

Northern Planning Committee

Agenda

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| Date: | Wednesday 7th September 2016 |
| Time: | 10.00 am |
| Venue: | The Capesthorne Room - Town Hall, Macclesfield SK10 1EA |

Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee 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.

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.

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 Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 10 August 2016

Please Contact: Gaynor Hawthornthwaite 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **16/3798M - Land adjacent to Highlands, Congleton Road, Alderley Edge, Cheshire SK9 7AD: Construction of one part two-storey, part three-storey detached infill dwelling with detached garage, new access and landscaping (Resubmission of 15/4117M) for Mr & Mrs N McGuinness (Pages 7 - 20)**

To consider the above planning application

6. **16/0834M - 1 Butley Lanes, Prestbury, Cheshire SK10 4HU: Demolition of Existing Dwelling and erection of 2 new houses (Resubmission of 15/2163M) for BCL Homes Ltd (Pages 21 - 32)**

To consider the above planning application

7. **16/0914M - Cherry Barrow Farm, Congleton Road, Marton, Cheshire SK11 9HF: Outline application for construction of two detached, 3-bedroom houses on land to the west of Cherry Barrow Farm for Mrs W Basnett (Pages 33 - 46)**

To consider the above planning application

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 10th August, 2016 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors E Brooks, L Durham, S Edgar (Substitute), JP Findlow, T Fox,
A Harewood, N Mannion and G Merry (Substitute)

OFFICERS IN ATTENDANCE

Miss S Bartoli (Planning Officer), Mr M Coburn (Planning Officer), Mr N Folan
(Planning Solicitor), Mr K Foster (Principal Planning Officer), Mr N Jones
(Principal Development Officer), and Mrs N Wise-Ford (Principal Planning
Officer)

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Andrew,
H Gaddum and S Gardiner.

25 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor C Browne declared that he had pre determined application
16/0605M for the reasons stated within his call-in and in accordance with
the Code of Conduct he exercised his right to speak as Ward Councillor
and then left the table and sat in the public gallery until he had heard all of
the speakers. He then left the room and only returned once a decision
had been made.

Councillor L Durham declared that she had pre determined applications
16/2622M and 15/5536M for the reasons stated within both her call-ins
and that she was a Member of Macclesfield Town Council Planning
Committee and in accordance with the Code of Conduct she exercised her
right to speak as Ward Councillor and then left the table and sat in the
public gallery whilst the application was considered. She only returned to
the table once a decision had been made in respect of each of the
applications.

Councillor T Fox declared that she had pre determined application
15/5026M for the reasons stated within her call-in and in accordance with
the Code of Conduct she exercised his right to speak as Ward Councillor
and then left the table and sat in the public gallery until she had heard all
of the speakers. She then left the room and only returned once a decision
had been made.

In the interests of openness in respect of application 15/5536M, Councillor A Harewood declared that she knew some of the people at the Belong Care Home, however she had not pre determined the application. However during the public speaking part of the application she declared that she felt she had pre determined the application and in accordance with the Code of Conduct she exercised her right to speak as a visiting Councillor and then left the table and sat in the public gallery whilst the application was considered. She only returned to the table once a decision had been made in respect of the application.

26 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 6 July 2016 be approved as a correct record and signed by the Chairman.

27 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

28 15/5026M-DEMOLITION OF TWO DETACHED DWELLINGS AND THE CONSTRUCTION OF THREE TWO-STOREY DETACHED DWELLINGS WITH ASSOCIATED ACCESSES, 12 AND 14, OVERHILL ROAD, WILMSLOW, CHESHIRE FOR MATTHEW GIBBONS

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor, Town Councillor David Pincombe, representing Wilmslow Town Council, David Teale, an objector and Nick Smith, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposal will result in an overdevelopment of the site to the detriment of the character and appearance of the streetscene and the surrounding urban form, therefore the proposals are contrary to policies BE1 and DC1 of the Macclesfield Borough Local Plan, Guidance set out in the Three Wilmslow Parks SPG and guidance set out in the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in consultation with the Chairman of the

Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

29 16/2622M-DEVELOPMENT OF A NEW HOUSE WITHIN THE EXISTING SITE BOUNDARY, 109, WHIRLEY ROAD, MACCLESFIELD FOR MR & MRS FURY

Consideration was given to the above application.

(Councillor L Durham, the Ward Councillor, Town Councillor Gareth Jones, representing Macclesfield Town Council and Denise Norbury, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused due to the overbearing impact of the development on existing dwellings on Whirley Road due to the levels difference with specific reference to policy DC3.

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.

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

(The meeting adjourned for a 5 minute break).

30 16/0605M-DEMOLITION OF AN EXISTING 1970S RESIDENTIAL PROPERTY AND REPLACEMENT TO PROVIDE A NEW FAMILY HOME, BRIDGEPOOL, MACCLESFIELD ROAD, ALDERLEY EDGE FOR MATT MAGUIRE

Consideration was given to the above application.

(Councillor C Browne, the Ward Councillor, Parish Councillor Ilana Higham, representing Alderley Edge Parish Council and Mr Standen, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to Committee, the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)

2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A32HA - Submission of construction method statement
5. A01LS - Landscaping - submission of details
6. A12LS - Landscaping to include details of boundary treatment
7. A25GR - Obscure glazing requirement
8. Pile foundations
9. Dust
10. Tree protection
11. Broadband
12. Wheel washing facility
13. Submission of swept movement plan side garage could be used and a turn in the site take place

(The meeting adjourned for lunch from 12.50pm until 1.30pm).

31 16/1636M-ERECTION OF A TWO STOREY SIDE EXTENSION, CLUMBER HOUSE NURSING HOME, 81, DICKENS LANE FOR MR B OWEN, UNITED CARE SOUTH

Consideration was given to the above application.

(Councillor J Saunders, the Ward Councillor, Annie Moorhead, an objector and Claire Coombs, the agent for the applicant attended the meeting and spoke in respect of the application.

RESOLVED

That the application be deferred in order to consider a suitable robust landscaping scheme to be developed in consultation with the local residents and local Ward Members prior to the scheme being brought back to Committee.

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

(Prior to consideration of the following application, Councillor G Merry left the meeting and did not return).

32 15/5536M-TO PROVIDE A NEW 30 SPACE SURFACE CAR PARK, LAND ADJACENT TO BELONG CARE HOME, 103, KENNEDY AVENUE, MACCLESFIELD FOR MR NIGEL FRANKLIN, BELONG CONSTRUCTION LTD

Consideration was given to the above application.

(Councillor L Durham, the Ward Councillor, Town Councillor Gareth Jones, Geoff Naylor, a supporter, John Evans, a supporter, Lynne Wallace, a supporter, Anna Meredith, the Architect for the applicant and Nigel Franklin, the applicant attended the meeting and spoke in respect of the

application. In addition Councillor L Durham read out a statement on behalf of Councillor M Hardy, the Ward Councillor).

