belt

Development Plan

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

- BE1 (Design principles for new developments)
- NE11 (Protection and enhancement of nature conservation interests)
- GC1 (New buildings in the Green Belt)
- DC1 (Design quality for new buildings)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Requirements to provide and maintain landscape schemes for new development)
- DC9 (Protection of trees of amenity value)

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

Other material planning considerations

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 Presumption in favour of sustainable development
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles

IN1 Infrastructure
IN2 Developer contributions
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

CONSULTATIONS

Highways – No objections

Environmental Health – No objections subject to conditions relating to dust control, pile foundations, floor floating and emission point for wood chip boiler.

Environment Agency - Formal response from the Environment Agency not required. Refer to the guidance on Non Mains Drainage.

Manchester Airport – No objections

Natural England – No objections

Adlington Parish Council –Strongly object on the grounds of it being unneighbourly and inappropriate development in the Green Belt. With regard to Paragraph 55 of the NPPF the Parish Council's view is that the development may not be exceptional, will not significantly enhance its immediate setting and is not sensitive to the defining characteristics of the local area because it would be significantly out of character with neighbouring properties and the streetscene.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, and a site notice was posted.

Three letters of representation has been received objecting to the proposal on the following grounds:

- Loss of privacy
- Out of character
- Contrary to Green Belt policy
- Criteria in paragraph 55 not met
- Individual family needs should not be taken into account
- All shielding hedgerows will be removed
- Loss of openness

- House and garden up for sale, therefore question whether owner's intentions for lifetime home are genuine.
- Will set precedent for backland development
- Unable to find planning consent to use land as garden
- Dwelling refused on land adjacent to Penrhyn Cottage
- Discordant with streetscape and landscape
- Impact on highway safety
- Room is left for a second dwelling
- Submission refers to contradictory statements "restricting views into the site" and "maximising views out"
- Properties on Legh Road, Redbrook way and Wych Lane are not backland and all front onto highway
- A more central position in the plot would have a lesser impact

APPRAISAL

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Inappropriate development

As a new dwelling in the Green Belt, the proposal is an inappropriate form of development in the Green Belt, as it is not for one of the identified exceptions listed in policy GC1 of the Local Plan or paragraph 89 of the Framework.

Other harm

The site is located to the rear of a ribbon of development in the Green Belt and currently comprises two detached single storey outbuildings used in association with the existing dwelling at the front of the site. The proposed development will replace these two outbuildings with a modern detached dwelling over two storeys. The combined floor area of the existing two buildings is approximately 193sqm, with the proposed new dwelling having a floor area of 615sqm over two storeys, and a footprint of 282sqm. Whilst the dwelling will cover a similar footprint to the existing buildings on the site along the western boundary it will also project eastwards into the garden, and as such will result in a significant loss of openness. The house is a very substantial structure which will accommodate several occupants. This would have a subsequent impact upon the levels of outside activity, all of which would also have some impact upon openness. This would conflict with the most important attribute of the Green Belt. Therefore very special circumstances need to be identified that clearly outweigh the harm by reason of inappropriateness and loss of openness.

Very special circumstances

The applicant's submission states that the "whole ethos of the design, the construction and the layout of the plot make this indeed the very special circumstances required by NPPF 55". This is explained further below.

Design / character

Paragraph 56 of the NPPF notes that "the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning".

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The proposed dwelling will have a contemporary appearance with mono pitched sedum roofs and rendered walls, which does have considerable visual interest. Its contemporary style is not seen elsewhere in the immediate area, but given the varied nature of the properties on Brookledge Lane, and the limited visibility of the new building it is not considered to be unduly out of keeping with the character of the area.

The applicant anticipates that the house will achieve level 6 of the Code for Sustainable Homes (CSH). Level 6 is the highest rating within the CSH and is stated as having net zero carbon emissions. The application is not explicit as to how this will be achieved, but it will have highly insulated walls, roof and floor and low air permeability, and sustainability features that will be incorporated into the scheme will include passive solar design strategies, passive heat recovery ventilation, thermal mass construction, wood pellet boiler, photovoltaic panels, solar thermal panels, the use of low energy white goods, low water use sanitary ware, low energy lighting, rainwater harvesting, green sedum roof, recycling and composting systems

In addition the design & access statement states that the applicant will look to incorporate the principles of Lifetime homes into the design of the house. The design and access statement notes, "lifetime Homes are about flexibility and adaptability; thoughtfully designed to create and encourage better living environments for everyone. From raising small children to coping with illness or dealing with reduced mobility in later life, Lifetime Homes make the ups and downs of daily living easier to manage." In this regard it is intended that the lower floor can be thermally broken (or isolated) when the house is only occupied by two people.

