

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 8th March, 2017

**Time:** 10.00 am

**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

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

3. **Minutes of the Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 8 February 2017 as a correct record.

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**Please Contact:** Sarah Baxter 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **16/6122C Land off Newcastle Road, Brereton Green, Brereton: Residential development of up to 29 dwellings (C3), together with associated infrastructure and open space provision with all matters reserved except for access for Ashall Land Ltd, Mrs Margaret Proudlove (Pages 11 - 34)**

To consider the above application.

6. **16/2233C Beech House, 20, Buxton Road, Congleton, CW12 2DT: Outline application for the development of 10 new houses, including alterations to the existing access and boundary wall to form a new vehicular access and layout, applied for in detail, all other matters reserved for Dominic Shaw, Bower Mattin Partnership (Pages 35 - 56)**

To consider the above application.

7. **16/4749C Land Off Spring Street, Congleton: Resubmission of application 15/3586C - Single building with 4no. one bedroom flats for Mr S Landstreth (Pages 57 - 68)**

To consider the above application.

8. **15/0795M Land South Of Coppice Way, Handforth, Cheshire: Reserved matters application for the erection of 175 dwellings with associated roads and footpaths and general landscaping zones, together with details of layout and design of all buildings for P E Jones (Contractors) Ltd (Pages 69 - 82)**

To consider the above application.

9. **16/4811M Bollin Park, Adlington Road, Wilmslow: Substitution of house types and amended layout to plots 125, 139-160, 194-195, & 200-204 for Mrs Kerren Phillips, Jones Homes (North West) Limited (Pages 83 - 94)**

To consider the above application.

10. **17/0181M Brundred Farm, 45, Castle Hill, Prestbury, SK10 4AS: Erection of 1no. detached dwelling; extension of existing private road to form new access to the proposed dwelling and associated external works for Mr Andrew Hall, HC Development Co 7 Ltd. (Pages 95 - 108)**

To consider the above application.

11. **16/5743M Kingsley, 10, Hough Lane, Wilmslow, Cheshire, SK9 2LQ: Subdivision of an existing building comprising a dwelling and associated B&B into 3 dwellings and the construction of a two-storey side extension, single-storey side car port extension, dormer window, rear conservatory and detached garage for Mr Jeremy Levy (Pages 109 - 120)**

To consider the above application.

12. **16/3041M Styal Moss Nurseries, 38 , Moss Lane, Styal, SK9 4LG: Redevelopment of the site to form a landscaping contractors business (to include the removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store with ancillary parking) and for the parking of airport related motor vehicles unconnected with the landscape contractors business for Peter Davies, Peter Ashley Limited (Pages 121 - 130)**

To consider the above application.

13. **16/2807M Low Ridge, 58, Trafford Road, Alderley Edge, Wilmslow, Cheshire, SK9 7DN: Demolition of building comprising two dwellings and garage block and erection of bespoke building comprising three apartments, together with the erection of a block of three garages and car parking/manoeuvring space for Mrs Sally Clowes (Pages 131 - 142)**

To consider the above application.

14. **16/6123M Preston Cottage, Brook Lane, Alderley Edge, Alderley Edge, Cheshire, SK9 7QQ: Demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works for McPherson (Pages 143 - 150)**

To consider the above application.

15. **16/6124M Preston Cottage, Brook Lane, Alderley Edge, Alderley Edge, Cheshire, SK9 7QQ: Listed building consent for Demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works for McPherson (Pages 151 - 156)**

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 8th February, 2017 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

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

Councillors C Andrew, T Dean, L Durham, S Edgar (Substitute), P Findlow,  
H Gaddum, S Gardiner, A Harewood, N Mannion and M Warren

**OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr N Jones (Principal Development Officer),  
Mr P Wakefield (Principal Planning Officer) and Miss N Wise-Ford (Principal  
Planning Officer)

**74 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor E Brooks.

**75 DECLARATIONS OF INTEREST/PRE DETERMINATION**

It was noted that in respect of application 16/3931M, Members of the Committee had received emails from both the applicant and objectors including a petition objecting to the proposal. In addition Councillor H Gaddum also stated that the Ward Councillor had sent an email.

In the interest of openness in respect of application 16/3931M, Councillor H Gaddum declared that her husband's parents came from Mobberley and therefore had visited the area on numerous occasions going back 30 years ago.

In the interest of openness in respect of application 16/5788C, Councillor H Gaddum declared that a resident had contacted her in the Autumn advised her to speak to Councillor Heyes. Subsequently a different resident had sent her a number of press cuttings, however she had not commented on the proposals.

In the interest of openness in respect of application 16/4826M, Councillor S Edgar declared that he had briefly watched a programme on BBC television the previous night which referred to the application site, however he turned it off so that it did not prejudice him when considering the application at the meeting.

In the interest of openness in respect of application 16/3285M, Councillor S Gardiner declared that known to one of the speakers, Town Councillor C Dodson and considered him to be more than a passing acquaintance.

**76 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 11 January 2017 be approved as a correct record and signed by the Chairman.

**77 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**78 16/3931M-DEMOLITION OF THE EXISTING BUILDINGS ON SITE AND THE ERECTION OF CHURCH MEETING HALL (USE CLASS D1) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AND INFRASTRUCTURE, MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY FOR LEWIS, MOBBERLEY DEVELOPMENT LTD**

Consideration was given to the above application.

(Parish Councillor Heidi Gilks, representing Mobberley Parish Council, Richard Irving, an objector and Sarah Foster, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor J Macrae, the Ward Councillor).

**RESOLVED**

That the application be refused for the following reasons:-

- (1) Inappropriate development in Green Belt
- (2) Unsustainable location
- (3) Visual impact of the access

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 Head of Planning (Regulation) 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).

- 79 **WITHDRAWN 16/4674M-FORMATION OF NEW DRIVE WAY ONTO CHAPEL ROAD, WITH DROPPED KERB, FAIRFIELD, 25 CHAPEL ROAD, ALDERLEY EDGE FOR MR CRAIG JONES, THE CAVE**

This application was withdrawn prior to the meeting.

- 80 **WITHDRAWN 16/4943M-SELF BUILD CONSTRUCTION OF ONE DETACHED INFILL DWELLING WITH NEW ACCESS AND ASSOCIATED CAR PARKING, FAIRFIELD, 25 CHAPEL ROAD, ALDERLEY EDGE FOR MR TIM CONNIFF**

This application was withdrawn prior to the meeting.

- 81 **16/6007M-PROPOSED TWO STOREY DETACHED HOUSE INCLUDING DEMOLITION OF GARAGE, CONSERVATORY AND OUTRIGGER, 71, HEYES LANE, ALDERLEY EDGE FOR MR BRYN DAVIES**

Consideration was given to the above application.

(Parish Councillor Myles Garbett, representing Alderley Edge Parish Council, Stuart Galloway, an objector and Alan Davies, representing the applicant attended the meeting and spoke in respect of the application).

## **RESOLVED**

That the application be delegated to the Head of Planning (Regulation) in consultation with Chairman to approve subject to further discussions with the applicant regarding the reduction in proposed ridge height.

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Obscure glazing requirement: Rear and side
5. Should piling be required (details to be submitted)
6. Site Specific Dust Management Plan (DMP)
7. Removal of PD rights
8. Provision of car parking for existing and proposed dwelling
9. Demolition of rear outrigger prior to occupation of new dwelling
10. Construction Management Plan

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 Head of Planning (Regulation) 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.

(The meeting was adjourned for a short break).

**82 16/4826M-PROPOSED TWO STOREY 3 BEDROOM DETACHED DWELLING, 2, LANCASTER ROAD, WILMSLOW FOR MR MAX EDEN**

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor and Jonathan Oldfield, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

- (1) Over development of the site, inadequate private amenity space, detrimental to living conditions of future occupiers.
- (2) Impact of living conditions of neighbouring property – contrary to policy DC38.

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 Head of Planning (Regulation) 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. The meeting was adjourned from 1.10pm until 1.30pm for lunch).

**83 16/3285M-DEMOLITION OF VACANT DENTAL SURGERY (77) AND HOUSE (79), AND CONSTRUCTION OF 21 APARTMENTS AND 6 BED DETACHED HOUSE, 77-79, ALDERLEY ROAD, WILMSLOW FOR MR WILLIAMS, WILLIAM DEVELOPMENTS**

Consideration was given to the above application.

(Town Councillor Christopher Dodson, representing Wilmslow Town Council, Will Rogers, the applicant and Mike Paddock, the Architect attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

- 1.The proposed apartment development by virtue of its size and design, in particular its height and proximity to the road, would have an unacceptable impact on the street scene. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area. The

development would therefore not accord with Macclesfield Borough Local Plan policies BE1, DC1 and DC8, Policy SE1 of the emerging Cheshire East Local Plan and the National Planning Policy Framework.

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 Principal Planning Manager (Regulation) 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.

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms:-

- 30% of the dwellings to be affordable in a 65:35 split
- Education contribution – £49,028 for secondary places
- Contribution towards off site improvements for public open space and recreation and outdoor sport in line with Council policy.

(During consideration of the application, the meeting was adjourned for a short period in order for the Principal Planning Officer to discuss the possibility of a deferment with the applicant).

**84 16/5788C-PROPOSED CONVERSION OF PUBLIC HOUSE AND EXTENSIONS & ADDITIONS TO FORM RETAIL PREMISES, CAFE, PHARMACY AND MANAGERS FLAT, GROVE INN, MANCHESTER ROAD, CONGLETON FOR MR J YU, YU DEVELOPMENTS**

Consideration was given to the above application.

(Councillor G Baxendale attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

- (1) Increased bulk and massing on prominent corner harmful to character of area.
- (2) Impact upon living conditions of neighbouring property.
- (3) Residential accommodation sub-standard for future occupiers.

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 Head of Planning (Regulation) 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).

The meeting commenced at 10.00 am and concluded at 2.55 pm

Councillor G M Walton (Chairman)

Application No: 16/6122C

Location: Land off Newcastle Road, Brereton Green, Brereton

Proposal: Residential development of up to 29 dwellings (C3), together with associated infrastructure and open space provision with all matters reserved except for access.

Applicant: N/a, Ashall Land Ltd, Mrs Margaret Proudlove,

Expiry Date: 23-Mar-2017

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Policy PS8 of Congleton Borough Local Plan First Review 2005.

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 Policy H6. 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.

However, as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity/noise/air quality and landscaping could be secured at the reserved matters stage.

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the non compliance with the Brereton Neighbourhood Plan and the ability of a local community to shape its future development via its Neighbourhood Plan and the harm to the Jodrell Bank telescope that this development would bring.

In this instance, is considered that the adverse impacts in approving this development would significantly and demonstrably outweigh the benefits of the development and as such the application is recommended for refusal.

**RECOMMENDATION**

**REFUSE**

**PROPOSAL**

Outline planning permission is sought (with access provided via Newcastle Road South) for up to 29 dwellings with associated infrastructure and open space. The indicative layout shows a single access point from Newcastle Road South with a small series of cul de sacs with a total of 29 units comprising indicatively 4 one bed affordable units, 3 two bed and 2 three bed shared ownership units, with the remainder indicated to be larger detached dwellings. Allotments with dedicated parking spaces are proposed adjacent to the boundary with properties in Maple Close. Indicatively 145sqm of informal play and @ 3950sqm of open space is proposed to the southern boundary

**SITE DESCRIPTION**

The application site comprises of a 1.5ha field of dips and hollows located next to the settlement boundary and accessed via the A50, Newcastle Road South immediately due south of 22 Bagmere Road. A hedgerow defines the A50 frontage and there are sporadic mature trees within the site, mainly located around the field ditch to the south of the site.

The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

**RELEVANT HISTORY**

15/4968C- Outline application for up to 49 dwellings and associated works. Refused 7 July 2016 - This comprises part of the site the subject of this application. A public inquiry due to be held in in this case in July 2017

**LOCAL & NATIONAL POLICY**

**Brereton Neighbourhood Plan**

On 8th July 2013, CEC designated the Parish of Brereton as the Brereton Neighbourhood Area. The neighbourhood plan was developed locally and submitted to Cheshire east Council on 23rd July 2015. A consultation on the submitted plan was held from 10th August 2015 to 21st September 2015.

Following the appointment of an examiner, a hearing was called to address a series of specific issues including the number of homes identified for delivery in the plan period, the introduction of a settlement boundary policy and the Parish Council's approach to self build housing. The hearing was held at Sandbach Town Hall on 11th November 2015 and following it's conclusion



the examiner issued a positive examination report to Cheshire East Council on 1st December 2015, recommending a number of modifications and that the Plan proceed to referendum to be held within the neighbourhood area as originally designated by Cheshire East Council.

A decision to accept the modifications proposed by the examiner, implement the changes to the plan and proceed to referendum was taken by the Portfolio Holder for Planning and Housing on 5th January 2016. The referendum was held 10th March 2016, returning a positive result in favour of the plan.

A decision to make the plan was taken on 28th March. The plan is now made and forms part of the Development plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

HOU1 – Settlement Boundary  
HOU2 – Exceptions to New housing Development  
HOU5 – Provision of Open Space in New Housing Development  
HOU8 – Housing Mix  
HOU9 – Housing for Local People  
HOU10 – The Layout and Design of New Housing  
COM05 – Provision of Allotments and additional car parking  
ENV02 – Open Landscape views  
ENV03 – Nature Conservation  
ENV04 – Biodiversity and Geodiversity  
ENV05 – Development and Landscape  
TRA03 – Community Infrastructure

### **Congleton Borough Local Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities

E10	Existing Employment Sites
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)**

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

Policy SD 1 Sustainable Development in Cheshire East, Policy SD 2 Sustainable Development Principles, Policy SE 1 Design, Policy SE 2 Efficient Use of Land, Policy SE 3 Biodiversity and Geodiversity, Policy SE 4 The Landscape, Policy SE 5 Trees, Hedgerows and Woodland, Policy SE 9 Energy Efficient Development, Policy SE 12 Pollution, Land Contamination and Land Instability, Policy IN 1 Infrastructure, Policy IN 2 Developer Contributions, Policy PG 1 Overall Development Strategy, Policy PG 2 Settlement Hierarchy, Policy PG 5 Open Countryside and Policy SC 4 Residential Mix

### **National Policy**

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist  
SPG2 - Provision of Private Amenity Space in New Residential Development  
The EC Habitats Directive 1992

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to conditions

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the submission of an acoustic assessment and implementation of noise

mitigation with regard to properties affected by noise on the A50; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures including travel plan and electric vehicle charging and contamination land report

**Flood Risk Manager (Cheshire East Council)** – No reply but previously advised no objections, subject to a condition requiring the prior approval of a detailed drainage strategy/design in accordance with the appropriate surface water drainage for the conditions on site

**United Utilities** – No objections, subject to a condition that the site be drained on a separate system and the prior approval of a surface water drainage scheme

**Housing (Cheshire East Council)** – No objection, the revised mix meets local need

**ANSA Greenspaces (Cheshire East Council)** – No reply but previously advised that Brereton Community Space is just over 300m away and offers a high quality standard of play provision and amenity green space. No requirement is needed for off site provision, however, ANSA advise that the allotments are indicated to be provided on site, are not in an area of the site which sits on wet land and drains adequately.

**Education (Cheshire East Council)** – The development of 29 dwellings is expected to generate:

6 primary children (29 x 0.19)

4 secondary children (29 x 0.15)

0 SEN children (29 x 0.51 x 0.023%)

There is sufficient available capacity in the local primary schools to accommodate the pupils generated of this age.

The development is forecast to increase an existing shortfall predicted from 2018 onwards for secondary provision in the immediate locality. Negotiated contributions are factored into forecasts and equations, however a shortfall still remains.

The analysis undertaken has identified that a shortfall of secondary school places still remains.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £17,959 \times 0.91 = £65,371$  (secondary)

Total education contribution: £65,371

Without a secured contribution of £65,371, Children's Services raise an objection to this application.

**Jodrell Bank** : Objection – whilst the impact is minor in terms of their assessment , the concern relates to the cumulative impact that this proposal would have in conjunction with all the other developments that have been approved in this area.

**Brereton Parish Council** – Object on the following grounds:

- Non compliance with the Brereton Neighbourhood Plan for which there is a strong community mandate
- The proposal is a substantial development outside the settlement boundary
- Proposal is not sustainable
- Housing needs met by the 190 unit Gladman development
- Does not reflect local pattern of development
- Detrimental to the amenities of neighbours
- The site has a flooding problem, as do neighbouring houses and the submitted report is inadequate
- Public transport is infrequent and out of peak hours
- Site access on to A50 is dangerous
- Limited village amenity leading to reliance on the car
- Impact upon health and education infrastructure
- Dispute ecological report saying no bats present
- Lack of information concerning newts
- Lack of information in transport statement
- Lack of locational sustainability

### REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local paper.

Approximately 58 letters of representation have been received objecting to the proposal. The main areas of objection are:

- Principle of development
- The land sold to adjoining residents by farmer should not be utilised as buffer by this development
- Loss of agricultural land
- Not meeting locals needs
- Not needed
- Loss of open countryside views
- Sustainability of the location
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- The indicate buffer to south of Maple Close is in ownership of Maple Close residents and should not be used as buffer for this development
- Lack of buffer to adjoining houses
- Highway safety – Dangerous road with many accidents
- Design – Character and scale
- This is a Greenfield site and Brownfield sites should be used in preference
- Loss of hedge
- Premature
- Amenity – Loss of privacy / overlooking, light, visual intrusion, noise and dust
- Inaccurate statements re bats on site
- Impact upon schools and medical services locally

- No footpath links / pedestrian safety / cyclist safety
- No need for more housing / affordable housing in this location
- Flooding – inaccurate information
- Poor public transport links
- Future development pressures
- Contrary to the Brereton Neighbourhood Plan

Fiona Bruce MP has written to support her constituents. Considers the proposal should be considered in the light of the Brereton Neighbourhood Plan

### **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

#### **Principle of Development**

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

As such, although weight that can be given to the Brereton Neighbourhood Plan (hereafter referred to as the Brereton NP), at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of up to 29 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version. Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and emerging plan and as such, there is a presumption against the proposal.

The application does not fall within the settlement boundary as defined by the Brereton NP policy HOU1. In such locations, housing development may be permitted where it is appropriate to local character and complies with other policies in the Brereton NP and the Cheshire East Council Local Plan

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 to the loss of open countryside and the non compliance with the Brereton NP.

## **LOCAL PLAN MAIN MODIFICATION / HOUSING LAND SUPPLY**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

This matter is further emphasised in light of the Richborough Court of Appeal decision. The judges concluded that paragraph 49 refers to all policies ‘affecting’ housing land supply in its

widest context – this includes any policy which is capable of preventing land from being developed for housing. As such all such housing policies could be considered to be out of date.

However, whereas previously ‘out of date’ policies have been given little or no weight, it was clear that they are not irrelevant and should be given weight. The judges were clear that it is for the decision maker to consider what weight to give to the competing issues in arriving at a decision.

The Government has recently issued a Ministerial Statement in relation to Neighbourhood Plans which states that the relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be ‘out-of-date’ under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

In this case the Brereton NP does not allocate any sites for housing and as such the Ministerial Statement does not apply.

In the context of the Brereton NP, the NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such, the weight that can be given to this Brereton NP, having regard to the Ministerial Statement, is limited at present due to the Council’s Housing Land Supply position. However, this does feed into the overall planning balance 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 Sustainability**

#### **Locational Sustainability**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.



The accessibility of the site shows that following facilities meet the minimum standard:

- Public house (1000m) – 500m (Bears Head)
- Bus stop (500m) – 500m (Bears Head)
- Post Box (500m) – 300M
- Children's Play space (500m) 300m
- Amenity open space (500m) – on site
- Primary School (1000m) – 900m
- Child care facility (1000m) – 900m

The following amenities/facilities fail the standard:

- Railway station (2000m) – 3700m
- Any transport node – 3700m
- Post Office (500m) – 3500 (London Rd Holmes Chapel)
- Convenience Store (500m) – 3500m
- Pharmacy (1000m) – 3000m
- Medical Centre (1000m) – 3700m
- Supermarket (1000m) – over 3000m
- Leisure Facilities (Leisure Centre or Library) (1000m) – over 3000m
- Secondary School (1000m) – over 3000m
- Bank or Cash Machine (1000m) – over 300mm

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit. Furthermore, there are no footpaths currently leading from the site in any to any of the facilities within the recommended distances other than the church on the opposite side of the road.

Newcastle Road South is a well used busy road served by public transport (route 319 to Sandbach Monday to Saturday with 1<sup>st</sup> bus at 9.30am and last at 13.52, it seems likely that any future residents of the proposed houses would use private transport to access any services, facilities or local workplaces.

The bus stop is within walking distance, although the site presently does not have a pavement along the A50, the Strategic Highways Managers requests such provision so, if approved, it is likely that future residents will be able walk to this bus stop to access sustainable transport choices.

A school bus service does operate for children to go to the Holmes Chapel secondary school. Whilst most services are in Holmes Chapel, a bus service does serve the site and therefore in location terms this site must be regarded as being generally locationally sustainable.

This view is considered to be consistent with Inspectors' appeal decisions on schemes that were refused on (locational) sustainability grounds but allowed at appeal when Inspectors considered sustainability in the context of the three strands of sustainability referred to in the NPPF, not merely in the context of location.

An appeal at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that “it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds”.

It is considered that this site is considerably less isolated than the site at Rose Cottages and therefore in the light of Inspector’s comments in that case, it is considered that this site is located in a sustainable location with regards to its accessibility to public facilities.

### **Landscape**

The site is an agricultural (Grade 3b) field which lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

Policy PS8 accords with the NPPF desire to recognise the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside, conflicts with Local Plan Policy PS8. PS8 accords with the intent of the NPPF and accordingly the loss of countryside sits within the planning balance.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is in the Brereton Heath Area.

The character of the site is significantly influenced by the existing development of housing along the entire northern boundary. The landscape officer advises that a two storey housing development would change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts in landscape terms.

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows

and trees within the site (other than to accommodate the main access point) and would allow for landscape and biodiversity enhancement measures.

### **Trees and Hedgerows**

An arboricultural assessment has been submitted in support of the application. The report identifies 11 individual trees, 3 groups and 5 hedgerows within and immediately adjacent to the application site and have been categorised for tree quality in accordance with BS5837:2012.

Whilst there are potential shading issues in respect of the plot adjacent to Oak (T5), amendments to the plot design could be sought at reserved matters stage to provide some improvement in terms of the relationship to the tree.

The position of the proposed plot adjacent to Oak (T4) appears to extend into the Root Protection Area (RPA). The relationship/social proximity to the new build and available space for construction does not take into account existing and future growth potential and therefore amendments to the design and position of the Plot should be addressed at reserved matters.

There will be some loss of hedgerows (5 metre length approx.) to facilitate access off Newcastle Road and internally, however it is anticipated that there is sufficient provision for their replacement and mitigation within the site.

Hedgerows are deemed a Local BAP priority habitat and consideration should be given for replacement planting to offset the loss as part of detailed landscape proposals at reserved matters stage.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Although layout, external appearance and design are also reserved matters and the proposal seeks permission for up to 29 units, it is considered that an appropriate design and layout can be achieved on this site, which would need to be assessed as part of any reserved matters.

One point of concern, however, is that the indicative layout shows a majority of larger (4 and 5 bed) detached dwellings for market sale, and smaller units as affordable units. The layout appears to not include any 1 or 2 bed units for market sale. In design terms, a reserved matters layout should demonstrate a range and mix of differing units including smaller units for market sale, which would be more appropriate and would be less land hungry, likewise

this would comply with policy SC4 of the emerging Plan, the Design Guide and HOU8 and HOU10 of the Brereton NP.

### Highway Safety

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed access and footways within the proposal and on the A50 to link this site to the existing pavement on the A50 are of acceptable widths and the visibility on exiting onto A50 Newcastle Road will adhere to standards.

Footway access from the site to the village centre is currently sub-standard due to narrow width but the applicant has proposed remedial action to bring it up to standard by increasing the width to 2m. Public transport is limited but is within walking distance and footways from the site to the bus stops are acceptable.

A simple junction with 6m radii was initially proposed at the site access. Due to the wide and rural nature of the carriageway, and the 60mph speed limit, the simple junction has been revised and a ghost island has been provided for right turning vehicles with shelter from through traffic.

The access radii have been increased and swept paths have been provided to demonstrate that large refuse vehicles can enter and exit the new site access without encroaching onto oncoming lanes.

The Strategic Highways Manager advises that although there have been 9 accidents on the A50 in the vicinity of the site over the last 5 years, contributory factors are due to human error and not the road layout.

The number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and trip generation is therefore considered minor.

Overall subject to conditions, the Strategic Highways Manager advises that he has no objections to this scheme and that this proposal will not cause any highway harm.

### **Flood Risk and Drainage**

The site is located in flood zone 1; however there are two ponds south to the site. The risk of flooding from this source will need to be appropriately mitigated. This is a matter that could be conditioned.

United Utilities has reviewed the Flood Risk Assessment submission and advised that they have no objections, subject to conditions. The Council's Flood Risk Manager's views are awaited.

### **Ecology**

The application is supported by an Extended Phase 1 Habitat Survey.

#### Great Crested Newts

The submitted ecological appraisal has identified a number of ponds within 250m of the proposed development. No evidence of great crested newts was recorded during the submitted detailed surveys and the ecologist advises that this species is not reasonably likely to be present or affected by the proposed development.

#### Ponds

Ponds are a local BAP priority habitat and hence a material consideration. The submitted ecological assessment states that the ponds are considered to be of 'site' value. The ecologist considers that this is an undervaluation of the ponds ecological importance. The ponds would however be retained as part of the submitted indicative layout if planning consent is granted a condition should be attached requiring the ponds to be retained as part of the proposed development.

#### Hedgerows

Hedgerows are also a Local BAP priority habitat and, as with the ponds, are undervalued by the submitted Ecological Assessment. There will be some loss of hedgerow to facilitate the proposed access routes, however the ecologist advises that there are sufficient opportunities for suitable replacement planting to be provided to compensate for this loss.

If outline consent is granted it must be ensured that detailed proposals for replacement hedgerow planting are provided at the detailed design stage.

#### Trees and roosting bats

The submitted ecological assessment identifies three trees as having potential to support roosting bats. These trees have been subject to a survey and no evidence of roosting bats was recorded. Based upon the submitted illustrative layout plan it appears feasible that these trees could be retained as part of the

development of the site.

### Hedgehogs

This priority species has not been recorded on site but the habitat is potentially suitable.

If planning consent is granted the ecologist recommends a condition be attached to ensure that a scheme of gaps for hedgehogs to be incorporated in hedges and fences.

### Badgers

The Badger report submitted in support of this application is now out of date. The Ecologist advises that an updated report should be provided prior to the determination of the application. At the time of writing, an updated report has just been received. This matter will be the subject of an update report

Subject to the considerations of the updated Badger Report, it is considered that the development would adhere with Policy ENV03 of the BNP, Policy NR2 of the Local Plan and Policy SE3 of the emerging CELPS.

## **Environmental Conclusion**

Subject to conditions and satisfactory reserved matters a scheme of an acceptable design that would not create any significant issues in relation to; landscape, neighbouring amenity, trees, highway safety, drainage or flooding and ecology could be provided. As such, it is considered that the proposed development would be environmentally neutral.