RESOLVED

That the application be approved subject to the following conditions:-

1. Management and maintenance in respect of the car parking scheme to be submitted
2. Details of water surface drainage
3. Diversion of PRow
4. Details of lighting
5. Boundary treatments
6. Standard time limit
7. Approved plans

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), 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.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) 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 should they be required.

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

The meeting commenced at 10.00 am and concluded at 3.00 pm

Councillor G M Walton (Chairman)

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Application No: 16/3798M

Location: LAND ADJ TO HIGHLANDS, CONGLETON ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7AD

Proposal: Construction of one part two-storey, part three-storey detached infill dwelling with detached garage, new access and landscaping (Resubmission of 15/4117M)

Applicant: Mr & Mrs N McGuinness

Expiry Date: 03-Oct-2016

Date Report Prepared: 26 August 2016

SUMMARY

This application is for the erection of 1no. infill dwelling with detached garage, new access and landscaping and follows a previously refused application for an identical scheme on the site. Since the decision was made the Council has received an allowed appeal on a different site within the borough which dealt with similar issues in terms of infill dwellings within the Green Belt. Paragraph 89 of the NPPF allows 'limited infilling within a village'.

This appeal has been used by the applicant in support of their case and, while it is understood that each case must be judged on its merits, due to the similarities with the current application it is considered to remove part of the reason for refusal. The site was not considered to form part of a village and was also not considered to comply with the MBLP definition of infill which states that infill is 'the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)'. The similarity between the location of the appeal site and application site in terms of address and relationship with the closest village allows the application site to be classed as 'within a village'.

The key issue therefore is whether the site can be classed as 'limited infill'. The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 1no dwelling. The principle of the proposal is therefore in accordance with paragraph 89 of the National Planning Policy Framework.

The reasons for refusal did not include issues of design, impact on the area, trees, residential amenity, highways safety, ecology or environmental health and so these are once again considered to be acceptable. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

While the previous committee decision has been taken into consideration, it is felt that the appeal decision is another material consideration in favour of the proposal, and so the application is recommended for approval subject to conditions and further comments from neighbours and consultees.

RECOMMENDATION: Approve, subject to conditions and comments from interested parties

REASON FOR REPORT

This application has been called in to committee at the request of Cllr George Walton on the 16th August 2016 for the following reasons:

- *'Green Belt infringement being an infill site within the Conservation area of Nether Alderley (not Alderley Edge as in address on application)*
- *'Overdevelopment of the site; the proposal is considered to be more extensive than the adjacent properties and would affect the amenities of the existing properties immediately adjacent to the site and the surrounding area regarding overlooking, loss of privacy and overbearing impact.'*
- *'Design out of keeping with surrounding properties.'*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a parcel of land approximately 3,980 m² in size and located close to the southern edge of the defined settlement of Alderley Edge. The site is undeveloped and heavily overgrown.

The site is bordered by 'Highlands' to the north and 'Millers Gate' to the south. There is residential development and wooded areas to the east on the opposite side of Congleton Road and agricultural land to the west at the rear of the site.

Development along this side of Congleton Road takes the form of substantial detached dwellings in large, well landscaped gardens. The houses are set back some distance from the road and, due to the topography, the houses on the same side of the road as the application site are at a lower level than the road. These factors combined with the dense mature vegetation along the road frontage means that the dwellings themselves are not a prominent feature along this part of the road. The application site itself has many mature and semi-mature trees and the whole site stands within the Alderley Edge Conservation Area, which is also covered by a woodland Tree Preservation Order.

The roadside boundary is made up of trees and hedges.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 1no. infill dwelling with detached garage, new access and landscaping. The building would be part two storey and part three storey due to the topography of the land. The application follows an identical application which was recently refused at committee.

RELEVANT HISTORY

- 15/4117M Construction of one part two-storey, part three-storey detached infill dwelling with detached garage, new access and landscaping - Refused 01 June 2016
- 51973P Erection of single dwelling house for occupation by applicant – Refused 17 February 1988
- 21642P Erection of detached house - Refused 16 April 1980

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
BE2 (Preservation of Historic Fabric)
BE3 (Conservation Areas)
BE12 (The Edge Conservation Area)
H1 (Phased Housing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Sites)
H13 (Protecting Residential Areas)
DC1 (Design – New Build)
DC3 (Protection of the amenities of nearby residential properties),
DC6 (Circulation and Access)
DC8 & DC37 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development)
GC1 (Control over new buildings in the Green Belt)
NE1 (Areas of Special County Value)
NE11 (Nature Conservation)

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

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

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)
PG3 (Green Belt)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)

SE1 (Design)

CONSULTATIONS (External to Planning)

None received yet, however below are the comments from the previous, identical application:

Highways: no objections subject to condition

Forestry: no objections subject to conditions

Nature Conservation: no objections

Environmental Health: no objections subject to conditions

Conservation: no objections

Landscape: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received yet, however below are the comments from the previous, identical application:

Nether Alderley Parish Council: The Parish Council has a strong objection to the proposed development for the following reasons:

1. It is an unacceptable new development within the Green Belt and within a Conservation area. Construction of a property on this site would set a precedent for other new development within and on the Green Belt in Nether Alderley and in the wider borough.
2. There is no brown field land on this site.
3. There are no special or exceptional circumstances to permit development on this Green Belt land.

OTHER REPRESENTATIONS

No comments have been received for this application yet, as the consultation period is still open, however below are the comments from the previous, identical application.

Representations from 6no. different properties were received for the previous application. A summary of these can be viewed below:

- Clear infringement of Green Belt policy.
- Negative impact on the Alderley Edge Conservation Area – scale and design not in keeping.
- The rear extends significantly beyond the rear of the neighbours by up to 23 metres.
- Footprint not in keeping with other buildings along Congleton Rd.
- Modern design is not in keeping, should be traditional in appearance.

- A 48m frontage cannot be considered to be a small gap and so should not be considered to be an infill. Also, the site is not within a village and is not surrounded by a built up frontage.
- Also, the policy GC1 limits infill to the settlements of Gawsorth, Henbury, Lyme Green and Sutton.
- Would cause overlooking, loss of privacy and would be overbearing to the neighbouring properties.
- The landscape character of the site, which is assessed as woodland with woodland TPO status conferred, will change radically and material damage to the character of the Conservation Area, the appraisal of which acknowledges the contribution of trees to its sylvan character, will occur as a consequence of this development.
- Substantial number of high or moderate quality trees will be lost.
- An entire woodland ecosystem will be destroyed.
- The proposal does not preserve or enhance the character of the conservation area.