Other design aspects rely on the letters from Places Matter! (an independent design body) that have resulted from the application going through a design review process. Places Matter!'s design review panel meetings allow local authorities, developers and design teams to present schemes at the pre-planning stage to a panel of experts from the built environment sector and benefit from the advice of the panel.

The three submitted Places Matter! letters highlight the following positive aspects of the scheme:

- High quality design with open views.

- Works nicely as a family house and has a pragmatic way of anticipating the future needs of the client
- Relationship between the inside and the outside and the massing are well resolved and the building is sensitive to the context
- There is a story between the formality, informality and the entry
- Mono pitched roof works well
- We support your client's approach to replacing dying non-native conifers with a native deciduous species
- We commend your approach to aging.
- The ambition and quality of thinking shown by this team represents the highest standards in architecture.
- The scheme has the potential to significantly enhance the existing landscape setting while showing sensitivity to its garden context and the neighbouring fields.
- The points discussed which we consider are pertinent to the scheme's innovation and quality are as follows:
- The panel applauded the approach to lifetime homes, designed for future living, with the potential for flexibility of use by the horizontal splitting of the house for use by only two people or more people;
- The panel noted that there was a good working relationship between client and architect and appreciated the presentation of the design options and process by which they had been designed and appraised. The panel felt the client and architect had selected the right option for the site;
- The panel felt the proposals are sensitive to the local context in form, massing and location on the site in terms of views and turning its back on the existing house
- The panel supported the applicant's proposed removal of the leylandii hedge and replacement with a native beech hedge and considered initial visibility of the new house from adjacent fields would be outweighed by the longer term benefits of a newly planted, replacement native hedge. The panel did not consider this approach compromised the outlook towards the new house as only glimpses would be visible from outside the plot and in any case, the boldness of the design is not something to shy away from;
- The panel liked the form of the house and considered the inside/outside relationship was resolved well (apart from the comments about the arrival sequence covered in more detail in the design review letter and subsequently addressed by the applicant);
- The panel welcomed the aspiration for achieving Code Level 6 and considered the passive measures proposed were good and that materials proposed had the potential to deliver a sustainable approach to the building;
- One panel member described it as 'refreshingly innovative';
- The panel felt the internal plan worked well and there is a hierarchy of spaces that responds to proposed functions."
- Will be virtually invisible to any adjacent neighbours or from any long views and is a clever solution for an aging population in the countryside.
- It is character buildings such as this that we would hope to become the Grade I listed buildings of the future

Clearly the house is well designed, and the letters from Places Matter! confirm this. The design officer raises some concern about the principle of building a house within the garden of Greenleaves, which is out of keeping with the grain and character of the area and will no doubt encourage others to do the same. There are of course existing buildings in the rear

garden and therefore the principle of a built form in this location, albeit on a smaller scale and for purposes ancillary to the main house, is established. Such tandem development is not characteristic of the area, however given the presence of existing buildings, limited visibility of the development and size of the existing garden, on balance it is not considered to have such a significantly adverse impact upon the character of the area to justify a refusal of planning permission on these grounds. Any future similar applications will need to be assessed on their own merits at that time.

Trees / landscape

The images in the design and access statement show the building in a setting of substantial, mature vegetation. This is provided by the existing conifer trees, which are to be removed.

Only limited landscaping is proposed. It is intended to keep the existing very well maintained garden as is, with the main change being the removal of the very tall and mature conifer trees along the south and west boundaries of the site. These will be replaced with a Beech hedge. The Beech hedge will not provide sufficient screening in the short term, therefore a temporary Bamboo screen is proposed, whilst the Beech hedging establishes.

Ecology

The nature conservation officer has made the following comments on the application:

Great Crested Newts and Reptiles

There is potential for these two protected species to occur on site however no detailed surveys have been undertaken to confirm their presence/absence. The quality of the habitats available for these however means the risk of these species being present and affected by the development is low and the only risk relates to animals being killed or injured during the construction phase. To mitigate the risk of amphibians or reptiles being killed or injured during the development the applicant's ecologist has recommended a suite of reasonable avoidance measures.

Provided these measures are implemented the risk posed to great crested newts and reptiles would be avoided and the proposed development would be highly unlikely to result in a breach of the Habitat Regulations or wildlife and Countryside Act. This could be controlled by condition.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the outbuildings on this site. 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 during the year and there is no evidence to suggest a significant maternity roost is present. The loss of 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 very low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes 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.