### Economic Sustainability

It is accepted that the construction of a housing development of this size would bring the economic benefit to the closest shops in Holmes Chapel, Sandbach and the local farm shop for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain for the local community. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### Social Sustainability

#### **Affordable Housing**

The site lies in Brereton Parish on the edge of the settlement boundary for Holmes Chapel.

Brereton is in the Sandbach Rural sub-area in the Strategic Housing Market Assessment Update 2013 (SHMA). The SHMA identified a need for 12 new affordable units per year in the Sandbach Rural sub-area, made up of a need for 13 x 1 bed, 2 x 2 beds, 3 x 4+ beds and 2 x 1 bed older persons units (there is an oversupply of 3 bed units).

In addition to this, information taken from Cheshire Homechoice shows that there are 3 applicants on the housing register who have selected Brereton for their first choice. The requirement of these applicants is 1 x 2 bed and 2 x 3 bed.

In 2013 a rural housing needs survey for Brereton was carried out and showed a need for at least 12 households in need of affordable housing.

The Council's Interim Planning Statement on Affordable Housing (IPS) requires sites in settlements with a population of less than 3,000 to provide 30% affordable housing if the site is 0.2 hectares or 3 dwellings or more. This site is over 0.2 hectares and the proposal is for more than 3 dwellings, and as such there is a requirement to provide 30% affordable housing. The preferred tenure split for affordable housing outlined in the IPS was 65% social rented and 35% intermediate tenure.

For this development, 9 units of affordable housing are required to be broken down to 6 social/affordable rented units and 3 at intermediate tenure. Following revision, this has been provided. The Housing Manager therefore raises no objection

### **Jodrell Bank**

Jodrell Bank advise that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be minor, however, their concern relates to the cumulative impact of developments in this general direction in which there is already significant development close to the telescope.

Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. This is the case here. This is a very important material consideration to which significant weight can be attached within the planning balance in this case.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio

astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The social adverse impacts of the scheme would be the minor impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of impact can be moderated by the use of electromagnetic screening measures with the development.

The applicant considers that this issue should not be determinative in this case, given the recent resolutions to approve numerous applications for residential developments in Congleton associated with the Congleton Link Road have attracted objection from Jodrell Bank on the grounds of 'moderate' impact, and the Council has resolved to approve these cases. In this case, Jodrell Bank opposes this development but advise the impact is minor. Jodrell Bank, however, maintain their objection on the basis of the cumulative impact on the operations of the telescope of the residential permissions in this direction from the Telescope.

This will be considered further in the Planning Balance section of this report

### **Open Space**

As part of the indicative proposal, an area of informal play (225sqm) and public open space (circa 3945sqm) to the outer periphery of the site. As a result of Parish Council objection to the original scheme, the applicant has also sought to indicate allotments to the rear of existing dwellings in Maple Close.

The Greenspace Officer was of the view in the previous application (now at appeal) that the proposed allotments could be broken down into 6 small plots of approximately 60sqm each. It would be better for the allotments to be placed away from existing residential boundaries in the POS located in the South allowing for 6 parking spaces. This would safeguard the amenity of existing occupiers adjoining. This could be achieved by condition.

Soil samples should be tested for contamination at the proposed location and drainage should be installed if the area is wet. One of the parking spaces would be for 'drop offs' for example for a delivery of compost, soil improvers etc. The site should be marked out, securely fenced and gated, have at least a central hoggin type path for access. If securely fenced then a water supply should be provided along with appropriate accommodation for tools. As this is an indicate layout only it is considered that these concerns could be addressed by condition.

As such, and secured via legal agreement to ensure that the onsite POS and allotments are suitably maintained and managed via a private residents management agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

### **Education**

The Council's Education Officer has advised that the development will generate 6 primary aged pupils, 4 secondary aged pupils and 0 SEN pupils. The Primary sector has capacity due to contributions achieved on other developments. However, the development is forecast to



increase an existing shortfall for secondary provision in the immediate locality, but would have no impact upon primary provision. In light of this the following contributions are sought towards secondary school provision -

$$4 \times £17,959 \times 0.91 = £65,371 \text{ (secondary)}$$

Total education contribution: £65,371

<u>Development</u>	Land off Newcastle Road, Brereton				Number of Dwellings			29			
<u>Planning App Number</u>	16/6122C				Primary Yield			6			
<u>Date Prepared</u>	16.1.2017				Secondary Yield			4			
					SEN Yield			0			
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	Comments	
Brereton CofE Primary School	30	30	210	210	161	168	168	162	149		
Hermitage Primary School	30	30	210	210	210	220	224	225	219		
St John's CofE Primary School	25	25	175	175	158	163	171	170	169		
Developments with S106 funded and pupil yield included in the forecasts				33							
Developments pupil yield not included in the forecasts									39		
Pupil Yield expected from this development									6		
OVERALL TOTAL	85	85	595	628	529	551	563	557	582		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					99	77	65	71	46		
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Holmes Chapel Comprehensive School	210	210	1,050	1,050	1,038	1,050	1,065	1,051	1,043	1,036	1,045

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the CELPS.

## Residential Amenity

Policy GR6 of the Local Plan advises planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 (Congleton Local Plan) advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations. The submitted layout is indicative only, however, the indicative layout does indicate a layout that is sufficiently spacious to satisfactorily safeguard adjoining residential amenity.

With regard to noise impacts, the development is in close proximity to the A50 and is subject to high levels of road traffic noise.

The Council's Environmental Protection Officer (EPO) considers that noise levels, could be mitigated to a level which is considered adequate and requires a noise report as a planning condition, particularly to assess the impacts of noise in the living environment for dwellings close to the A50.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan is recommended.

With regard to contaminated land and air quality, the EPO has raised no objections, subject to the following conditions; prior submission / approval of a scope of works addressing the risks posed by land contamination; the submission / approval of a validation report in accordance with the approved remediation strategy and the submission of relevant evidence and verification info of any soil or soil forming materials brought into the site for use in the garden areas of for soft landscaping; travel planning and electric vehicle charging.

As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

### **Levy (CIL) Regulations**

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

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

The requirement for long term management of on site Public Open Space and onsite allotments is necessary, fair and reasonable, as the proposed development will provide up to 29 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **Planning Balance**

The application site is agricultural land that lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 Policy H6. 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

However, in the absence of a five year supply, paragraph 14 is engaged and consideration must be given to whether the granting of permission would give rise to any significant and adverse impacts that would outweigh the benefits of the proposal.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and allotments this is considered to be acceptable.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would be read against an urban backdrop and would not render the proposal unacceptable in landscape terms

Whilst, submitted in outline form only, the indicative layout demonstrates a scale of development that could be accommodated subject to the issues raised in this report. All other issues could be mitigated against by the use of planning conditions or a s106 agreement and as such, are considered to have a neutral impact.

The adverse impacts of the development would be:

- The loss of open countryside and loss of agricultural land (at Grade 3b so not determinative in its own right)
- The minor and cumulative effects on the Jodrell Bank Telescope

The development is contrary to the Brereton Neighbourhood Plan and open countryside policies, however, given the lack of a 5 year housing land supply, they are considered out of date. So the presumption in favour in Paragraph 14 applies. However, with reference to the *Richborough* Court of Appeal weight can be given to those policies and it is a matter for the decision maker to apportion the weight.

The applicant considers the harm to the telescope is outweighed by the benefits of the proposal. They cite recent resolutions to approve major schemes on allocated sites associated

with the Congleton Link Road notwithstanding objections from Jodrell Bank. It is considered that the significant and numerous planning benefits in those cases are not directly comparable to this proposal, where the benefits are minor. Those minor benefits do not outweigh the harm to the Telescope in this case

Additionally, there is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the extent of the harm that the cumulative harm of un-planned developments is having upon the Jodrell bank Telescope.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

## **RECOMMENDATION**

### **Refuse for the following reasons:**

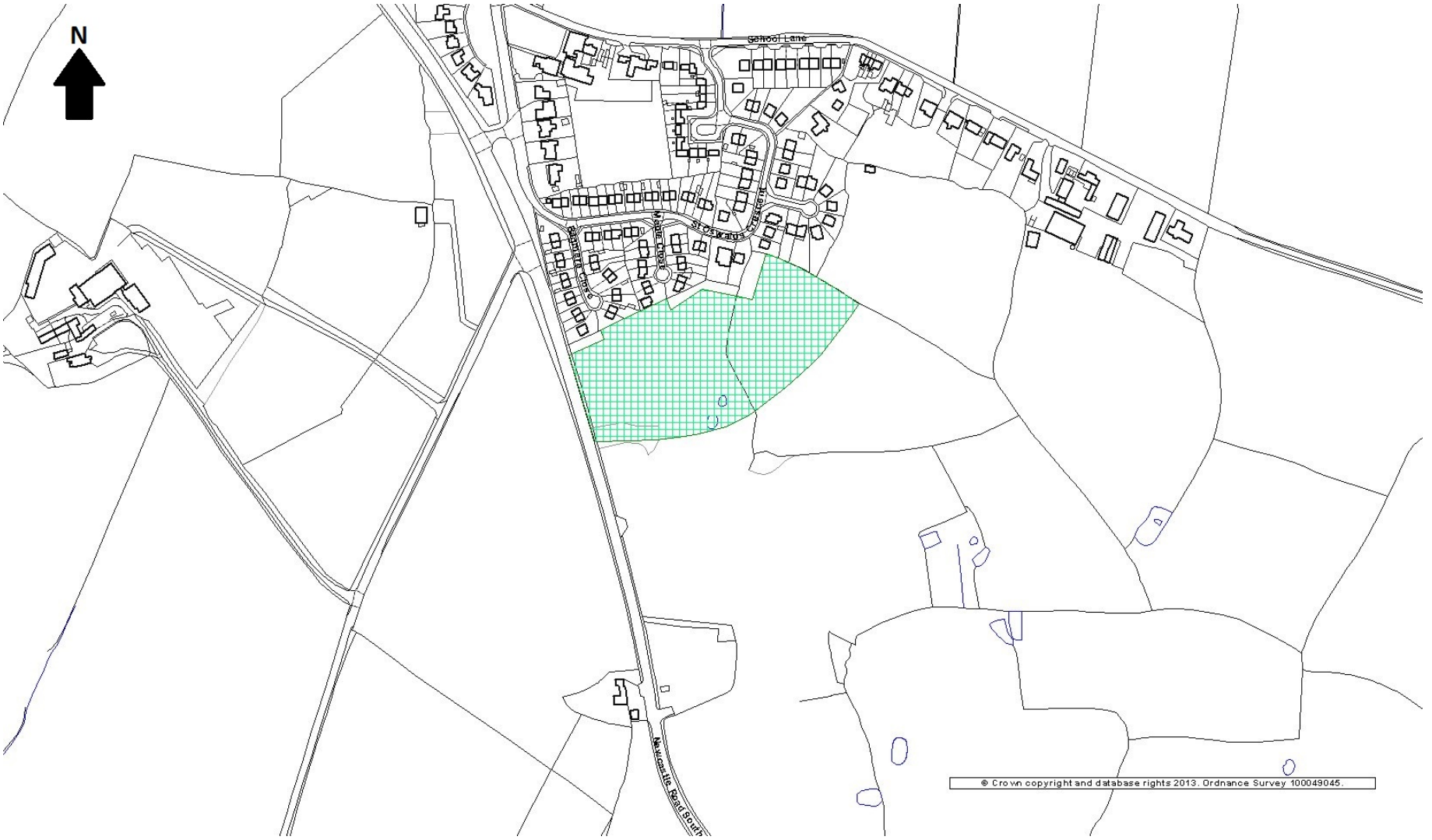
- 1. The proposal involves the development of countryside outside of the Settlement Boundary for Brereton Green as defined in the Brereton Neighbourhood Plan 2016. It is also involves development within the countryside as set out in the Congleton Local Plan First Review 2005. The proposal erodes the character of the countryside contrary to Brereton Neighbourhood Plan Policies HOU01 and HOU02, Congleton Local Plan First Review policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. These conflicts significantly and demonstrably outweigh the benefits of the proposal.**
- 2. Whilst it is acknowledged that there is a presumption in favour of sustainable development, in the planning balance it is considered that:**
  - the development is unsustainable because the unacceptable economic, environmental and social impact of the scheme upon the efficient operation of the Jodrell Bank Observatory and its internationally important work significantly and demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the Cheshire East Local Plan Strategy Submission Version that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope as well as the provisions of the National Planning Policy Framework.**

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 Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct

any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and allotments on site to be maintained by a private management company in perpetuity
3. School Secondary Education Contribution of £65,371



Application No: 16/2233C

Location: Beech House, 20, BUXTON ROAD, CONGLETON, CW12 2DT

Proposal: Outline application for the development of 10 new houses, including alterations to the existing access and boundary wall to form a new vehicular access and layout, applied for in detail, all other matters reserved

Applicant: Dominic Shaw, Bower Mattin Partnership

Expiry Date: 19-Sep-2016

## **SUMMARY**

**The application site lies within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.**

**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 Policy H6. 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.**

**It is necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption in favour of development under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).**

**In this case, the development would bring positive planning benefits such as; the provision of market and affordable dwellings, improvements to the setting of the Listed Building (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).**

**Balanced against these benefits must be the dis-benefits, which in this case relate to the loss of the parcel of open countryside with landscape value and the loss of TPO trees (Environmental).**

**In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.**

However, there is currently insufficient information to establish if a commuted sum would be required to offset the loss of bio-diversity on the site. As such, it is recommended that the application be delegated to the Head of Planning (Regulation) in consultation with the Chair of Northern Planning Committee to consider an assessment of the residual ecological impacts of the proposed development in order to identify if there is a need for a commuted sum to off-set this loss, and subsequently approval.

#### **RECOMMENDATION**

**DELEGATE**, to the Head of Planning (Regulation) in consultation with the Chair of the Northern Planning Committee to;

- Consider an assessment of the residual ecological impacts of the proposed development to establish if a subsequent commuted sum would be required to off-set the loss of bio-diversity and subsequently;

**APPROVE**, subject to conditions and a S106 Agreement to secure;

- 30% on-site Affordable Housing
- £25,812.90 towards off-site Open Space enhancements and maintenance
- A management plan for the buffer strip to the south of the site in perpetuity
- Any required commuted sum to offset the loss of bio-diversity to be identified

#### **REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it proposes residential development in the countryside and is recommended for approval contrary to the Local Plan. The application therefore represents a departure.

#### **PROPOSAL**

This application seeks outline planning permission to erect 10 dwellings. Matters of Access and Layout are also sought.

Approval of scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development, access and layout arrangements only.

It should be noted that the original submission sought the erection of 28 dwellings and only sought matters of access. However, due to various planning reasons, the scheme was subsequently reduced to 10 dwellings and a full re-consultation exercise undertaken and Layout is now also sought.

#### **SITE DESCRIPTION**



The site relates to a parcel of land located to the east of Buxton Road (A54), Congleton, predominantly within the Open Countryside.

The site extends approximately 1 hectare in size and is accessed via the access off Buxton Road which serves Beech House, a Grade II listed building.

To the south of the application site is Tommy's Lane which the proposed development would bound by.

The majority of the site comprises of green fields.

### RELEVANT HISTORY

**12/1908C** – (Beech House) New glazed internal timber door in lieu of existing timber panelled door – LBC – Approved 13<sup>th</sup> August 2012

**11/0879C** – (Lambs House) Removal of Ground Floor Window Bay - LBC – Approved 10<sup>th</sup> June 2011

**10/4386C** – (Lambs House) Listed Building Consent for Repair and Replacement of Internal Stud Work, Walls and Doors – Approved 23<sup>rd</sup> December 2010

**07/0038/OUT** – (Ivanhoe) Detached bungalow – Refused 26<sup>th</sup> April 2007

**05/0676/FUL** – (Lambs House) Erection of three storey administration and classroom block and improvements to car park – Refused 13<sup>th</sup> September 2005

**05/0290/FUL** – (Lambs House) Erection of fire escape stairway to existing building – Approved 12<sup>th</sup> May 2005

**29726/3** – (Lambs House) Additional Classrooms/Facilities And Play Area – Approved 24<sup>th</sup> March 1998

**28143/3** – (Lambs House) Erection of Concrete Sectional Garage For Storage Of Tools And Extension Of Existing Car Park – Approved 2<sup>nd</sup> August 1996

**21981/4** – (Lambs House) Rooms In Roof And Fire Escape/Blue Slates Walls And Roof – LBC - Approved 27<sup>th</sup> March 1990

**21980/3** – (Lambs House) Rooms in Roof – Approved 27<sup>th</sup> March 1990

**21305/3** – (Lambs House) C/U Of Dwelling To Residential School For Autistic Children – Approved 22<sup>nd</sup> August 1989

**2551/1** – (Land fronting Tommys Lane) – Erection of two detached dwellings – Refused 19<sup>th</sup> December 1975

### LOCAL & NATIONAL POLICY

#### Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS4 – Towns, PS8 – Open Countryside, GR1 – New Development, GR2 – Design, GR4 and GR5 – Landscape, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR16 – Footpath, Bridleway and Cycleway networks, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, NR1 – Trees, NR2 - Statutory Sites, NR3 –

Habitats, NR1 - Trees and Woodlands, BH4 and BH5 – Listed Buildings (Effect of Proposals), H1 & H2 - Provision of New Housing Development and H6 - Residential development in the Open Countryside and the Green Belt

### **National Policy**

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

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

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

Policy SD1 - Sustainable Development in Cheshire East, Policy SD2 - Sustainable Development Principles, Policy SE1 - Design, Policy SE2 - Efficient Use of Land, Policy SE3 - Biodiversity and Geodiversity, 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 IN2 - Developer Contributions, Policy PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, Policy PG5 - Open Countryside and Policy SC4 - Residential Mix

### **Supplementary Planning Documents:**

North West Sustainability Checklist

## **CONSULTATIONS**

### **Head of Strategic Infrastructure (HSI) – No objections**

**Environmental Protection** – No objections, subject to a number of conditions including; the implementation of noise impact mitigation measures; the prior submission/approval of a piling method statement; the provision of a travel pack for the future residents prior to occupation; the prior submission/approval of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; the prior submission/approval of a Phase II Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of piling, hours of construction and contaminated land are also sought

**Strategic Housing (Cheshire East Council)** – No objections, subject to the provision of 30% on-site affordable housing (3 dwellings) with a tenure split of 2 affordable rent and 1 intermediate tenure.

**Natural England** – ‘No comment’

## **Environment Agency – No objections**

**United Utilities** – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan. The applicant should also be made aware that a public sewer crosses the site and therefore UU may not permit building over it.

**ANSA Open Space** – No objections, subject to a contribution of £7,869.68 towards enhancement and maintenance of off-site Amenity Green Space and £17,943.22 towards enhancements and maintenance of off-site Children's and Young Persons Play Provision

## **Education - No objections**

**Flood Risk Manager** – No objections, subject to a number of conditions including; the prior submission/approval of a surface water management and maintenance plan; the prior submission/approval of an overland flow from surcharging scheme; the prior submission/approval of ground levels and finished floor levels

**Public Rights of Way** - No objections, subject to a condition seeking the prior submission/approval of a scheme of signage for pedestrians and cyclists

**Congleton Town Council** – No comments received at time of report in relation to revised scheme

Previous comments;

Object to the proposal for the following reasons;

- Not allocated for development in the Local Plan
- Poor egress and access in the development
- Restricted visibility

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. In relation to the original proposals, 4 letters of representation have been received from 3 neighbouring properties. The main objections raised include;

- Loss of Countryside
- Need for further housing
- Impact upon landscape
- Highway safety – suitability of access, congestion
- Anti-social behaviour
- Ecology – Loss of wildlife/habitat
- Amenity – noise

In response to the revised plans, letters of representation have been received from 3 neighbouring properties. The main objections raised include;

- Environmental impacts
- Impact upon landscape
- Drainage / Flooding
- Highway safety - visibility, traffic volume
- Design - limited mix
- Land stability

### **APPRAISAL**

The key issues are:

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

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories as defined by Policy H6 of the Local Plan and PG5 of the emerging Cheshire East Local Plan Strategy.

The proposed development does not fall within any of the categories listed. As a result, it 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.

### Local Plan / 5-year Housing Land Supply Update

On 13 December 2016 the Local Plan Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **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

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”*

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.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant completed a locational sustainability assessment as part of their Planning Statement. This advises that the accessibility of the site shows that following facilities meet the minimum standard:

- Public house (1000m) - 700m
- Amenity open space (500m) – 400m
- Pharmacy (1000m) – 600m
- Supermarket (1000m) – 750m
- Railway station (2000m) – 1900m
- Children's Play space (500m) – 500m
- Any transport node – 1150m
- Primary School (1000m) – 380m
- Secondary School (1000m) – 980m
- Outdoor Sports Facility – (1000m) – 750m
- Bus stop (500m) – 150m
- Public right of way (500m) – 400m
- Post Box (500m) – 200m
- Child care facility (1000m) – 800m
- Bank or Cash Machine (1000m) – 750m
- Convenience Store (500m) – 500m
- Medical Centre (1000m) – 900m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 750m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Local meeting place (1000m) – 1007m

The following amenities/facilities fail the standard:

- Post Office (500m) – 600m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. As such, the application site is considered to be locationally sustainable.

### Landscape Impact

The site is located to the north east of Congleton and the south of Buxton Road. Beech House, (a listed building) lies close to Buxton Road. There is residential development to the north, a paddock to the east, and agricultural land beyond Tommy's Lane to the south. A public bridleway runs along Tommy's Lane. The landform in the area can be associated with the valley of the Dane-in-Shaw brook which runs to the south.

The site edged red comprises part of the curtilage of Beech House where there is an existing drive, TPO protected trees and areas of planting. Further back from Buxton Road there is some disturbed ground to the south and east and sloping grassland with tree and hedge cover including a single mature Oak and a woodland to the north and a line of trees and hedgerow to the south.

The proposed development would take the main access off Buxton Road, impacting on the existing boundary wall and requiring the loss of several prominent protected trees. Housing

would be accommodated on the sloping southern area with the Design and Access statement indicating cut and fill required with embankments and retaining structures to provide usable space.

The layout and site boundary were amended during the application process, and various supporting documents provided including a Landscape and Visual Impact Assessment (LVIA) dated January 2017.

The Council's Landscape Officer has reviewed this documentation and concludes that the submission under-estimates the landscape value and magnitude of impact. However, as the site is enclosed on 3 sides by existing built form, it is not considered that this impact would be substantially adverse in any event.

### Trees and Hedgerows

The site is located to the north east of Congleton and the south of Buxton Road. Beech House, (a listed building) lies to close to Buxton Road. There is residential development to the north, agricultural land to the east, and agricultural land beyond Tommy's Lane to the south. A public bridleway runs along Tommy's Lane. The landform in the area can be associated with the valley of the Dane-in-Shaw brook which runs to the south.

There is significant tree and hedge cover on the site with trees subject to the Congleton Borough Council (Buglawton No 2.) TPO 1955 in the western area.

The proposed development would take the main access off Buxton Road.

The submission includes a revised package of arboricultural information to inform assessment of the proposals, together with an amended layout.

To accommodate the access from the entrance and through the site, the Council's Tree Officer has advised that the proposals would have the following arboricultural impacts:

- Removal of the large mature grade A TPO protected Maple tree (T2 in the survey) located in front of Beech House.
- Removal of 3 TPO trees from the grade A tree belt (G2) adjacent to Buxton Road east of access point.
- Removal of 3 self seeded trees part group G4 west of access point, in TPO area but too young to be considered protected.
- Removal of 33 trees (Grade C unprotected) from a group of young/semi mature trees on a steep embankment to the south east (G9).

The layout would have the following 'potential' additional impacts:

- Removal of 1 unprotected tree on the southern boundary (in grade B group G8)
- Special measures required to remove existing hardstanding around mature protected grade B Beech (T3).
- Whilst protective measures are indicated, there is the potential for retained trees to be impacted by development works, levels changes and future pressure from residents due to shading.



One group of Hawthorn and Holly trees in decline (G3) and part of a further group (G4) are identified for removal on grounds of poor condition. In summary, the proposal would result in the loss of 38 trees, 4 of which are protected by a TPO and have 'significant amenity value' as advised by the Council's Tree Officer. To help mitigate this loss, the applicant has provided an indicative landscaping plan showing the planting of 80 new trees within the development site. Furthermore, protective measures for the retained trees on site are proposed.

Although the proposed tree planting would assist in offsetting the loss of the existing trees, the loss of the x4 Category A, TPO trees of significant amenity value, would be contrary to Policy NR1 of the Local Plan.

### Ecology

The application is supported by an Ecological Survey which advises on the following:

#### *Congleton Wildlife Corridor*

The revised scheme has removed the portion of the site that previously occupied part of the Congleton Wildlife Corridor as shown in the Congleton Local Plan. As such, the Council's Nature Conservation Officer has advised that the proposed development is unlikely to have a significant adverse effect on the wildlife corridor.

#### *Hedgerows*

Native species hedgerows are a priority habitat and hence a material consideration. The hedgerow along the northern edge of Tommy's Lane has also been identified as being 'Important' under the Hedgerow Regulations. This hedgerow is shown as being retained under the submitted layout plan. The Council's Nature Conservation Officer has advised that if outline consent is granted it must be ensured that this hedgerow is retained as part of the detailed design produced at the reserved matters stage. This may be secured by condition.

#### *Grassland Habitats*

Whilst the grassland habitats on site support a number of species indicative of better quality habitats, the Council's Nature Conservation Officer has advised that these are not present at sufficient abundancies for the habitat to be considered of sufficient value to be considered a priority habitat or to meet the threshold for designation as a local wildlife site.

#### *Bats*

The Council's Nature Conservation Officer has advised that whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted, a condition should be attached requiring that any additional lighting should be agreed with the LPA. It is further advised that any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### *Badgers*

No evidence of badgers was recorded during the submitted survey. The survey was however constrained by limited access to part of the site due to the density of the vegetation. The Council's Nature Conservation Officer advises that based on the available information, the proposed development is unlikely to have an adverse impact upon this species. However, as the status of badgers on a site can change, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated badger survey.

### *Biodiversity offsetting*

The Council's Nature Conservation Officer advises that the grassland and scrub habitats on site are of low value and do not present a significant constraint upon development. However, the Officer advises that the development may still result in an overall loss of biodiversity. As such, the Conservation Officer recommends that the applicant undertake and submit an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

The Council's Nature Conservation Officer has advised that this assessment should be done prior to the determination of the application. However, the outcome of this assessment would have no overall bearing on the acceptability of the development from a Nature Conservation perspective, which is considered to be acceptable, subject to conditions and subject to it being appropriately offset if necessary. It would only establish whether a commuted sum to offset the loss would be required and if so what quantum.

### Agricultural Land Quality (ACL)

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has undertaken an Agricultural Land Classification report. This has concluded that the site comprises of a mixture of grade 3b land (0.6 hectares) and the remainder is not agricultural classified land as it comprises of hard-standing and access areas (0.2 hectares).

As such, the land to be lost to development, would at worst not be 'Best and Most Versatile' and would therefore not be contrary to Policy NR8 of the Local Plan.

