

# Northern Planning Committee

## Agenda

---

**Date:** Wednesday, 16th August, 2017  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

---

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

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and 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 12 July 2017 as a correct record.

---

**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. **15/5637M-Erection of up to 23No. Dwellings, Land off, School Lane, Marton for Hollins Strategic Land LLP (Pages 11 - 34)**

To consider the above application.

#### 6. **17/1052M-Demolish poultry building. Erect replacement steel portal frame building to be used for business storage on a separate footprint, Mere Hall Farm, Bucklow Hill, Lane, Mere for Messrs Ian & Andrew Faulkner (Pages 35 - 48)**

To consider the above application.

#### 7. **17/1359M-Demolition of existing dwelling and replacement with four detached units and associated access and landscape works, 24, Lostock Hall Road, Poynton for CJR, CJR Ltd (Pages 49 - 64)**

To consider the above application.

#### 8. **17/1977M-Erection of a single detached dwelling and creation of a new access to the existing dwelling, Netherbrook, Chorley Hall Lane, Alderley Edge, Wilmslow for Alderley Edge 1 GB Ltd (Pages 65 - 74)**

To consider the above application.

#### 9. **17/2061M-Demolition of existing buildings and erection of 7 new dwellings, Rosegarth, 51, Adlington Road, Wilmslow for Mr & Mrs Wilman (Pages 75 - 84)**

To consider the above application.

#### 10. **17/2263M-Proposed agricultural building (re-submission of 15/0950M), Top Croft, Ridge Hill, Sutton for Mr & Mrs C. J. Bailey (Pages 85 - 92)**

To consider the above application.

11. **17/2586M-Construction of artificial grass hockey pitch on existing school field, with 1.2m perimeter fence, no floodlighting, Alderley Edge School for Girls, Wilmslow Road, Alderley Edge for Simon Malkin, Alderley Edge School for Girls** (Pages 93 - 106)

To consider the above application.

12. **17/2610M-Infill Development for 2no. dwellings and associated landscaping, Land between no.3 Seven Sisters Lane and No.4 Seven Sisters Lane, Ollerton for Russ Brighouse, Brighouse Investments Ltd** (Pages 107 - 118)

To consider the above application.

**This page is intentionally left blank**

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 12th July, 2017 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

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

Councillors Rhoda Bailey (Substitute), E Brooks, T Dean, L Durham, S Edgar (Substitute), P Findlow, H Gaddum, D Mahon (Substitute), N Mannion and J Rhodes (Substitute)

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning Officer), Mr M Keen (Senior Planning Officer), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

### **9 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Andrew, S Gardiner, A Harewood and M Warren.

### **10 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/1977M, Councillor C Browne declared that he had called in the application at the request of the Parish Council, however he had retained an open mind.

Councillor G Walton declared that he had called in application number 17/1607M, which was in his Ward. He would vacate the Chair in favour of the Vice-Chairman and exercise his separate speaking rights as the Ward Councillor, then withdraw from the meeting for the duration of the Committee's consideration of this item.

It was noted that Members had received correspondence in respect of applications 17/2129M and 17/1607M.

### **11 MINUTES OF THE MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 7 June 2017 be approved as a correct record and signed by the Chairman.

### **12 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**13 17/2129M-ERECTION OF TWO SEMI-DETACHED DWELLINGS ALONGSIDE THE EXISTING DETACHED BUNGALOW, 18, SHRIGLEY ROAD NORTH, POYNTON FOR KEITH FARRELL**

Consideration was given to the above application.

(Haf Barlow, representing Poynton Town Council, Hayley Whitaker, an objector and Alison Baker, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused due to the fact that the proposal did not reflect the local character by virtue of the bulk and massing of the proposed dwellings and associated impact on streetscene, the over intensification of use / development and the Impact on highway safety due to inaccessible car parking.

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

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

**14 17/2236M-DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF 8 TOWNHOUSES, THE RIFLEMANS ARMS, 113, MOOR LANE, WILMSLOW FOR NEW MOOR GB LTD**

Consideration was given to the above application.

(Roger Bagguley, an objector and Kath Ludlam, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor G Barton, the Ward Councillor).

**RESOLVED**

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

1. Commencement of development

2. Plans
3. Details of drainage
4. Tree retention
5. Contaminated Land Condition
6. Submission of samples of building materials
7. Tree protection
8. surface water drainage
9. provision of bat roost
10. Electrical Vehicle Charging Points
11. Bin storage details to be submitted
12. Construction Management plan
13. Broadband
14. Removal of Permitted Development Rights
15. Gate to rear passageway
16. Incorporation of stone plaques

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

(The meeting adjourned for a short break).

**15 16/5610M-CHANGE OF USE OF LAND FROM A FORMER PETROL FILLING STATION TO A HAND CAR WASH AND VALET BUSINESS WITH ASSOCIATED SINGLE-STOREY BUILDING AND CANOPY, KINGS ARMS SERVICE STATION, ALDERLEY ROAD, WILMSLOW FOR MR ISA DAJCI, SHINES**

Consideration was given to the above application.

(Councillor R Menlove, the Ward Councillor, Town Councillor Mark Goldsmith, representing Wilmslow Town Council, Dr Stuart McIntosh, an objector, James Russell, an objector and Nick Smith, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused due to the harm to character of the area and the fact the proposal did not enhance important gateway site to Wilmslow as well as the impact on highway safety due to potential for cars queuing onto Alderley Road.

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

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the 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.

(The meeting adjourned for lunch from 1.10pm until 1.55pm. Councillor R Bailey left the meeting and did not return).

**16 17/0763M-DEMOLITION OF ONE TWO-STOREY DETACHED DWELLING AND THE CONSTRUCTION OF TWO TWO-STOREY DETACHED DWELLINGS WITH ASSOCIATED ACCESSES (RESUBMISSION OF 16/3674M), 49, CARRWOOD ROAD, WILMSLOW FOR BILLY HERRING, HERRING PROPERTIES LTD**

Consideration was given to the above application.

(Amanda Newman, an objector and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused as it was over-development that significantly increased the built form of the site to the detriment of the character of the area. Contrary to Policies BE1 and DC1 of the Macclesfield Borough Local Plan and the provisions of 'The Three Wilmslow Parks' Supplementary Planning Guidance

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

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

**17 17/1977M-ERECTION OF A SINGLE DETACHED DWELLING AND CREATION OF A NEW ACCESS TO THE EXISTING DWELLING, NETHERBROOK, CHORLEY HALL LANE, ALDERLEY EDGE, WILMSLOW FOR ALDERLEY EDGE 1 GB LTD**

Consideration was given to the above application.

(Parish Councillor Mike Dudley-Jones, representing Alderley Edge Parish Council and Kath Ludlam, the agent for the applicant attended the meeting and spoke in respect of the application).



**RESOLVED**

That the application be deferred in order for further information on drainage/flood risk.

**18 17/1607M-DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF REPLACEMENT BUILDINGS TO FORM A FURNITURE SHOP INCLUDING SHOWROOM, STORE AND ASSOCIATED CAR PARKING, IRON GATE FARM, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD FOR ALEX RUBIN, FURNIBARN LTD**

(Prior to consideration of the application, Councillor G Walton vacated the Chair in favour of the Vice-Chairman and exercised his separate speaking rights as the Ward Councillor prior to withdrawing from the meeting for the duration of the Committee's consideration of this item).

Consideration was given to the above application.

(Councillor G Walton, the Ward Councillor and Nick Smith, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of drainage
4. Construction specification/method statement
5. Submission of samples of building materials
6. Implement access improvements- to include submission of details of signage, including directional signage for customers, and the gate/barrier to be located as close as possible to Chelford Road.
7. Contamination
8. Bird nesting season
9. Scheme for bird breeding opportunities
10. Restriction on deliveries
11. Restriction in opening hours-Monday-Friday 08.00-20.00, Saturday 08.00-19.00 and Sundays and Bank Holidays-10.00-16.00
12. Lighting details
13. Carry out in accordance with Traffic Management Plan.
14. Measure to restrict access from Chelford Road

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 commenced at 10.00 am and concluded at 3.45 pm

Councillor G M Walton (Chairman)

Application No: 15/5637M  
Location: Land Off, SCHOOL LANE, MARTON  
Proposal: Erection of up to 23No. Dwellings  
Applicant: Hollins Strategic Land LLP  
Expiry Date: 17-Aug-2017

### **SUMMARY**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”.

In this instance the dis-benefits are that the proposed development would be contrary to Policies PG6 of the Adopted Cheshire East Local Plan as the site is in the open countryside; it also lies within the Jodrell Bank Consultation Zone, where policies SE14 of the Local Plan Strategy and GC.14 of the Macclesfield Borough Local Plan do not permit development which would impair the efficiency of the radio telescope; and the site is designated as an area of open green space identified by Policy PE.3 of Marton Neighbourhood Plan for retention.