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.

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. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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.

Whilst there are no known alternatives to the proposed development, other than no development, the proposal does raise fundamental concerns about the principle and scale of the development in the Green Belt. Unless very special circumstances can be demonstrated (see planning balance section below) there is not considered to be any “other imperative reasons of overriding public interest”. Therefore the proposal would fail to meet the requirements of the Habitats Directive, and permission should be refused.

Breeding Birds

If planning consent is granted, conditions are recommended to safeguard breeding birds:

Residential Amenity

Local Plan policy DC3 seeks to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The proposed dwelling is located to the rear of the existing property at Green leaves and exceeds the distance guidelines outlined in policy DC38 of the local plan. This is also the case to all other neighbours. The proposed dwelling is located immediately adjacent to the western boundary of the site. The western boundary is currently occupied by a row of very tall conifer trees, which the plans indicate will be removed and replaced by a Beech hedge. This will open up the western boundary considerably. The western elevation of the building includes habitable room windows and an internal terrace area, with sliding shutters. Due to the presence of these openings concerns have been raised by the adjoining neighbour about

loss of privacy. The immediate neighbour, and all subsequent neighbours are set forward of the new dwelling and therefore any views from the new house will be at an acute angle, which when combined with the distances involved is not considered to result in a significant loss of privacy. No further amenity issues are raised.

Highways

The existing access point onto Brookledge Lane will be utilised by the new dwelling. The addition of one additional dwelling will not significantly intensify the use of this access. As a 3 bed property, it would be expected that 2 parking spaces are provided, and more than enough car parking is shown to be provided within the application site. The Head of Strategic Infrastructure raises no objections to the development and the proposal is therefore considered to comply with policy DC6 of the Local Plan.

Accessibility

The site is located approximately 750 metres from Adlington train station, bus stops on London Road, the nearest pub and the local primary school. Most other facilities are located some distance from the application site in Poynton, which is approximately 4km away. There is a footpath that runs along Brookledge Lane to London Road (train station and bus stops), however the lane is unlit, which will limit the attractiveness of this route for pedestrians and cyclists. Given the distances involved it is likely that most journeys to and from the site will be by car.

SOCIAL SUSTAINABILITY

The proposal will provide one new family dwelling at a time when the Council cannot conclusively demonstrate a five year supply of housing.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would make a very limited contribution to this by potentially creating some jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The proposal is an inappropriate form of development in the Green Belt, which reduces openness. In accordance with paragraph 88 of the Framework, substantial weight is given to any identified harm to the Green Belt. The proposal does not meet the tests of the Habitats Directive and the site is not in a particularly sustainable location.

In terms of considerations in favour of the proposal, the applicant states that the “whole ethos of the design, the construction and the layout of the plot make this indeed the very special circumstances required by NPPF 55”.

The test in paragraph 55 relates to dwellings in the countryside in general and requires “special circumstances” to be shown, whereas paragraph 87 relates to inappropriate development in the Green Belt and requires “very special circumstances” to be identified.

The fact that the dwelling will achieve level 6 of the Code for Sustainable Homes is notable, and it is accepted that the number of dwellings that achieve this rating is relatively low. However this is not considered to be exceptional given that all new houses will need to be at least level 6 by 2016. Moderate weight is therefore attached to this.

Places Matter! applauded the approach to lifetime homes, designed for future living, with the potential for flexibility of use by the horizontal splitting of the house for use by only two people or more people. Such an approach would have obvious energy saving benefits, but the question has to be raised, in a Green Belt location, where the primary aim is to keep land permanently open and in a development policy context of restraint, as to whether the house is bigger than it needs to be if half the house can be effectively shut down, when not required. This aspect appears to result in an unnecessary impact upon openness and therefore can, at best, only be afforded limited weight.

Paragraph 55 of the Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. These circumstances include:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

Given the close proximity of the application site to so many other dwellings, the proposal cannot be considered as an isolated home in the countryside in terms of paragraph 55. Consequently the provisions of paragraph 55 do not directly apply. However, it is acknowledged that the design of the property can be a material consideration in the Green Belt balance.

The design of the dwelling does optimise the positive aspects of the site and the surrounding area and does create some visual interest. In addition, the approach to lifetime homes is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for contemporary designed dwellings are intriguing, and the dwelling includes some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovative nature to justify the development in the Green Belt.

The proposal is inappropriate development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt, and paragraph 14 of the Framework does indicate that this is one area where development should be restricted. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply.