### Flood Risk and Drainage

The application proposal is supported by a Flood Risk Assessment. This has been reviewed by the Environment Agency, the Council's Flood Risk Manager and United Utilities.

The Environment Agency have advised that they have no objections.

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections, subject to a number of conditions including; the prior submission/approval of a surface water management and maintenance plan; the prior submission/approval of an overland flow from surcharging scheme; the prior submission/approval of ground levels and finished floor levels.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It should also be noted that UU have advised that a public sewer crosses the site and as such, permission may not be granted for development over it. UU have advised that should the application be approved, the developer/applicant should contact UU to discuss this matter.

### Design and Heritage

#### *Layout*

The revised layout plan shows the provision of 10 new dwellings within the site and it is indicated within the revised Design and Access Statement that the mix would comprise of a mix of 4 no. 3/4 bed houses and 6 no. 4/5 bed houses. It is further advised that a *'different mix of smaller houses leading to increased numbers might be proposed as part of a reserved matters application.'*

Indicative elevations shown within the Design and Access Statement indicate a mixture of 2 and 2 1/2 storey properties.

It is proposed that the site be accessed via an enlarged and improved access point onto Buxton Road. An internal access road would then extend in a south-easterly direction into the site.

The indicative layout plan proposes the position of all 10 units on the southern side of the proposed internal access road, facing in a northerly direction. The relationship of the proposed dwellings onto Tommy's Lane is of concern. The Council would normally seek to avoid housing backing onto a footpath or highway (Tommy's Lane); both in terms of security and surveillance but also in terms of the character of the environment of the footpath (close boarded fences sheds etc, which can become unsightly).

There is a hedgerow along the north of Tommy's Lane but back garden relationships may create pressure for removal of these in the long term. To mitigate this, the applicant has introduced a 4-5 metre 'buffer' between the proposed back garden's and Tommy's Lane. It has also been advised that a combination of railings and dense planting would be proposed to form the rear boundaries of the gardens, not close-boarded fences. Such boundary treatment options would be considered at reserved matters stage. The applicant has agreed that the maintenance of this strip of land could be secured by a S106 Agreement. Although this relationship would not be ideal, it is considered that this proposed mitigation would assist in tempering the impact.

It is considered the design of the development, with specific regards to layout for the purposes of the outline application, subject to the management and maintenance plan for the buffered strip of land, the layout is considered to comply Policy GR2 the Local Plan.

### *Heritage considerations*

Policy BH4 of the Congleton Borough Local Plan refers to Listed Buildings. It states that planning permission should only be granted where a development would, amongst other matters, not adversely affect the setting of the listed building.

The application proposal runs adjacent to Beech House, a grade II listed property. Following discussions between the applicant and the Council's Heritage Officer, the scheme has been revised and a scheme of enhancements proposed to enhance the special character of the listed building (Beech House) by the removal of harmful aspects of the site and therefore to try and negate the harm to the building.

There is no benefit for the listed building from the proposal in terms of bringing it back into use as the use of the building will not change. The Council's Heritage Officer accepts that there has been some degree of harm to the building, but that does not make further harm acceptable. To counteract this issue, the proposal is to revise an inappropriate single story building adjacent to the listed building, improve the landscaping and car parking and repair in a more suitable manner the boundary wall. The Council's Heritage Officer has advised that she is satisfied with this proposal, which would be secured now 'Layout' matters have been included for consideration as part of this application. The development is therefore considered to adhere with Policy BH4 of the Local Plan.

### Access

The site is located approximately 1km to the north east of Congleton Town Centre and is currently accessed via an existing vehicular access off the A54 Buxton Rd, which also serves the adjacent Beech House. The site is immediately south of the Beech House and consists of grassland with no vehicle trips associated with it. The proposal includes details of access. It is proposed to upgrade and widen the existing access.

In response to the Transport Statement;

### *Sustainable access*

The new access will include new footways with standards widths of 2 metres which would extend into the site and connect with existing footways on Buxton Road. This would provide pedestrians with access to nearby bus stops, amenities and services. The Council's Head of Strategic Infrastructure (HSI) advises that the bus stops are within adequate walking distance and would provide 3 services per hour, providing public transport access to areas of Congleton and the wider Cheshire East region.

### *Safe and suitable access*

The revised access width has been proposed to have a width of 5.5 metres and 6 metres radii which the Council's Head of Strategic Infrastructure (HSI) has advised is sufficient to accommodate turning movements of cars and HGVs. This has also been demonstrated with the use of swept paths.

Speed surveys on Buxton Rd have been carried out indicating 85<sup>th</sup> percentile speeds of 36mph in a northbound and 30mph in a southbound direction. It has been shown on plan '1762-01-HTN03' that the required visibility is achievable.

An accident analysis has been carried out that has shown 2 recorded accidents have occurred on Buxton Road over the last 5 years in the vicinity of the site access. This is less than 1 accident every 2 years indicating no existing road safety concerns.

### *Network Capacity*

The proposal would not have a significant impact upon the local network capacity due to the relative low number of dwellings now proposed.

### *Conclusion*

As a result of the above reasons, the Highway's Officer has raised 'no objections' to the proposal and the scheme is therefore acceptable in highways terms.

### Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside with a degree of landscape value, which in itself would be an environmental dis-benefit. Furthermore, the development would result in the loss of TPO trees of amenity value.

Notwithstanding these dis-benefits, the proposal would secure planning benefits by improving the setting of the Listed Building.

However, it is considered that the dis-benefits of the environmental considerations outweigh the benefits. As a result of the above reasons, it is considered that the proposal would be environmentally unsustainable.

### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Congleton for the duration of the

construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

### **Social Role**

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

### Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 10 dwellings and the red edge of the plan that was presented for Housing comments is advised to be 1 Hectare in size. The attached Developable Area is itself showing as being 0.468 Hectares. As such, the proposal would trigger an affordable housing requirement for 3 dwellings.

2 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The SHMA 2013 shows the demand in Congleton is for 119 dwellings per annum. Broken down there is a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed and 37 x 1 bed older person dwellings.

Information from Cheshire Homechoice shows that there are 563 applicants on the waiting list for Congleton. They require 239 x 1 bed, 202 x 2 bed, 109 x 3 bed, 14 x 4 bed dwellings and 1 x 5 bed.

The Council's Housing Officer has advised that 1, 2 and 3 bedroom affordable dwellings on the site would be acceptable.

As the SHMA 2013 shows a need for 1 bedroom Older Persons dwellings, the Council's Housing Officer has advised that the Council would prefer to have one of the 1 bedroom units to include a housing type for Older Persons, for example bungalows or Lifetime homes to enable those with accessibility needs or require adaptations access an affordable dwelling.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation detail and materials should be compatible with the open market homes on the development thus

achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The affordable housing should be secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- Includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- Includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

The applicant has agreed to the required affordable housing provision. This would represent a social benefit.

### Public Open Space (POS)

As the application proposal is for 10 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

### *Amenity Green Space (AGS)*

10 new homes will generate a need for 460sqm of new AGS.

Due to the size and topography of the site, no useable AGS is being provided on site therefore contributions to improve qualitative deficiencies are sought. Deficiencies in quality have been identified at Congleton Park to improve educational signage.

Given that an opportunity has been identified by the Council's Open Space Officer for enhancing the quality of existing AGS, based on the Council's Guidance Note on its Interim Approach to Public Open Space Requirements for New Residential Development the financial contributions sought from the developer are;

Enhancements: £2,430.18

Maintenance of the Enhancements: £5,439.50

The Council's Open Space Officer has advised that a full landscaping plan should be submitted along with a proposed maintenance schedule at the full/reserved matters application.

### *Children's and Young Persons Provision (CYPP)*

The Council's Public Open Space Officer has calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it. It has been identified that there is a surplus in quantity of play facilities, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons.

Whilst the Council's Open Space Officer has advised that there is a surplus in quantity of Children and Young Persons Play Provision in the vicinity of the proposed development, a qualitative deficit has been identified and in order to meet the needs of the new scheme an opportunity has been identified by the Council's Open Space Officer for the upgrading of the existing facility at Congleton Park by improving public art helping to address sensory limitations of both adults and children.

Given that an opportunity has been identified for enhancing the quality of existing Children and Young Persons Provision, based on the Council's Guidance Note on its Interim Approach to Public Open Space Requirements for New Residential Development the financial contributions sought from the developer are;

Enhancements: £4,212.22

Maintenance of the Enhancements: £13,731.00

The above would be secured via a S106 Agreement should the application be supported.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of the properties to the north of Balmoral Gardens and Vicarage Avenue, the occupiers of Bank Place to the east, Cotoneaster to the south and west and the occupiers of Beech House to the northwest.

The indicative layout plan indicates that an arrangement of 10 dwellings can be achieved whilst either adhering or being close to adhering with the recommended separation standards within SPD2, eliminating any neighbouring concerns with regards to loss of light, privacy or visual intrusion.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the implementation of noise impact mitigation measures; the prior submission/approval of a piling method statement; the provision of a travel pack for the future residents prior to occupation; the prior submission/approval of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; the prior submission/approval of a Phase II Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of piling, hours of construction and contaminated land are also sought



With regards to the future occupiers of the proposed dwellings, it is considered that there is space within the site for sufficient private amenity space to be accommodated for each of the proposed dwellings and sufficient separation distances can be achieved between the dwellings.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

### Public Rights of Way (PROW)

The development, if granted consent, would affect Public Bridleway No. 30 in Congleton, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The National Planning Policy Framework states that *"planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails"* (para 75). NPPF continues to state (para. 35) that *"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians"*.

The proposed development would have an indirect effect on the Public Right of Way, which constitutes *"a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered"* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2). The PROW Officer has advised that should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

### Social Conclusion

As a result of the provision of market and affordable housing, it is considered that the proposed development would be socially sustainable.

### **Levy (CIL) Regulations**

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

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

The development would result in a deficiency in the quantity and/or quality of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of both Amenity Green Space and Children's and Young

Persons Provision (CYPP) is sought. This is considered to be necessary, fair and reasonable in relation to the development.

The provision of a management and maintenance plan for the proposed buffer strip between the proposed rear gardens of the properties and Tommy's Lane is considered to be necessary in order to mitigate the impact of the development upon the highway. This is considered to be necessary, fair and reasonable in relation to the development.

The proposal will trigger the requirement of the requisite affordable housing.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **Planning Balance**

The application site lies within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 Policy H6. 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.

It is 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).

In this case, the development would bring positive planning benefits such as; the provision of market and affordable dwellings, improvements to the setting of the Listed Building (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).

Balanced against these benefits must be the dis-benefits, which in this case relate to the loss of the parcel of open countryside with landscape value and the loss of TPO trees (Environmental).

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

However, there is currently insufficient information to establish if a commuted sum would be required to offset the loss of bio-diversity on the site. As such, the application is recommended for delegation to the Head of Planning (Regulation) in consultation with the Chair of Northern Planning Committee to consider an assessment of the residual ecological impacts of the proposed development in order to identify the need for a commuted sum to off-set this loss, and subsequently approval.

### **RECOMMENDATION**

**DELEGATE**, to the Head of Planning (Regulation) in consultation with the Chair of the Northern Planning Committee to;

- Consider an assessment of the residual ecological impacts of the proposed development to establish if a subsequent commuted sum would be required to off-set the loss of bio-diversity and subsequently;

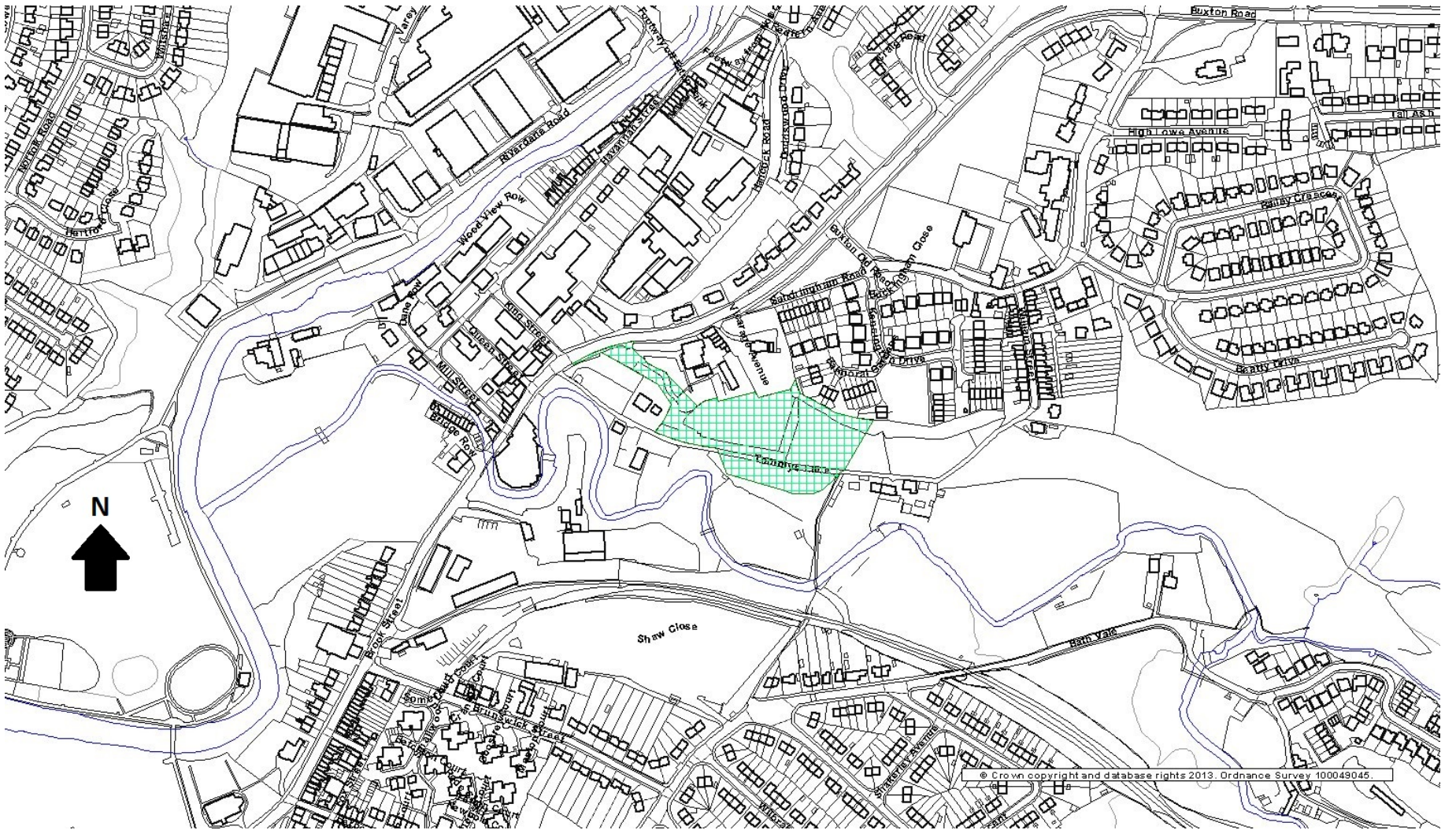
**APPROVE**, subject to a S106 Agreement to secure;

- 30% on-site Affordable Housing
- £25,812.90 towards off-site Open Space enhancements and maintenance
- A management plan for the buffer strip to the south of the site in perpetuity
- Any required commuted sum to offset the loss of bio-diversity to be identified

And the following conditions;

1. Time – 3 years of within 2 of last Reserved Matter approval
2. Reserved Matters within 3 years
3. Scale, Appearance and Landscaping Matters to be submitted
4. Plans
5. Reserved Matters to be accompanied by a Tree Replacement Plan and Tree Protection Plan
6. Foul and surface water be drained on separate systems
7. Prior submission/approval of a surface water disposal/drainage scheme
8. Prior submission/approval of a sustainable drainage management and maintenance plan
9. Implementation of Noise mitigation Measures unless otherwise agreed
10. Prior submission/approval of a piling method statement
11. Prior submission/approval of electric vehicle infrastructure
12. Prior submission/approval of a dust mitigation scheme
13. Prior submission/approval of a Phase II Contaminated Land Report
14. Prior submission/approval of soil verification report
15. Works to stop if contamination land identified
16. Prior submission/approval of a surface water management and maintenance plan
17. Prior submission/approval of an overland flow from surcharging scheme
18. Prior submission/approval of ground levels and finished floor levels
19. The Reserved Matters application will show that the hedgerow on the southern portion of the site bordering Tommy's Lane shall be retained
20. Prior submission/approval of external lighting
21. Reserved Matters to be accompanied by an updated Badger Survey
22. PD Removal – Part 1 Classes A-E and Part 2 Class A

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Northern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



Application No: 16/4749C

Location: LAND OFF SPRING STREET, CONGLETON

Proposal: Resubmission of application 15/3586C - Single building with 4no. one bedroom flats

Applicant: Mr S Landstreth

Expiry Date: 10-Mar-2017

### **SUMMARY**

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adheres with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to conditions

### **BACKGROUND**

This application was considered by Northern Planning Committee on the 8th February 2017. The Committee resolved to approve the application subject to the conditions recommended but in addition, the requirement to provide a commuted sum of £7,000 to be spent on a TRO for double-yellow lines, to be secured via a S106 Agreement.

Following this resolution, the applicant advised that he is not agreeable to this financial contribution. Following further discussions with the Council's Head of Strategic Infrastructure, it has been clarified that the application could not be justifiably refused if this contribution is not secured on highway safety grounds.

As such, the application is to be re-considered by the Northern Planning Committee with the expectation that this contribution shall not be provided.

### **REASON FOR REFERRAL**

The application has been 'called-in' to Northern Planning Committee by Councillor Glen Williams for the following reasons;

*'The proposal would result in a cramped and intrusive form of development. It would be out of character with the existing industrial properties in the immediate vicinity of Spring Street and Roe Street contrary to the Congleton saved local plan. The parking places and access proposed as shown on the plan would be substandard for the parking of motor vehicles. Consequently the development would be detrimental to the interests of highway safety through an increase in vehicle traffic. Contrary to GR6 it would lead to vehicles obstructing access to the houses and tv aerial business in Moor Street. The adjacent public car park is fully utilised by the doctor's surgery patients and parents taking children to Ruby's Fund play area. It is in any case limited to 3 hours maximum stay.'*

### **PROPOSAL**

This application seeks full planning permission to erect a block of 4 x1 bedroom apartments.

An application (ref: 15/3586C) for 3 dwellings on the plot was refused and recently dismissed at appeal due to amenity reasons.

### **SITE DESCRIPTION**

The site lies on the southern side of Spring Street within the Congleton Settlement Zone Line.

The site is largely rectangular in shape and measures approximately 19 metres by 13.5 metres. It is located to the rear (east) of No's 15, 17, 17A, 19 and 19A Moor Street and to the north of Lawton House doctor's surgery. The application site was formerly used as a builder's yard but is currently vacant.

There are no designations affecting the site.

### **RELEVANT HISTORY**

**15/3586C** - Construction of three apartments land off Spring Street resubmission of 15/1876C – Refused 29<sup>th</sup> September 2015 for the following reasons;

- 1. The proposed development by reason of its proximity to the occupiers of No's 17, 17A and 19A Moor Street would have an unacceptable impact upon neighbouring amenity with regards to visual intrusion and loss of light. The proposed development would therefore be contrary to Supplementary Planning Guidance 2 (Private Open Space) and Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005 and the NPPF.*

This decision was appealed and the appeal was subsequently dismissed by the Planning Inspectorate for the following reasons;

*'...the close proximity of the proposal to Nos 17, 17A and 19A Moor Street, would have an unacceptably harmful effect on the occupiers of those properties, in that the development would appear visually overbearing in the outlook from the windows concerned and cause a loss of light to them. The harm would be substantial and contrary to SPGN and LP Policy GR6 which would not permit development near to residential property that would be unacceptably detrimental to, among other matters, loss of privacy, sunlight or daylight, or visual intrusion.'*

**15/1876C** - Use of vacant site for construction of four 1 bed apartments including integral single garage – Refused 12<sup>th</sup> June 2015

### **NATIONAL & LOCAL POLICY**

#### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as a town.

The relevant Saved Policies are;

PS4 (Towns), GR1 (New Development), GR2 and GR3 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR20 (Public Utilities), GR21 (Flood Prevention), H1 (Provision of New Housing Development), H4 (Residential Development in Towns) and E10 (Re-use or Re-development of Existing Employment Sites).

Supplementary Planning Document 2 (Private Open Space)

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

#### **National Policy**

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

14 - Presumption in favour of sustainable development; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

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



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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

### CONSULTATIONS

**Head of Strategic Highways (HSI)** – No objections, subject to the inclusion of an informative advising that the applicant should enter into a Section 184 Agreement for the new crossing

**Environmental Protection** – No objections, subject to conditions relating to; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land

**United Utilities** - No objections to the development, but recommend that the site be drained on a separate system and surface water be drained in a sustainable way

**Congleton Town Council** – No objections, subject to officer checking that sufficient parking spaces and landscaping would be provided.

### REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of objection have been received from the owner/occupiers of 6 neighbouring premises. The main areas of objection include;

- Principle – Residential development in this area not in character
- Amenity – Overlooking
- Design – Over-intensification of site
- Highway safety – congestion, parking, visibility

Concerns have also been raised regarding the conflict the proposal would have with plans to extend the doctor's further.

### APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal giving consideration to; Environmental, Economic and Social factors
- Planning Balance

### Principle of Development



As the site falls within the Congleton Settlement Boundary, the proposal is subject to Policy PS4 of the Local Plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

### New dwellings

For the erection of new dwellings, Policy H4 is the relevant principal policy to assess residential development. Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

- I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- II. The proposal complies with Policies GR2 and GR3;
- III. The proposal accords with other relevant local plan policies
- IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 4 new 1-bedroom apartments would not have a detrimental impact upon the council's housing supply totals. As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

### Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites. Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

Within the Design and Access Statement submitted with the previous application on this site (ref: 15/3586), it was advised that *'...a long time ago, the site accommodated a dairy, more recently it has been used as a storage area for timber and scaffolding etc. for a local builder, who is the applicant and site owner.'*

From the site visit it did appear that the site has been vacant for some time. Therefore, its re-use for an alternative, active use would provide positive planning benefits given that it provides no benefits in its current state.

The second aspect of Policy E10 refers to; the location of the site, the adequacy of the supply of employment sites in the area and whether reasonable attempts have been made to let or sell the premises for employment uses.

In response, no information has been submitted in support of the application outlining that the site has been marketed for sale for further employment use. However, given that it is clear that the site appears to have been vacant for some time and given that the council are in need of further housing and given the site's location within walking distance of Congleton Town Centre,

it is considered that in principle, the loss of this unused and unallocated employment site would be acceptable.

## **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 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

**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;

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

## **Environmental role**

### **Design**

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The application seeks the erection of a detached residential block comprising of 4, 1-bedroom flats which will have a semi-detached appearance as a whole.

The layout plan shows that the block would be sited predominantly to the east of the plot with parking proposed to either side totalling 4 spaces. Vehicular access to the proposed parking spaces would be taken directly from Spring Street.

The units would front onto Spring Street in a northerly direction.

The submitted plans demonstrate that at its maximum points, the block would measure approximately 7.6 metres in height, 9 metres in width and 9 metres in depth. A small yard/rear garden for each unit is proposed to the south of the site as is a shared gardens space and bin store to the west.

With regards to appearance, the proposal would be largely square in shape, and comprise of a half-hipped roof. x2 pedestrian doors, x2 double ground floor windows and 2 single windows are proposed on the principal elevation. Art stone cills, lintels and soldier courses are proposed which adds a degree of interest. Patio doors from the proposed 2 ground-floor flats would access individual garden spaces to the rear.

It is advised within the submitted Design and Access Statement that the development would comprise of; Ibstock Red Cheshire Weathered Brick walls, plain Staffordshire tiles and white uPVC fenestration.

Given the character of the surrounding area which comprises of either blocks of terraced properties or blocked commercial premises, it is considered that the form and appearance of the development would be acceptable. The proposal would front onto the highway, would be largely centrally located and comprise of small rear yards. As such, it is considered that the layout of the scheme would be acceptable.

With regards to scale, the height of the proposal would be approximately 7.6 metres. In comparison to adjacent units, the terraced block of flats to the west are approximately 7 metres in height whereas the doctor's surgery to the south is single-storey. It is not considered that the height of the development (which is 0.2 metres lower than the previous proposal) would appear incongruous within the streetscene.

As such, it is considered that the proposed design would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

### Highway Safety

Each 1-bedroomed flat would benefit from 1 designated off-street parking space. The Head of Strategic Infrastructure (HSI) has reviewed the application and advised that he has no objections. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

### Flood Risk and Drainage

The application site does not fall within a Flood Zone that requires the submission of a Flood Risk Assessment. United Utilities have reviewed the submission and advised that they have no objections, but recommend that the site is drained on a separate system and surface water be drained in a sustainable way. As such, subject to the above recommendations, it is not

considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

### Conclusion

The proposed development would not create any significant issues in relation to highway safety, drainage or flooding. The design of the proposal is also considered to be acceptable. As such, it is considered that the proposed development would be environmentally sustainable.

### Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Congleton for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction phase.

### Social Role

#### *Residential Amenity*

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring residential properties to the application site include; No's 17, 17A and 19A Moor Street to the west of the application site.

The proposed development would be constructed directly parallel to the rear elevations of these neighbouring properties. At its closest point, the development would be approximately 8.8 metres away from a ground-floor rear outrigger on No.19 and approximately 13.8 metres away from the extended rear wall elevations of No's 17, 17A and 19A.

Within the relevant side elevation of the proposed apartment block (west), 1 ground floor door and 1 first floor window is proposed. The proposed door would serve a hallway and the first floor window would serve a landing. Neither of these are considered to be sole windows to principal habitable rooms. Should the application be approved, it is recommended that these openings be conditioned to be obscurely glazed to prevent any overlooking concerns.

Within the relevant rear elevations of these neighbouring properties are numerous windows to habitable rooms. As the relationship between the proposed development and the above

properties is side to rear, the standard minimum 13.8 metre separation distance applies. As this minimum distance is just adhered to, it is considered that matters of loss of light and visual intrusion upon these closest neighbouring properties would not be significant.

The previous proposal which was dismissed at appeal was just 11.9 metres away from these closest neighbouring properties and as such, was in breach of the Council's policy.

As such, as a result of the above reasons, it is considered that the proposed development would adhere to the SPG and Policy GR6 of the Local Plan and therefore would have an acceptable impact upon neighbouring amenity, subject to an obscure glazing condition.

The proposed development would also be located approximately 14.4 metres away from Lawton House Surgery. Within the relevant elevation of the proposed development facing this neighbouring unit, all the openings proposed would serve as the sole windows to principal rooms. Within the relevant side elevation of the doctor's surgery are 6 windows to clinical rooms. Given that the surgery is single-storey and because the impacted surgery windows are obscurely glazed, it is not considered that either the occupiers of the surgery or the future occupiers of the dwellings would be detrimentally impacted by the proposal with regards to privacy, light or visual intrusion. The Planning Inspector on the recently dismissed appeal agreed with this conclusion.