The objection from the adjoining neighbour at Miller's Gate was accompanied by a written opinion from David Manley QC, as well as a heritage statement and landscape impact assessment prepared by consultants. A response from Paul G Tucker QC was provided by the applicant, to which a further response from David Manley QC was submitted.

Any further representations that are received will be reported to Members as an update.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Design & Access Statement
- Planning statement
- Heritage Statement
- Ecology Appraisal
- Arboricultural Statement
- Transport Technical Note

OFFICER APPRAISAL

Key Issues

- Principle of Development in the Green Belt
- Impact on the Conservation Area
- The design of the proposed development
- Highway Issues
- Potential impact on amenity
- Sustainability
- Trees/ Landscaping

ENVIRONMENTAL SUSTAINABILITY

Principle of Development

The site lies within an area of Green Belt within the adopted Macclesfield Borough Local Plan. Para 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate. One of the stated exceptions to this is *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*.

Local Plan policy GC1 relates to new buildings in the Green Belt. Criteria 5 of the policy relates to infilling and allows for *“limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question”*. In seeking to restrict infilling to a small number of villages within the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

Notwithstanding the Green Belt issues, the site is considered to be sustainable with regard to access to local services and facilities. Issues of design, amenity, trees and ecology will be examined later in the report.

Green Belt

The last, identical application was refused at committee for the following reason:

‘The proposal is an inappropriate form of development within the Green Belt, which reduces openness, due to the development not complying with the definition of limited infilling in a village under paragraph 89 of the National Planning Policy Framework. The development is therefore contrary to guidance within the National Planning Policy Framework and policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies.’

Since this decision an appeal decision has been received by the Council for a site at Alstonfield in Mottram St Andrew. The proposal was also for an infill dwelling in the Green Belt and the site circumstances were similar to this application with the site forming part of the parish of Mottram St Andrew, however physically and visually linked to Prestbury. It was stated in the Inspector’s decision that the assessment should be related to physical characteristics, not administrative boundaries. Similarly the application site is located within the parish of Nether Alderley, not Alderley Edge with which it forms the closest links. While it is acknowledged that each case should be judged on its merits the similarities between the appeal site and the application are such that it should form a material consideration in the determination of this application.

The NPPF does not provide a definition of what constitutes limited infilling in villages, but the Local Plan glossary does define infilling as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*. This definition has been accepted by several different recent inspectors as being relevant.

The site frontage is 48 metres. There is no metric classification of a “small gap”, and 48 metres, if accepted as such, is considered to be at the upper end of what could reasonably be classified as a small gap. It is considered that the site should be assessed in the context of the surrounding development. The definition goes on to state that a small gap is one which can be filled with one or two houses. In the context of the surrounding properties the gap would not be capable of being filled by more than one house and so with this in mind the development would satisfy the definition within the MBLP of infill.

For the last application a letter of objection was prepared by David Manley QC, on behalf of the owners of the adjoining property, Millers Gate. Several points were raised in that letter, including reference to a dismissed appeal on the site for an infill dwelling. It must be stressed that Green Belt policy has fundamentally changed since this decision and so does not bear a great deal of relevance to the current application.

The letter went on to state that ‘infill development’ can only take place within settlement limits on the Local Plan. This however is contrary to a number of recent appeal decisions, with the inspector in the appeal mentioned above at Alstonfield stating:

‘Although the site lies outside of the defined village boundary, development extends along Castle Hill and there is no clear break between this built up area and that within the main body of the village. Therefore, in my view, the site can be considered within the village, albeit not within the defined boundary.’

A similar approach was also taken by the Court of Appeal in Wood v SoSCLG and Gravesham [2015] EWCA Civ 195. It was concluded that the decision as to whether a proposal comprised ‘infill development in villages’ should not be determined solely by reference to a settlement boundary, but what actually exists on the ground. The following comment was made within the decision;

‘It was also common ground that while a village boundary as defined in a Local Plan would be a relevant consideration; it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector’s assessment of the extent of the village on the ground.’

So with reference to the current application, while the address of the application site may include Nether Alderley the site is physically linked to Alderley Edge. There is continuous built development all the way from the application site into the village centre, approx. 750m with a footpath running the whole way. The fact that the development also forms part of the Alderley Edge Conservation Area further links the site to Alderley Edge. With the above in mind it is considered reasonable to conclude that the site forms part of the village of Alderley Edge with respect to guidance in the NPPF. The similarities with the appeal at Alstonfield in terms of location and relationship with the closest village centre means that this part of the reason for refusal should be overcome.

In terms of whether the surrounding development displays a ‘built up frontage’ the plots along Congleton Road clearly form part of a ribbon of development with a fairly clear building line that follows the contours of the road. The plot in question is surrounded on both sides by dwellings with a similar distance to the road and the plot is a similar size to the surrounding plots. Although the proposal and both surrounding properties do contain a large setback from the road for the purposes of the infill definition in the MBLP it is considered that the site does comply with the definition of an infill plot. However it is acknowledged that this definition is not

clear cut and it must be recognised that different opinions may be held about the acceptability of this interpretation.

Openness of the Green Belt

Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the NPPF. It is clear that this part of the Green Belt includes the village development of Alderley Edge along Congleton Road and the adjacent roads, and therefore is less open than the surrounding countryside. However this does not mean that the openness that does exist is less important.

The proposed development of a dwelling on what is currently an undeveloped site would lead to a reduction in openness. However, in the context of the site's location within the village, the surrounding residential development, and the scale of the site, the lower level of the site from the road and the extensive vegetation the loss would be a relatively small one. In deeming some forms of building in the Green Belt not inappropriate, the NPPF allows for a reduction in the openness of the Green Belt in some circumstances. Therefore, it is considered that significant harm to the openness of the Green Belt would not be caused by the scheme.

Design and Impact on conservation area

Development along this side of Congleton Road takes the form of substantial detached dwellings in large, well landscaped gardens. The houses are set back some distance from the road and, due to the topography, the houses on the same side of the road as the appeal site are at a lower level than the road. These factors combined with the dense mature vegetation along the road frontage means that the dwellings themselves are not a prominent feature along this part of the road. The application site itself has many mature and semi-mature trees and the whole site stands within the Alderley Edge Conservation Area, which is also covered by a woodland Tree Preservation Order.

The proposal would be set approx. 24m from the road, which together with the retained and new vegetation and the drop in levels from the road mean that the proposal would barely be visible from Congleton Road. This is in keeping with the Congleton Road street scene.

The size of the plot is similar to those either side of the site. The dwelling would respect the building line to the front and would provide distances to side boundaries which are commensurate with the surrounding area.

The dwelling would be two-storey to the front and three-storey to the rear due to the topography of the site. As illustrated in the street scene provided, the proposed dwelling would not exceed with height of dwellings either side with a modern flat roof appearance that allows the bulk of the dwelling to be reduced.