The development would provide benefits in terms of affordable housing provision, delivery of housing, education, POS / play area, provision of pedestrian links, and the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, highways, and the historic environment. Impacts on residential amenity and protected trees can be fully addressed at the reserved matters stage. The impact from the small loss of best and most versatile (BMV) agricultural land is given little weight in this case.

The adverse impacts of the development would be:

- The loss of Open Countryside
- The impact upon the efficiency of the Jodrell Bank Radio Telescope
- Loss of open green space detrimental to the character of Marton
- Site not located in within desired proximity to public transport and some services and facilities

Therefore taking a balance of the overall benefits, the current policy position, the Secretary of State's findings in dismissing the previous appeal on this site, 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**

### **PROPOSAL**

This outline application is a resubmission of 15/2447M for 27 dwellings on this site which was refused and dismissed on appeal by the Secretary of State in April 2017.

The application has been amended during the course of the submission. It now seeks outline planning permission for the erection of up to 23 no. dwellings and approval of access. A revised concept plan has been submitted which provides an Illustrative layout, demonstrating how the quantum of development could be accommodated within the site.

The concept plan shows an area of open green space/POS (0.32 ha) on the site frontage with School Lane. This is proposed to accommodate a play area and incorporate a footway running parallel to School Lane.

To facilitate the development a mature sycamore tree will need to be removed from the centre of the site.

The proposal would provide on-site affordable housing (7 units).

### **SITE DESCRIPTION**

The application site is a field located off School Lane, Marton, covering an area of about 1.3ha and bounded by post and rail fencing and hedging. The land is Grade 2 Agricultural land, gently undulating and used for grazing sheep. The site lies within open countryside and the Jodrell Bank Consultation Zone.

A small derelict brick building is located towards the south-western corner of the site (previously a Smithy). Four Listed Buildings are located close to the site, the nearest of which is 'Greenacre', a Grade II Listed residential dwelling located on School Lane opposite the proposed site access. The other three listed buildings (Grade II) are residential properties located beyond the boundaries of the existing properties located around the site's boundaries.

School Lane passes by the north-western boundary of the site, on the opposite side of which are residential properties that face towards the site frontage. A residential property (The Spinney) lies immediately beyond the north/north-eastern boundary of the site. Oak Lane passes by the eastern boundary of the site and there are residential properties and a Primary School opposite the site's eastern boundary.

A residential estate along Oak View comprising of two and single storey properties lies to the south and east of the site. Bungalows of Oak View back directly up to the south-eastern boundary of the site.

The south-western boundary of the site partly adjoins the rear boundaries of three dwellings located along the A34, and partly abuts the A34 itself.

A Tree Preservation Order (Marton, School Lane, Marton) relates to a number of trees within and around the site.

### **RELEVANT HISTORY**

49464P Residential development for nine dwellings. Refused, 05.08.1987.

58234P Use of land for residential purposes comprising eight detached houses, six starter houses and six elderly persons units. Refused, 17.05.2015

15//2274M Outline application for up to 27 dwellings with details of access. All other details reserved. Appeal recovered and dismissed by Secretary of State on 3<sup>rd</sup> April 2017

### **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

#### **Local Policy**

#### **Cheshire East Local Plan Strategy – Adopted Version (CELP):**

PG 2 - Settlement Hierarchy

PG 6 - Open Countryside

PG 7 - Spatial Distribution of Development

SC 4 - Residential Mix

SC 5 - Affordable Homes

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 3 - Biodiversity and Geodiversity

SE 5 - Trees, Hedgerows and Woodland

SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 6 - Green Infrastructure  
SE 13 - Flood Risk and Water Management  
SE 14 - Jodrell Bank  
IN 1 - Infrastructure  
IN 2 - Developer Contributions

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

### **Macclesfield Borough Local Plan 2004 (MBLP)**

The relevant Saved Policies are;

NE11 - Nature conservation  
NE18 - Accessibility to nature conservation  
BE2 - Historic fabric  
BE16 - Setting of Listed Buildings  
GC14 - Jodrell bank  
RT5 and DC40 - Children's play provision and amenity space  
H9 - Affordable housing  
IMP1- Provision for infrastructure  
DC3 - Amenity  
DC6 - Circulation and Access  
DC8 - Landscaping  
DC9 - Tree Protection  
DC10 - Landscaping and tree protection  
DC16 - Servicing by existing infrastructure  
DC17 & DC18 - Water resources  
DC36 - Road layouts and Circulation  
DC37 - Residential ; landscaping  
DC38 - Residential ; Space, Light and Privacy

### **Marton Neighbourhood Plan – Made 29 November 2016.**

The following policies are considered relevant;

RCD0 - Housing  
RCD2 - Development to fit in with character and surroundings of village  
RCD3 - Housing to meet local needs  
RCD5 - Impact on Natural and Historic Environment  
RCD6 - Design of new homes  
PE1 - Visual impact of development on countryside surrounding Marton  
PE3 - Enhancement and retention of green space between School Lane and Oak

- Lane/Oak View at the centre of the Village, and at the spinney
- PE7 - Retain Key views identified by Landscape and Character Assessment and Village Spatial Policies Map
- PE10 - Retention of verges, trees and hedgerows along rural lanes
- PE11 - Retain Key views
- TS1 - Safe Access
- TS2 - Minimise impact of vehicular traffic
- TS4 - Residual Cumulative Impact of Development (traffic/highway safety)

### **Supplementary Planning Documents:**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

### **CONSULTATIONS**

**United Utilities:** No objections, subject to conditions relating to foul water and surface water.

**CEC Flood Risk Manager:** No objection subject to surface water drainage conditions and details of ground levels and finished floor levels.

**Strategic Highways Manager:** No objection, subject to an informative requiring the developer to enter into section 278 agreement with the Highway Authority for the proposed works (illustrated in drawing numbers SK21519-003 rev A) that are within the existing highway boundaries.

**Environmental Health:** No objection subject to conditions regarding, the submission of a noise mitigation scheme for the proposed dwellings adjacent A34, piling works, dust, construction environmental management plan, travel pack, electric vehicle charging and contaminated land. An informative is also suggested in relation to working hours for construction.

**CEC Education:** No comments received at the time of writing the report.

**Historic England:** No objection.

**Cheshire Archaeology:** No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation as regards the Old Smithy which will be demolished.

### **VIEWS OF THE PARISH COUNCIL**

**Marton Parish Council:** Updated Objection on the following grounds;

- "Development is unsustainable because it is located within the Open Countryside, contrary to Policy GC5 (Countryside beyond the Green Belt) of the Macclesfield Borough Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy and the principles of the

National Planning Policy Framework. These policies seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations' enjoyment and use. As such the proposed development fails to comply with one of the core planning principles in the NPPF of taking account of the different roles of countryside and rural areas".

- "The development is locationally unsustainable due to the lack of public transport links, facilities and infrastructure contrary to policy DC16 of the Macclesfield Borough Local Plan and policies SD1, SD2 and PG2 of the emerging Cheshire East Local Plan Strategy and guidance in the National Planning Policy Framework".
- The revised application of 23 homes is only a slight reduction and the lack of services remain a significant concern
- "The development is contrary to policies in the made Marton Neighbourhood Plan, in particular, policy PE3 which seeks to protect this area of open space. This policy has been endorsed by both the Neighbourhood Plan Examiner and the Secretary of State in his decision letter of 3 April 2017 in dismissing an appeal for housing development on the same site. The Secretary of State considered that the conflict with NP Policy PE3 carried significant weight".
- The latest scheme of 23 dwellings is fundamentally in conflict with Policy PE3 of the neighbourhood plan
- "Contrary to other policies for Housing and the Natural and Historic Environment, as endorsed by the Neighbourhood Plan Examiner, which recognise the rural character of this area".
- " For the appeal hearing the appellants Hollins Strategic Land submitted a report on school parking in respect of the close proximity of Marton School to the appeal site. The Parish Council responded and produced a detailed rebuttal of this report which was concerning school parking at Marton. The Parish Council have now received a brief report from Cheshire police. Its conclusion is that the traffic congestion at school time is hazardous and extremely dangerous for all children and adults. Attached to this statement the Parish Council re-submits their report on traffic at the school and also now provides a copy of the Cheshire Police report. We would request that both reports are taken into consideration as new evidence in determining this planning application"
- Provision of dangerous footpath from the proposed development straight onto the A34 where there is no pavement
- The loss of the large sycamore tree at the centre of the application site. "This significant feature and asset to the village is proposed to be removed in this new revised layout known as the Concept Plan. This tree was the subject of a TPO, which was removed by CEC following an objection by the developer". However the local tree warden disagrees with this conclusion and considers the tree will continue to provide a visual amenity for many years and should have remained protected".
- "The Secretary of State considered that moderate negative weight should be attached to the loss of open countryside and landscape impacts. He also felt that the loss of BMV land carried little weight. The potential impact on JBO carried moderate weight against the proposal. There have been no changes in either policy or circumstances insofar as these matters are concerned. The Parish Council has now established that the development site is in fact located within the inner consultation zone for JBO".
- "The new Concept Plan for this application proposes to have 25% of the site area provided for "Open Green Space" alongside a reduction from 27 to 23 dwellings. This is a new consideration. The Parish Council are mindful that these changes appear to be a device in seeking to overcome the SoS's view that the development is in conflict with made Marton Neighbourhood Plan Policy PE3. The reduction of only 4 dwellings and around 10% additional open space are not so substantially



different on this central part of the village of Marton as to warrant a different decision from that made by the SoS two months ago”.