However, it should be noted that on the 20th January 2017, planning permission 16/5583C for an extension to the doctor's surgery was granted. If constructed, this development would bring the application proposal to within 5 metres of the extended doctor's surgery. The proposed northern elevation of the extension approved at the doctor's surgery is single-storey and comprises of 4 windows. These would serve consulting and treatment rooms.

Given that the proposed extension to the doctor's surgery would be single storey only, subject to the provision of appropriate boundary treatment (a condition proposed as part of this application), the occupiers of both units, would not be significantly impacted by the proposal with regards to loss of light, visual intrusion, loss of privacy or environmental disturbance.

It is considered that the proposed yard areas and shared garden to the west would be sufficient in size for the developments proposed. Furthermore, the units would have access to the public facilities of the Congleton Town Centre.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land.

### **Planning Balance**

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval.

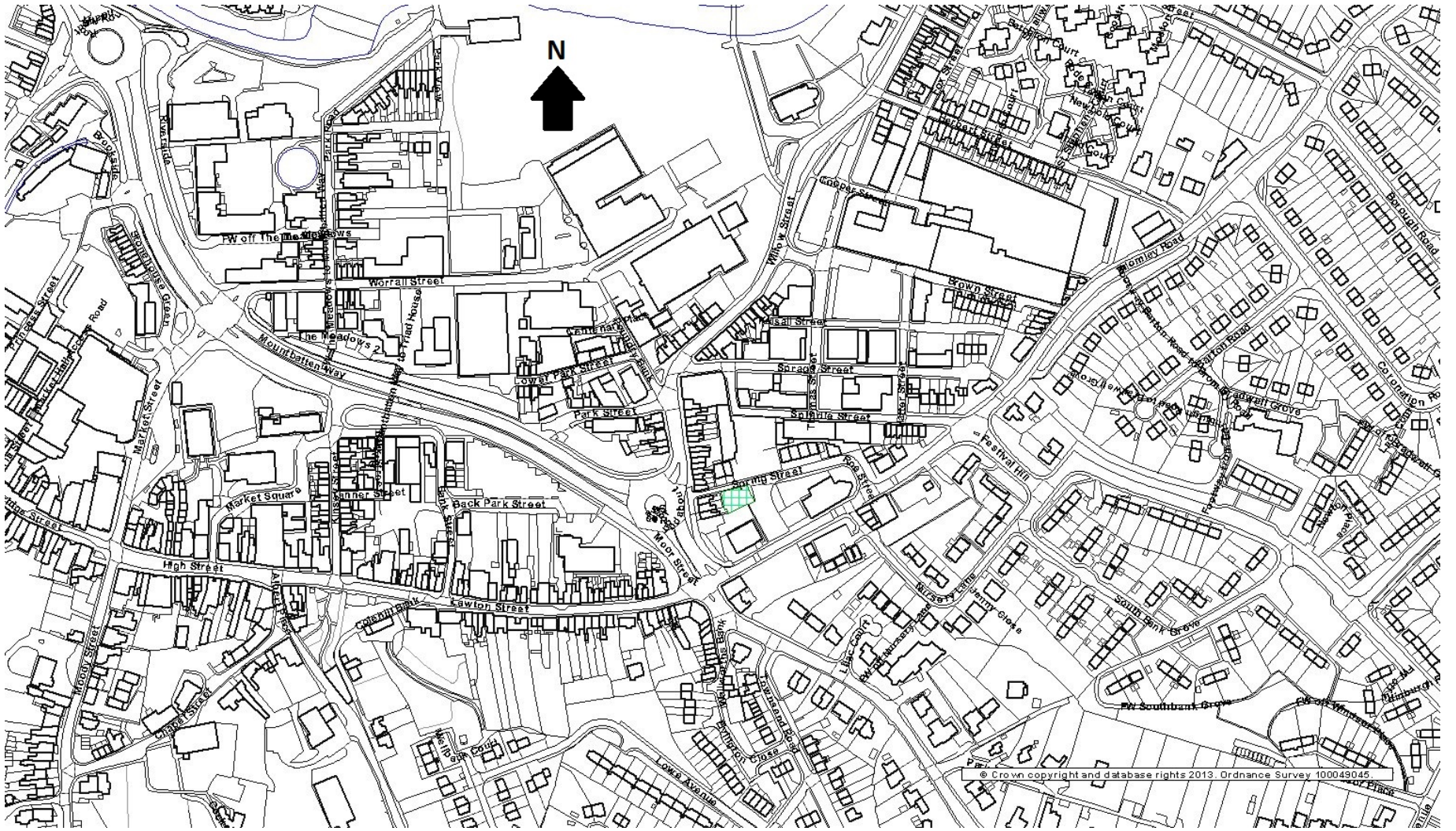
### **RECOMMENDATION**

#### **APPROVE subject to conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Site to be drained on a separate system**
- 5. Prior submission/approval of a surface water drainage scheme**
- 6. Obscure glazing to all openings on western side elevation**
- 7. Prior submission/approval of a piling method statement**
- 8. Prior submission/approval of a dust mitigation scheme**
- 9. Prior submission/approve of a Phase II contaminated land report**
- 10. Prior submission/approval of a soil verification report**
- 11. Works to stop if contamination identified**
- 12. Prior submission/approval of boundary treatment**
- 13. Prior submission/approval of existing/proposed levels**
- 14. Removal of PD for extensions, openings and outbuildings etc. (Classes A-E)**

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





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Application No: 15/0795M

Location: LAND SOUTH OF COPPICE WAY, HANDFORTH, CHESHIRE

Proposal: Reserved matters application for the erection of 175 dwellings with associated roads and footpaths and general landscaping zones, together with details of layout and design of all buildings.

Applicant: P E Jones (Contractors) Ltd

Expiry Date: 18-Oct-2016

### **SUMMARY**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided in the development and landscaping is reserved for subsequent approval. It is considered that the development would not have a detrimental impact upon neighbouring amenity, ecology (subject to clarification on the ecological buffer), trees, or highway safety.

Comments from the Flood Risk manager are awaited and therefore matters of drainage and flooding will be reported as an update. Subject to the satisfactory receipt of the outstanding consultee comments, the proposal represents a sustainable form of development and accordingly the application is recommended for approval.

### **RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REPORT**

The application was called in to committee by Cllr Burkhill for the following reasons:

*The site has different levels which could cause problems and the layout needs to be carefully looked at so that existing neighbours' amenity does not suffer and boundary trees and vegetation are protected. Access arrangements, preservation and restoration of hedges and trees on site, landscaping and parking arrangements need discussion and the direction of all 106 money, within Handforth, associated with the development, needs to be clarified.*

### **PROPOSAL**

The application seeks reserved matters approval for layout, scale and appearance. Access (as a reserved matter) is also ticked on the application form; however this was approved as part of outline permission 13/0735M, which granted consent for up to 175 dwellings. The current reserved matters application proposes 175 dwellings with landscaping still reserved for subsequent approval.

### **SITE DESCRIPTION**

The application site comprises an area of open fields currently in agricultural use, and is located to the east of residential properties on Hill Drive and Cherrington Close. A public right of way (Footpath 89) runs along the western boundary of the site, and footpath 127 runs along the northern boundary. The site is identified in the Macclesfield Borough Local Plan 2004 as Safeguarded Land.

### **RELEVANT HISTORY**

13/0735M - Outline application for erection of up to 175 residential dwellings and associated highway and landscaping – Approved 11.04.2016

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

#### **Development Plan**

##### **Macclesfield Borough Local Plan 2004**

NE11 and NE17 relating to nature conservation;

BE1 Design Guidance;

GC7 Safeguarded Land;

H2 Environmental Quality in Housing Developments;

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC17 and DC18 Water Resources;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC40 Children's Play Provision and Amenity Space

T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

## **Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)**

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

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
Draft Cheshire East Design Guide

### **Neighbourhood Plan**

Handforth Neighbourhood Plan is at the very early stages of formulation (Regulation 6).

## **CONSULTATIONS**

Natural England – No comments to make

Environment Agency – No comments

Manchester Airport – No objections subject to conditions relating to ponds and the use of cranes

Flood Risk Manager – Comments awaited

Environmental Health – No objections subject to condition relating to the implementation of acoustic mitigation

ANSA (open space) – Raise concern about the provision and location of the open space

Head of Strategic Infrastructure – No objections (additional information required)

Public Rights of Way – Revised plans provide a slight increase in natural surveillance towards public footpath

Housing – No objections

Archaeology – No objections

Handforth Parish Council – Strongly object on the following grounds:

- Poor design
- No information about “small group of apartments”
- Impact of “hydro brake vortex control unit” and large cellular storage tank on neighbouring properties.
- Who will maintain these?
- Flood risk
- Loss of privacy
- Impacts on local school and health centre
- Bus services already reduced

## REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

All parties were re-consulted on the revised plans on 9 January 2017.

9 letters of representation were received from neighbouring properties and the Health Centre objecting to the original plans on the following grounds:

- Impact on drains and flood risk
- Site is higher than Cherrington Close resulting in loss of privacy
- Headlights shining into existing dwellings
- Noise from apartment car park
- Open space should be located along western edge of the site to have least impact on neighbours
- Increased security risk from footpath as more people will use it

- Impact on schools and health centre
- What is to be done to protect Lapwings/GCN, and other nature conservation interests?
- Impact on house values and will compensation be provided?
- Impact on local highway network
- Increased pedestrian traffic to river likely to result in damage to the bluebell woods
- Apartments should be closer to A34
- How will trees be protected?
- Housing density too great.
- Impact on public right of way
- Loss of open space
- Area has already suffered serious overdevelopment
- Concerns the current Health Centre premises cannot cope.
- Provision to develop Health Centre needs to be put in place.

To date, 3 letters of representation (including photos and video of flooded gardens) have been received objecting to the revised plans on the following grounds:

- Properties on elevated ground resulting in loss of privacy
- No plans of four unit apartments
- Drainage concerns
- Impact on public right of way
- Too many houses
- Impact during construction process
- Open views will change to cars and houses
- Increased security concerns
- Query lighting for car park.
- Increased traffic
- Impact on wildlife

### **APPRAISAL**

The principle of the development on this area of safeguarded land in the Macclesfield Borough Local Plan has been accepted with the granting of the outline planning permission 13/0735M. It is the specific details of the proposal that are now under consideration (the layout, scale and appearance – the reserved matters).

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Character & Appearance**

The existing dwellings around Hall Road to the west of the site are predominantly two-storey, with a small number of bungalows at the southern end. The properties may have previously had a similar appearance to each other but the extensions and alterations to many of these houses has resulted in some variation, with both brick and render present in the area.

The east of the site is bordered by the A34 Handforth bypass, and to the north (between the site and Handforth Dean Retail Park) an approved care village is in the very early stages of construction. The care village will be a mix of single and two storey properties, together with the 2.5 / 3 storey care home. Therefore, in terms of scale, a wide variety of buildings either exists or has been approved in the local area.

The proposed dwellings will be provided in 2, 2.5 and 3 storey buildings, which in the context of the local area is considered to be acceptable. The appearance of the proposed dwellings is fairly standard and is perfectly acceptable in the context of the local area. The layout is similar to that indicated at the outline stage with a central spine road that can be landscaped to provide an attractive green corridor, with smaller streets leading from this. The main vehicular access will be from the Coppice Way roundabout (close to Handforth Dean), with paths for pedestrians providing links towards Handforth village and Handforth Dean, where local facilities and public transport is available. No dedicated cycle path is provided within the site, however, the central spine road will not carry through traffic and therefore the intention is for cyclists to share the road system within the estate and then connect to the dedicated cycleway when they get to the busier area at Coppice Way.

The majority of the open space is centrally located with properties providing good natural surveillance along its length. The open space is accessible from the footpath around the edge of the site, from the spine road and from the smaller streets. Revisions have been made to the scheme to remove one of the proposed balancing ponds and utilise underground storage instead, in order to create a larger area of useable open space.

The housing mix comprises a broad mix of 1 bedroom apartments and 2, 3, 4 and 5 bed homes, 30% of which are affordable. The house types range from apartments, mews, semi-detached and detached properties offering choice in terms of house types, sizes and tenure.

Several properties are marked on the layout plan with a \* to indicate a “feature gable” on a dwelling. The intention being to provide surveillance over public open spaces or to turn corners within the site to prevent sterile blank walls being displayed in prominent areas. This aspect of the scheme is a little disappointing; the “feature gables” are mainly additional secondary windows, very small in the context of a gable wall. These properties should have a genuine dual aspect with architectural features that front both streets on a corner.

Notwithstanding this final comment, it is considered that overall, the proposed development does provide a satisfactory design and layout and is adequately in keeping with the character of the area.

### **Amenity**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. A further 2 metres should be added to this distance where any difference in level exceeds 2.5m. These distances are required to maintain an adequate standard of privacy and amenity between residential properties, and seek to protect the immediate outlook from a property, not a more distant view. These distances are set out as guidelines within policy DC38 of the Local Plan.

It is acknowledged that the existing properties that currently back onto the application site, and which benefit from the open aspect of the existing agricultural land to the rear will inevitably see a significant change from open fields to a housing development.

The existing dwellings are positioned along the western boundary of the site and the relative eaves and ridge heights indicated on the layout plans show that the existing dwellings are

lower than the proposed dwellings. The interface distances shown on the plans between the proposed dwellings and existing residential properties that border the site all comply with the distance guidelines set out in policy DC38 of the local plan, with one exception. Plot 67 comes within 13m of 57 Woodlands Road, which is a bungalow. However, 57 Woodlands Road is bordered to the rear by quite substantial vegetation which is considered to reduce any impact to an acceptable level. It is also noted that some of the existing properties have extensions that are not reflected on the submitted plans, and which may marginally reduce the distances below those set out in policy DC38. However, as noted above the distances are guidelines only, indeed they vary between the three local plans currently used in Cheshire East and there are no overriding distances within the Framework, and any marginal reduction is considered to be acceptable.

It is however recommended that the side facing windows to the properties along the western boundary are obscurely glazed to prevent significant overlooking of existing gardens. The surveillance of the footpath can be achieved from the front and rear windows of these properties.

With regard to the relationships within the site, there are some distances between a small number of properties that are below the guidelines set out in policy DC38. However, the distances within policy DC38 are guidelines only, and there are no corresponding distances in the Framework. The sub standard distances are between the proposed dwellings and do not affect existing residents, occupiers will be aware of the relationships prior to occupation, and landscaping is proposed within the gardens, and as such the living environments that will be created are considered to be acceptable. In addition, the Council's draft Design Guide adopts a less rigid approach to spacing standards, noting that they can lead to uniformity and limit the potential to create strong streetscenes and varied movement hierarchies and thus not create the interesting places Cheshire East aspire to delivering through the Design Guide. The Guide states that separation distances should be seen as a guide rather than a hard and fast rule.

In terms of the comments from neighbours relating to car headlights shining into properties and noise from the apartment car park, revised plans have been submitted that move the larger of the apartment buildings and car park to the east of the site adjacent to the A34 bypass. Whilst there are still parking spaces along the western boundary they are of a limited number, and are not considered to raise any significant amenity issues. The Parish Council has also raised concern about the noise from the "hydro brake vortex control unit". The applicant has confirmed that the hydrobrake vortex control unit is a conical steel device underground that limits flow of water (apparently like a plug when you take it out of the plug hole). The storage tank is also underground and there are no pumps are proposed. No noise is therefore emitted from either the hydrobrake or the storage tank.

No further amenity issues are raised, and the proposal complies with the objectives of policies DC3 and DC38 of the Local Plan.

### **Air Quality**

No further air quality issues are raised from those identified at the outline stage. Conditions relating to a travel plan and dust control were attached to the outline permission, and therefore do not need to be repeated.

## Noise

An acoustic assessment was submitted in support of the outline application to assess the impact of the nearby A34 road upon the proposed dwellings. The initial acoustic assessment was accepted and showed that, in principle, the land could be developed for residential purposes with respect to noise. The outline consent was subject to a condition requiring the exact acoustic specification of the glazing and ventilation required to achieve appropriate noise mitigation for the dwellings to be submitted.

This reserved matters application is supported by an acoustic assessment which specifies the acoustic glazing requirements to meet the appropriate internal standards. Environmental Health advises that the proposed mitigation is acceptable, and a condition is recommended to ensure its implementation.

## Ecology

The nature conservation officer has commented on the application and noted that the ecological issues at this site were considered during the determination of the outline application (13/0735M) and a number of conditions were attached.

### Condition 9 - submission for proposals for the retention and enhancement of the existing hedgerows on site

Based upon the submitted plans sections of the northern hedgerow would be lost to facilitate the site access. The hedgerow on the western boundary is shown as being retained on the ecological mitigation plan however for the avoidance of doubt any future landscaping drawings should clearly show the retention of this hedgerow.

### Condition 10 - all trees with potential to support roosting bats to be retained

A single Lime tree with bat roost potential was identified during the surveys undertaken in support of the outline application. This tree is shown as being retained on the landscape plans submitted in support of this application.

### Condition 13 - development to be undertaken with the submitted great crested newt mitigation strategy dated February 2013

This application is supported by an updated Great Crested Newt and mitigation strategy. The latest survey has recorded great crested newts in two ponds on site, whilst the original strategy recorded them at only one pond on site. The mitigation strategy included with the updated GCN survey relies on the enhancement of the on-site public open space as newt habitat together with the original proposals for the creation of three additional ponds within an offsite receptor area.

The implementation of the original great crested newt mitigation strategy is secured by conditions attached to the outline consent. I advise however the updated report and strategy which has been amended slightly to take account of the presence of great crested newts at the second pond (where they were not previously recorded) would be sufficient to safeguard the favourable conservation status of the local great crested newt population. An appropriate condition to ensure the implementation of the strategy is recommended.

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



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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

### Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council's housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

### Overriding public Interest

As the proposal is contributing to housing supply in the local area including a significant proportion of affordable homes, and as such the proposal is helping to address an important social need.

### Mitigation

The nature conservation officer advises that the proposed great crested newt mitigation/compensation is acceptable and would be sufficient to safeguard the favourable conservation status of the local great crested newt population.

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

### Condition 32 - provision of a 30m undeveloped buffer around the pond to the south of the site and the pond to be excluded from the public open space

The submitted layout drawing shows the pond within an area of proposed public open space. The undeveloped buffer shown on this plan appears to be around 24m. The nature conservation officer therefore advises that the undeveloped buffer around the pond must be increased to 30m in accordance with the requirements of this planning condition and the

landscaping treatment for this area must be rough grassland and scrub. Further details on this will be reported as an update.

### **Badgers**

As with the earlier ecological surveys undertaken on site, no evidence of any badger setts was recorded on site, but badgers do appear to use the surrounding woodland embankments around the site. The latest survey was constrained due to the poor time of year when it was undertaken. As we are now coming into a more appropriate time of year for badger surveys I recommend that a further survey is undertaken and submitted prior to the determination of this application.

### **Trees / landscape**

This reserved matters application will require the removal of two low quality individual trees (T7 and T8), two low quality groups (G5 and G6) and part of a moderate quality group (G2) within the southern section of the site. One further tree (Sycamore T9) a 'U'category tree is also deemed unsuitable for retention as it has signs of dieback and evidence of stem decay.

The proposed tree losses present no significant implications to the wider amenity and there is adequate scope for compensatory replacement planting within the schemes design. The proposal is therefore considered to comply with policy DC9 of the Local Plan.

Whilst some landscaping details have been provided, landscaping is reserved for subsequent approval.

Under the approved outline application (13/0735M) sections of two hedgerows identified as Hedgerow H1 and H2 require removal in order to facilitate the proposed main access into the site Hedgerow H2 was deemed important under the Hedgerow Regulations due to the known presence of Great Crested Newts.

Hedgerows are the subject of a Biodiversity Action Plan priority habitat and therefore any loss should be compensated by replacement within the site, which can be dealt with as part of the landscaping proposals.

### **Highways**

The Head of Strategic Infrastructure (HSI) has commented on the application and noted that the details to be considered are the internal road layout and associated links for non car traffic.

The HSI has confirmed that the internal road alignment and road widths are acceptable; the main access is 5.5m wide with the shared surface roads being 4.8m. It is important that the turning areas are large enough to accommodate a refuse vehicle and additional tracking drawings have been provided to show that a refuse vehicle can use the turning heads.

The parking provision for the type of units proposed accords with the CEC parking standards and the parking levels are considered acceptable.

### **Public Right of Way**

The National Planning Policy Framework states that "planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to

provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

Footpath No. 89 runs along the western edge of, but within, the application site. The path is approximately 425m in length and currently 1-2m in width, bounded by a post and wire fence and the rear garden fences and hedges of the adjacent properties. The applicant is proposing to widen the path to between 5 and 8m bar one stretch at 4.5m, which would be an acceptable improvement. In terms of surfacing a compacted stone surfacing would be most appropriate and that surface should be managed as part of the POS arrangements for the site within the green infrastructure corridor. As part of the improvements the public rights of way officers would want to know what planting is proposed if any in this corridor, and what boundary treatment is proposed. This would be covered as part of the landscaping details. In addition the old kissing gates should be removed and waymark posts should be provided at appropriate locations. In terms of natural surveillance, the wider the path, the less the issue. However, it is noted that the properties that side onto the footpath do include side facing windows, which even if obscurely glazed; they can give a greater impression of surveillance than a blank wall. Having regard to these details and the width of the path, the public rights of way team is satisfied with the proposals, provided any the vegetation is low.

### **Contaminated land**

Condition 23 of the outline permission required a supplementary Phase II investigation to be carried out and the results submitted to the LPA. These details have been provided and the Contaminated Land Officer has confirmed that the requirements of this condition have been met.

### **Flood Risk**

It is very evident from the letters of representation that drainage and flood risk is a significant concern for neighbouring properties. At the outline stage no objections were raised in principle to the proposed development on flood risk grounds. Comments from the Flood Risk Manager on the reserved matters details are awaited, and will be reported as an update.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

As part of the outline approval the applicant entered into a s106 agreement securing the provision of 30% affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has confirmed that the affordable housing (53 units) will be provided as 18 intermediate tenure and 35 affordable rent units in 1, 2 and 3 bed properties. It is proposed to

provide the affordable units in four broad clusters to allow for a satisfactory degree of pepper potting, which is acceptable.

### **Open Space**

The majority of the public open space is provided centrally within the site. The SUDS scheme has been amended to remove one of the attenuation ponds and replacing it with underground storage to enable a larger open area to be available for formal and informal play space. The formal play space is located adjacent to the eastern boundary of the site, and will be accessible from the network of paths within the site. The amenity open space is provided around the pond to the south and as green corridors around the site. All open space facilities will be managed and maintained by a management company.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Handforth District Centre and Wilmslow Town Centre including additional trade for local shops and businesses (in closer proximity to the site than these centres), jobs in construction and economic benefits to the construction industry supply chain.

### **PLANNING BALANCE / CONCLUSION**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, and sufficient open space is provided with landscaping is reserved for subsequent approval. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology (subject to clarification on the ecological buffer), trees, or highway safety.

Comments from the Flood Risk manager are awaited and therefore matters of drainage and flooding will be reported as an update. Subject to the satisfactory receipt of the outstanding consultee comments, the proposal represents a sustainable form of development and accordingly the application is recommended for approval.

### **RECOMMENDATION**

**The application is recommended for approval subject to conditions.**

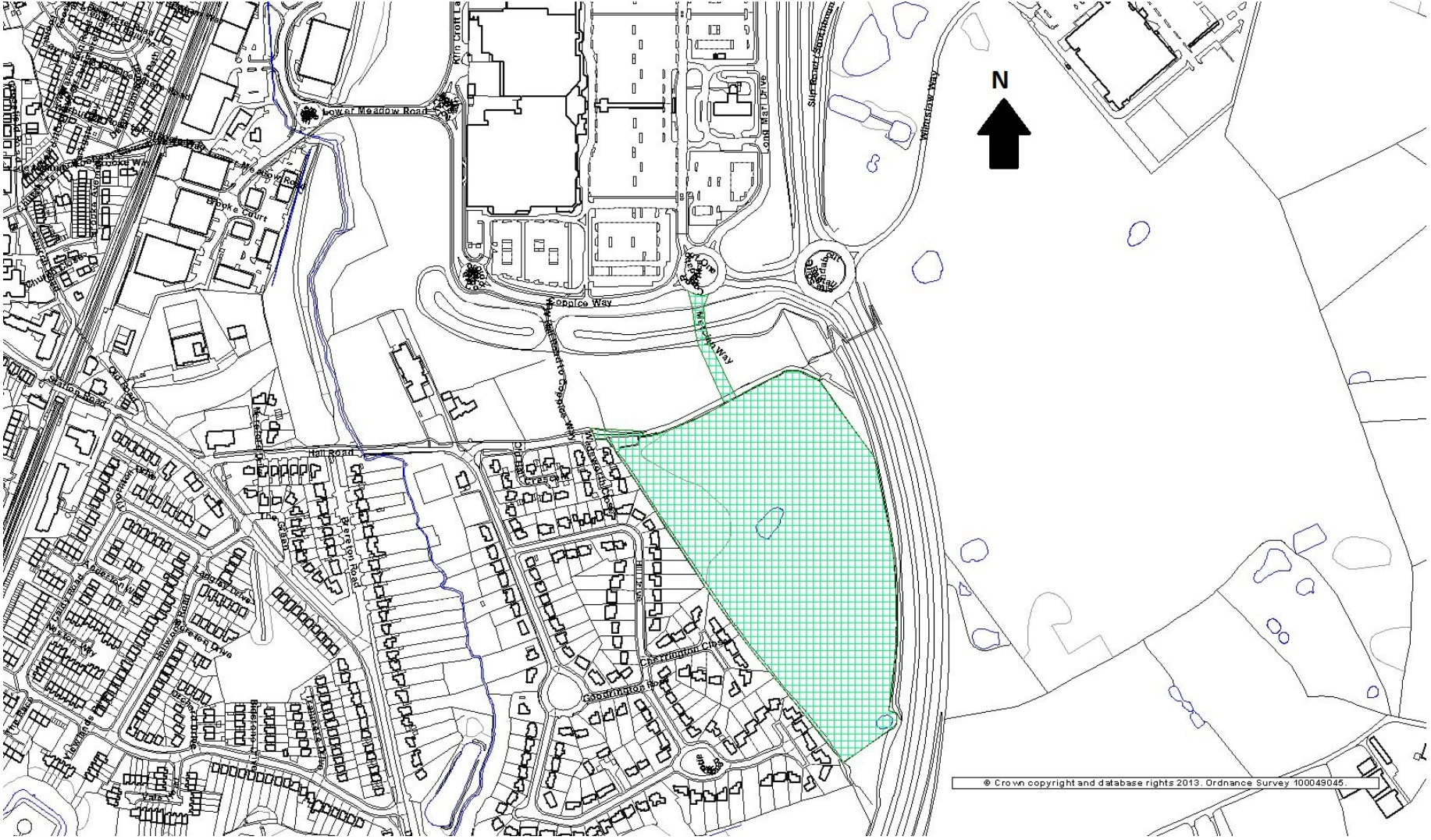
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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation 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.*

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. To comply with outline permission
2. Development in accord with approved plans
3. Submission of details of building materials
4. Obscure glazing requirement
5. Tree retention
6. Tree protection
7. Unexpected contamination
8. Implementation of acoustic mitigation scheme
9. Use of cranes during construction
10. Bird hazard safeguarding measures to be incorporated
11. Development to be carried out in accordance with the Great Crested Newt Mitigation Strategy
12. Updated badger survey to be submitted
13. Proposals for improvements to footpath 89 to be submitted



Application No: 16/4811M

Location: Bollin Park, ADLINGTON ROAD, WILMSLOW

Proposal: Substitution of house types and amended layout to plots 125, 139-160, 194-195, & 200-204

Applicant: Mrs Kerren Phillips, Jones Homes (North West) Limited

Expiry Date: 02-Jan-2017

### **SUMMARY**

The principle of developing this area of safeguarded land and substantial detail of the proposal has previously been accepted. Policy GC7 of the local plan has previously been identified to be out of date, and the Council cannot demonstrate a 5 year supply of deliverable housing sites. Therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The proposed amendments relate to an area of the site comprising 34 dwellings. This number of dwellings is retained as part of the proposal, and will have a similar orientation to the road network and neighbouring properties to the extant permission.