The heritage appraisal submitted with the application has found that the existing plot is neglected and overgrown and currently not making a positive contribution to the conservation area. New landscaping would be provided on the road frontage including a new hedge that would respect and enhance the character and appearance of the area.

As set out in the heritage appraisal, the dwelling would be of a high quality contemporary style building using a sympathetic palette of materials which are found elsewhere in the conservation area the details of which could be conditioned with any approval.

It should be noted that in considering an appeal proposal for a new dwelling on Congleton Road to the north of the site, the inspector stated at paragraph 8 that:

“The Conservation Area Appraisal notes that the area contains a wide range of materials which reflects the eclectic mix of styles. Given this, I consider that the use of contemporary design and materials, although different, would not have a detrimental impact on the Conservation Area”.

It has been mentioned by neighbours that the footprint is overly large in comparison to the surrounding properties. While on plan view the footprint may appear large, the dwelling would contain staggered levels which would help to relieve the massing. The property would not appear overly dominant because of this.

It is considered that the new dwelling would be an appropriate addition within the context of the area. Along with an appropriate tree/landscape plan that enhances the Sylvan setting of the site the proposal is considered to have a positive impact on the conservation area and the street scene.

As no harm to the character and appearance of the Conservation Area has been identified, the proposal accords with policies relating to conserving and enhancing the historic environment, set out in chapter 12 of the NPPF. Similarly the proposal accords with local plan policy, which seeks to ensure development proposals preserve or enhance the character and appearance of the conservation area.

Amenity

Concerns have been raised from the adjacent properties in relation to overlooking. The proposal would provide a gap of approx. 15m to Millers Gate at its closest point with a gap of over 18m from the rear terrace area. Millers Gate contains a single storey, parallel with the boundary between the properties, which screens views from the patio area at Millers Gate. The side elevation of Millers Gate only contains a secondary window to a bathroom at first floor.

The adjacent property to the north, Highlands, is positioned over 26m from the side elevation of the proposed dwelling and 15m from the proposed garage.

The distances together with the retained trees would be adequate to prevent overlooking of the adjacent properties.

There is no breach of the interface distances between dwellings set out in policy DC38.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with policies DC3, DC38 and DC41 of the Local Plan.

Highways

The proposal includes a new access and provision would be made for a minimum of 3 parking spaces within the site.

There are no material highway implications associated with this development proposal. The proposals for the access arrangements are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the planning application subject to a condition relating to visibility splays..

Trees

The application is supported by an Arboricultural statement by Cheshire Woodlands Arboricultural consultancy (Ref CW/7613-AS2) dated 12th August 2015.

The whole site stands within the Alderley Edge Conservation Area, and is also covered by the Macclesfield Borough Council (Nether Alderley – Millers Gate – Congleton Road) Tree Preservation Order 1997 W1. It is accepted that the Woodland designation was probably used at the time of service for convenience and to reflect government advice at the time, in terms of Area TPO classification. There is also an absence of ground floor indicators in terms of flora and fauna to reflect a woodland designation, with bamboo rapidly colonising the south western aspect of the plot. The Arboricultural statement has reviewed the tree cover as individual and groups of trees which is accepted as being more appropriate.

The development proposals require the removal of 10 individual trees 4 groups, and an area of ornamental trees and shrubs. In terms of BS5837:2012 the losses have been categorised as one A value tree (T13), six B value individual trees (T4, 6, 9, 11, 12, 16) and two groups (G4 & 7), and three C value individual trees (T1, 5, 14) two individual trees within two groups (G1/1, G3/1) and one area (A1). It is accepted that the loss of the identified trees will have an impact on the amenity of the immediate area but this is considered to be moderate and minimal in terms of the wider landscape and Conservation Area.

In order to facilitate the proposed basement it is suggested that the use of sheet piles will enable development to proceed whilst retaining existing levels outside the excavation. All piles can be facilitated outside the RPA's of retained trees

There are a number of areas associated with retained trees where there is an incursion within respective Root Protection Areas (RPA). BS5837: 2012 identifies the default position should be that structures should be located outside RPA's, however if there are technical solutions available which might prevent damage, these can be considered. It is suggested that these matters can be resolved by special engineer designed foundations and no dig construction which is accepted.

Whilst tree protection details have not been included the majority of the trees on the site can be retained and protected in accordance with current best practice BS5837:2012. This can be dealt with by condition.

With an acceptance of development consideration has to be given to the possibility of post development issues in terms of light and social proximity. Those trees located to the south of the new dwelling already present a poor social proximity to Millers Gate. The retained group of trees G10 associated with the western aspect of the site are located a reasonable distance from the proposed dwelling and main habitable rooms

From an Arboricultural perspective it is considered that the tree losses will not have a negative impact on the character of the Conservation Area, subject to appropriate landscaping. This aspect of Congleton Road is characterised by distinctive dwellings, set within large plots, with a sylvan setting, dominated by significant individual mature trees. The present road frontage in landscape terms is considered to be limited; this is an opportunity to enhance this aspect as part of a specimen landscape scheme, whilst assimilating development to the rear.

Ecology

The impact on nature conservation interests and in particular any European Protected Species has been carefully considered. The application is supported by an acceptable bat survey report which concludes as follows:

The proposed development will involve the loss of a number of trees and shrubs on site. Mature trees on the site boundaries will be retained and protected during the development works.

The loss of trees on site should have no significant impact on the availability of foraging habitat locally as the site is adjacent to other areas of good quality habitat. Trees to be removed have been inspected for features suitable for use by roosting bats, from the ground and by climbed inspection where necessary. No trees were found on site which have features suitable for use by roosting bats.

The provision of bat and bird boxes either fitted to retained trees on the boundary or built into the new buildings could also provide an improvement in the availability of roosting / nesting habitats and offset the loss of trees on site.

Our Nature Conservation Officer is satisfied that there are unlikely to be any protected species issues associated with the proposed development.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of nursery use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the NPPF, conditions are recommended in order to prevent contaminated land issues.

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

The site comprises an infill development in a village in the Green Belt in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

While the previous refusal is taken into consideration, the appeal decision at Alstonfield is also material to the current proposal, and with this in mind it is concluded that the proposed development is permissible as one of the exceptions to inappropriate development in the Green Belt as set out in paragraph 89 of the Framework. Any conflict that is identified with policy GC1 of the Macclesfield Borough Local Plan has to be given less weight due to its inconsistency with the Framework.

As a new development in the Green Belt, the proposal will result in a limited loss of openness. For the reasons stated in the report, the impact on openness is not considered to be sufficient to withhold planning permission. It is not considered that the proposal results in any conflict with the purposes of including land in the Green Belt.