The following documents have accompanied the Parish Council's objection;

- Extracts from Marton Neighbourhood Plan Examiner's Report paras 4.16 and 4.26
- Cheshire Police report into School Parking and Safety
- School Parking and Safety March 2016 : Marton Parish Council's response to HSL Technical Note dated 22nd February 2016 School Parking Survey.
- Report re: Sycamore Tree from PJ Percival MSc. BSc. (Village tree warden)

Earlier representations and correspondence were received from Marton Parish Council in February 2016. This documentation included;

- The Draft Marton Neighbourhood Plan and appendices
- Landscape and Settlement Character Assessment
- Technical Note Addendum prepared by Progress10 Design (October 2015);
- Risk Assessment Car Parking: Marton and District C.E. Primary School
- Risk Assessment Addendum Further Photographic Evidence - 1st February 2016
- The Application Site's Historic Use For Agriculture
- And It's Setting In Open - Marton Parish Council March 2016

### **REPRESENTATIONS**

Letters of objection have been received from 40 households raising the following points:

- The application is not materially different to the original application (15/2274M) which was rejected by the Secretary of State. The reasons supporting this decision are still applicable, and resident's objections to the appeal still stand.
- Since this application was submitted the Marton Neighbourhood Plan has become a Made Plan
- Proposals are contrary to The Marton Neighbourhood Plan which states that this field should be left as a Greenfield site. Policy PE 3 states that the paddock and Spinney should be retained as open green space.
- The neighbourhood plan favours development of brown-field sites rather than green-field
- Housing needs should be met in accordance with policies of Marton Neighbourhood Plan
- Contrary to Policy GC5 of the MBLP (now replaced but PG6 of Adopted Cheshire East LPS) requiring development in open countryside beyond the Green Belt will not normally be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area.
- Marton is not a sustainable settlement. Infrastructure within the village cannot support development with no public transport, shops or leisure facilities
- Little local employment and most residents commute by car due to lack of public transport
- No local housing need in the village
- Little difference in the latest submission (amended concept plan) from the original application and previous objections are still valid.
- The revised proposals remain disproportionate to the current number of residential properties in the village of Marton (46% increase in number of dwellings)

- The Concept Plan is not detailed enough. It does not show the positions and siting of dwelling and associated buildings and no illustrations of the appearance of the development from School Lane, Oak Lane and Oak View
- Whilst revision offers a small gain in open green space, this will now result in loss of “magnificent” sycamore tree.
- Adverse impact on character of Marton and setting of listed buildings
- Loss of green field, trees and hedges
- Loss of rural aspect and agricultural land
- Increase in traffic will exacerbate problems of congestion, highway safety and pollution on surrounding roads particularly during school drop-off and pick-up times. Local police already recognise this as a problem
- Both School and Oak Lanes are narrow and traffic is already a danger to children entering and leaving the school
- Development will result in a reduction in on roadside parking on School Lane
- Previously proposed community car park omitted from revised concept plan
- Increase in traffic at dangerous junctions of Oak Lane and School Lane with the A34.
- Provision of dangerous footpath straight out onto the A34 where there is no space for pedestrians or pavement
- Impact of Construction traffic
- Exacerbate problems with drainage/sewerage system and difficulties with mains water supply
- Adverse impact on Jodrell Bank.
- Overlooking and loss of privacy
- Loss of outlook and overshadowing of adjoining bungalows
- Reduction in quality of life
- No need for a development on this disproportionate scale, given large amount of development of housing beginning on the outskirts of Congleton and Macclesfield
- The proposal is neither socially nor environmentally sustainable. No social or environmental benefit for the village and only negative impacts.

### Eaton Parish Council

Objects on the following grounds;

-“The proposal is also not sustainable as Marton lacks the infrastructure needed for such a development.

- Marton is developing its own Neighbourhood Plan and this type of development is entirely against this plan, where small scale infill & conversions have been identified as better fitting the needs and character of the village. It's approval would make a mockery of the entire neighbourhood plan. A development of this scale would be totally inappropriate for Marton where brown field development is seen as preferable to greenfield development. If this application was approved an attractive field in the middle of the village which has been in constant agricultural use for generations would be lost for ever

- A number of Eaton residents have children who attend Marton School and are concerned that the existing traffic problems caused by school parking on a narrow lane without footpaths would only be made worse by the additional traffic generated from such a development. There are serious concerns over child and pedestrian safety”.

## Siddington Parish Council

Objects on the following grounds;

- “This proposal is not sustainable as Marton village lacks the infrastructure needed to support such a development. The existing traffic problems caused by school parking on a narrow lane without footpaths would only be made worse by the additional traffic generated.
- A development of this size is disproportionate to the overall of houses in Marton.
- School lane is already a very narrow but busy lane - especially at school times. This development will further compound this problem”.

## **APPRAISAL**

### **Background**

An appeal (ref; APP/R0660/W/15/3138078) against the refusal of an outline planning application (planning ref; 15/2274) for 27 dwellings on this site was dismissed by the Secretary of State in April this year. In summary, the appeal was dismissed on the basis of the benefits of the development being outweighed by the adverse impacts of the scheme, which included the harm to the open countryside, the loss of green space in conflict with the neighbourhood plan, the potential impact Jodrell Bank and the site not being within the desired proximity to some services and facilities.

The revised concept plan has been submitted with the aim of addressing the dis-benefits identified by the Secretary of State. However, the current proposals for 23 dwellings, still represents a similar scheme to that which was dismissed on appeal, and the Secretary of State’s appeal decision is therefore a material consideration. Furthermore, the Cheshire East Local Plan Strategy has been adopted since the Secretary of State’s decision and this must now be given full weight in the determination of this application.

### **Principle of Development**

The site lies within the Open Countryside as designated by the Borough of Macclesfield Borough Local Plan 2004, where policy PG6 of the Cheshire East Local Plan Strategy states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. In particular it is not considered that a development of 23 dwellings on this site can be reasonably considered to be “limited infilling” given the small size of the village. As a result, this proposal constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and

appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

#### Marton Neighbourhood Plan.

The Marton Neighbourhood Plan was made on 29 November 2016 and therefore the neighbourhood plan forms part of the development plan and full weight can be afforded to it.

Policy RCD0 of the Marton Neighbourhood Plan states that:

#### **Local housing needs will be met through:**

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

Policy RCD2 states that “development should be of a scale appropriate to the location... and fit in with the existing rural character and surroundings of the village”.

Policy PE3 indicates that the application site should be retained as open green space and this states;

*“Proposals which enhance the green space between School Lane and Oak Lane/Oak View at the centre of the village and at the spinney will be supported. The paddock and spinney in the heart of the village should be retained as open green space”*

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objections and a departure from the Development Plan.

#### **Housing Land Supply**

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of the specified sites and policies form part of the Statutory Development plan. In particular sites that were previously within the Green Belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concluded:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

Given this conclusion from the examining Inspector, and the recent adoption of the Cheshire East Local Plan Strategy on 27<sup>th</sup> July 2017, the Council now takes the position that it can demonstrate a 5 year supply of housing land in accordance with the Local Plan Inspector’s conclusions.

### **SOCIAL SUSTAINABILITY**

#### **Location of the site**

The site’s location, existing infrastructure, services & amenities and the future provision of a public open space accessible to all are some factors to consider within the context of appraising the overall sustainability of the proposed development.

Policy SD2 of the adopted Local Plan Strategy provides an outline of the principles that residential development should adhere to and other criteria that should be met, which includes providing access to a range of forms of public transport, open space and key services and amenities.

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.