The house types are all in keeping with those used elsewhere on the site and will therefore be in keeping with the wider development, and the character of the area, in accordance with policies BE1 and DC1 of the Local Plan.

No issues relating to the living conditions of neighbours, ecology, flood risk or nearby protected trees are raised by the proposed amendments to the previous scheme.

Highways have raised a query regarding the level of car parking proposed, and further details will be provided as an update.

Subject to this clarification, no significant adverse impacts are identified. The proposal is considered to be a sustainable form of development, and accordingly the application is recommended for approval.

### **RECOMMENDATION**

Approve subject to conditions and variation to s106 agreement

## REASON FOR REPORT

The application is a full planning application for over 20 dwellings, and as such requires a committee decision.

## PROPOSAL

This application seeks full planning permission to substitute house types and amend the layout on plots 125, 139-160, 194-195, & 200-204 on permission 14/0007M, which was for the erection of 204 dwellings.

As originally submitted the application sought to reduce the number of affordable bungalows on the site, which was not acceptable as the bungalows formed an important part of the affordable housing provision. Revised plans have therefore been submitted.

The proposed changes now relate to 34 plots in total and include:

- Change of house type to plot 125 (now Connaught II) and plot 147 (now Knightsbridge II).
- Plots 147-149 relocated to southern group
- Change of house type to Plot 160 (now Birch)
- Footprint of 196 and 197 reduced – 197 moved further away from boundary with Browns Lane properties.
- Footprint of Plots 198-200 reduced and plot 201 attached to 200.
- Different grouping to Plots 202 to 160.

## SITE DESCRIPTION

The application site comprises former agricultural land, currently being developed to provide 204 dwellings. The site is identified as safeguarded land within the Macclesfield Borough Local Plan.

The 204 dwellings are being constructed by David Wilson Homes (DWH) and Jones Homes. This application relates to the Jones Homes side of the site.

## RELEVANT HISTORY

14/0007M - Erection of 204 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure – Approved 09.10.14

15/0666M - Non Material Amendment – Alterations to approved garages (Jones Homes) – Approved 19 May 2015

15/0257M – Non material amendment - Relocation of Substation and Amendment to Garages Plots (Jones Homes) – Approved 20 May 2015

15/2247M – Non material amendment (DWH) – Approved 01.09.2015



15/3387M – Non material amendment (Jones Homes) – Approved 03.12.2015

15/4041M – Non material amendment (DWH) – Approved 26.11.2015

16/1012M – Non material amendment (DWH) – Approved 24.05.2016

16/2269M – Non material amendment (Jones Homes) – Approved 19.07.2016

16/2278M – Non material amendment (DWH) – Approved 02.08.2016

16/3624M - Substitution of house types on plots 168-171, 173-176 and 178-179 on approval number 14/0007M – Approved 13.10.2016

16/6119M – Non material amendment (Jones Homes) – Not yet determined

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan. The relevant Saved Policies are:

Macclesfield Borough Local Plan Policy

NE11 Nature conservation interests

NE17 Improvements to Nature conservation in the countryside

BE1 Design Guidance

GC7 Safeguarded Land

RT1 Areas of Open Space

RT7 Cycleways, Bridleways and Footpaths

H1 Housing requirement

H2 Environmental Quality in Housing Developments

H8 Provision of Affordable Housing

H13 Protecting Residential Areas;

T3 Pedestrians

T4 Access for people with restricted mobility

T5 Provision for Cyclists

T6 Highway improvements and traffic management

DC1 Design criteria for new build

DC3 Amenities of residential property

DC5 Design – natural surveillance

DC6 Circulation and Access

DC8 Landscaping  
DC14 Noise mitigation  
DC17 and DC18 Water Resources  
DC35 Materials and Finishes  
DC36 Road layouts and circulation  
DC37 Landscaping in housing developments  
DC38 Space, light and Privacy  
DC40 Childrens Play Provision and Amenity Space  
DC63 Contaminated land

### **Cheshire East Local Plan Strategy – Proposed Changes Version**

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **CONSULTATIONS**

**Head of Strategic Infrastructure** – Clarification on parking provision required.

**Wilmslow Town Council** – No objections.

### **REPRESENTATIONS**

4 letters of representation have been received objecting to the proposal on the following grounds:

- Loss of privacy

- 10<sup>th</sup> amendment to this site
- Proposal reduces number of affordable bungalows
- Affordable housing is clustered into two cramped areas
- Reduced parking provision to the rear of plot 147
- Removes a bungalow and inserts 2 higher mews properties next to a boundary.
- The approved site plan shows retained hedges along the frontage of the bungalows and the mews homes. In this application these are shown as removed
- How can mews homes possibly have space for cycle storage?
- Why should "affordable housing" mean "second class housing"?
- Reduction in height of trees in neighbouring property
- Lack of space between affordable dwellings
- Impact on stability of existing dwellings on Browns Lane
- Increased flooding

### **APPRAISAL**

The key issues are:

- Impact upon character of the area
- Amenity of neighbouring property
- Impact upon trees of amenity value
- Affordable housing

### **Principle of development**

The principle of housing development on this site has already been established following the approval of 14/0007M. The application site is allocated in the Macclesfield Borough Local Plan (2004) as Safeguarded Land. Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. Furthermore, as noted at the time of 14/0007M the Macclesfield Borough Local Plan period ran for 7 years between January 2004 and 2011, and we are now therefore well beyond the plan period. Policy GC7 has previously been identified as being out of date, and as such paragraph 14 of the Framework is triggered where it states:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.”

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design / Character**

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

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

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

The local area is characterised by a variety of buildings, which are predominantly two or three storeys. The proposed changes to the house types maintains a design and appearance that will be similar to the house types approved in more significant numbers across the wider residential site and will therefore be in keeping with the local area.

Overall, the proposal is not considered to have any significant impact upon the character of the area, and therefore complies with the requirements of policy BE1 of the local plan.

### **Trees**

The Council's Forestry Officer has confirmed that there are no significant arboricultural implications associated with the proposed amendments.

### **Ecology**

No ecological issues are raised beyond those identified at the time of granting the original permission 14/0007M.

### **Residential Amenity**

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The relationships with neighbouring properties remains very similar to those previously approved, given the relatively limited extent of the proposed changes. No significant amenity issues are therefore raised.

### **Accessibility**

Wilmslow train station and leisure centre are less than 2km from the site, with the town centre a further 400m beyond these facilities. The town centre can be accessed on foot or cycle. The facilities at Dean Row are also an option for residents. No accessibility issues were raised at the time of the approval of the wider site. The site is therefore considered to be in a moderately accessible and sustainable location.

### **Highways**

The general road and parking layout within the site remains very similar to that previously approved. However, the Head of Strategic Infrastructure has requested clarification on the proposed parking provision to ensure that it is in accordance with CEC minimum parking standards for residential dwellings. Further details will be provided as an update.

### **Flood Risk**

No flood risk issues are raised beyond those identified at the time of granting the original permission 14/0007M.

## **SOCIAL SUSTAINABILITY**

### **Housing land supply**

No additional housing numbers are proposed as part of this application compared to the previous approval. Therefore, whilst the Council still cannot demonstrate a 5 year supply of housing, the proposed application for amendments will not make any material change to this situation.

### **Affordable Housing**

As originally submitted the application sought to reduce the number of affordable bungalows on the site, which was not acceptable as the bungalows formed an important part of the affordable housing provision. Revised plans have therefore been submitted, which retain all 5 of the affordable bungalows in this part of the site.

The bungalows do now have a reduced footprint; however the minimum floorspace requirement for the bungalows is 45sqm, which is met in this case. The Strategic Housing Manager raises no objections.

The application site includes a substantial proportion of the affordable housing for the wider site. The s106 agreement will therefore need to reflect this provision and to relate to the proposed layout.

### **Open Space**

As a stand alone full planning application, the proposal would trigger a requirement for public open space. However, it is proposed that this is provided as previously approved under application 14/0007M, and the s106 agreement will therefore be worded to reflect the requirements of the previous consent.

### **Education**

As a stand alone full planning application, the proposal would trigger a requirement for education contributions. However, it is proposed that this is provided as previously approved under application 14/0007M, and the s106 agreement will therefore be worded to reflect the requirements of the previous consent.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Wilmslow Town Centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

## **HEADS OF TERMS**

If the application is approved, a Section 106 Agreement will be required, which should secure:

- Education contributions in line with permission 14/0007M
- Public open space provision and contributions in line with permission 14/0007M
- Recreation and outdoor sport provision in line with permission 14/0007M
- Provision affordable housing in line with permission 14/0007M

## **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of affordable housing and financial contributions towards public open space provision are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **PLANNING BALANCE / CONCLUSION**

The principle of developing this area of safeguarded land and substantial detail of the proposal has previously been accepted. Policy GC7 of the local plan has previously been identified to be out of date, and the Council cannot demonstrate a 5 year supply of deliverable housing sites. Therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from

it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The proposed amendments relate to an area of the site comprising 34 dwellings. This number of dwellings is retained as part of the proposal, and will have a similar orientation to the road network and neighbouring properties to the extant permission.

The house types are all keeping with those used elsewhere on the site and will therefore be in keeping with the wider development, and the character of the area, in accordance with policies BE1 and DC1 of the Local Plan.

No issues relating to the living conditions of neighbours, ecology, flood risk or nearby protected trees are raised by the proposed amendments to the previous scheme.

Highways have raised a query regarding the level of car parking proposed, and further details will be provided as an update.

Subject to this clarification, no significant adverse impacts are identified. The proposal is considered to be a sustainable form of development, and accordingly the application is recommended for approval.

### **RECOMMENDATION**

**Approve subject to conditions and a s106 agreement**

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**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.**

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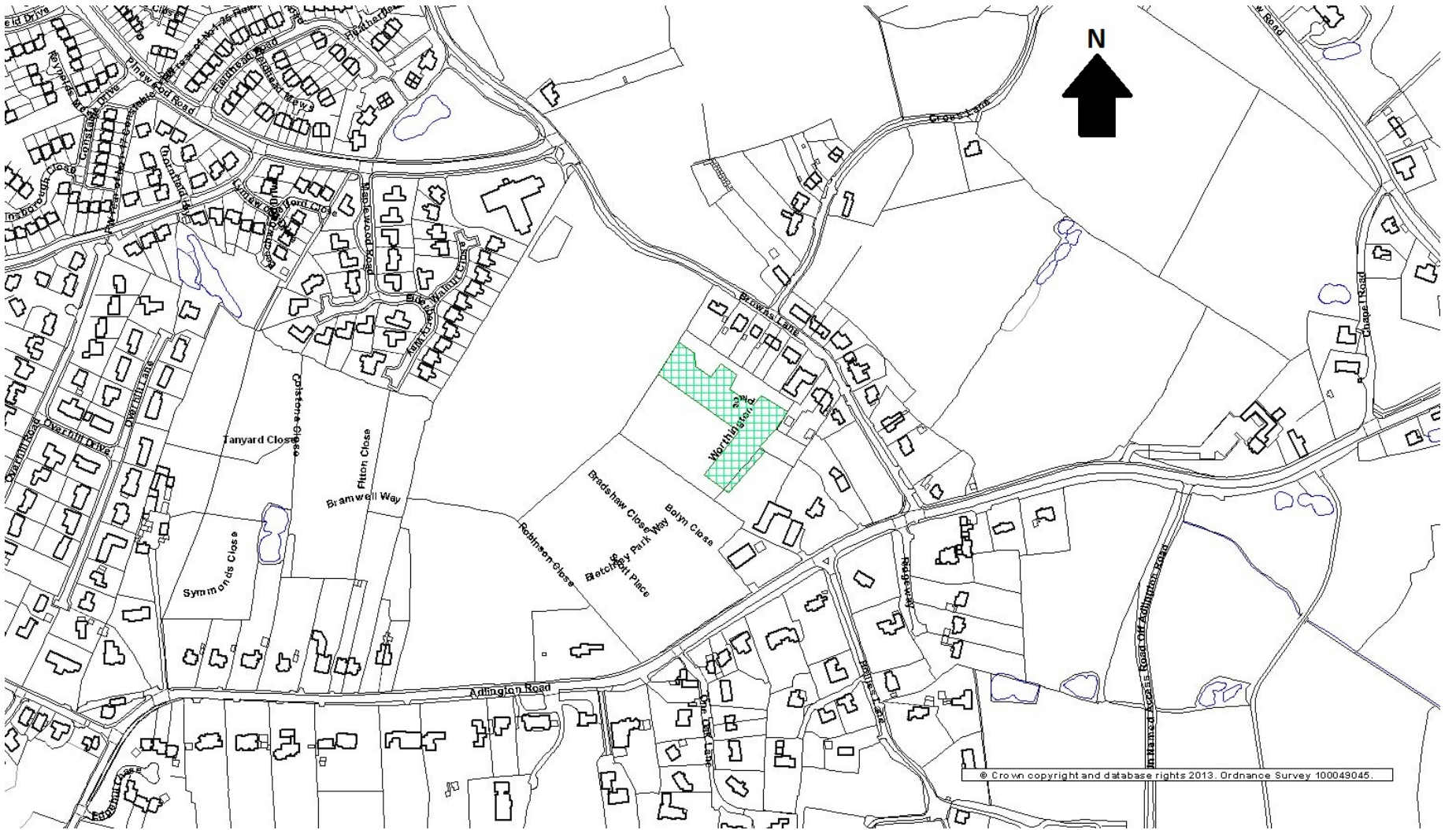
Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Implementation of landscaping scheme submitted with application
5. Construction method statement

6. Pile Driving
7. Hours of construction
8. Tree retention
9. Tree protection
10. Site shall be drained on a separate system
11. Development to proceed in accordance with the recommendation made by the submitted Bat Survey and Pond Scoping Survey Report
12. Incorporation of features into the scheme suitable for use by breeding birds
13. Residential travel plan
14. Implementation of noise mitigation measures
15. Bin storage facilities to be provided
16. Details of a minimum 10% reduction in energy use through a building fabric first approach to be submitted.
17. No gates





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Application No: 17/0181M

Location: Brundred Farm, 45, CASTLE HILL, PRESTBURY, SK10 4AS

Proposal: Erection of 1no. detached dwelling; extension of existing private road to form new access to the proposed dwelling and associated external works

Applicant: Mr Andrew Hall, HC Development Co 7 Ltd.

Expiry Date: 14-Mar-2017

**SUMMARY**

This application seeks full planning permission for the construction of a detached two and a half storey dwelling house.

The site is positioned within a sustainable location designated as a Low Density Housing Area and wider Predominantly Residential Area of Prestbury.

It is considered that the principle of a new dwelling in the proposed location is acceptable and therefore satisfies the three dimensions of 'sustainability' as stipulated within the NPPF (2012).

The proposal is commensurately scaled within the plot and appropriately designed to sympathetically integrate with the wider character and appearance of the Low Density Housing Area to which the application site forms part thereof.

The proposed development could be implemented without any detrimental impacts on neighbouring amenity.

**RECOMMENDATION: Approve, subject to conditions and Highways and Nature Conservation comments**

**REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Paul Findlow on the 8<sup>th</sup> February for the following reasons:

*"Widespread local concern referable to:*

- 1. Policy H12 - this is in a low density housing area, and the plot size is 0.17 hectare when 0.4 is required by the policy, which has recently been upheld on appeal nearby at The Paddock, Withinlee Road.*

2. *The access and parking arrangements are dangerous, unsatisfactory and contrary to road safety.*
3. *Drainage issues in the area are not addressed.*
4. *Over-development and out of character with the area.*
5. *The necessary surveys have not been completed as required, albeit the site has been devastated and reduced to near scrub land.*
6. *The proposal is un-neighbourly, and contrary to residential amenity.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site consists of an area of land within the rear garden of Brundred Farm, 45 Castle Hill, Prestbury. Residential properties surround the site to all sides. The levels within the plot differ, with the site at a lower level than the unadopted road which is used to access it. The plot slopes from north to south with the site also lower than the adjacent 47 Castle Hill and Brundred Farm.

The existing section of garden relating to the application site is overgrown and in the main disused. The surrounding properties consist of a variety of house types and plot sizes, with the more traditional Brundred Farm and number 41, a former agricultural barn, along with the more recent development to the north, west and south.

The boundaries contain mature trees with a large boundary hedge situated on the front boundary. The site is within a Low Density Housing Area and Predominantly Residential Area, as allocated in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the division of the existing domestic curtilage into two and the construction of a new two and a half storey dwelling in the rear section of the garden of Brundred Farm with the front elevation facing onto an unadopted track leading to number 47 Castle Hill.

## **RELEVANT HISTORY**

- 16/5155M      Retention of the existing dwelling and the erection of 2no. new detached dwellings; extension of existing private road to form access to new proposed new dwellings and associated external works.  
Withdrawn – following concerns from the case officer as to the impact of two new dwellings on the character of the area.

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

- BE1    (Design principles for new developments)
- DC1    (High quality design for new build)
- DC2    (Design quality for extensions and alterations)
- DC3    (Protection of the amenities of nearby residential properties)
- DC6    (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Infill Housing Development or Redevelopment)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Housing)  
H12 (Low Density Housing Area)  
H13 (Protecting residential areas)

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)  
Prestbury Village Design Statement  
Prestbury Supplementary Planning Document

### **National Policy:**

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

Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

### **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)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

### **CONSULTATIONS (External to Planning)**

**Arboriculture and Forestry:** no objections

**United Utilities:** no objections

### **VIEWS OF THE PARISH / TOWN COUNCIL**

#### **Prestbury Parish Council:**

*“The Committee strongly object to this application on the grounds that it contravenes H12 - low density housing. As it is only 0.34 hectares which is well below low density housing for Prestbury. The access onto Castle Hill is very dangerous. It is a gross over development. No surveys have been completed for bats and newts. There would be a massive loss of trees. It is a very un-neighbourly as the houses will overlook Elm Rise.*

*It contravenes the Village Design Statement, in that it states that any new development should –*

- Include appropriate tree/and or hedge planting in keeping with the established character of the area*
- Consider the relationship between the size, form and mass of a building, as well as space surrounding it*
- Consider its impact on neighbours to maintain the quality of a particular environment*
- Avoid over-development of the site, which contrasts poorly with the characteristics of the area and is out of proportion with nearby properties.*

*If approved they would like the Beech hedge retained, substantial screening to be erected, mature trees to be retained, materials to be approved and permeable surfacing to be used as this is a very wet area.*

*They would like to see the original farmhouse retained as it is part of the heritage of Prestbury and they feel that investigations should be made to this building becoming listed.*

*The new ecological appraisal was completed in January when it should have been completed in April.*

*They are also very concerned about drainage of the site.”*

### **OTHER REPRESENTATIONS**

Representations from 17no. different properties and the Prestbury Amenity Society have been received. A summary of the relevant points can be viewed below:

- Conflict with policy H12 of the Local Plan which states that new housing plots and the remaining plot should be approx. 0.4 hectares (1 acre).
- Adverse impact on wildlife.
- Access substandard, not compliant with policy DC6 of the Local Plan.
- Does not comply with DC1 and BE1 due to scale/appearance in relation to existing properties
- Tree felling has a negative impact on the character of the area
- Ecological report invalid, additional surveys should be completed for protected species
- Loss of privacy to neighbouring properties.
- The clearance of the trees has had a detrimental impact on the character of the area.
- The proposed 1.8m high fence would lead to a loss of light to the rear of Brundred Farm.
- Drainage is an issue in the area which would be exacerbated by the development.
- The proposal contravenes the Prestbury Village Design Statement.
- The dwelling is not located centrally within the plot and is blatantly just a first stage at getting the three dwellings that were originally proposed.

### **OFFICER APPRAISAL**

#### **Key Issues**

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

### Principle of Development

Given the site lies within a predominantly residential area the principle of a new dwelling is supported by development plan policies and national guidance. The proposal is therefore 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 application site is within a Low Density Housing Area where policy H12 applies. This policy seeks to ensure that any new development does not threaten the low density, high quality character of these established residential areas. To achieve this it requires development to meet the following criteria:

- *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access;*
- *The plot width and space between the sides of housing should be commensurate with the surrounding area;*
- *The existing low density should not be exceeded in any particular area;*
- *Existing high standards of space, light and privacy should be maintained;*
- *Existing tree and ground cover of public amenity value should be retained; and*
- *In Prestbury both the new housing plots and the remaining plot should be approximately 0.4 hectares.*

Additionally policy DC41 sets out detailed criteria for infill housing development. The criteria are:

- *in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard;*
- *The proposal should not result in overlooking of existing private gardens;*
- *The proposal should not lead to excessive overshadowing of existing habitable rooms;*
- *The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose;*
- *The proposal should not result in excessive amounts of new traffic into a quiet area or on unsuitable roads. within the site the location and amount of vehicle space should not lead to annoyance or intrusion to neighbouring properties;*
- *The proposal should normally enjoy open outlook onto a highway or open space from one elevation. tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic;*
- *Car parking should be provided in accordance with the relevant car parking standards; and*
- *Vehicular and pedestrian access should be safe, particularly by the adequate provision of visibility splays.*

Policies BE1 and DC1 set out general design criteria related to new development whilst policies DC3 and DC38 relate to protecting residential amenity and set out appropriate spacing standards between dwellings.

The key issues arising from these policy requirements are discussed below.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design and Impact on Character of the Area**

As viewed within the streetscene it is considered that the area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style.

The total existing plot size equates to approximately 0.34 hectares, which split in half would make each plot approximately 0.17 hectares. Obviously this falls well below the 0.4 hectares set out in policy H12 of the Local Plan. A couple of recent appeal decisions have explored this policy, with the most recent decision located around the corner from the application site on Withinlee Road (APP/R0660/W/16/3155983) and so is a material consideration when assessing the impact of this development.

The inspector in the Withinlee Road decision mentioned that *“plot size is only one part of the assessment of the effect of a scheme on the character of an area, and that this figure should not be applied rigidly”*. This was considered to be particularly so when considering the variation in plot sizes in the area. However the immediately adjacent plots were all considerably larger than the proposed plot and the requirement of Policy H12 that *“development should have high standards of space and commensurate plot widths and spaces between the sides of dwellings to that of the local surrounds”* was not considered to have been adhered to by the development. The proposed development would have covered a significant proportion of the plot itself, in addition to an access road running directly through the middle of the site.

While the appeal was dismissed and policy H12 was quoted in the reasons for the dismissal the reason was not because the site was less than 0.4 hectares it was because the development did not *“reflect the local character of buildings and their settings”*. Rather than dismissing the development outright, due to the conflict in the plot size referenced in policy H12 the inspector assessed the impact of the proposal on the character of the surrounding area.

The other recent appeal decision referring to policy H12 of the Local Plan relates to a proposal on Beechfield Road in Alderley Edge (APP/R0660/W/16/3143118). The inspector dealing with this appeal dismissed policy H12 because the Council could not demonstrate a five-year supply of deliverable housing sites stating *“the policies of the Macclesfield Borough Local Plan 2004 (the Local Plan) relating to the supply of housing, including Policy H12 which relates to Low Density Housing Areas, cannot be considered up to date”*. The appeal was, however, dismissed because of the impact on the character of the area with the subdivision of the plot. For consistency purposes the current application should not simply be dismissed because it falls below the 0.4 hectare requirement listed in policy H12, an assessment of the



impact on the character of the area should be made, which, because the site is within a low density housing area the character is more spacious than most and should be accounted for.

The site would be accessed from an existing unadopted road, known locally as Robin Hill, and is bounded by a large hedge to the front elevation. The existing property, Brundred Farm, is positioned in the north-east corner of the site, in close proximity to the former agricultural barn, 41 Castle Hill. The layout and positioning of the property is unusual and does mean that the remainder of the garden is open with a lot of space from the building to the furthest western boundary.

The inspector in the Withinlee Road appeal gave a lot of weight to the character and plot sizes of the immediately adjoining properties. A plan has been provided by the applicant containing the plot sizes of all of the surrounding properties. From this it can be seen that there are eleven properties that immediately adjoin the application site and positioned along the same road. Below is a table of the plot sizes:

<b>Address</b>	<b>Plot size (hectares)</b>
41 Castle Hill	0.169
39 Castle Hill	0.194
12 Elm Rise	0.172
14 Elm Rise	0.146
Robin Hill (47 Castle Hill)	0.382
Highfield	0.243
Mallard House (47A Castle Hill)	0.228
Pond House (49 Castle Hill)	0.199
Oakmere (43 Castle Hill)	0.319
The Mount (51 Castle Hill)	0.104
High Beeches (53 Castle Hill)	0.163
<b>Average</b>	<b>0.211</b>

The average plot size of 0.211 hectares for properties is less than the average plot size detailed in the Prestbury Village Design Statement (2007) for the area including Castle Hill, Saddleback, Withinlee Rd. (south side), Tudor Dr. & Holmlea Way which covers the application site. This lists the average plot size at 0.22 hectares.

There are a number of plots nearby that are similar or smaller than the proposed plot size and the average above is slightly skewed by the two larger plots at 43 Castle Hill and 47 Castle Hill. The plots along Elm Rise have been included in the comparison of the area because they adjoin the site, and although it has been pointed out in the comments that they do not form part of the designated 'low density housing area' they do contribute to the character of the area and must be considered.

Although the site area was greater in the dismissed appeal at Withinlee Road than the current proposal at approx. 0.35 hectares the appeal site was an irregular shape and was reduced significantly by the access road running through the site to approx. 0.27 hectares of useable area. The amount of the plot that was covered by dwelling, garage and hardstanding would have been significantly more than the current proposal.

As mentioned above the application site is unusual in the positioning of the current dwelling in the far north-east corner of the site, meaning that there is a lot of space and distance to the proposed dwelling from the existing property. The distances between the proposed dwelling and the surrounding dwellings would be commensurate to the other properties in the area and better than most. The spacious landscape setting of the area would be maintained by the proposal.

The dwelling would not be visible from public vantage points with the site positioned along an unadopted, private road with good screening to the front in the form of a tall boundary hedge and with a site that slopes away from the access road. On balance, the positioning of the existing dwelling enables the addition of a new dwelling without adversely affecting the spacious character of the area.