The proposed development will result in the loss of trees within the site that are protected by virtue of their designation within the conservation area and TPO. However, the resultant dwelling and landscaped setting is considered to be in accordance with the key characteristics of the conservation area and therefore there will be no harm to a designated heritage asset as a result of the development. The proposal is in accordance with the Framework and Macclesfield Borough Local Plan policy in respect of arboricultural impact and heritage conservation.

It is considered that there are no significant adverse impacts relating to design, impact on the conservation area, residential amenity, highways safety, ecology or environmental health. The proposal accords with the Development Plan, where it is consistent with the Framework, and is deemed to be a sustainable form of development in environmental, social and economic terms.

Accordingly the application is recommended for approval subject to conditions. However, as noted above, in order to allow time for the consultation period to expire, it is recommended that the application is delegated back to the Planning & Enforcement Manager in consultation with the Chairman and Vice-Chairman of the Planning Committee for approval.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning

Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A02LS - Submission of landscaping scheme
6. A04LS - Landscaping (implementation)
7. A19EX - Garage doors
8. A21EX - Roof lights set flush
9. A17EX - Specification of window design / style
10. Hours of operation
11. Visibility Splays
12. In accordance with arboricultural statement
13. Tree protection
14. Tree protection



Application No: 16/0834M

Location: 1, BUTLEY LANES, PRESTBURY, CHESHIRE, SK10 4HU

Proposal: Demolition of Existing Dwelling and erection of 2 new houses - Resubmission of 15/2163M

Applicant: BCL Homes Ltd

Expiry Date: 28-Apr-2016

SUMMARY

The presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval. It is noted that there would be some tension with Policy in respect of the design of the proposal and potential amenity issues for future occupants of the development, however this would not be so “adverse” as to significantly and demonstrably outweigh the benefits.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor over concerns that the development may be out of character and be an overdevelopment of the site.

PROPOSAL

This application seeks planning permission for the demolition of the existing two storey detached dwelling and construction of two detached dwellings.

Both dwellings would be 4 bedroom properties. The scheme proposes the subdivision of the plot to provide private amenity space and parking areas for each dwelling. The dwellings would be accessed via a single point of access from Butley Lanes.

The scheme initially proposed the construction of three dwellings, however the proposal has been amended following concerns raised by the LPA. Full consultation has been carried out on the amended proposals for two dwellings.

SITE DESCRIPTION

The site relates to a large detached dwelling and its curtilage which is located within the settlement boundary for Prestbury as defined by the Local Plan Policies Map. The surrounding area is predominantly residential and comprises a mix of dwelling types of varying designs.

The site assumes an elevated position on a corner plot which lies adjacent to the junction of Butley Lanes and Prestbury Lane. The site boundary fronting the public highway is well vegetated with mature vegetation. Trees on the frontage of the adjacent plot (No.3 Butley Lanes) are covered by a tree preservation order.

RELEVANT SITE HISTORY

15/2163M - Demolition of existing property and the erection of four new dwellings in the form of two semi-detached buildings – withdrawn – 03/02/2016

13/3035M - Subdivision of residential curtilage and erection of two-storey detached dwelling – refused – 11/09/2013

LOCAL & NATIONAL POLICY

Macclesfield Borough Local Plan (2004)

BE1 – Design Guidance
H2 – Environmental Quality in Housing Developments
H5 – Windfall Sites
H13 – Protecting Residential Areas
DC1 – Design & Amenity – New Build
DC3 – Design & Amenity – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC37 – Landscaping
DC38 – Space, Light and Privacy
DC41 – Infill Housing Development or Redevelopment

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy SD1 - Sustainable Development in Cheshire East

Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure
Policy PG1 - Overall Development Strategy
Policy PG2 - Settlement Hierarchy

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

Prestbury Supplementary Planning Document (2011)

Objective 3 – Ensuring Appropriate Development in the Village

Objective 4- To ensure the quality of access to dwellings and safety of roads within the Parish

Objective 5 – To protect the built and natural environment of the Village

Prestbury Village Design Statement (2007)

CONSULTATIONS

CEC Highways:

No objection

Environmental Protection:

Insufficient information with respect to railway noise and vibration.

United Utilities:

No objection.

Nature Conservation Officer:

European Protected Species have been recorded on site – an assessment against the Habitat Regulations tests must be recorded in report. If planning permission is granted then the proposed mitigation would be acceptable subject to condition.

Forestry Officer:

No objection subject to conditions

Prestbury Parish Council:

Object to this proposal as a serious overdevelopment in an area of low density housing.

This proposal is to double the average density of housing in the local area. The PC seriously protest at this latest trend to over development by squeezing in multiple properties in place of single homes, which are totally out of character with the area and which destroy the wooded appearance of the village.

The other consequences of this particular proposed over development lead to the objection by the Parish Council to:

- a proposal which is inconsistent with the Village Design statement description of this attractive residential area adjacent to the Conservation area
- a serious loss of privacy to the adjacent older well spaced properties
- the number of TPO and other old trees, in total eight, and hedges which provide a contribution to the nature of the area which would have to be felled to allow this development
- the right of access being used as a waste bin store for all of the proposed properties
- the consequent change to the right of way which will require the removal of a large tree
- an overdevelopment of inconsistent design in a prominent high spot in a dominant position over this area
- the inadequate provision of parking and access, which should be referred to Highways in view of the access problem resulting from greatly increased traffic down a long narrow access lane
- there are already problems with overloading of sewerage drains in the area which are already overloaded and we trust that this will be taken into account.

They would like one single house on this plot to replace a single house.

REPRESENTATIONS

Six letters of objection received to amended scheme for two dwellings. The salient points being:

- All previous schemes rejected – current proposal fundamentally raises all of previous issues;
- Precedent for other properties to do same which would destroy character;
- Contrary to Local Plan Policies;
- Loss of privacy and amenity;
- Increase in noise and disturbance;
- Drainage/sewage issues;

- Intensification of driveway will result in accidents;
- Will result in off street parking;
- Impact on protected trees;
- Loss of trees will impact on character of area;
- Loss of daylight to rooms;
- View towards brick wall and overpowering/unneighbourly;
- Direct overlooking and views into house;
- Insufficient parking;
- Poor visibility;
- Contrary to Village Design Statement;
- Doubling of site access would be dangerous;
- Butley Lanes is busy route;
- Impact from existing spring.

In addition to the above, thirteen letters of objection received to initial scheme for 3 dwellings on the site.

APPRAISAL

Key Issues

- Principle of development;
- Design Considerations;
- Impact upon the amenity of neighbouring properties;
- Arboricultural Implications; and
- Highway safety implications

Principle of Development

The application site lies within a predominantly residential area where the principle of dwellings is supported by development plan policies and national guidance. The proposal should therefore be assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 16 of the National Planning Policy Framework (NPPF). The development should be approved unless there are adverse reasons not to do so.