From the list of additional public transport, open space and services/amenities given in Table 9.1 supporting policy SD2 of the Local Plan Strategy, the proposed development would meet at least four aspects;

- within 500m of a public right of way
- within 1km of outdoor sports
- within 1km of a primary school
- within 1km of a public house.

However, the proposed development would not be within the appropriate vicinity of a bus stop (the service to School/College in Macclesfield is very limited) or a multi-functional open space or convenience store. It is noted however that there is a local shop, albeit providing limited goods at present, other community facilities such as the church, and access to the open countryside and outdoor leisure facilities.

Overall, it is considered that there are a limited range of facilities within reasonable walking distance of the site and access to public transport is also limited. Although the consultation response of the Strategic Infrastructure Manager (Highways) has pointed out that services/facilities within Congleton Town Centre are within reasonable cycling distance (approx. 4 miles away), any future development of the site would inevitably be car dependent.

As regards access to local services and facilities the Secretary of State’s appeal decision stated;

*“Marton is relatively well served in comparison to other rural settlements, and that the number of trips which would need to be made by private car from the proposed development could be reduced. Overall he considers that the proposal would be in accordance with Policy DC16. He considers that there would be some conflict with the emerging Local Plan Strategy Policy SD2, which requires the provision of access to a range of forms of public transport, open space and key services and amenities, as the appeal site is not located within the desired proximity to a bus stop, multi-functional open space or convenience store”. (para 21)*

The decision letter goes on to conclude;

*“The Secretary of State notes that the appeal site is not within the desired proximity to some services and facilities as set out in emerging Local Plan Strategy Policy SD2. He considers that this carries limited weight against the proposal”.*

Given that these proposals are very similar to those which were the subject of the previous appeal, the disbenefits relating to the locational sustainability of the site will be addressed as part of the planning balance.

### **Affordable Housing**

The Council's Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of less than 3,000 that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

The desired target percentage for affordable housing for all allocated sites is 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.

The SHMA Update 2013 identified a requirement for 59 affordable homes in the Macclesfield Rural sub-area between 2013/14 and 2017/18. This was made up of a requirement for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4 bed. The SHMA also shows there is a need for 2 x 1 bed and 8 x 2 bed older people's dwellings each year.

In addition to the information from the SHMA Update 2013 there are currently 16 active applicants on the waiting list with Cheshire Homechoice who have selected Gawsorth and Marton as their first choice, showing further demand for affordable housing. These applicants have stated that they require 7 x 1 bed, 4 x 2 bed, 3 x 3 bed and 2 x 4 bed dwellings.

Therefore 1, 2, 3 and 4 bed dwellings on this site would be acceptable in term of need, including the provision of 1 and 2 bedroom dwellings as flats or bungalows for Older Person as the SHMA is showing the need.

This is a proposed development of 23 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 of the dwellings to be provided as affordable dwellings. The exact tenure mix and housing types will be formalised at reserved matters stage.

The affordable housing provision would be secured as part of a S106 Agreement.

### **Public Open Space (POS)**

Local Plan policies DC40 and RT5 require developments to include, or make provision for, outdoor amenity and play space. The commuted sums required for provision of off-site are outlined in the SPG on S106 (Planning) Agreements.

Although the application is an outline application with all details other than access reserved for approval at a later stage, a judgement has had to be made regarding whether or not the site can accommodate the number of dwellings applied for along with, amongst many other things, the appropriate provision for outdoor amenity and play space.

Whilst the submitted masterplan is only illustrative at this stage, it is concluded that it will be possible to provide an appropriate level of public open space within the site which meet the needs of future residents of the proposed dwellings and be accessible for use by other members of the Marton community. Contributions towards improving recreation outdoor sports facilities that future residents will be able to access can be secured via a S106 Agreement. Therefore the proposals are considered to accord with policies DC40 and RT5 and other material considerations.

### **Education**

No comments have been received from Education at the time of writing the report. These will be provided in an update presented to members at the committee meeting itself. Any contribution would need to be secured by Section 106 Agreement.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Countryside/Landscape**

The proposed development would result in the loss of open countryside, contrary to Policy PG6, which imposes restrictions upon development in the open countryside. The proposal would also be in conflict with NP Policy PE3, which indicates that the site should be retained as open green space.

It is important to note that in the decision letter for the previous appeal, the Secretary of State was of the view that,

*“the proposed development would not appear visually obtrusive or out of keeping with the settlement of Marton, and would not introduce features that would be completely uncharacteristic of the immediate area or which would represent a substantial intrusion into the landscape of the wider area”*  
 . (para 23)

It was considered that although glimpsed views of the open countryside beyond the village are available from and across the site, and from neighbouring properties and public viewpoints, the site is well contained by existing development. However, notwithstanding this, the decision letter then added that the Secretary of State;

*“...notes from the NP that the central recommendation of the Landscape and Settlement Character Assessment was that the paddock at the heart of the village should be retained as a green space (Marton Neighbourhood Plan, page 35)”.*

*“ Given the importance of this open space to the character of Marton, he considers that the harm caused by the loss of open countryside in this location and the conflict with Policy GC5 carries moderate weight against the proposal.*

The appeal decision letters goes on to significantly conclude that ;

*He considers that the seriousness of the conflict with NP Policy PE3 is increased in the light of paragraph 198 of the Framework which states that, where there is conflict with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. He therefore gives this conflict significant weight (para 25).*

The amended concept plan submitted in support of this application has increased the areas of retained green space within the site to 0.32 ha and this is now entirely located alongside the School Lane frontage. Nevertheless, the proposals will still result in the significant loss (approx. 75%) of the existing greenspace. Given the extent of this loss, it cannot therefore be accepted that the proposals would represent an enhancement of the green space between School Lane and Oak Lane/Oak View at the centre of the village in accordance with NP Policy PE.3.

Consequently, given the similarity of the proposals with those of the dismissed appeal, and notwithstanding the amendments of the revised concept plan, the conflict with Policy PE3 significantly weighs against the application.

### **Highways**

The Strategic Infrastructure Manager (SIM) has reviewed the highways report submitted by the applicant in support of the proposals. The SIM has also confirmed that the highway documents and information submitted in support of the Parish Council's objections, have been taken into account the highway consultation response, which finds the following;

#### Local highway network

The SIM considers School Lane is a lightly trafficked, rural lane. It has a carriageway width of around 5.5m with no footway provision and a speed limit of 30mph. Access from the site to the wider highway network would be expected to be taken via the School Lane / A34 Congleton Road priority junction located to the west of the site. The A34 connects Congleton to the south of the site with Manchester to the north and also links with the A537 Macclesfield to Knutsford road to the north of the site.

#### Vehicular access

Access to the site is taken from a new priority controlled junction with School Lane and all dwellings will be served from an internal access road. The development proposals will result in some hedge removal along the site frontage with School Lane to secure acceptable standards of visibility.

The proposed junction layout is illustrated in drawing number SK21519-003. The layout comprises:



- A site access carriageway width of 4.8m;
- Corner radii of 2.0m;
- Visibility splays of 2.4m x 38m to the southwest and 2.4m x 40m to the northeast;
- A 2.0m footway leading from the site access in a south-west direction along the extent of the site boundary.

In terms of junction geometry, layout and visibility the access proposals are considered by the SIM to be acceptable to serve a development of 23 dwellings.

### Pedestrian access

The indicative masterplan also indicates direct pedestrian access to the A34 to the south-west of the site and also to Oak Lane to the east of the site. The Sim considers that these links are acceptable in principle, but details would need to be submitted for consideration at the Reserved Matters Stage.

### School drop-off and pick-up

The SIM is aware of concerns raised regarding the loss of on street parking provision on School Lane, as a result of the proposed site access and the impact this may have on the ability of parents to park on School Lane during school drop-off and pick up times, associated with the nearby primary school. The access from School Lane would result in the loss of around three or four parking spaces, which the Sim considers could easily be accommodated within the site. Furthermore, parents parking within the site would be able to utilise the proposed footpath running along the School Lane boundary of the site, within the proposed open green space, as a safer alternative to walking along School Lane where there are no footways.

Concerns have also been raised about parent's parked cars obstructing the proposed site access visibility splays. Guidance in Manual for Street 2 states:

*“Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. At urban junctions where visibility is limited by buildings and parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic, and vice-versa”*

On the basis of the above guidance and given that parking within the visibility splays is generally likely to be restricted to short periods of time during school drop-off and pick-up periods, the SIM is satisfied that vehicles parked within the site access visibility splays would not have a material impact on highway safety on School Lane.