Furthermore, the Council is a considerable way along the local plan process which does seek a strategic response to meeting the housing needs of the area and the Borough as a whole. It would not therefore be appropriate to undermine the local plan process by allowing the

development of a Green Belt site that would result in substantial harm to matters of public interest.

It is therefore concluded that the above considerations, taken together or individually, do not amount to the required very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other identified harm.

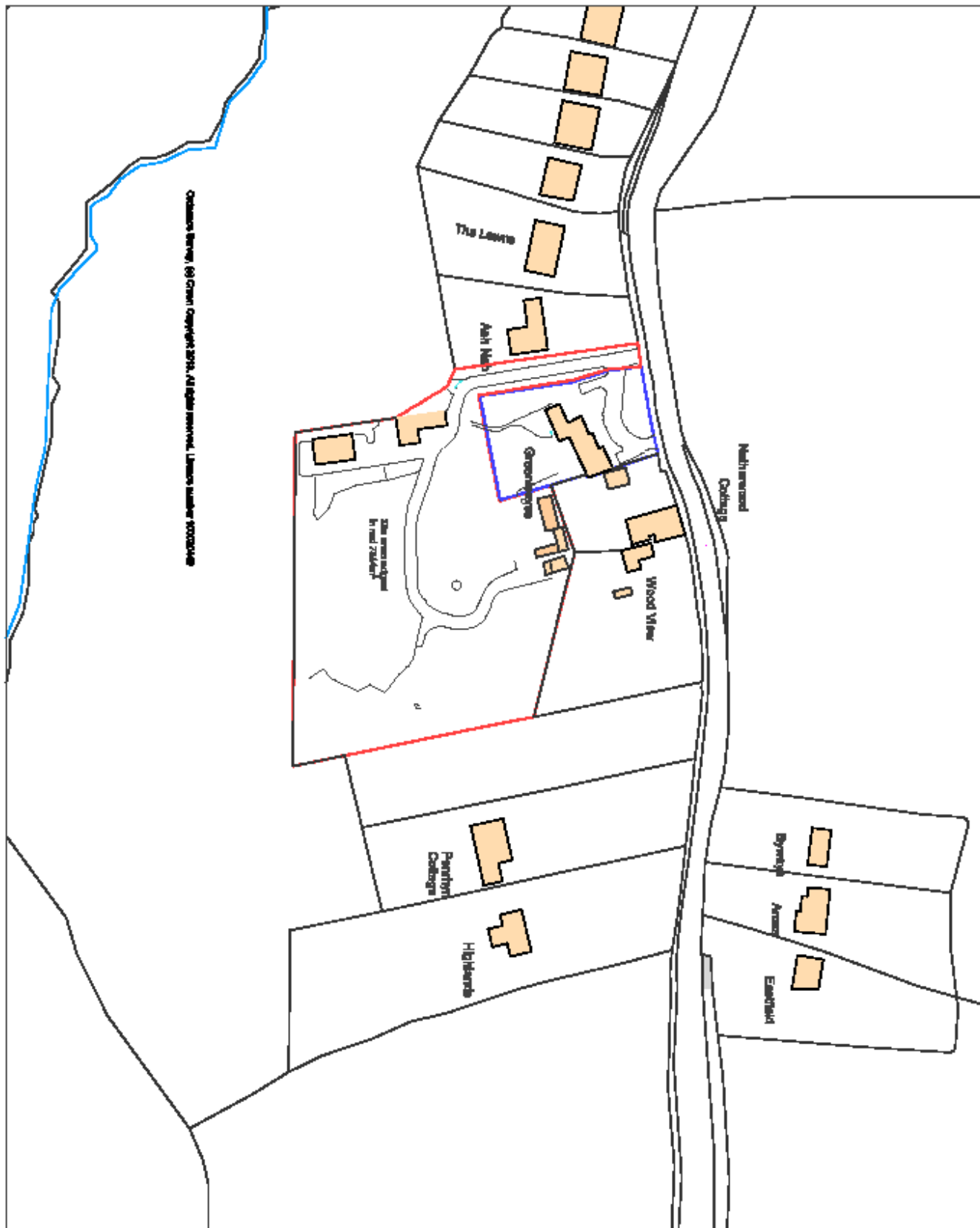
The proposal is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and the National Planning Policy Framework.

RECOMMENDATION

The application is recommended for refusal for the following reasons:

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan, which reduces openness. The material considerations advanced by the applicant in favour of the proposal do not amount to the required very special circumstances to clearly outweigh the identified harm to the Green Belt. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the National Planning Policy Framework.**
- 2. A European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the Green belt harm identified, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) 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.



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