ENVIRONMENTAL SUSTAINABILITY

Design Considerations

Policy BE1 of the Macclesfield Borough Local Plan requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 requires development to be sympathetic to its surroundings, streetscene and host building. Policy H2 requires developments to be high quality and attractive. Policy DC41 acknowledges that development should reflect the ratio of garden spaces. The Prestbury Village Design Statement identifies that density in the area varies and southern end of Butley Lanes is “quite low density”. The area is not identified as being an area of low density housing within the Local Plan.

The surrounding area is predominantly residential and includes detached dwellings of varying types and designs. Whilst noting the comments within the Village Design Statement, plot sizes within the immediate area do vary in size and width. The application site commands an elevated and prominent position on the southern end of Butley Lanes. The existing dwelling sits comfortably within its generous plot. This application proposes the demolition of the existing two storey dwelling and the construction of two detached dwellings, dividing the site to create two plots.

The introduction of two storey dwellings in this location is considered to be acceptable and would be consistent with scale of dwellings within the immediate area. The subdivision of the plot to create two curtilages would by its very nature result in a more dense form of development than existing. The resultant plot widths would be narrower than some properties within the immediate area, however it would not be entirely inconsistent with others. It is considered that there would be a sufficient degree of separation between the proposed dwellings (whilst also noting their juxtaposition in siting), to allow the proposals to sit comfortably within their respective plots without representing an overdevelopment of the site. It is noted that the plots will narrow in width towards the rear due to the shape of the existing plot, however the key consideration would be how the proposals would appear in the streetscene and whether it would appear out of context. In this instance, it is considered that the proposals would not appear incongruous or cause significant harm to the character and appearance of the area. It is likely that the proposals would be the maximum that the site could accommodate and is, on balance, acceptable in respect scale and pattern of development.

Whilst noting the elevated prominence of the site, it is also noted that the site and the resultant development would be well screened by reason of the significant mature vegetation along the site frontage.

As noted above, there are varying house designs within the area. This application proposes two dwellings of varying design, one with a hipped roof, the other with a standard gable roof. The dwellings include gable features which add interest to their design and appearance. The use of appropriate materials, which can be secured by condition, would ensure that the external appearance of the dwellings are acceptable.

It would also be appropriate to condition hardsurfacing materials, boundary treatment and landscaping to ensure that the overall appearance of the site is appropriate for its context. To ensure that there is no further erosion of the streetscene it would be appropriate to remove permitted development rights from a design point of view.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. This is maintained through policy H12 which requires development in low density housing areas to respect the higher standards of space, light and privacy. In respect to the spacing standards, these are set out in the guidance contained within policy DC38. Policy DC41 states that proposals should not result in overlooking of existing gardens or lead to excessive overshadowing to existing habitable rooms.

The proposed dwellings would not be sited beyond the front and rear building lines of the adjacent properties (No.3 Butley Lanes and Hill Corner) and as such would not breach the 45 degree standard from principal windows to habitable rooms in those properties. While the development would be visible from secondary openings it would not result in significant loss of daylight by the secondary nature of the openings.

In terms of overshadowing, as observed above, the proposals would follow the building lines of adjacent properties and would not amount to significant overshadowing on the private amenity spaces to the rear of the adjacent dwellings.

Principal openings at first floor level would face over the application site itself rather than directly over the private amenity spaces of neighbouring properties and would not give rise to significant levels of overlooking and/or loss of privacy.

In terms of amenity for future residents of the proposed development, the level of private amenity space is sufficient to accommodate for the future needs of occupants. Due to the juxtaposition of the proposed dwellings and the shape of the application site, there would be a degree of overlooking between the proposed dwellings from first floor principal openings. Whilst this is not ideal by any means, the degree of overlooking would not be so adverse as to result in a significantly poor level of amenity for future occupants of the development. There would, of course, also be an element of “buyer beware” in this regard.

The site is located close to a railway line. Environmental Protection have stated that insufficient information has been provided to support the application to determine the noise impact from this existing infrastructure on the proposed development. Given the existing land use of the site, and that the previous application was not refused on the basis of noise impact, it is considered that it would be appropriate and reasonable to secure this outstanding detail by condition in this instance.

Highways

The access for both dwellings would be via the existing point of access from Butley Lanes. CEC Highways have considered the proposals and have stated that the demolition of one dwelling in lieu of two, utilising this access, would be unlikely to have a material impact on road safety, and as such have raised no objection to the proposed development in this respect.

The scheme proposes three parking spaces per unit. The proposed dwellings would be 4 bedroomed and the level of parking is therefore considered to be appropriate and in line with emerging parking standards.

CEC Highways have observed that the layout does not show an area dedicated as a bin collection point by the site access. Such detail could be secured by way of a condition.

Arboriculture and Forestry

Policy DC9 of the Local Plan seeks to ensure the retention of trees or woodland unless the vegetation is no longer of sufficient amenity value, where the removal is in accordance with current arboricultural best practice or where mitigation provides an identifiable net

environmental gain. The site contains a large number of mature vegetation, while the adjacent plot contains trees which are protected by a TPO.

Concerns were initially expressed with regard to the impact that the proposed development would have on T1 (an adjacent Beech Tree covered by TPO). Amended plans have been received which show the driveway to plot 1 no longer encroaching into the RPA of this tree. The Councils Forestry Officer has raised no objection to the proposed development subject to the imposition of conditions.

To this end, the proposal is considered acceptable and the development complies with the stipulations of DC9 of the Local Plan.

Impact on Biodiversity

Evidence of bat activity in the form minor roosts of relatively common bat species has been recorded within the house. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roost at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level. The submitted report recommends the installation of bat boxes a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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 be granted. 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.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Bats.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for bats would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer has advised that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

SOCIAL SUSTAINABILITY

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper

has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Consequently, weight is given to the sustainability of the site which is considered to represent '*optimum viable use*' as prescribed in paragraph 134 of the NPPF.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

PLANNING BALANCE

Whilst the objections are noted, the presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval. It is noted that there would be some tension with Policy in respect of the design of the proposal and potential amenity issues for future occupants of the development, however this would not be so "adverse" as to significantly and demonstrably outweigh the benefits.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

RECOMMENDATION

Approve subject to conditions;

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials to be submitted for approval**
- 4. Landscaping scheme (including boundary treatment and hardsurfacing) to be submitted for approval**
- 5. Landscaping Implementation**
- 6. Removal of Permitted Development Rights**
- 7. Arboricultural works to be carried out in accordance with report**
- 8. Construction/Method statement for works in root protection areas**

9. Tree Protection details to be submitted
10. Noise Impact Assessment and attenuation measures to be submitted for approval
11. Development to proceed in accordance with Bat Survey
12. Existing and Proposed Site Levels
13. Parking to be provided and made available prior to first occupation



Application No: 16/0914M

Location: CHERRY BARROW FARM, CONGLETON ROAD, MARTON,
CHESHIRE, SK11 9HF

Proposal: Outline application for construction of two detached, 3-bedroom houses
on land to the west of Cherry Barrow Farm

Applicant: Mrs W Basnett

Expiry Date: 20-Apr-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Macclesfield Borough Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies GC5 and GC6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve with conditions (subject to Jodrell Bank referral)

REASON FOR REPORT

This application is referred to Northern Planning Committee as it proposes housing in the Open Countryside. This would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission for the construction of two detached dwellings with all matters reserved for subsequent approval with the exception of access. The proposal therefore merely seeks to establish whether the construction of two dwellings in this location would be acceptable as a matter of principle, and whether the means of access is acceptable.