In respect to design, Paragraph 58 of the NPPF advises that decisions should aim to ensure that development, *inter alia*:

- *Will function well and add to the overall quality of the area;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*

There are many different styles of property in the immediate vicinity with the older farmhouse and converted barn to the east of the proposed dwelling and the newer development to the north, west and south. It is not highly visible and the sloping site would allow the two and a half storey dwelling to not be overly dominant within the street scene. The proposal is considered to respect the form and character of the area and no objections are raised in terms of design.

### **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.

The objections have been carefully considered. To the north of the proposed dwelling the distance to Mallard House is 25m at its closest point, however this is the single storey garage element with the distance to the two storey element a minimum of 35m. With the lower ground level of the proposal no objections are raised in relation to this property.

To the west number 47 is positioned at a higher level than the application site, a distance of 34m between the two dwellings and no habitable windows on the side elevation overlooking the application site, meaning that no objections are raised in relation to this property.

Although the properties to the south on Elm Rise are positioned at a lower level than the proposed dwelling a minimum distance of 49m separates these dwellings from the proposal with 41m separating the proposal from number 39 Castle Hill. These distances are well in

excess of the distances outlined in policy DC38 and would be commensurate to the distances separating dwellings in the area. As such, it is not considered that the proposed development would be significantly overbearing or overshadow the neighbouring properties.

In addition to the above, the site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers.

An amended plan has been received showing a 1m high fence adjacent to the rear of Brundred Farm which addresses the comments raised in relation to the impact on this property.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38, DC41 and H12 of the Local Plan and guidance contained within the NPPF.

### **Highways**

The proposal does include sufficient parking on site. Concerns have been raised relating to the 'unsafe' access onto Castle Hill. This is an existing access that serves 4no. properties and the addition of one property is not thought to have a significant impact on the access. This was confirmed with the last application, which was for two additional dwellings rather than the one proposed.

However no comments have been received from the Strategic Infrastructure Manager.

With this in mind it is not anticipated that any objections would be raised in terms of highway safety, however this will be confirmed in an update.

### **Drainage**

A number of residents have mentioned the impact of the proposal on the drainage of the area. United Utilities have commented and no objections are raised. A suitable drainage condition can be included on any approval.

### **Arboriculture and Forestry**

The application is supported by a detailed Arboricultural Statement by Cheshire Woodlands (Ref CW/8339-AS1) dated 4<sup>th</sup> January 2017.

Subsequent to the submission of the previous application (16/5155m) on this site, and prior to an inspection taking place at Brundred Farm, the wider proposed development site had been subject to extensive tree felling. Approximately 20 trees had been felled, with the arisings left in a tangled mass, retaining only scattered trees around the periphery of Brundred Farm's garden; none of the felled trees were formally protected and are therefore outside of planning control.

The development proposals identify the removal of a single tree T6 and the western section of Area A1 and A2; these trees have been categorised as low value (Cat C) specimens. This designation is agreed by the Council's Forestry Officer.

The proposed development and associated hard standing respects the Root Protection Areas (RPA) of the retained trees and in particular those identified as G3, which includes some specimens located off site. The value of the retained group has been diminished by the tree felling previously undertaken on site, the more mature trees have been left exposed in an etiolated form, this combined with an absence of public views from outside the site precludes their consideration for formal protection.

There are noteworthy levels changes associated with this site; however it is not clear if there will be any adverse impact on retained trees which the arboricultural statement identifies as being able to be protected during construction in accordance with current best practice BS5837:2012. The addition of a suitable landscaping condition should ensure that the landscaping of the site is acceptable.

### **Nature Conservation**

No comments have been received from the Nature Conservation Officer and these will be confirmed as an update before the committee.

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be

attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

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. However, it is only for one dwelling and therefore the impact is limited.

## **PLANNING BALANCE**

Whilst the objections are noted, the site is located in a predominantly residential area and would make an efficient use of land in an accessible location. It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

On balance, the proposal preserves the key characteristics of the low density housing area whilst ensuring an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and therefore 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, and the receipt of outstanding consultee responses.**

*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 Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

### Application for Full Planning

#### RECOMMENDATION:

1. Time limit
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Protection from noise during construction (hours of construction)
5. Tree protection
6. Details of ground levels to be submitted
7. Submission of landscaping scheme
8. Landscaping (implementation)
9. Details of drainage
10. Submission of construction method statement
11. Dust control
12. Pile foundations
13. Electric Vehicle Charging Sockets
14. Trees
15. Imported top soil to be tested
16. Contaminated Land



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Application No: 16/5743M

Location: Kingsley, 10, HOUGH LANE, WILMSLOW, CHESHIRE, SK9 2LQ

Proposal: Subdivision of an existing building comprising a dwelling and associated B&B into 3 dwellings and the construction of a two-storey side extension, single-storey side car port extension, dormer window, rear conservatory and detached garage

Applicant: Mr Jeremy Levy

Expiry Date: 13-Mar-2017

### **SUMMARY**

All objections and comments received have been noted and considered during the recommendation of this application. The proposal is considered to be inappropriate development in the Green Belt, however the presence of an extant permission for extensions, which would have a greater impact on the openness of the Green belt than the current proposal is considered to amount to the very special circumstances required to outweigh the harm to the Green Belt in this case. The proposal also provides two additional dwellings at a time when the Council cannot demonstrate a 5 year supply of housing land, which is an identifiable benefit of the proposal. No harm to other matters of public interest is considered to exist, and the proposal is therefore considered to be a sustainable form of development.

Accordingly the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it has been called-in by the Ward Member, Councillor Rod Menlove for the following reasons:

*This is a low density housing area of large detached dwellings set in spacious gardens. The proposal would establish a terracing effect that would detract from the character of the area that is one of open aspects. It would change the streetscene from open to cramped and become a precedent for similar applications so destroying the character of the area.*

## **PROPOSAL**

Planning consent is being sought for the subdivision of an existing large property which has previously been used as a dwelling and a B&B, to 3 individual dwellings. The dwelling would be divided to create 1 two bedroom dwelling, 1 three bedroom dwelling and 1 four bedroom dwelling which would each have a private driveway, rear garden and 3 parking spaces. The existing 2 accesses to the dwelling would be retained and 2 of the dwellings would share a single access.

The application also includes a two-storey side extension, a single storey side car port extension, a dormer window, rear conservatory and a detached garage.

Positive pre-application advice was provided prior to the submission of a planning application and full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site comprises a large detached dwelling which is within substantial and private grounds. The dwelling is within the Green Belt to the south east of Wilmslow. The dwelling is part of a ribbon of development which continues along Hough Lane to the south, and sits within a corner plot with 2 existing accesses onto Hough Lane. The remaining boundary to Prestbury Road is well established mature trees and hedging, with a close boarded fence demarcating the boundary.

The design of the building itself does not reflect any specific design period, however it has a distinct style of its own and is aesthetically concordant with its surroundings. As there are no prevailing design features within the street scene the dwelling is of individual style and taste.

## **RELEVANT SITE HISTORY**

- 01/2389P – Two storey and single rear extension and first floor side. Refused 2001.
- 02/0089P – Two storey extensions to front and rear, new dormer windows to front and rear, and bay window to front. Approved 2002.
- 03/0168P – Removal of condition 6 of planning application 02/0089P requiring the property to remain in use as a single dwellinghouse only. Approved 2003.
- 05/1640P – Two storey and single storey side extension with swimming pool. Refused 2005.
- 05/2452P – Two store side extension incorporating double garage, gym and office. Refused 2005.
- 06/1635P – Two storey and single storey side extension with swimming pool (amendments to approval 05/1640P). Approved 2006.
- 11/3760 – application for Lawful Development Certificate for existing single storey extension. Granted 2012.

## **LOCAL AND NATIONAL POLICY**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles  
Section 7 – Requiring Good Design  
Section 9 – Protecting Green Belt Land  
Section 11 – Conserving and Enhancing the Natural Environment

### **Macclesfield Borough Local Plan**

BE1 (Design)  
GC12 (Alterations and Extensions to Houses in the Green Belt)  
GC8 (Re-use of buildings in the Green Belt)  
GC9 (Re-use of buildings in the Green Belt)  
DC1 (Design)  
DC2 (Extensions and Alterations)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Space, Light and Privacy)  
DC42 (Subdivision of Property for Residential Purposes)  
DC43 (Side Extensions to Houses)  
H13 (Protecting Residential Areas)

### **Cheshire East Local Plan Strategy – Submission Version**

MP1 (Presumption in Favour of Sustainable Development)  
PG2 (Settlement Hierarchy)  
PG3 (Green Belt)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE4 (The Landscape)

### **Wilmslow Neighbourhood Plan**

Area has been designated as a Neighbourhood Plan area; however a draft plan is not yet available.

### **CONSULTATIONS**

**Highways** – No objections  
**Environmental Health** – No objections  
**Arboricultural Comments** – No objections  
**Wilmslow Town Council** – No objections raised.

### **REPRESENTATIONS**

8 letters of objection received, summarised as follows:

- Material change of use

- Previously extended
- Light pollution
- Noise disturbance
- Congestion
- Negative affect on the character of the area.
- Would set a precedent
- Purchase agreement that properties remain as single dwellings

## APPRAISAL

### 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”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**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

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

## ENVIRONMENTAL SUSTAINABILITY

### Green Belt

Local Plan policy GC8 relates to the reuse of existing buildings in the countryside. The presumption of policy GC8 is that where possible, buildings with an existing commercial use

are reused as a commercial property. This policy is not considered to be consistent with paragraph 90 of the NPPF.

Paragraph 90 of the NPPF states that certain forms of development are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these defined forms of development is the reuse of buildings, provided that the buildings are of permanent and substantial construction. The specific use (commercial, residential, retail, etc.) is not defined.

The key issue is whether the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

10 Hough Lane is an existing large property with an existing use as a B&B and an associated dwelling. The existing building has 8 bedrooms and a number of reception rooms. The proposed 3 individual dwellings will have a total of 9 bedrooms across the units, and therefore the levels of activity associated with the proposed use are considered to be similar to the levels of activity experienced when the building is used as a dwelling and a B&B.

However, the proposal does include extensions and an outbuilding which will result in the some loss of openness to the Green Belt compared to the existing development. Whilst there is not considered to be any conflict with the purposes of including land in the Green Belt, due to the openness of the Green Belt not being preserved, the proposal is considered to be inappropriate development in the Green Belt, as defined by paragraph 90 of the Framework.

Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by the considerations. As outlined further below, no other harm is considered to exist in this case.

### Very Special Circumstances

Very special circumstances (VSC) have been laid out within the Planning Statement submitted with the application. These have been provided to support the scheme and are considerations in favour of development.

1. Appeal Decision (06/1635P) – The inspector concluded that the property lay within a ribbon of development.
2. Exceptions under GC12 – It is stated that the proposed development falls within the exception relating to a ribbon of development.
3. Extant permission in place – An extant permission is in place for a swimming pool extension to the rear of the dwelling.

VSC 1 & 2 refers to an appeal decision in which the inspector has concluded that the existing property lies within a ribbon of development, which is an exception to the normal 30% extension allowance under Local Plan Policy GC12. However GC12 only allows for extensions to “dwellings” as opposed to broader allowance of “buildings”, which are permitted

under paragraph 89 of the Framework. This is not an application to extend a dwelling, but to extend a building to accommodate its re-use as 3 dwellings. GC12 and paragraph 89 of the framework also allow for extensions which are not disproportionate to the original building. In this case, it is considered that the proposed extensions to the building, in conjunction with existing extensions, will result in a floor area measuring over double that of the original dwelling, which is considered to be a disproportionate addition to the original building.

VSC 3 references an extant permission for a single storey swimming pool extension to the rear of the dwelling. This permission has been partially implemented, meaning the swimming pool could be constructed at any time. This is considered to be a realistic fall back position which could be implemented, and which would add more floorspace than is currently proposed, and due to its positioning and projection into the rear garden it could therefore have a greater impact on the openness of the Green Belt than the proposed scheme.

The fall back position is considered to result in greater harm to the openness of the Green Belt than the current proposal, and therefore the very special circumstances required to clearly outweigh the identified harm to the Green Belt are considered to exist. The proposed development is therefore considered to comply with paragraph 90 of the NPPF and is considered to be acceptable within the Green Belt.

In order to ensure that the dwellings once subdivided are not able to be further extended without the prior written consent from the Local Planning Authority, a condition is recommended to remove permitted development rights in the interests of the openness of the Green Belt.

### **Design / character**

Macclesfield Local Plan policies DC1 and DC2 ensure that development must be sympathetic to the character of the local environment and street scene. The prevailing style and design of an area must be considered in order to ensure that incongruous structures are not permitted.

Although 10 Hough Lane has had a number of extensions approved within the past 15 years, many of which have been constructed. The two storey extension, conservatory and construction of a detached garage, inclusion of a dormer window and the erection of boundary detail between the 3 dwellings will not have a significant impact on the design of the dwelling or the character of the surrounding area as the alterations will not be visible from the highway due to the existing boundary detail. This, along with the property being set down and away from the highway will ensure that there is no harm to the character of the area.

Significant objection has been received stating that the subdivision of the large dwelling into 3 separate dwellings will have a significant impact on the character of the area. The prevailing style of the area is large detached dwellings which are set within large grounds with well established boundary detail.

Although the dwelling will be divided into 3 relatively large dwellings, as the design of the dwelling will not be significantly altered, nor will an additional access be created, the character of the dwelling will not be significantly altered when viewed from the highway.

### **Arboricultural Impacts**

Macclesfield Borough Local Plan policy DC9 states that development which would result in a threat to the continued wellbeing of trees which are considered worthy of protection will not be allowed. The site contains a number of large well established trees which make a positive contribution to the character of the site itself and the surrounding area. Although these are not protected by any TPOs it was considered necessary to consult the Arboricultural Officer due to their significance.

As the proposed works will not directly or indirectly impact on the trees on the site, an Arboricultural Impact Assessment was deemed unnecessary. The existing structures on the site and an existing retaining wall already restricts the extent of the rooting activity within the area of development.

Therefore, in order to ensure that the boundary planting of trees and shrubbery is not compromised during the construction period, by way of damage by either materials or machinery, a tree protection scheme will be required which will be dealt with by condition.

### **Highways**

10 Hough Lane has 2 existing accesses to the highway, which has allowed acceptable ingress and egress to and from the highway in a forward motion by vehicular traffic. The parking area to the front of the dwelling is considered appropriate to allow for 3 off road parking spaces for each of the 3 proposed dwellings which complies with the Cheshire East Council parking standards.

The NPPF places great emphasis on encouraging sustainable development, including the use of sustainable modes of transport. The site is also considered to be within a sustainable location with good access to local amenities and public transport links. The dwellings will be within a 20 minute walk to the local railway station and town centre. The railway station provides links to Manchester to the north and Stoke to the south which could reduce the use of private vehicles.

Concerns have been raised by members of the public that the increase in traffic movement to and from the proposed dwellings the safe use of the highway will be compromised. As the proposal will utilise the existing points of access to Hough Lane the highway access is considered acceptable by the Head of Strategic Infrastructure and as such has no objection to the planning application.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Macclesfield Local Plan policy DC3 places significant weight on the protection of the amenity of existing neighbours and future residents of new properties. Development should not have a detrimental impact on the privacy, light or comfort of neighbouring residents. The two storey side extension and car port to the south elevation, and the additional dormer window to the rear will not cause harm to the amenity of residents at the neighbouring dwelling as the boundary detail is significant between the two dwellings, as such there will be no loss of privacy.

The proposed detached garage to the north will not affect the amenity of neighbouring residents as there are no dwellings directly to the north.

The subdivision of the dwelling and the dividing of the grounds of the property into outdoor amenity space has been carefully considered in order to provide the new residents with an acceptable level of outdoor space. The boundary detail has been considered in order to ensure that each dwelling (and neighbouring dwellings) maintain an acceptable level of privacy.

Concerns have been raised stating that the subdivision of the dwelling will result in noise pollution by virtue of both the construction and the intensification of use of the property. The extent of construction works would be relatively limited and would not raise any significant noise issues for this temporary period.

With regard to the intensification of noise pollution due to the subdivision of the dwelling, it is considered that there will be no significant increase in residents at the site compared to the potential number of guests at the B&B. Therefore any increase in noise levels is not considered to be so significant to warrant a refusal of the planning application.

## **ECONOMIC SUSTAINABILITY**

A development of this size would bring the usual economic benefit to the closest shops in Wilmslow for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"*



The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

The creation of an additional 2 dwellings at the property will create dwellings which are affordable and within a desirable area of Wilmslow, without affecting the character of the area. This, in conjunction with the close proximity of the dwelling to Wilmslow railway station and the town centre will result in 2 additional dwellings being provided within a sustainable location within the Borough.

### **Other Matters**

Comment has been raised that the subdivision of this dwelling into 3 separate units will set a precedent within the area. However, any future similar applications will be assessed on its merits at that time.

A comment has also been received regarding a legal document regarding the retention of dwellings on Hough Lane to be single dwellings. This would be considered a legal matter which will not be considered during the determination of the application as it is not a material planning concern.

### **Summary and Planning Balance**

All objections and comments received have been noted and considered during the recommendation of this application. The proposal is considered to be inappropriate development in the Green Belt, however the presence of an extant permission for extensions, which would have a greater impact on the openness of the Green belt than the current proposal is considered to amount to the very special circumstances required to outweigh the harm to the Green Belt in this case. The proposal also provides two additional dwellings at a time when the Council cannot demonstrate a 5 year supply of housing land, which is an

identifiable benefit of the proposal. No harm to other matters of public interest is considered to exist, and the proposal is therefore considered to be a sustainable form of development.

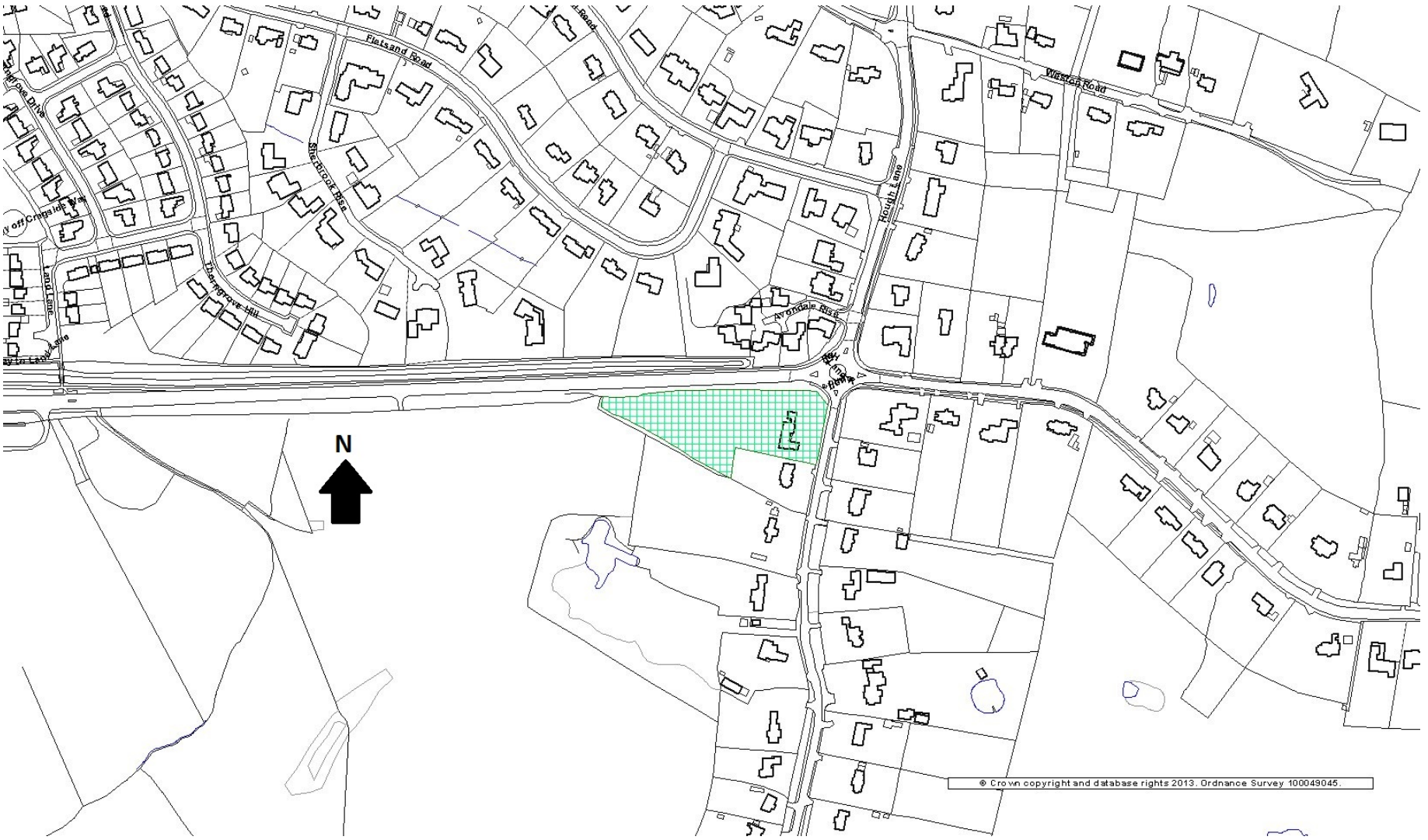
Accordingly the application is recommended for approval.

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, 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.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Removal of permitted development rights
5. Tree protection details to be submitted
6. Permission invalidated by exercise of PD rights



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Application No: 16/3041M

Location: Styal Moss Nurseries, 38 , Moss Lane, Styal, SK9 4LG

Proposal: Redevelopment of the site to form a landscaping contractors business (to include the removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store with ancillary parking) and for the parking of airport related motor vehicles unconnected with the landscape contractors business

Applicant: Peter Davies, Peter Ashley Limited

Expiry Date: 22-Sep-2016

### **SUMMARY**

The proposed removal of all buildings / structures on the site and replacement with one single building is not considered to be an inappropriate form of development in the Green Belt.

Similarly, the consolidation of the existing uses into identified areas within a central location within the site, and the returning of all other areas to agricultural use, to be used for plant growing in association with the landscape contractor's business is also not an inappropriate form of development in the Green Belt.

The impact upon ecology, trees, the character of the area and highway safety is considered to be neutral subject to the imposition of conditions as required. Whilst the additional 29 vehicles that could be parked on the site do create the potential for there to be an increased impact upon neighbouring properties, having regard to the scale of this increase in relation to the existing development, it is not something that would justify the refusal of planning permission. This has also been the position adopted by the previous Inspectors.

The proposal is therefore considered to be a sustainable form of development and accordingly a recommendation of approval is made.

### **RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REPORT**

The proposal relates to a site area of 3.7ha and as such requires a committee decision.

### **DESCRIPTION OF SITE AND CONTEXT**

The site covers an area of approx. 3.7 hectares and is accessed off Moss Lane, Styal. There are residential properties with relatively large plots to the east, west and south of the site. Beyond the northern boundary of the site is Manchester Airport's Operational Zone, an area of which is now used for parking vehicles.

At the southern boundary there are gates at the entrance to the site with a brick wall across the boundary; there are hedges to the eastern and western boundaries and there is a bank/earth mound at the northern end of the site.

The access into the site leads to an internal access road which runs parallel to the western boundary of the site and provides access to the whole site.

Within the site there are polytunnels, a glasshouse, shipping containers, a storage container, an implement store, a number of portacabins & portable structures (some used as offices), areas of hard-standing, areas used for the open storage of materials and areas used for the parking of vehicles (car parking for airport users).

The site lies within the North Cheshire Green Belt, as defined in the Local Plan.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the redevelopment of the site to form a landscaping contractor's business (to include the removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store with ancillary parking) and for the parking of airport related motor vehicles unconnected with the landscape contractor's business. The proposal also involves returning part of the site to agricultural use, for the growing of plants ancillary to the landscape contractor's business.

### **RELEVANT HISTORY**

The site has a complex history dating back to the early 1990s:

- |          |  |
|----------|--|
| 67156P   | Permission granted in June 1991 for an implement store and internal access road.   |
| 68994P   | Advertisement consent granted in November 1991.  |
| 68995P   | Planning permission granted in November 1991 for construction of earth mound.  |
| 71618P   | Retrospective application for change of use to garden centre. Approved subject to s106 restricting the sale and display of products or materials. Records show that the s106 was not completed. (Apparently garden centre was active between 1990 and 1998, when it was replaced by sale of Koi carp). |
| 96/1093P | Planning permission granted in September 1996 for erection of glasshouse.  |
| 97/1093P | Application for a dwelling was refused in February 1997.   |

02/2423P	Planning permission granted for a 20m high column with 6 antennae and a 2.1m high palisade fence.
04/0718P	Planning permission granted for entrance gates and wall in May 2004.
04/1588P	Application for a dwelling with triple garage and new access was refused in august 2004.
04/2707P	Application for two-storey workshop withdrawn in February 2005.
05/0883P	Resubmitted application for two-storey workshop was refused planning permission in May 2005 and was later dismissed at Appeal in February 2006.
06/0032E	<p>14 September 2006 – Enforcement Notice issued re. alleged unauthorised material change of use of land from horticultural use to parking of motor vehicles unconnected with the horticultural use, siting of 3No. portacabins and formation of areas of hard-standing. The requirements of the Notice were appealed (March 2008); appeal was dismissed but the Notice was corrected and varied but Inspector agreed with LPA that all vehicles not connected with the landscaping contractor's business should be removed from site. In July 2008 applicant successfully applied for permission to judicially review the decision made by the Planning Inspectorate. The High Court ordered re-determination of the appeal decision. A further Public local Inquiry took place in January 2012. A new Inspector dismissed the appeal and the Enforcement Notice was corrected and varied again. Of particular relevance, the Inspector concluded that the parking of 200 cars on site (unconnected with the landscaping contractor's business) had occurred in excess of 10 years and therefore no enforcement action could be taken in respect of this number of cars. The applicant applied for permission to appeal this decision but this was dismissed. The outcome concludes the situation as follows:</p> <ul style="list-style-type: none"> <li>• The whole site was deemed to be a single planning unit</li> <li>• Parking for a max. of 200 cars (not connected with the landscaping contractor's business) can take place on site, not restricted to any particular area of the site.</li> <li>• The hard-standing (at the northern end of the site) laid in 2003/2004 has to be removed.</li> <li>• The area of land from which the hard-standing has to be removed has to be seeded. However, this doesn't prevent cars from actually parking on the seeded area afterwards.</li> <li>• The twin portacabin has to be removed.</li> </ul> <p>The applicant has recently taken steps towards complying with the enforcement notice by taking up some of the hardstanding to the north of the site.</p>
13/1050M	Change of Use from a mixed use of landscaping contractors business and the parking of 200 motor vehicles unconnected with the landscaping contractors business to a mixed use of landscaping contractors business, the parking of motor vehicles unconnected with the landscaping contractors business and the

development of a wildlife and nature area for community and educational use. The removal of all buildings/units on site and their replacement with one single storey building to include office/workshop and store – Refused 06.06.2013

Appeal APP/R0660/A/13/2199824 – dismissed, decision then quashed on two occasions – Appeal Hearing was scheduled to take place again on 18 October 2016, but now held in abeyance by the Planning Inspectorate awaiting outcome of this planning application. If the application is successful the appeal will be withdrawn.