### Traffic impact

A development of 23 dwellings would be expected to generate less than 15 two way trips during the morning and evening commuter peak periods. This level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

### Summary

The SIM is satisfied that the development proposals can be safely accommodated on the adjacent highway network. It is important to note that this view reflects the recent appeal decision on this site, which stated;

*“The Secretary of State has carefully considered the traffic and parking implications of the proposal. For the reasons given at IR261-270, he agrees with the Inspector that the proposed development would not lead to a significant increase in vehicular movements along School Lane or the A34 at peak times, given that it would generate relatively low levels of traffic (IR268). He further agrees that sufficient space would remain along School Lane for vehicles to park (IR268), and that vehicles entering and leaving the proposed development would be able to do so safely (IR269). Overall he agrees with the Inspector that it has not been demonstrated that the residual cumulative impacts of the proposed development would be severe (IR270).”*

### **Trees**

The site is an agricultural field laid to grass with tree and hedge cover around the periphery. Several trees on the western boundary are subject to TPO protection.

The application is supported by a Tree Survey Report (TSR) prepared by Appleton's and dated April 2015.

The revised concept plan (up to 23 dwellings) proposes the removal of a mature sycamore identified as T15 in the Tree survey report. The Arboricultural Officer has advised that the Sycamore (T15) was included and identified as T1 within a Tree Preservation Order served on the 30<sup>th</sup> June 2015. The Council were aware the tree presented a basal cavity and required a detailed inspection, but it was considered expedient on amenity grounds to include it within the Order prior to the inspection taking place. Cheshire East also received an objection to the inclusion of the Sycamore from the applicant. Following inspection, it was concluded that the extensive decay precluded consideration for its retention within the Order. The matter was placed before the planning committee (2nd December 2015) who supported confirmation of the Tree Preservation Order subject to modification; the omission of the Sycamore identified as T1.

In order to facilitate access off School Lane a section of hedge and two trees identified as T1 and T3 requires removal. However, these trees are small, immature specimens and their loss can be adequately compensated by replacement planting.

As an outline application (up to 23 houses) with only access included, the full implications of development would only be realised at reserved matters stage although the implications of the access need to be considered in detail. The capacity of the site to accommodate the scale of development proposed also needs to be considered. The Arboricultural Officer has noted that there may be some areas of conflict with the illustrative layout. However, a detailed Arboricultural Impact Assessment would be required to support a reserved matters application which should inform development and design out any potential arboricultural related problems.

### **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.”*

Detailed issues of design, siting and appearance would be addressed at reserved matters stage. However, the potential impact of the proposed development on the character and appearance of the area, street-scene and Listed Buildings within the vicinity of the site has been considered as far as is practicable at this stage, based on the illustrative concept plan and other documents submitted.

The indicative plan shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. The density of the proposed development is around 20 dph, and considered consistent with residential development that surrounds the site.

### **Residential Amenity**

Concerns have been raised in representations about the potential impact of the proposed development on the levels of amenity currently enjoyed by the occupants of neighbouring properties, particularly on School Lane, Oak Lane and Oak View.

As regards the concerns about loss of amenity it is acknowledged that there would be changes to the outlook of some residents, the site would have buildings on it instead of it being an empty, quiet field, there would be some buildings and noise generated from vehicles and people within and around the site.

However, an illustrative masterplan for up to 23 units has been provided, which although lacking detail, shows one possible way in which the site may be developed. Based on this layout, it is considered that the proposal could be accommodated on the site in a way to comply with the required interface distances and prevent significant harm to living conditions of neighbouring properties. However, it should be noted that the detailed layout and the design of dwellings will be determined at the Reserved Matters Stage.

Other concerns relating to disturbance from construction work could be managed by conditions, i.e. limitation on hours of demolition and construction and a construction management plan covering parking of construction related vehicles etc.

### **Impact on Listed Buildings**

There are 4 no. Listed Buildings within the vicinity of the site. It is considered that the one that the proposed development potentially impacts most upon is ‘Greenacre’, a residential property which is situated directly opposite the proposed site access from School Lane. The other 3 No. buildings are of a sufficient distance from the site for them not to be affected.

As regards ‘Greenacre’ (grade II), the latest illustrative masterplan is considered to demonstrate that the proposed development would not have a detrimental impact on this Listed Building or its setting, particularly given the increased ‘Open Green Space’ retained along the School Lane frontage. The Council’s Conservation Officer has advised that the access could be designed and constructed in a manner that ensures there is no detrimental impact on the Listed Building ‘Greenacre’.

## **Ecology**

### Hedgerows

There are a number of hedgerows on site. Hedgerows are a priority habitat and in addition the three hedgerows on site (hedgerow 1, 2 and 3) have been identified as being Important under the Hedgerow Regulations due to the presence of native bluebells.

Based upon the revised indicative layout there would be a loss of a section of hedgerow 3, and although hedgerow 2 is not clearly shown as being retained, the Council's Ecologist considers a substantial proportion of this hedgerow could be incorporated into the site layout at the reserved matters stage. There are opportunities for the incorporation of a significant length of new hedgerow planting as part of the development. The ecologist has advised that this would mitigate for the loss of the existing hedgerows, together with the maximum length of the existing hedgerow being retained. In order to safeguard the ground flora associated with the retained hedgerows they should be retained within a narrow buffer zone of retained habitat. It is recommended that this is secured by a condition.

### Bats

No evidence of roosting bats was recorded during the surveys undertaken of the buildings on site. A number of trees are present on the application site which has the potential to support roosting bats. Based upon the submitted indicative layout it appears feasible for these trees to be retained as part of the proposed development. The ecologist has concluded that roosting bats are unlikely to be present or affected by the proposed development.

### Breeding Birds

If planning consent is granted a standard condition is imposed to safeguard nesting birds:

### Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development on at least a transitory basis. A condition is recommended for measures to be incorporated in to the development (e.g. gaps in fencing) to mitigate the impact on hedgehogs.

### Ecology Summary

It is considered that any ecological concerns could be mitigated by the use of planning conditions.

## **Flood Risk**

The site is located within an area designated as Flood Risk Zone 1 by the Environment Agency, which means the site is low risk in terms of surface water flooding. The Council's Flood Risk Officer has raised no objections in principle, subject to conditions requiring details of the surface water drainage scheme and site levels.

As a result it is not considered that the proposal would cause harm from a Flood Risk perspective.

### **Agricultural Land Quality**

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

The proposal would result in the loss of an area of grade 2 agricultural land. However, due to its relatively small area, shape and enclosed nature the site does not offer significant opportunities for agricultural production. In dismissing the previous appeal on this site, the Secretary of State concurred with this position, and afforded little weight to the loss of BMV agricultural land in this case. Whilst the proposal would see the loss of agricultural land the quality/usability is limited, this issue needs to be considered as part of the planning balance.

### **Impact on Jodrell Bank**

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.

Policy GC14 of the MBLP 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. Policy SE14 within the adopted Cheshire East Local Plan Strategy also reflects this policy.

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.

Jodrell Bank Observatory advises that they recognise that there is significant development across the region surrounding the telescopes and have carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory 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.

Jodrell Bank Observatory opposes this application due to the impact from the additional potential contribution to the existing level of interference coming from that direction. Whilst Jodrell Bank, in their consultation response refer to the effect being “relatively minor”, they also refer to the cumulative impact of this proposal, and significant development already close to the telescope.

The previous appeal considered the impact of the development on Jodrell Bank, and the decision letter states;

*“The Secretary of State has taken into account that the Council and appellant concur that the proposed development would have a minor impact on the level of interference for Jodrell Bank Observatory (JBO) (IR272). He has also taken into account the fact that JBO opposes development across a significant part of its consultation zone as a matter of principle and that JBO stresses that such additional development should be viewed as cumulative. Further representations were made on this matter, but they do not change the Secretary of State’s view that, given the importance of the work which is carried out at the Jodrell Bank Observatory, and for the reasons given at IR272, this matter carries moderate weight against the proposal”. (para 26)*

It is therefore considered that after taking into account of the findings of the Secretary of State, and the objection from the the Jodrell Bank Observatory, that the proposed development would impair the efficiency of the Jodrell Bank Radio Telescope and would be contrary to Policy GC14 (Jodrell Bank ) of the MBLP and Policy SE14 (Jodrell Bank) of the Cheshire East Local Plan Strategy.

### **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 the locality including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 commuted sum in lieu of recreation/outdoor sport is necessary, fair and reasonable as the proposed development is to provide up to 23 No. dwellings, the occupiers of which will use local recreation/outdoor sport facilities. As such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council’s Supplementary Planning Guidance.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

### **PLANNING BALANCE**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

The application site is located within the open countryside and is contrary to Policy PG6 of Adopted Cheshire East Local Plan Strategy. It also lies within the Jodrell Bank Consultation Zone, where policies SE14 of the Local plan Strategy and GC14 of the MBLP does not permit development which would impair the efficiency of radio telescopes. In addition, the site is also designated as an area of open green space identified by Policy PE.3 of Marton Neighbourhood Plan for retention.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The development would provide benefits in terms of affordable housing provision, delivery of housing, education, POS/ play area, provision of pedestrian links, and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, highways, and the historic environment. Impacts on residential amenity and protected trees can be fully addressed at the reserved matters stage. The small loss of BMV agricultural land should be afforded little weight.