The scheme has been supported by a basic indicative layout to show two detached dwellings on the land to the rear Cherry Barrow Farm. Access to the site would be via the existing point of access from Congleton Road.

SITE DESCRIPTION

The site relates to a parcel of land which is located to the rear of a property known as Cherry Barrow Farm which is located within the Open Countryside as defined by the Local Plan Policies Map. The site lies on the edge of the settlement of Marton. The land is currently in use for the grazing of horses while a stable block is located adjacent to the site.

The site lies within the Jodrell Bank Radio Telescope Consultation Zone.

RELEVANT SITE HISTORY

15/1032M - Erection of Brick Columns and Gates to Driveway – approved – 06/07/15.

10/4525M - Erection of 3 timber stables and ancillary storage bay – approved – approved – 28/04/11.

LOCAL & NATIONAL POLICY

Marton Neighbourhood Plan (Draft)

Has been independently examined, with the Examiner recommending that the plan, once her modifications have been made, proceeds to referendum.

Macclesfield Borough Local Plan (2004)

BE1 – Design Guidance
GC5 – Countryside Beyond the Green Belt
GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
GC14 – Jodrell Bank
H2 – Environmental Quality in Housing Developments
H5 – Windfall Sites
H13 – Protecting Residential Areas
DC1 – Design & Amenity – New Build
DC3 – Design & Amenity – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC37 – Landscaping
DC38 – Space, Light and Privacy

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 - Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy PG5 – Open Countryside
Policy PG6 – Spatial Distribution of Development
Policy SD1 - Sustainable Development in Cheshire East
Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

CEC Highways – No objections - Access to the proposed dwellings, which is shared with Cherry Barrow Farm, is satisfactory and I am satisfied there is sufficient space within the site, for off-street parking provision to be in accordance with CEC minimum parking standards and for vehicles to enter and exit the site in a forward gear.

There are no other material highway implications associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

Jodrell Bank - Oppose the development. The impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope.

Ask that the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

United Utilities – No objection subject to conditions.

Marton Parish Council - In many ways this application fits the criteria set in our emerging Neighbourhood Plan (now in stage 16) but unfortunately it is in conflict with our policy to support brown field development over greenfield development. We also have to take issue with several items listed in the support letter provided by Andrew Ellis.

The proposal is in Open Countryside as defined in Policy PG5 and would restrict views from the area of the Church to the countryside beyond.

The applicant states the proposal recognizes the shortage of 2 & 3 bedroom houses within Marton for sale or rent. This is not the case & has been demonstrated in our recent Housing Needs Survey done as part of the Neighbourhood Plan, additionally houses of this type are currently available within the village.

The Emerging Local Plan no longer proposes 2950 houses in rural areas & now states there is no requirement for additional dwellings in rural areas.

Although the application is for only 2 houses we have to disagree with the description of Marton as a sustainable area. We have no mains gas, public transport, post office nor basic shopping facilities. There is very limited employment opportunity & all everyday needs including medical care can only be found by car in Macclesfield or Congleton.

The Parish Council cannot support this application & recommend it be refused.

REPRESENTATIONS

Two letters of general comments received:

- Highways should be consulted;
- Scale of proposals should be in keeping with village;
- Is the building on agricultural land;
- Not infill development.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site is designated as being within the Open Countryside where Policy GC5 (Open Countryside) of the Macclesfield Borough Local Plan states that development will only be permitted if it falls within one of a number of categories, while Policy GC6 sets out further criteria for appropriate development in such locations. Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version identifies that housing development will only be acceptable where it is the subject of a number of criteria.

The proposed development does not satisfy the criteria set out for development in the Local Plan nor does it represent an opportunity for infilling or any of the other categories set out in emerging Policy PG5.

It is noted that the Draft Marton Neighbourhood Plan identifies the site as falling within the settlement boundary for Marton, and that Policy within the document allows for residential development “at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton”. The Neighbourhood Plan prioritises the use of brownfield sites, but all applications will be considered on their individual merit. The NP also states that residential development will be acceptable where it meets an identified local need.

The proposed development is sited on the edge of the settlement and although a greenfield site, is considered to be an acceptable location for development in accordance with the draft Neighbourhood Plan. Although the Examiners Report into the plan has now been published, the plan has yet to be ‘made’ so full weight cannot be given to the policies as yet.

As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a

sufficient material consideration to outweigh the policy objection. These are considered below.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need. However, at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational Sustainability

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.

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, planning permission has been approved for the construction of

a single dwelling immediately adjacent to the site where it has been accepted as being a locationally sustainable site.

The NPPF states in paragraph 55 that isolated new dwellings in the countryside should be avoided unless there are special circumstances. Paragraph 55 also acknowledges that development should be located where it would enhance or maintain the vitality of rural communities. There are a number of services and facilities within the settlement of Marton which the proposed development would help to sustain (including Primary School, local shop, public house, restaurant/café, church). The site is accessed from the A34 which provides good transport links to nearby settlements. The proposal could not therefore be considered to represent isolated dwellings in the countryside.

It should also be noted that the Marton Neighbourhood Plan states that:

Local housing needs will be met through:

- *The redevelopment of brownfield sites*
- *Infill (see definition above)*
- *Conversions*
- *And at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton.*

Landscape Impact

The application site is located to the rear of the property known as Cherry Barrow Farm which is sited to the south of the village. Cherry Barrow Farm and the adjacent Church Farm are the first properties visible on the entrance to the village on the western side of the A34. As the proposed dwellings would be sited to the rear (west) of these buildings, they too would be visible on the approach to the village.

There is an element of site screening by existing vegetation along the A34 which would help to soften any impact, while supplementary landscaping could also be provided. As the proposal is in outline it is unclear at this stage how the proposals would be assimilated into the landscape. Notwithstanding this, appropriately design dwellings of modest height and bulk could be provided on the application site without resulting in undue harm to the landscape or setting of the settlement.

Design

The application is in outline with all matters reserved including scale, layout and appearance. Notwithstanding this, an indicative layout shows the provision of up to 2 new dwellings perpendicular to Cherry Barrow Farm. The indicative layout shows that the development can be accommodated on the site without representing an overdevelopment of the site.