### **POLICIES**

#### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design principles for new developments)  
DC1 (High quality design for new build)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Circulation and access)  
DC8 & DC37 (Landscaping)  
DC9 (Tree protection)  
NE3 (Conservation & enhancement of the rural landscape)  
NE11 (Nature conservation)  
NE15 (Habitat enhancement)  
NE17 (Major development in the countryside)  
NE18 (Access to nature conservation areas)  
GC1 (New buildings in the green belt)  
RT8 (Access to the countryside)  
T20 (Airport related development)  
T21 (Airport related development)  
T23 (Airport operational area)

#### **National Planning Policy Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Other material planning considerations**

Cheshire East Local Plan Proposed Changes Version

### **CONSULTATIONS**

**Environmental Health** – Raise some concern regarding impact upon neighbouring property. Conditions relating to hours of development and dust control are recommended.

**Head of Strategic Infrastructure** – No objections

**Manchester Airport** – No very special circumstances that would justify the proposed development within the Green Belt. Therefore do not consider it to be appropriate to allow permission for the number of vehicles on this site to surpass the 200 that is considered lawful.



**Styal Parish Council – Object on grounds of:**

- No very special circumstances which outweigh the harm done to the Green Belt by the intensification of the site involved and that such intensification brought about by approval for 330 vehicles.
- SPC have been totally consistent in raising objections to any and all developments within the Green Belt which not only bring encroachment into the countryside but also have major negative effects upon the local area by virtue of the additional traffic created by the various enterprises involved.
- Styal Village already has very considerable traffic flow, speeding and parking issues, some of which are brought about by the type of Off -Site car parking entities which provide for Manchester Airport.

**REPRESENTATIONS**

1 letter of representation has been received from a neighbouring property making the following comments:

- Loss of privacy
- Affect on property values
- Existing 24 hour operation disturbs residents. Any increase should include safeguards to protect residents.
- Increased smells and general pollution
- More cars results in an increased risk to highway safety

**APPLICANT'S SUPPORTING INFORMATION**

The applicant as submitted the following documents to accompany the application:

- *Planning, Design & Access Statement*
- *Addendum Planning Statement*
- *Noise Assessment*

Details of the documents can be read on the application file. However, the planning statement concludes that:

- The proposals would have a minimal effect on the openness of the Green Belt
- The proposal for the replacement building would maintain the openness of the Green Belt (when compared to the extant position on site) and is not inappropriate by definition.
- The car parking and landscape contractors compound uses do not fall within the exceptions to Green Belt Policy but very special circumstances exist in order to outweigh any harm.

**OFFICER APPRAISAL**

**Green Belt**

The existing site has a lawful mixed use of a landscape contractors business and the parking of 200 cars anywhere within the site (unconnected to the landscape contractors business). The same uses are currently proposed but will be restricted to specific areas within the site.

The partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and would not conflict with the purpose of including land in the Green Belt than the existing development is listed as one of the identified exceptions to inappropriate development in paragraph 89 of the Framework.

The proposed building would replace several existing buildings and structures on site.

- Poly tunnel (29m x 16m x 3.3m)
- Green House (16m x 6.5m x 3.4m)
- Toilet (1.1m x 1.2m x 2.1m)
- 5 x Shipping Containers (6m x 2.5m x 2.6m)
- Storage Container (8m x 2.2m x 3.2m)
- Work Shop (14.5m x 9.7m x 6.6m)
- Portacabin (12m x 3.7m x 2.6m)
- Portacabin (12m x 3.1m x 2.6m)

The existing buildings of varying heights have a total floor area of 824sqm and the proposed replacement building would occupy a footprint of 445sqm, with a height of 3.0 metres for the office area and 5.9 metres for the workshop. The proposed building would serve both the landscape and the car parking operations. This aspect of the proposal alone would improve the openness of the site, and as such the new building is not considered to be an inappropriate form of development in the Green Belt.

The existing site covers an area of 3.7ha, and the existing lawful uses can take place anywhere across the site. However, it should be noted that it is likely that the use of the whole site (particularly for car parking) will be limited to some degree by the surfacing which is largely (lawfully) undeveloped. The existing lawful developed area (including hardstanding) amounts to approximately 7,700sqm. Beyond these areas, there are also parts of the site that are currently used for external storage associated with the landscape contractor's business. Although, as noted above the entire site could be utilised for external storage should the applicant so wish.

In terms of the proposed car parking and landscape contractor's yard, this has been reduced and relocated during the course of the application. The contractor's yard has been moved from close to the site entrance to a central position within the site. The total area of hardstanding proposed has also been reduced from approximately 10,400sqm to 7,840sqm.

The proposed car park for vehicles unconnected to the landscape business will accommodate 229 cars, which is 29 more than the lawful use of the site currently allows. An additional 17 spaces are provided for vehicles associated with the landscape contractor's business, and there is currently no restriction on the numbers of vehicles that could be parked in association with the landscape business.

Concerns were raised previously during the appeals that a significantly greater number of vehicles could be parked "nose to tail" rather than in allocated bays. However, as part of the current proposal knee rails are provided between the aisles and at either end of the aisles to prevent this occurring. 229 vehicles will be parked within marked bays.

Whilst an additional 29 vehicles (unconnected to the landscape business) could be parked within the site, it is considered that the proposal will consolidate the development into the

central section of the site. The areas of hardstanding will be fenced off and a landscape bund and additional planting will provide a physical barrier to prevent any encroachment beyond the areas of hardstanding identified on the plans. In addition, the areas that are shown hatched on the plans will be returned to agricultural use. Specifically, a horticultural use for the growing of plants ancillary to the landscape contractor's business. These factors will ensure the car parking and contractor's yard will remain within their respective areas.

In openness terms the increase in the numbers of vehicles that could be parked on the site (not in association with the landscape business) by 29 is considered to be offset by the consolidation of the uses within identified areas shown on the plans, as opposed to within any location across the 3.7ha site. The monitoring of these uses and areas will also be made much easier if the development is laid out as proposed. It is therefore considered that, on balance, the proposal will not have greater impact on the openness of the Green Belt than the existing development.

Whilst the developed areas will adopt a different form to those that currently exist on site, the proposed areas of hardstanding will be similar in scale to the existing areas. Therefore, whilst the extent of operational development will extend out in some areas and encroach into undeveloped areas, in other areas it will be pulled in, with new undeveloped areas created. Consequently it is considered that there will be a neutral effect in terms of any encroachment into undeveloped areas, and the proposal will not have a greater impact upon the purposes of including land in the Green Belt than the existing development.

The proposal is therefore not considered to be an inappropriate form of development in the Green Belt. However, it is considered to be necessary to attach conditions removing permitted development rights and to prevent any external storage within the areas identified for horticultural use on the plans.

### **Impact upon character of the area**

The existing development cannot be seen from public vantage points due to the substantial boundary treatment. The proposal moves the developed area further away from Moss Lane, and provides additional land for planting between the parking areas and the public highway. Having regard to these characteristics and the fact that the proposal is for a similar scale of development that currently exists on the site, there is not considered to be any significant impact upon the character of the area arising from this proposal.

### **Impact on residential amenity**

The site currently has a lawful mixed use status for a landscaping contractor's business and parking for 200 vehicles not associated with the landscaping business. The proposed scheme would still be a landscaping contractor's business and car parking of up to 229 vehicles not associated with the landscaping business but in designated areas of the site.

Environmental Health initially raised concerns regarding the lack of information relating to the noise impact of the proposal, particularly the landscape contractor's yard that would be located close to the residential neighbour at number 40 Moss Lane. This element of the proposal has now been removed, and the yard associated with the contractor's business will be located towards the centre of the site, where the existing business operates from.

The site has an existing lawful use for the parking of 200 vehicles, and whilst an additional 29 may have some additional impact upon the living conditions of neighbours, it is not considered to be so significant to justify a reason for refusal. It should also be noted that the impact upon the living conditions of neighbours was not raised as an issue by the Inspectors at either of the quashed appeals. The proposal is therefore considered to comply with policy DC3 of the Local Plan.

Having regard to the scale of the development and the existing lawful use of the site, the conditions recommended by Environmental Health relating to hours of operation and dust control are not considered to be reasonable or necessary.

### **Highways**

The Head of Strategic Infrastructure Manager has commented on the proposals and noted that the application includes a small increase in car parking spaces for the contract parking (29 spaces). There are no highways concerns regarding this proposal and no highway objections are raised. In addition it is worth noting that traffic generation, access and parking issues have not previously been raised as issues on this site, and that the business has been operating for well over 5 years at high levels of parking numbers (200) with no known safety issues.

### **Ecology**

A phase 1 habitat survey has been submitted with the application, and the nature conservation officer has confirmed his agreement with the findings and recommendations. Whilst the site falls within Natural England's SSSI risk zones, the type of development proposed at this site does not fall within the categories of development which Natural England wish to be consulted upon at this specific location. The nature conservation officer therefore advises that the proposed development is unlikely to have an impact upon any SSSIs and it is not necessary to consult Natural England upon this application. A condition to safeguard breeding birds is recommended.

### **PLANNING BALANCE**

The proposed removal of all buildings / structures on the site and replacement with one single building is not considered to be an inappropriate form of development in the Green Belt.

Similarly, the consolidation of the existing uses into identified areas within a central location within the site, and the returning of all other areas to agricultural use, to be used for plant growing in association with the landscape contractor's business is also not an inappropriate form of development in the Green Belt.

The impact upon ecology, trees, the character of the area and highway safety is considered to be neutral subject to the imposition of conditions as required. Whilst the additional 29 vehicles that could be parked on the site do create the potential for there to be an increased impact upon neighbouring properties, having regard to the scale of this increase in relation to the existing development, it is not something that would justify the refusal of planning permission. This has also been the position adopted by the previous Inspectors.

The proposal is therefore considered to be a sustainable form of development and accordingly a recommendation of approval is made.

## RECOMMENDATION

### Approved subject to conditions

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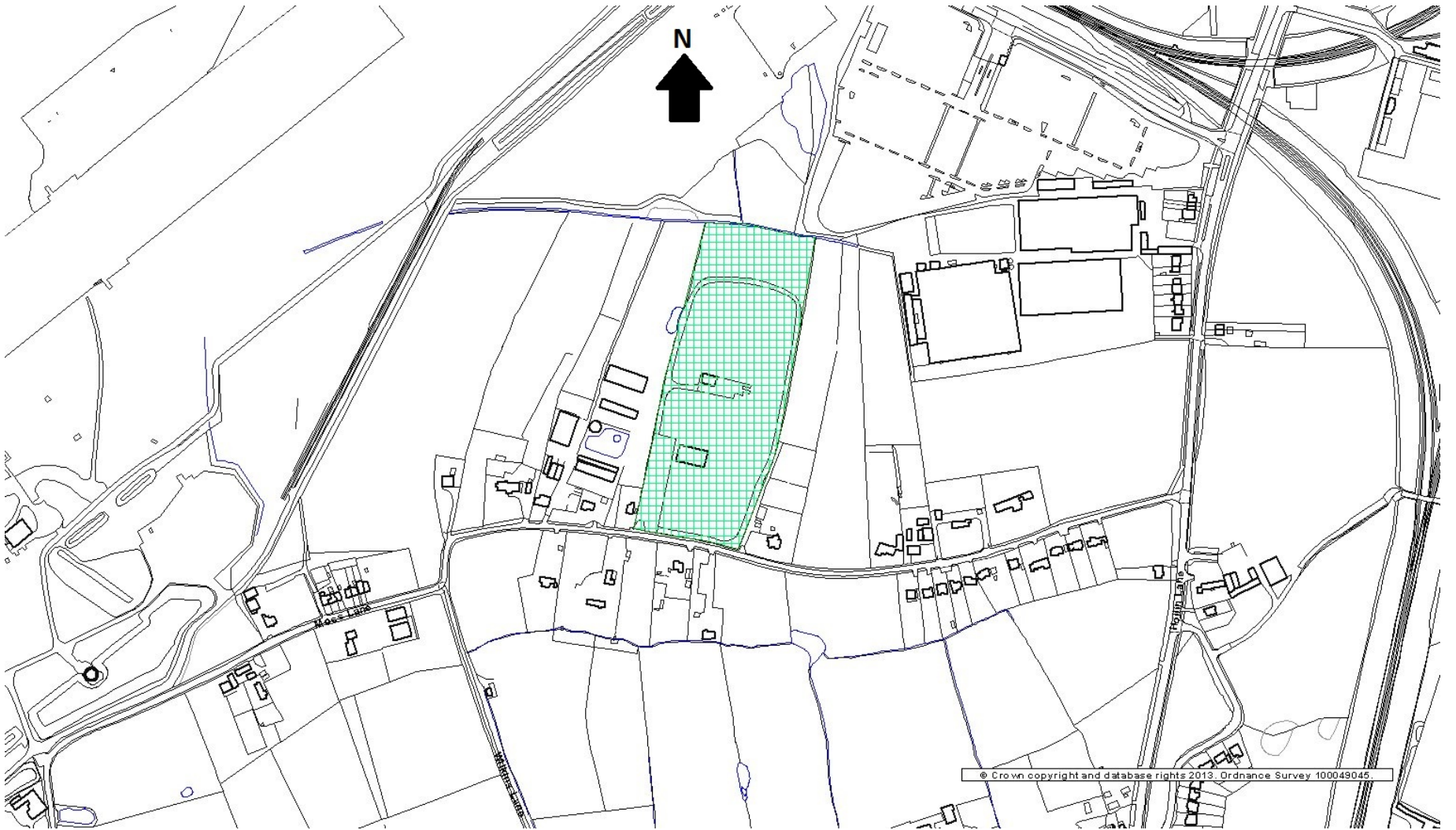
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### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Removal of permitted development rights
7. No car parking or external storage outside of allocated areas
8. Breeding birds survey to be submitted
9. Knee rails to be provided prior to first use



Application No: 16/2807M

Location: LOW RIDGE, 58, TRAFFORD ROAD, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7DN

Proposal: Demolition of building comprising two dwellings and garage block and erection of bespoke building comprising three apartments, together with the erection of a block of three garages and car parking/manoeuvring space.

Applicant: Mrs Sally Clowes

Expiry Date: 10-Mar-2017

### Summary

The application site is Low Ridge, located on the corner of Trafford Road and Macclesfield Road, Alderley Edge. The application proposes the demolition of Low Ridge, a bungalow with a replacement building containing three apartments.

The benefits of the development include the creation of a 1 additional residential unit within a sustainable location in the predominantly residential area of Alderley Edge.

The proposal has been assessed against the relevant policies in the development plan. It is considered that the proposed development is sustainable and will not have a detrimental impact on the amenity of future or existing residents.

The proposed development is considered to be acceptable. The National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that the proposed development is acceptable and accords with the Development Plan policies outlined in the policies section of the report and the National Planning Policy Framework.

Therefore the proposed development is recommended for approval subject to suitably worded conditions.

**This application has been called in to Northern Planning Committee by Councillor Browne.**

The Parish Council have raised the following concerns and have asked for this item to be referred to Northern Planning Committee for determination:

\* the proposed development is within the Alderley Edge Conservation Area and is not in-

keeping with the existing street scene;

- \* the proposals represent an over-development of the plot, which currently provides accommodation for a single bungalow;

- \* the submitted plans do not show the proposed elevations, relative to neighbouring properties;

- \* the proposed development is expected to add to existing highways/parking congestion issues at the busy Trafford Road/Macclesfield Road junction.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is Low Ridge which is an extended traditional bungalow located in large grounds on an elongated plot covering an area of 0.21ha and is located on the corner of Macclesfield Road and Trafford Road. The bungalow contains a flat, providing two residential units. The building currently has an attached garage located to the front of the site. There is a strong landscaped boundary around the perimeters of the site. The site slopes from its Trafford Road entrance down to Macclesfield Road. The site has Ashdene immediately to the north with Whitegate across Macclesfield Road with Greenbank immediately opposite on Trafford Road. These are large dwellings set back from the highway by a considerable distance. The set back of dwellings in the immediate area with heavily landscaped perimeters, means that the character of the area is not built up along the pavement edge but leafy, with only glimpses of dwellings set in their landscaped grounds.

The existing bungalow, named Low Ridge is a true single storey bungalow, and has a low pitched roof. The bungalow is empty and requires renovation and is painted white.

### **DETAILS OF PROPOSAL**

The application proposes the demolition of the bungalow and its replacement with a single building accommodating 3 apartments. The scheme has been amended following the original submission, following advice from landscape and arboricultural officers relating to the landscaping at the site and concerns from the Council's Conservation Officer. The scheme proposes 3 apartments in a three storey building, two apartments will be maisonettes occupying the lower ground and ground floors handed, with one apartment occupying the whole first floor. The two smaller apartments have two bedrooms with en-suite bathrooms at ground floor level, with open plan kitchen/living area and study at lower ground level. The lower ground floor will be a full storey on the rear elevation, and will have a subterranean level on the front elevation. The building measures 6.5m in height at the front and 9.9m in height at the rear.

The building has been designed to accommodate the site levels, with three storeys at the rear and two storeys at the front, and as viewed from the highway. The main amenity space to the rear is proposed to be communal. However the two 2 storey apartments will have private garden terraces.

The site is proposed to be heavily landscaped, removing some existing poor landscaping and replacement and enhancement particularly along the boundaries of the site. Landscaping plans have been provided showing 1, 5 and 10 year maturity of the planting proposed.

Car parking is proposed to the front of the building, with a detached flat roof 3 bay garage and



three formal car parking spaces, providing a total of six spaces.

### **Planning History**

17235PB, Conservatory, approved, 21-Dec-1978

45534P, Conservatory extension, approved, 03-Jul-1986

60778PB, Single storey bathroom and bedroom extension, approved, 28-Dec-1989

98/1331P, Detached double garage, approved, 03-Sep-1998

14/0577M, The demolition of the existing building and erection of two duplexes and a penthouse within a replacement building, withdrawn, 12-Mar-2014

14/1132M, The demolition of the existing building and erection of two duplexes and a penthouse within a replacement building, refused, 22-Jul-2015

### **POLICIES**

#### **Local Plan Policy**

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

#### **Macclesfield Borough Local Plan – Saved Policies**

NE11 – Nature Conservation

BE1 – Design Guidance

BE2 – Preservation of Historic

BE3 – Conservation Areas

BE4 – Demolition Criteria in Conservation Areas

BE12 – The Edge Conservation Area

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

H12 – Low Density Housing Areas

H13 – Protecting Residential Areas

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 - Landscaping

DC9 – Tree Protection

DC38 – Space, Light and Privacy

DC41 – Infill Housing Development or Redevelopment

#### **Cheshire East Local Plan Strategy – Submission Version**

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SC4 – Residential Mix  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

## **Other Material Considerations**

The Edge Conservation Area Appraisal  
National Planning Policy Framework  
Planning Practice Guidance

## **Material Considerations**

National Planning Policy Framework

Paragraph 14 decision making  
Part 7 Requiring Good Design  
Paragraph 50 housing mix

## **Supporting Information**

Accuracy statement  
Arboricultural Report  
Landscape Design Scheme  
Ecology Report  
Design and Access Statement  
Heritage Statement

## **CONSULTATIONS (External to Planning)**

**Councillor Comments** – Called in to committee by Councillor Browne

**Environmental Health** – No objections subject to conditions

**Alderley Edge Parish Council** – The Parish Council recommends refusal of this application and asks that it is called in to the Northern Planning Committee; it is of such a scale to represent overdevelopment of the site, it is in a conservation area where the proposal shall detract significantly from the overall character of the area and indeed in isolation based on its location would remove aspect and views. The information submitted within the application fails to suitably represent this.

Highways issues are also not suitably addressed as the access affords limited visibility and

risk of accidents would be compounded by ingress/egress being markedly increased - No comment received in relation to amended scheme.

**The Edge Society** - The Edge Association wishes to express its strongest objection to this application for the following reasons;

- a) the details of the application are little different to that of application 14/1132M for the same site which was Refused by Cheshire East and negatively commented on by the Conservation Officer.
  - b) the mass and height of the proposed building incorporating 3x dwellings replacing 1x bungalow is not in accord with the principles of the Conservation Area`
  - c) the proposed building dominates adjacent houses with resulting loss of privacy and amenity. This is combined with the loss of the present low density aspect of the site and space between buildings in contravention of Conservation Area guidelines
  - d) the development would spoil the rewarding vista and view of the centre of Alderley Edge and distant Cheshire for users of Macclesfield Rd by its excessive height. The submitted supporting photographic evidence does not appear to make a realistic comparison of the present and future views after development.
  - e) the dangers and disruption to neighbours and local road users of the logistics of demolition and construction at a busy road junction, exacerbated by the extensive parking of contractor personnel in the vicinity as there is minimal available parking or storage facilities on site.
- NB

- 1) Any approval of this development would appear to negate the upcoming safety and road user benefits from the proposals by CE for parking restrictions on Macc & Trafford Rd
- 2) No Method Statement or similar has been made public on how the development would be managed to ensure a safe environment on and adjacent to the site, and minimise disruption to others.

**Highways** – No objections subject to condition for Construction Traffic Management Plan.

## REPRESENTATIONS

Neighbour Comments – (received between 06/07/2016 – 17/01/2017)

18 letters of objection received from 17 properties raising the following points:

- Proposal does not preserve or enhance conservation area
- Further information should be submitted relating to computer generated imagery submitted and building heights reflect those of original application
- Application should be refused mass of building is out of character with conservation area
- Affects privacy of objectors
- Increased density would have an adverse impact on junction
- Does not comply with policies in local plan
- Does not meet the requirements of the NPPF
- Highways and safety issues
- Concerns of Alderley Edge becoming overdeveloped like a suburb of Manchester
- Out of character
- Loss of visual amenity and harm to the skyline
- The proposed development is in the Conservation Area and in keeping with the conservation

area and would not be prominent in the street scene, support the proposal

- The design of this property is well screened from the road and suits the plot that the current house sits in and will really smarten up the corner of the road. It's nice to see that something modern in design hopefully being built.
- Concern over construction vehicles

### **OFFICER APPRAISAL**

- Principle of Development
- Housing supply and mix
- Design and Heritage
- Landscape
- Trees
- Ecology
- Neighbour Amenity
- Highways Issues
- Other Issues
- Conclusions

### **Principle of Development**

The application proposes the replacement of a bungalow with a building providing three apartments comprising 2 x two bedroom apartments and 1 three bedroom apartment. The bungalow is currently empty and has been for some time.

The site is located within the Alderley Edge Conservation Area, Predominantly Residential Area and Low Density Housing Area.

The principle of residential development within a predominantly residential area is acceptable, providing it delivers a sustainable form of development and is acceptable regarding all other material considerations. The principle of development is acceptable in this case. The site covers an area of 0.2ha and provides 1 building. It is considered that this complies with the low density housing policy H12 as it does not result in the subdivision of the plot further only a subdivided building. Further, it is a replacement building, the single residential building is being replaced by a single building and the developed part of the site will be retained as existing.

### **Housing**

The site is a windfall site, and will make a contribution of 1 whole net dwelling to the Council's 5 year supply of housing land. The current site occupies a bungalow which does contain a separate flat, according to the Councils' gazetteer system.

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October

2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

The proposal will provide two 2 bedroom units and one 3 bedroom unit. Smaller units are required to ensure a mix of dwellings within the Borough. Housing mix is encouraged through paragraph 50 of the NPPF. The proposal is acceptable in this regard.

### **Design and Heritage**

The site is located within the low density housing area which aims to protect the character of the area. It is considered that the physical density of the site will remain as existing as one building is being replaced by one building. The quantum of development across the site will reflect the current position, albeit the building is subdivided into three units. It is not considered that the character of the area would be harmed as a result of the building being flats, as many buildings are subdivided retrospectively, with no external changes and no harmful impact on character.

The design of the building is contemporary. There are many examples within and around Alderley Edge of contemporary architecture. The existing building does not make a positive contribution to the Conservation Area. However, it is very modest and low in stature. Therefore its replacement must be sympathetic and retain the character of the area. The replacement building, measures 6.5m in height at the front elevation and has a flat roof.

The design has maintained a contemporary theme throughout the planning application process; however, the size has been reduced and has been brought in at the sides in order to not fill the full width of the site, as the existing building does. Due to the amount of work required to construct the replacement building, in particular creating foundations, it was considered by the council's Conservation Officer and Arboricultural Officer that landscaping could die along the boundaries which are the most sensitive parts of the site, and are

essential to be retained to maintain the sylvan setting which characterises the area.

Therefore the amendments to the scheme including replacement planting have been carefully considered by officers. The scheme now allows for the construction of the building with the assurance that the planting will survive, and will be enhanced with native species, and poor specimen trees will be removed which has been agreed to be acceptable.

The Conservation Officer has commented on the revisions, and has reviewed all of the information on which concerns were raised over previously. The tree and landscape officers are satisfied with the position of the building and the trees. The evidence provided demonstrates the impacts at various stages 1,5,10 years. The Conservation Officer feels comfortable that the replacement dwelling will preserve the character of the conservation area at this point, and raises no further issues subject to appropriately worded conditions. Therefore it is considered that the amendments have sufficiently overcome concerns and the proposed development will not cause harm to the character of the conservation area or its setting, therefore accords with policies set out to protect the heritage asset.

### **Landscape**

The revised layout shown on Landscape Proposals Plan 3011.04 rev H submitted on 9/1/17 provides a further increase in the area between the proposed apartment building and the Macclesfield Road boundary wall.

Through discussions with the applicant's landscape and arboricultural consultants, it was agreed that by removing the cherry tree (T4) and the apple tree (T5), which are both poor specimens, there would be further scope to plant large, semi-mature trees adjacent to the building which would provide a more effective screen in the long-term.

The landscape scheme includes a new tree belt along the Macclesfield Road boundary wrapping around into Trafford Road. It comprises eighteen semi-mature evergreen and deciduous tree species including Holly, Pear and Cherry plus large understorey shrubs. The proposed trees have a fairly upright form and should eventually screen the development without causing conflict with future residents.

Three streetscene drawings have been submitted showing the existing view from Macclesfield Road and the predicted views at year one just after planting, at year five and at year ten. They illustrate how views of the proposed apartment block would gradually be filtered and screened as the trees mature. The proposed landscape scheme would also enhance the Conservation Area. The landscape officer has no objections subject to conditions.

### **Trees**

The site is located in a sylvan setting where trees and hedgerows are strong features in the character of the area. The revised site layout establishes a greater degree of landscape space to the rear of the retaining wall on the Trafford Road frontage, the loss of additional low value trees has been accepted; with replacement planting seen as a net long term gain in terms of screening the proposed dwelling and providing a greater degree of value to the character of the Conservation Area. The proposed landscape scheme has been resolved with tree species and associated growth patterns reconciled to ensure replacement planting is not placed under

undue pressure from future occupiers. None of the trees identified for removal are considered worthy of formal protection under a Tree Preservation Order.

The majority of the retained trees can be protected in accordance with current best practice; where there are incursions within the identified root protection areas none of the trees including T10 are considered worthy of formal protection. Additional ground protection has been identified where protective fencing distances have been reduced.

The proposal is considered to be acceptable in respect of trees and the social proximity to the new residential units is an acceptable distance. The arboricultural officer has no objections subject to conditions.

### **Ecology**

The proposal is located in an area with ecological potential. Accordingly the application was accompanied by an ecology report. This has been reviewed by the Council's Ecologist who concurs with the conclusions and recommendations and is satisfied that the risk to protected species is minimal, and that no further surveys are required to determine the application.