The adverse impacts of the development would be:

- The loss of Open Countryside
- The impact upon the efficiency of the Jodrell Bank Radio Telescope
- Loss of open green space detrimental to character of Marton
- Site not located within desired proximity to public transport and some services and facilities

Therefore, taking a balance of the overall benefits of the scheme, it is considered that given the current policy position, the Secretary of State’s findings in dismissing the appeal for a similar scheme of 27 dwellings and the scale of harm identified that the benefits of the development are clearly outweighed by the adverse impacts. There are no material considerations which indicate that the proposal should be determined other than in accordance with the Development Plan and a recommendation of refusal is made.

### **RECOMMENDATION:**

### **REFUSE**

**1) The proposed residential development is unsustainable because it is located within the Open Countryside, in a location with limited access to services and facilities, contrary to Policies PG6 (Open Countryside), SD1, SD2 and SE4 (landscape) of the Adopted Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which**

seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

2) The proposed development would result in the significant loss of open green space which will adversely impact on the character of the locality, in conflict with Policy NE.3 of the Marton Neighbourhood Plan.

3) The proposed development is unsustainable because it would impair the efficiency of the Jodrell Bank Radio Telescope and this impact is considered to significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore considered to be contrary to Policies GC14 (Jodrell Bank) of the Macclesfield Borough Local Plan and Policy SE14 (Jodrell Bank) of the Adopted Cheshire East Local Plan Strategy.

In order to give proper effect to the Board's/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 her absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should 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 LAP. Public Open Space to include management company for maintenance in perpetuity

3. A commuted sum for the off site provision of recreation/outdoor sport

4. Contribution towards education (to be confirmed)





**This page is intentionally left blank**

Application No: 17/1052M

Location: MERE HALL FARM, BUCKLOW HILL LANE, MERE, CHESHIRE, WA16 6LE

Proposal: Demolish poultry building. Erect replacement steel portal frame building to be used for business storage on a separate footprint

Applicant: Messrs Ian & Andrew Faulkner

Expiry Date: 26-Apr-2017

### **REASON FOR DEFERRAL**

This application was deferred from the Northern Planning Committee on 3<sup>rd</sup> May 2017 to allow the Planning Officer to enter into negotiations with the applicants, to explore options that have less impact on the Green Belt and for the applicant to carry out a sequential exercise in relation to alternative sites.

### **APPLICATIONS SUBMISSION SINCE DEFERRAL**

Following this meeting, the following information has been received:

- Detailed search document
- Further information regarding Black Magic Design
- Requirements of Black Magic Design
- Visuals of the development
- Vehicle movements plan
- Photographs of the existing site
- Warehouse Plan
- Applicants case of very special circumstances
- Revised Site Plan
- Revised elevations

The majority of the above information has only been received very recently. At the applicant's request, the application needs to be determined at the 16 August Northern Planning Committee.

An assessment of this information will be provided as an update prior to the meeting.

---

**ORIGINAL REPORT (from 3 March Committee)**

## REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor (Cllr Hunter) for the following reason:

*“If the Planning officer is minded to refuse application number 17/1052M, for a replacement building at Mere Hall Farm, then I wish to formally request for the application to be called in to Northern planning committee, because I believe there are very special circumstances of this case, which should be given substantial weight in determining the application.*

*A replacement building is acceptable in planning terms, if it is in the same use and it is not materially larger than the one it replaces. In this case, the building would be in the same use. It would be materially larger, in terms of its volume, because of an increase in height that is necessary, given the unusually low height of the two existing agricultural buildings on either side of the proposed building, it is not considered that the proposal would look out of context on the site, or impact on the wider area.*

*VSC have been demonstrated, that would outweigh any harm to Green Belt, or cause any harm to Green Belt Policy and in accordance with National Planning Policy Framework”.*

### Summary

The NPPF (2012) is clear in its aim to protect Green Belt land, stressing that the fundamental aim is to prevent urban sprawl by keeping land permanently open, with the essential characteristics being their openness and permanence.

The proposed replacement building would be materially larger than the one it replaces and would have a significantly detrimental impact on both openness and permanence. It is not considered that Very Special Circumstances have been suitably demonstrated, that would outweigh this harmful impact upon the North Cheshire Green Belt.

In respect of sustainability, the socio-economic benefits of the scheme are outweighed by the substantial environmental harm. Thusly this proposal goes before planning committee with a recommendation that the application be refused.

### RECOMMENDATION

**Refuse subject to reason**

## PROPOSAL

This application seeks planning permission for the demolition of a storage building (B8) (previously used as a poultry building, converted under 16/4275m, approved 26/10/16), and replacement with a larger B8 storage building. The building would sit in a similar siting albeit

set back slightly and reduced in width. Materials include Juniper Green Box Profile sheeting and grey roofing sheets. Small roof lights are indicated within the roof slopes and the building would be accessed via a large shutter door to the front elevation.

The Planning Statement submitted with the application clarifies that a larger storage building is “necessary to make the building useable because of the unusually low eaves (of the existing building), given its previous use as a poultry house”. Justifications are further provided within the statement including reductions in traffic movements to the site, and supporting of a successful business enterprise. These are discussed in the appraisal.

Black Magic Design (a manufacture of creative video technology) currently occupy 3 units and a warehouse at Mere Hall Farm, providing equipment / products which are sent worldwide.

The building dimensions are as follows:

	<i>Existing Building</i>	<i>Proposed Building</i>	<i>Difference</i>
Width	18.1m	15.2m	-2.9m
Length	27.5m	27.4m	-0.1m
Footprint	498m <sup>2</sup>	416m <sup>2</sup>	-82m <sup>2</sup>
Eaves Height	2.3m	5.4m	+3.1m
Max. Height	3.9m	7.5m	+3.6m
Volume	1543m <sup>3</sup>	2686m <sup>3</sup>	+1143m <sup>2</sup>

Full consultation has been carried out on the plans submitted with the application.

### **SITE DESCRIPTION**

The application site comprises a rural enterprise (Mere Hall Farm), and a business centre (Mere Hall Business Centre). The business centre is currently occupied by four tenants including Blackmagic Design, who are a provider of broadcasting television and film products. The farm currently grows 140 acres of arable crops including wheat, barley, oats and spring beans. A sizeable area of parking is provided within the site (serving the business centre), and a farmhouse is located near to the entrance.

In the wider context, the A556 highway improvement scheme intersects the land to the west of the site which has permanently closed Bucklow Hill Lane. The section of Bucklow Hill Lane outside the site is still publicly accessible and sits at a higher land level allowing views across the site, notably towards the agricultural buildings to the rear. Open fields are located west of the site with some low density residential development to the east. Other nearby uses include a petrol station, public house, hotel and garage, situated alongside Chester Road (formerly a main route between the M56 and M6 motorways). The area does, however, remain characterised by its open land, and scenic character, typical of Cheshire’s countryside.

Under planning ref. 16/4275m, a smaller agricultural building has been converted to B8 business use which is the subject of this application. This building sits in-between two larger buildings (both agricultural), one of which is open natured.

### **CONSTRAINTS**

Local Plan Green Belt  
Agricultural Land Grade 3

## **RELEVANT SITE HISTORY**

Various.

Of particular relevance:

16/4275m - Prior Approval for a Change of Use from an agricultural building to a flexible use for storage (B8). *Prior Approval not required (26/10/16).*

14/0764m – Prior notification of an agricultural steel portal building. *Prior Approval not required (17/03/14).*

12/1832m – Agricultural steel portal building. *Prior approval not required (01/06/12).*

11/3365m – COU from agricultural building to B8 storage use. *Approved with conditions (16/11/11).*

01/2949P – COU of farm buildings to Class B1 (Business Use) & demolition of modern farm building (revised scheme to Planning Consent 01/2128P). *Approved with conditions (23/01/02).*

61409P – Erection of poultry shed extension for the rearing of Poussins. *Approved (02/01/90).*

## **LOCAL AND NATIONAL POLICY**

### **Macclesfield Borough Local Plan (2004)**

BE1 – Design Guidance  
DC1 – New Build  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 - Landscaping  
GC1 – New buildings in the Green Belt  
GC3 – Visual Amenity in the Green Belt

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

Policy CO1 (Sustainable Travel and Transport)  
Policy EG1 (Economic Prosperity)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG3 (Green Belt)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)

Policy SE4 (The Landscape)  
Policy SE8 (Renewable and Low Carbon Energy)  
Appendix C (Parking Standards)

## National Policy

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
Section 9, p79-92 (Protecting Green Belt Land)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG) (as updated online)

## CONSULTATIONS

### Mere Parish Council:

Members of Mere Parish Council have studied the plans have no objections.