As acknowledged above, provided the dwellings are appropriately designed it is unlikely that the proposal will have a detrimental impact on the character and appearance of the area and, the indicative layout is deemed to be acceptable in principle.

Access

Detail of access is sought for approval under this application. The submitted proposals indicate that the dwellings would be accessed via the existing point of access from the A34. At this point the A34 is 30mph. Plans have been provided which demonstrate that visibility splays of 78m to the south and 130m can be provided. CEC Highways have reviewed the proposals in respect of the visibility splays and are satisfied that the site can be safely accessed without resulting in Highway Safety issues.

Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, highway safety, and design, subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’.

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Calverley, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic

benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide two open market dwellings which in itself, would be a social benefit.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. In respect to the spacing standards, these are set out in the guidance contained within policy DC38. Policy DC41 states that proposals should not result in overlooking of existing gardens or lead to excessive overshadowing to existing habitable rooms.

The proposed indicative layout shows the proposed detached dwellings to be sited perpendicular with Cherry Barrow Farm. The indicative layout demonstrates that the proposed development can be accommodated on the site without resulting in any overshadowing or overbearing on adjoining properties. To the north and south of the site is agricultural land, there would be no overlooking or loss of privacy issues arising on that land.

The site can be developed whilst providing an appropriate level of private amenity space for the proposed dwellings.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy GC14 of the Local Plan.

Policy GC14 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy GC14 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy GC14.

The impact of recent developments and particularly their cumulative impact is becoming critical to the efficient operation of the telescope. The University of Manchester (who operate Jodrell Bank), have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. However, the increasing number of smaller developments are cumulatively creating a greater and more harmful effect which will only get worse the more developments are allowed – albeit there has not been many recent developments in Marton village. This contrasts with other more sensitive areas within the Jodrell Bank consultation zone.

As such, there would be an impact upon the telescope, but the impact would be ‘minor’ and this impact needs to be weighed in the overall balance of the application proposal.

Should the Committee resolve to grant planning permission the Council will be required to give 21 days notice of the intention to do so to Manchester University, in accordance with the Jodrell Bank Directive.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Macclesfield Borough Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies GC5 and GC6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside and in this instance the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

SUBJECT TO

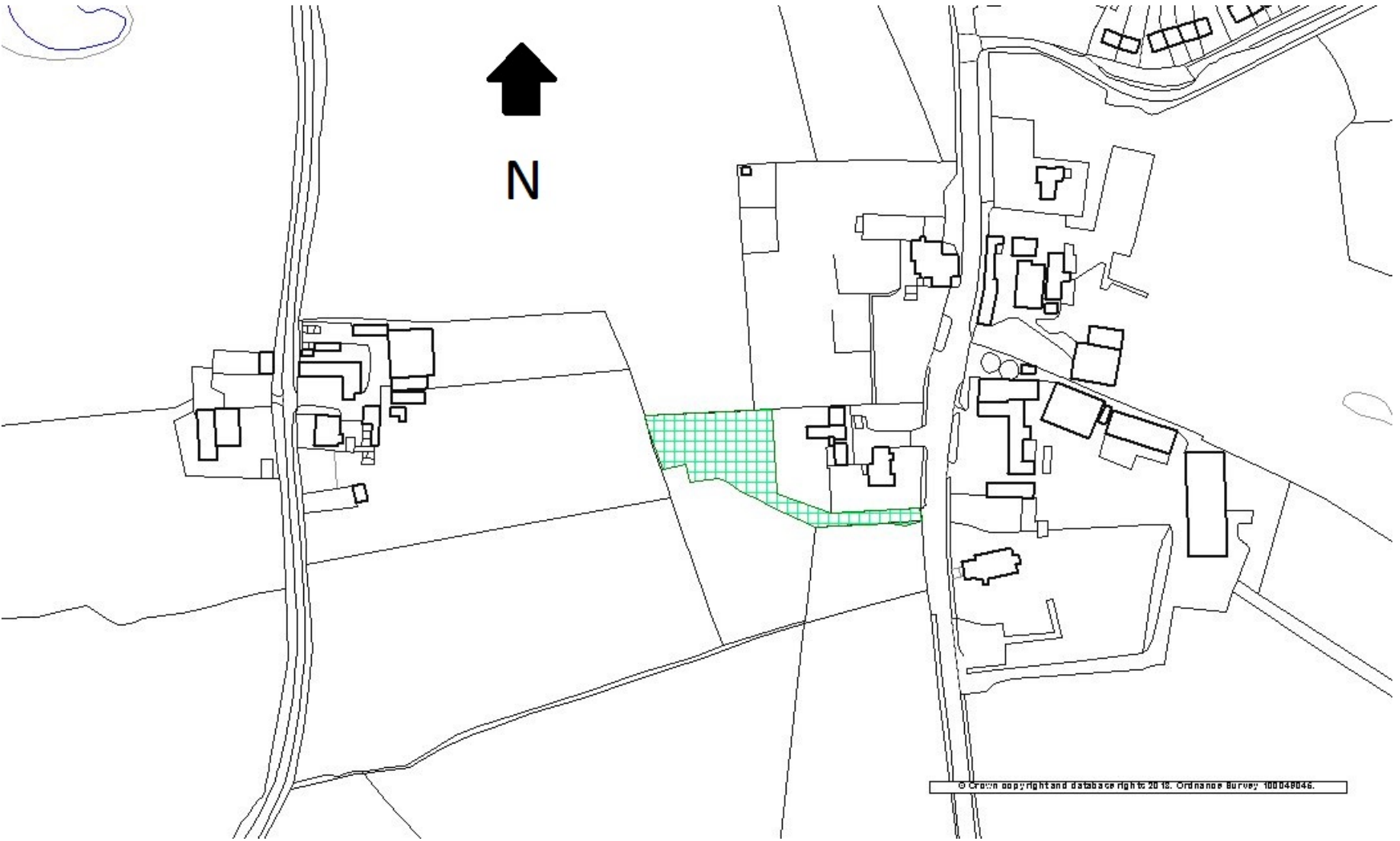
Referral of intention to grant permission to University of Manchester Jodrell Bank, in accordance with the Jodrell Bank Directive.

RECOMMENDATION

Approve subject to conditions;

- 1. Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)**

2. Time Limit for submission of reserved matters
3. Time limit for outline permission
4. Development informed by approved plans
5. Details of materials to be submitted for approval
6. Existing and Proposed Site Levels
7. Foul and surface water shall be drained on separate systems
8. Surface water drainage scheme to be submitted
9. Sustainable drainage management and maintenance plan to be submitted
10. Reserved matters application for scale to include section and streetscene to show relationship with Cherry Barrow Farm and Church Farm



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