A condition is required to secure compliance in full with 'Section 10 Recommendations and Implications' of the supporting ecology report (dated 4th March 2016). Subject to this, it is considered that the proposal will not cause harm to protected species and accords with policy NE11 of the MBLP.

### **Residential Amenity**

The proposed development has residential development opposite and to the north. The plot and surrounding plots are generous with significant levels of screening, either side, to the north and south, with no dwellings immediately to the front or rear of the property. The proposal is 35m from Poets Edge located to the rear, and 60m from Greenbank immediately opposite across Trafford Road. The side of the building will be located 13m to the south of the side elevation of Ashdene, which is 10m at the current time. The proposed occupied building will be moved 3m further away than the current bungalow.

Due to the levels, screening, distances and juxtaposition of the development and its surrounding properties, there will be no issues with overlooking, loss of light or loss of privacy to surrounding properties. Interface distances are in excess of what is required by policy DC38 of the MBLP. Therefore there is no material harm to residential amenity as a result of the proposals and the application accords with policy DC3 of the MBLP.

### **Highways**

The application proposes off-street parking for six vehicles. The increase in the number of dwellings from two units to three units is likely to result in a minor increase in traffic which would have a negligible impact on the wider highway network.

The proposals utilise the existing site access, which is acceptable and the proposed level of off-street parking provision is consistent with CEC's minimum parking standards for two/three bedroom dwellings.

It is recognised that there are local concerns relating to the temporary impact of construction traffic at the site. Therefore, a condition should be attached to any permission granted requiring the submission of a Construction Traffic Management Plan to the satisfaction of the Strategic Infrastructure Manager, prior to first development/demolition.

Subject to the provision of a Construction Traffic Management Plan, the Strategic Infrastructure Manager raises no objection to the planning application.

### **Other Issues**

Due to the levels at the site, a levels plan will be required as part of any permission to ensure that the levels are maintained in order to correctly reflect the basis on which the assessment of this application has been made.

United Utilities commented on the previous application at the site and raised no objections therefore it is considered that the site can be adequately drained in terms of foul and surface.

A number of representations have been made in relation to the information supplied with the application. It is considered that the amendments made and the information provided has enabled officers to accurately assess the proposals. All representations have been taken into account and all material planning considerations raised have been addressed in the main body of the report. As the application is for flats it will not benefit from permitted development rights.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development is considered to be acceptable following the revisions made to the application. The National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that no harm or adverse effects will arise as a result of the proposed development and it is sustainable and accords with the Development Plan policies outlined in the policies section of the report and the National Planning Policy Framework.

### **RECOMMENDATION**

APPROVE subject to conditions:

1. Standard Time Limit 3 Years
2. Approved Plans
3. Material Details to be submitted, to include windows doors and rainwater goods.
4. Development to be carried out in accordance with Planting Plan DEP 3011.05. revision B.
5. A04LS Landscape implementation and five year replacement
6. A17LS Prior to commencement, a schedule of landscape maintenance for minimum period of 10 years shall be submitted to ensure that the existing mature vegetation and the proposed new planting along the Macclesfield Road and Trafford Road boundaries are properly maintained.

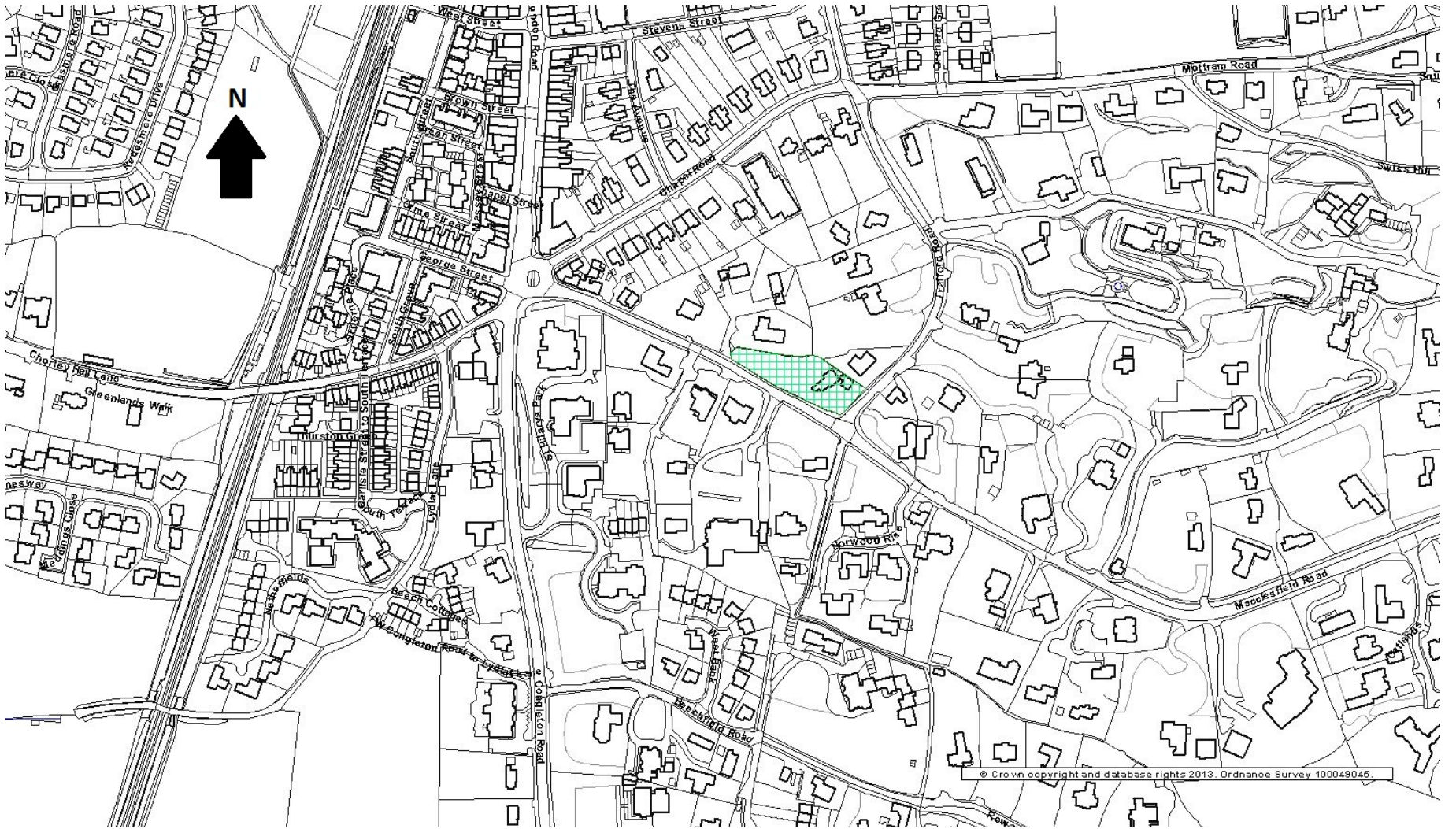


7. All arboricultural works shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/15/12/16 received by the Local Authority on the 9<sup>th</sup> January 2017.
8. The proposed development is to be carried out in full accordance with 'Section 10 Recommendations and Implications' of the supporting ecology report (dated 4th March 2016).
9. Construction Traffic Management Plan to be submitted
10. Details of bin storage
11. Piling method statement
12. Dust control measures to be submitted
13. Floor Floating details to be submitted
14. Levels to be submitted
15. Drainage details to be submitted

### Informatives

1. Environmental Health Piling Informative
2. Environmental Health Contaminated Land Informative
3. Construction Hours of Operation

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



Application No: 16/6123M

Location: PRESTON COTTAGE, BROOK LANE, ALDERLEY EDGE, ALDERLEY EDGE, CHESHIRE, SK9 7QQ

Proposal: Demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works.

Applicant: McPherson

Expiry Date: 21-Feb-2017

## REASON FOR REPORT

The application has been called into committee by Councillor C Browne. The reasons for requesting the application is reported to the planning committee are as follows:

*The application involves significant changes to a listed building and as such, it should be properly scrutinised by members of the Planning Committee.*

### Summary

The proposals are in accordance with the NPPF and Macclesfield Borough Council Local Plan.

Pre application advice was sought and the comments were taken on board, therefore Heritage and Design have no objection to the proposal and believe the proposal will cause minimal impact to the building.

The siting of the rear extension on the western elevation has been located specifically to ensure there is minimal impact on the listed building. In addition a glazed link has been utilised so there will be no significant impact to the listed building and the timber frames will still be seen.

The modern materials are seen as a positive as the contrast results in the original house being prominent and the different phases of the built form are clear.

The revised location of the garage is preferred and is deemed to improve the setting of the listed building. The overall design is deemed acceptable and in keeping with the area.

Ecology have no objection to the proposal and following the amendment to the location of the entrance gate resulting in a 5m set back from the highway, highways also have no objection and believe the proposal to be an improvement.

The initial location of the garage resulted in harm to high quality trees. Revised plans were therefore submitted resulting in Cheshire East Council's Arboriculture Officer has no objection to the proposals.

The proposal is therefore considered to be an acceptable form of development and a recommendation of approval is made.

**RECOMMENDATION**

Approve subject to conditions

**DESCRIPTION OF SITE AND CONTEXT**

The dwellinghouse is a Grade II listed building located to the north of Brook Lane. The site is located within land designated as Green Belt as defined in the Macclesfield Borough Local Plan.

The listed cottage is set within planted gardens to front and rear, bordered by a hedge with trees. The rear garden slopes downwards towards the adjacent golf course and is bordered by mature trees although there are open views towards the golf course. The cottage is approached by a gravel driveway at the west side with further planting and the late 20th century outbuildings by the rear boundary. The property was first listed 1968.

Historic England's description of the building is as follows:

*House: C16 with C19 partial refacing and C20 alterations. Timber-framed on stone plinth with partly plastered and partly brick infill. Washed plastered brick to the front. Partly Kerridge stone-slate, partly Welsh slate roof and 2 brick chimneys. Plan of central hall and 2 cross wings. North front of 1 storey and attic has gable at either end. 15 by 3 small frames with angle bracing of wall plate. Roof trusses of tiebeam and collar. Windows all C20 with applied lead glazing and a 3-light example in gabled dormer. South front of brick with timber work in gable, and a small gabled porch. Interior: Timber framed partition walls. Fire beam and posts in room to right and 2 early crude board doors with iron strap hinges and wooden handles and latches.*

**DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing garage, erect a replacement garage and an extension to the rear of the existing dwelling together with amended site access and landscaping works.

**Relevant Planning History**

16/6124M LISTED BUILDING CONSENT FOR DEMOLITION OF EXISTING GARAGE, ERECTION OF REPLACEMENT GARAGE AND EXTENSION TO EXISTING DWELLING TOGETHER WITH AMENDED SITE ACCESS AND LANDSCAPING WORKS. Not yet determined.

02/0770P DETACHED GARAGE. Approved with conditions 22/07/02

73113P REPLACEMENT OF FLAT ROOF OVER GARAGE WITH PITCHED ROOF.  
Approved 10/03/1993

73159P REPLACEMENT OF FLAT ROOF OVER GARAGE WITH PITCHED ROOF. Approved  
10/03/93

## **CONSULTATIONS**

Conservation / Listed Building – No objection however conditions requested

Highways – No objection as there is now a 5m distance between the proposed gate and the carriageway. Informative requested

Forestry – No objection however conditions requested

Ecology – No objection

## **PARISH/TOWN COUNCIL**

Alderley Edge Parish Council - The Parish Council recommends refusal on the grounds that it doesn't improve or enhance the character of the building and as a listed building the Parish Council would like to request that it's called in to the Northern Planning Committee.

## **REPRESENTATIONS**

None received

## **POLICIES**

### **Macclesfield Borough Local Plan - saved policies**

BE1 (Design principles for new developments)  
BE2 (Historic Fabric seek to preserve or enhance)  
BE16 (Setting of Listed buildings)  
BE18 (Design criteria of listed buildings)  
DC1 (High quality design for new build)  
DC2 (Extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC6 (Circulation and Access)  
DC8 & DC37 (Landscaping)  
DC9 (Tree Protection)  
GC12 (Green belt)  
NE11 (Nature conservation)

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

### **Other Material Considerations**

National Planning Policy Framework  
National Planning Practice Guidance  
Cheshire East Local Plan Strategy – Submission Version

### **OFFICER APPRAISAL**

The key issues relate to 1) design/impact on the character and appearance of the area and listed building 2); tree preservation; 3) impact on neighbour amenity; 4) highways safety; 5) Green Belt; 6) landscaping, archaeology and ecology.

#### **Design/impact on the character and appearance of the area and listed building**

The extension is located wholly to the rear of the property to minimise its impact. The fall in ground level has been utilised to maximise the internal height, while the ridge level of the extension is below that of the listed building. The extension has been designed in a simple contemporary style using a sympathetic palette of materials. The use of dark timber panels links with the timber frame while the use of large glass panels lightens the appearance of the extension.

The addition of the rear extension to the Western elevation has been sited in a place which will have minimal impact upon the listed building. In addition the glazed link stand off still allows the timber frame of the building to be seen and as such will not reduce or harm the significance of the core of the building. This new addition will be seen as such, as it will be built of modern materials which contrast to the original house in a sympathetic manner. This form of extension is a preferred option on buildings of this type as the different phases of the built form are evident. The Conservation Officer confirms that these changes will have an acceptable impact upon the listed building.

The proposed detached garage is approximately 4.7m high, 5m deep, 8.2m wide and covers 42.3sqm (including the lightweight lean to structure). The two car garage will contain an open elevation to the south. The proposed garage is the same dimension and appearance as the existing structure (to be removed). It will be constructed with timber cladding and a slate roof. Revised plans have been received relocating the garage further back (north) into the site resulting in the proposed garage being less prominent from the road. Bearing the above points in mind the proposed garage is considered to be acceptable in design terms. The Conservation Officer raises no objections to the garage in terms of its impact upon the setting of the listed building.

The proposal is therefore in accordance with policies BE1, BE2, BE16, BE18, DC1 and DC2 of the Macclesfield Borough Local Plan.

### **Amenity**

Policies DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy. Due to the location of the existing house, the location of the proposed extension and garage, and the relationship with neighbouring properties, no significant amenity issues are raised.

### **Tree Preservation**

The original position of the proposed garage resulted in harm to a number of high value trees. Revised plans were therefore received moving the garage north within the site. The amended proposals now identify the loss of three trees T6, 7, & 17. Only T6 has been categorised as a low value tree with the remaining two trees unclassified (remove due to condition).

The proposed construction will be carried out using a geo-cellular confinement system to avoid damage to retained tree roots. The proposed construction detail accords with the requirements of current best practice BS5837:2012, and is considered to be acceptable. The relocated garage stands within the RPA of T14 and T15, but the light weight construction can be implemented without detrimentally impacting on the identified high value trees. A detailed construction method statement will be required, which can be addressed by condition. There are no post development issues in terms of social proximity and light given the buildings usage.

Implementation of the revised access requires the removal of the previously identified T7 (Hawthorn) which is accepted; and visibility splays can be accommodated without the loss of any additional trees.

There are no significant Arboricultural implications associated with the extension to the rear of the building, removal of the existing garage or closing off the existing access.

The submitted tree protection details are considered adequate and accord with the requirements of current best practice BS5837:2012

### **Highways**

The existing property is currently accessed by a gravel driveway to the west of the dwelling house, providing direct access on to Brook Lane. The existing site access is to be closed and a new site access to be provided further east along Brook Lane.

The Head of Strategic Infrastructure (HSI) requested that the proposed gate should be set back by 5m from the highway to prevent any vehicles overhanging onto the highway when accessing/egressing. A revised plan was therefore received adhering to this request and so is now deemed acceptable.

The HIS has confirmed the new access provides a visibility improvement in the leading direction. It is therefore considered that the proposal is acceptable in terms of highways safety, and adequate parking is provided within the site. The proposal is therefore in accordance with policy DC6 of the Macclesfield Borough Local Plan.

### **Green Belt**

GC12 of the Local Plan states:

Alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered. Exceptions to the policy may be permitted where:

1. the proposal lies in a group of houses or ribbon of development and the extension would not be prominent
2. the extension is to provide basic amenities or an additional bedroom or living room in a small cottage
3. the extension is to provide a conservatory or domestic building in the curtilage. and the proposal would not adversely affect the character and appearance of the countryside.

The dwellinghouse is currently 95sqm at ground floor and 95sqm at first floor equating to 190sqm in total. The proposal will result in an additional 52sqm (27% increase).

Following a history search there is no evidence to suggest the property has previously been extended. Due to the proposed garage being a domestic building in the curtilage and the fact that it replaces an existing garage with a similar scale and mass, the proposed garage is also acceptable under the terms of policy GC12 of the Local Plan. The proposal is therefore not inappropriate development in the Green Belt.

### **Other matters**

Preston Cottage is discussed in the Cheshire Historic Towns Survey report. It has been confirmed by the Council's Archaeologist that this development will not raise any archaeological issues as the amount of ground disturbance will be limited. In addition past experience has consistently shown that significant archaeological deposits are not revealed by developments such as this, even when adjacent to historic buildings.

Considering the distance of the proposed works to the pond located to north east of the dwelling and the nature of the proposed works, the nature conservation officer has confirmed that there are no significant ecological issues associated with the proposed development. The proposal is therefore in accordance with policy NE11 of the Local Plan and acceptable in ecology terms.

The site is currently well screened. Whilst a garden plan has been submitted with the application, it is considered that further landscaping details should be conditioned to ensure appropriate screening is retained and that the existing entrance to the site is landscaped in an appropriate manner.

### **PLANNING BALANCE**

The proposals are in accordance with the NPPF and Macclesfield Borough Local Plan.

The proposal will have an acceptable impact upon the listed building and its setting. The modern materials are seen as a positive aspect of the proposal as the contrast results in the original house being visible and the different phases of the built form are clear.



The proposal is not inappropriate development in the Green Belt, and no ecology, tree, highway safety, archaeology or amenity issues are raised.

No significant adverse impacts are identified. The proposal is therefore a sustainable form of development and a recommendation of approval is made.

### **RECOMMENDATION**

#### **Approve subject to conditions**

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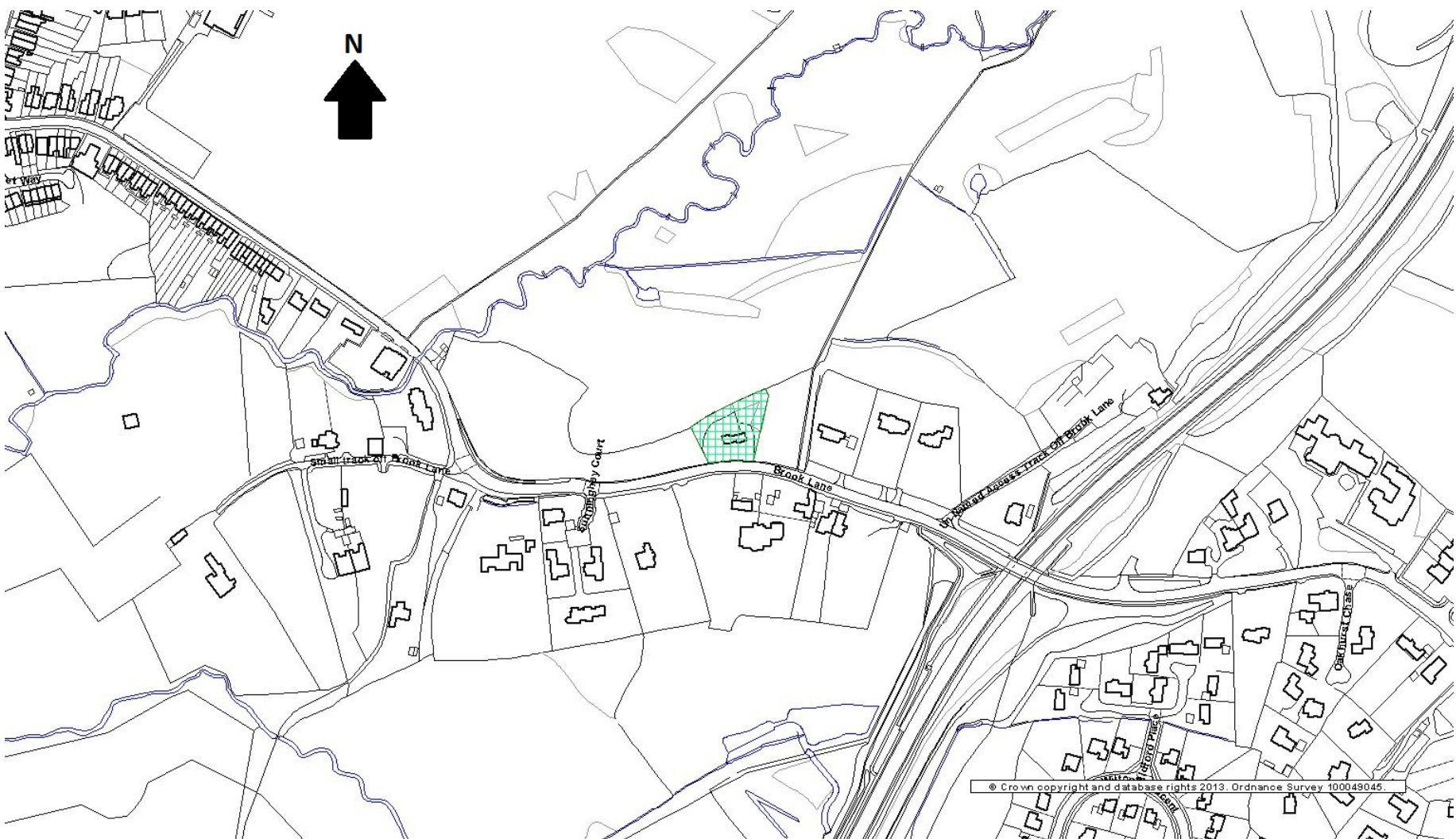
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Construction Method Statement (trees)
7. Arboricultural works
8. Removal of garage



Application No: 16/6124M

Location: PRESTON COTTAGE, BROOK LANE, ALDERLEY EDGE, ALDERLEY EDGE, CHESHIRE, SK9 7QQ

Proposal: Listed building consent for Demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works.

Applicant: McPherson

Expiry Date: 21-Feb-2017

### REASON FOR REPORT

The application has been called into committee by Councillor C Browne. The reasons for requesting the application is reported to the planning committee are as follows:

*The application involves significant changes to a listed building and as such, it should be properly scrutinised by members of the Planning Committee.*

#### Summary

The proposals are in accordance with the NPPF and Macclesfield Borough Council Local Plan.

The siting of the rear extension on the western elevation has been located specifically to ensure there is minimal impact on the listed building. In addition a glazed link has been utilised so there will be no significant impact to the listed building and the timber frames will still be seen.

The modern materials are seen as a positive as the contrast results in the original house being prominent and the different phases of the built form are clear.

The proposal is therefore considered to be an acceptable form of development and a recommendation of approval is made.

#### RECOMMENDATION

Approve subject to conditions

### DESCRIPTION OF SITE AND CONTEXT

The dwellinghouse is a Grade II listed building located to the north of Brook Lane. The site is located within land designated as Green Belt as defined in the Macclesfield Borough Local Plan.

The listed cottage is set within planted gardens to front and rear, bordered by a hedge with trees. The rear garden slopes downwards towards the adjacent golf course and is bordered by mature trees although there are open views towards the golf course. The cottage is approached by a gravel driveway at the west side with further planting and the late 20th century outbuildings by the rear boundary. The property was first listed in 1968.

Historic England's description of the building is as follows:

*House: C16 with C19 partial refacing and C20 alterations. Timber-framed on stone plinth with partly plastered and partly brick infill. Washed plastered brick to the front. Partly Kerridge stone-slate, partly Welsh slate roof and 2 brick chimneys. Plan of central hall and 2 cross wings. North front of 1 storey and attic has gable at either end. 15 by 3 small frames with angle bracing of wall plate. Roof trusses of tiebeam and collar. Windows all C20 with applied lead glazing and a 3-light example in gabled dormer. South front of brick with timber work in gable, and a small gabled porch. Interior: Timber framed partition walls. Fire beam and posts in room to right and 2 early crude board doors with iron strap hinges and wooden handles and latches.*

### **DETAILS OF PROPOSAL**

The proposal is to demolish the existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works.

#### **Relevant Planning History**

16/6123M. Demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works. Not yet determined.

02/0770P DETACHED GARAGE. Approved with conditions 22/07/02

73113P REPLACEMENT OF FLAT ROOF OVER GARAGE WITH PITCHED ROOF. Approved 10/03/1993

73159P REPLACEMENT OF FLAT ROOF OVER GARAGE WITH PITCHED ROOF. Approved 10/03/93

### **CONSULTATIONS**

Conservation / Listed Building – No objection however condition requested

### **PARISH/TOWN COUNCIL**

Alderley Edge Parish Council - The Parish Council recommends refusal on the grounds that it doesn't improve or enhance the character of the building and as a listed building the Parish Council would like to request that it's called in to the Northern Planning Committee.

### **REPRESENTATIONS**

No comments received at time of report

## **POLICIES**

### **Macclesfield Borough Local Plan - saved policies**

BE18 (Design criteria of listed buildings)

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*".

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following is considered a relevant material consideration as indications of the emerging strategy:

SE7 (The Historic Environment)

#### **Other Material Considerations**

National Planning Policy Framework

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Submission Version

## **OFFICER APPRAISAL**

As noted above listed building consent is sought for the demolition of existing garage, erection of replacement garage and extension to existing dwelling together with amended site access and landscaping works.

The key issues relate to design/impact on the character and appearance of the area and listed building.

### **Design/impact on the character and appearance of the area and listed building**

The extension is located wholly to the rear of the property. The fall in ground level has been utilised to maximise the internal height while the ridge level of the extension is below that of the main listed building. The extension has been designed in a simple contemporary style using a sympathetic palette of materials. The use of dark timber panels links with the timber frame, while the use of large glass panels lightens the appearance of the extension.

The addition of the rear extension to the Western elevation has been sited in a position which will have minimal impact upon the listed building. The glazed link stand off still allows the timber frame of the original building to be seen and as such will not reduce or harm the significance of the core of the building. This new addition will be seen as such, as it will be built from modern materials which will contrast to the original house in a sympathetic manner. This form of extension is a preferred option on buildings of this type as the different phases of the building are evident.

The Conservation Officer raises no objections subject to conditions and the proposal is therefore considered to maintain the architectural and historic integrity of the listed building

### **PLANNING BALANCE**

The proposals are in accordance with the NPPF and Macclesfield Borough Council Local Plan.

The siting of the rear extension on the western elevation has been located specifically to ensure there is minimal impact on the listed building. In addition a glazed link has been utilised so there will be no significant impact to the listed building and the timber frames will still be seen.

The modern materials are seen as a positive as the contrast results in the original house being prominent and the different phases of the built form are clear.

The proposal is therefore considered to be an acceptable form of development and a recommendation of approval is made.

### **RECOMMENDATION**

**The application is recommended for approval.**

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*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 Head of Planning (Regulation) 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.*

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Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Materials as application
3. Development in accord with approved plans