*Noted.*

## REPRESENTATIONS

1 x letter of support has been received:

Having visited the applicants site and viewed the area for the planned building, as Ward Councillor, I discussed in detail the proposed application with both the applicant and the intended business user. When we have in our midst, successful and employer friendly businesses, needing to expand, to remain both competitive and forward thinking, then, providing they understand the boundaries of acceptance in accordance with the rules surrounding our Green belt, we should take into consideration their compliance and understanding and allow them the benefit to grow within those boundaries and within, to a certain extent, our Green belt. This is, in my opinion, an acceptable, appropriate and accommodating structure, which would be fully acceptable in the surroundings it would stand in and be of great benefit, to both business and potential increased employment in this particular area of Cheshire East. I ask that you take my comments on board, when considering this application. Thank you.

*Comments are noted. See appraisal.*

*Two site inspections have been carried out on 5<sup>th</sup> December 2016, and during March 2017. Public consultation has been carried out in accordance with statutory requirements.*

## APPRAISAL

## Key Issues

- Principle of development and impact on the Green Belt
- Design considerations
- Character of the area
- Sustainability
- Planning balance

## Principle of Development and impact on the Green Belt

The site is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework states the following;

*89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In assessing whether a building is materially larger, case law has established that this can generally be quantified through increases in width, depth, footprint and volume. Whilst reductions in width and length are identified, the volume would be increased significantly by +1143m<sup>3</sup> (equating to a 74% increase over the existing building, one 1.75x larger) by virtue of the considerable increases in eaves height and subsequent roof height. Notwithstanding that the development would be highly visible from the street scene of Bucklow Hill Lane, harm to the Green Belt can be ascertained regardless of visibility and/or screening. The government is clear in their determination to keep land permanently open, and prevent urban sprawl. The visual dimension does, however, remain an important aspect in Green Belt policy and this can be assessed alongside volumetric calculations in determining the impact on openness (John Turner v Secretary of State & East Dorset District Council)..



With respect to the above calculations, it is clear that the replacement building would be one materially larger than the one it replaces and this larger built form would be visible within the surrounding rural landscape. With this in mind, the proposal is firstly deemed inappropriate with clear conflict identified with paragraph 89. The proposal would undermine the fundamental characteristics which contribute to the Green Belt, namely through its reductions in both openness and permanence.

As a result, paragraphs 87 and 88 of the NPPF are relevant and these state;

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
88. *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 other considerations.*

The agent has partially recognised the inappropriate nature of the works, and outlined some, to their judgement, very special circumstances, as follows:

- A need for a larger, modern, secure building more suited to the business needs.
- Retention of an existing business that employs local people and forms part of a global organisation that has significant foreign investment opportunities. The proposal would safeguard the UK element in the foreseeable future. Given the economic uncertainty following 'Brexit', global companies such as Blackmagic should be encouraged to stay.
- The business sustains the existing agricultural business at Mere Hall Farm. The proposal supports rural diversification.
- The proposed scale would not be out of context with its surroundings
- The building would have a smaller footprint, and whilst higher, this would be less than the existing building.
- Minimal impact on the openness of the Green Belt

Other material considerations outlined by the agent include reductions in the number of vehicle movements into the site. This would be achieved by having a larger storage area to allow larger vehicles to deposit and pick up products as opposed to multiple trips using smaller vehicles. Improvements in appearance are also suggested through the use of more appropriate materials.

It can be noted that financial information has been provided during the consideration of this application which have been assessed and discussed with the applicant. This information cannot be included within the report, but has been taken into consideration in determining the viability of the business. For the purposes of assessing this application, the business is considered a viable enterprise.

Very Special Circumstances (VSCs) can be assessed by not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes. Such circumstances should be unique to each site and not easily replicated. Each factor can be given varying levels of weight, but they are not mutually exclusive, and may be considered collectively to construct a unique argument.

It is generally agreed that this business would benefit from further secure storage, larger in size. The products exported are valuable, range in size, and the building size is reasonably justified through the safe use of fork-lift trucks within the building and more efficient racking of products. Furthermore, by allowing larger shipments to be received/exported as opposed to smaller frequent trips made by air-freight, this would facilitate reductions in the businesses Carbon footprint. The site is located closely to the M56 and M6 motorways, and is reasonably close to major ports whereby large cargo could be transported by sea as opposed to air. The cargo could reach the site through articulated Lorries, of which the access to the site appeared suited for.

With this in mind, there are certain socio-economic benefits associated with the development. The scheme would demonstrably support the existing business. Minimal weight can be afforded to Britain's exit of the European Union. This is an ongoing process in the early stages, and details of negotiations, such as access to the Single Market are yet to be fully established. The LPA acknowledges the uncertainty of this period, but this cannot be considered a VSC. It could also be argued that should the LPA afford weight to this matter in relation to Mere Hall Farm, this would set a dangerous precedent and lead the Council to a weaker position in preventing similar development in the Green Belt when this specific VSC is likely to be applicable to numerous sites across the Borough. It may also be noted that the existing building is being used for storage purposes at present and is therefore adapt for some modest commercial storage. Arguments have been put forward that the increased size of the proposed building could facilitate a simpler agricultural conversion in the future should the commercial activities subside. This could, hypothetically, support the remaining agricultural activities on-site. Any such scenario, however, may or may not materialise and therefore cannot be afforded weight in determining this application.

The argument relating to the business supporting the agricultural aspect of Mere Hall Farm and rural diversification is not agreed with. The two different operations should not be mutually dependent and should be able to independently operate irrespective of each other. Some of the income from business rates may be re-invested into the agricultural aspect but again this is not a VSC to outweigh the harm to the Green Belt. National Policy encourages farm diversification to support rural enterprise but such diversification should be subordinate to the main agricultural use on-site and generally directs farmsteads to incorporate uses such as B&Bs, different branches of farming, some subservient industrial use, and other appropriate rural uses. In this case, the commercial aspect is arguably the more prominent use within the site, which itself is generally considered an inappropriate use in the Green Belt.

Questions are raised as to why this site specifically has been chosen. No sequential approach has been included within the application, outlining what/if any other sites have been considered. A site within the settlement boundary of Knutsford, or other nearby business parks would have had a much lesser impact on the Green Belt. Whilst the success of Blackmagic is noted, as so is the business' connection to local people (namely through

employment), any business which successfully establishes within the Green Belt should not have an automatic right to further expansion. Some farm diversification is encouraged by both national and local planning policy but the success of any commercial aspect cannot give weight to further encroachment/ development in the Green Belt in supporting this. Again this specific VSC outlined is likely to be applicable across numerous sites within the Borough and is not specific to this site.

The recent case of *John Turner v Secretary of State (CLG) & East Dorset Council* considered that the visual dimension of openness is an important aspect to consider alongside the increases in physical presence. With this in mind, the agent has suggested as a VSC that the building would sit sympathetically between the two larger agricultural buildings to each side and visually the proposal would preserve openness. Drawing No.2 highlights the respective roofscapes with the proposed building sitting below a line drawn between the two adjacent roof apex's. Perspectives from the east and west would be well screened by the adjacent buildings and mature vegetation/trees planted along the southern boundary presently limit views from a southern direction / Chester Road. Such screening can, however, only be afforded limited weight due to the semi-permanent nature of the vegetation. The main perspective of the development would, however, be provided from Bucklow Hill Lane, which whilst cut-off to the east (due to the A556 works) remains a key viewpoint over the farm and is within the public realm. The present poultry building is low in profile and fairly subordinate from the street scene. The replacement building, however, would extend vertically by a further 3.6m (+3.1m eaves height) which would significantly increase its physical presence from perspectives of the public realm. As such, the development would clearly have a negative impact on the perception of the Green Belt and associated visual amenities. The visual impact, alongside the calculated increase, would further diminish the openness and permanence of the countryside in this location. This VSC is therefore disputed.

Collectively, these circumstances would not amount to 'Very Special'. An assessment against the benefits of the scheme is not required. It is clear that the development is inappropriate and would undermine both the openness and permanence of the Green Belt, two of the most fundamental characteristics. In the absence of genuine VSCs, a reason for refusal is justified by a significant level of harm to the Green Belt.

NB, generally the LPA would seek to restrict such commercial development to within settlement boundaries, or business parks / sites allocated for such purposes. Due weight, is, however afforded to the Town and Country Planning (General Permitted Development) Order 2015 which does allow conversions of agricultural buildings and the re-use of rural buildings within the Green Belt. The B8 storage use has been allowed under 16/4275m.

### **Design assessment and effect on the character of the area**

The use of green cladding and grey roofing sheets would lend itself to a more rural construction type. Slight issues are raised with the large steel shutter doors which, whilst partly justified on security grounds would detract from any typical agricultural appearance. This would be viewed in direct contrast to the adjacent agricultural building (which is open-fronted) when perceived from Bucklow Hill Lane. Despite this road being cut-off by the A556, it remains particularly aesthetic-rural in character, namely the open-fields, simple Cheshire brick terrace to the end, and low open-fronted nature of Mere Hall Farm (set below the highway). The larger agricultural building has been erected behind the farm although this is

not viewed totally inappropriately within the countryside due to its open-fronted nature allowing perspectives of agricultural machinery.

The building would be set back further within the site (compared to the one it replaces) which does help, albeit only slightly, to soften its impact. It is also creates a larger gap to the business centre which could help to facilitate vehicle movements to the front of the building.

As per the above section, the main issue relates to the size of the building which would have a harmful impact on the perception of the countryside. The dominance of this building would be exacerbated given the low profile of Mere Hall Business Centre in the foreground. The impact is harmful to the countryside character, further undermining the characteristics of the Green Belt.

### **Highways impact**

There are two access points into Mere Hall Farm, (presumably one serving the farm, and the other the business centre). Access for larger vehicles would be sufficient for this development with medium-large sized vehicles, in addition to tractors, presently accessing the site this way.

### **Residential amenity**

The proposed building would be sited within fairly close proximity of main farmhouse on Mere Hall Farm (occupied by the owners of the site). The replacement building would be sited some 62m south east and its size and use is not considered to be significantly detrimental to residential amenity. The application states that deliveries would be reduced in frequency and this could arguably offer a slight benefit through less frequent noise disturbance.

### **Flooding issues**

The site is not situated within an Environment Agency designated flood zone.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

### **Ecology and Nature Conservation**

The existing commercial building is in active use. The demolition works and construction of a replacement building are not considered to pose harm to any protected species or wider biodiversity.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is considered to represent a harmful form of development to the Green Belt. The replacement building would be materially larger (1.75x larger) than the one it replaces and in accordance with paragraph 89 of the NPPF, this

development would be unacceptable in principle. The building, through its increased height, notably at eaves level, would result in a bulkier, taller, and subsequently more prominent building, which would collectively undermine the openness and permanence of the North Cheshire Green Belt. Further to this, the building would be very prominent from public space by virtue of Bucklow Hill Lane. The harm to the Green Belt can be identified both through the visual aspect, and the buildings 'materially larger' nature. This impact would amount to substantial harm contrary to the NPPF and policy GC1 of the Macclesfield Borough Local Plan. As per the above appraisal, no very special circumstances have been suitably demonstrated as to why this harm should be overlooked.

### ***Social sustainability***

As per the supporting statement the development would not provide further employment opportunities. The development would, however, support an existing high-tech industry within the countryside.

The Council does fully support the growth of existing businesses within the Borough, but strong weight must be afforded to the Green Belt. No sequential test has been adopted highlighting if other sites have been considered and why these have been discounted. Benefits of security, cost effectiveness, and convenience would not be significant in outweighing the harm to the Green Belt.

### ***Economic sustainability***

The proposed development would provide some economic benefits through the support of an existing business which has global trade links and some reductions in business transport costs. Support of the business could also ensure job security within the local area. Small benefits would also be available to the local workforce through construction contracts.

### **Summary and Planning Balance**

In weighing the merits of the scheme against the Green Belt harm, the development should not be approved. The irreversible and substantial Green Belt harm (environmental) is not outweighed by the arguments and merits (socio-economic) put forward within this application. The recommendation is therefore for refusal.

*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.*

### **RECOMMENDATION**

**Refuse subject to the following reason:**

- 1. The proposal would be inappropriate development as defined in paragraph 89 of the National Planning Policy Framework and very special circumstances have***

***not been suitably demonstrated to outweigh the clear harm to the openness and permanence of the Green Belt. As such the proposals are contrary to the requirements of Policy GC1 of the Macclesfield Borough Local Plan (2004) and the requirements set out in the National Planning Policy Framework (2012).***

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Plans
2. Time limit
3. Materials
4. Landscaping
5. Removal
6. Within 1m



**This page is intentionally left blank**



Application No: 17/1359M

Location: 24, LOSTOCK HALL ROAD, POYNTON, STOCKPORT, CHESHIRE, SK12 1DP

Proposal: Demolition of existing dwelling and replacement with four detached units and associated access and landscape works.

Applicant: CJR, CJR Ltd

Expiry Date: 21-Aug-2017

### **SUMMARY**

The development would provide benefits in terms of 3 additional market houses which would make a small contribution to the Council's delivery of a 5 year housing land supply. It would provide economic benefits through the provision of employment during the construction phase and benefits for local businesses. It will provide Electric Vehicle Infrastructure promoting green infrastructure benefits.

The development would have a neutral impact upon the following subject to mitigation. The impact upon protected species/ecology is considered to be neutral. There is not considered to be any drainage implications raised by this development. The development would not raise any significant highways issues. The Head of Strategic Infrastructure considers the access to each dwelling is acceptable and there is sufficient space within each plot for off street parking provision to be in accordance with CEC standards. The proposals from an arboricultural and landscape perspective are considered acceptable. The impact upon residential amenity by virtue of overlooking/overshadowing / loss of outlook of adjacent residential occupiers is deemed acceptable with acceptable interface distances. The design of the dwellings is in keeping with the surrounding properties and the density is also considered in keeping.

Bearing the above points in mind, the proposal is deemed acceptable, in accordance with local and national policy and therefore recommended for approval subject to conditions.

### **RECOMMENDATION**

Approve subject to conditions.

### **REASON FOR REPORT**

The application has been 'called in' to Committee by the local Ward Member, Cllr Michael Beanland, for the following reasons:

- The proposed development is not in accordance with neighbouring properties on Lostock Hall Road and is contrary to their design, scale and proportion.
- This area is currently subject to multiple planning applications which will increase Road and traffic access disproportionately.
- The proposed exit on to Lostock Ave will affect access and traffic, inappropriately, in a small cul de sac.

### **PROPOSAL**

This application seeks planning permission for the demolition of existing dwelling and replacement with four detached units and associated access and landscape works.

Each plot is to contain an integral garage with additional parking spaces provided on the driveway.

### **SITE DESCRIPTION**

24 Lostock Hall Road is a detached dwellinghouse built circa 1950s located within a predominantly residential area as detailed in the Macclesfield Borough Local Plan. The site is accessed from Lostock Hall Road. The site is just over 1km to Poynton centre. Towards the south west of the site is a detached garage measuring approx. 5m wide and 5.6m deep which is accessed via a private shared drive to the south of the site which is accessed via Lostock Hall Road.

The site is relatively large at approx. 77m by 32m (0.28 hectares) and is sited between Lostock Hall Road to the east, and Lostock Avenue to the west. To the south lies a private drive which is used to access four dwellings plus a detached garage within the application site. The site contains a number of shrubs and trees some of which are protected.

The existing dwelling which is to be demolished measures approx. 7.2m to the ridge, 12.9m wide and 18.8m deep (max).

Lostock Avenue (and the two dwellinghouses cited directly to the south west of the plot) is comprised of a broad mix of bungalows or dormer bungalows with varied architectural styles, materials and designs. Lostock Hall Road is characterised predominantly with large dwellings and a select few bungalows and dormer bungalows, again all varying in architectural styles, materials and designs located on reasonably large plots.

### **RELEVANT HISTORY**

71699P PROPOSED GARDEN WALL. Approved 21/09/92

### **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

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

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

MP1 Presumption in Favour of Sustainable Development  
SC4 Residential Mix  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
PG2 Settlement hierarchy  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and Geo Diversity  
SE4 The Landscape  
SE5 Trees hedgerow and woodland  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
SD2 Sustainable Development Principals

### **Macclesfield Borough Local Plan – saved policies**

BE2 (Historic Fabric)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Circulation and access)  
DC8 and DC37 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Residential Materials and Finishes)  
DC38 (Space light and privacy)  
DC41(Infill housing development or redevelopment)  
DC43 (Side extensions to houses)  
DC46 (Demolition)  
DC47 (Demolition and redevelopment)  
NE11 (Nature Conservation)

### **Other Material Considerations**

Cheshire East Borough Design Guide SPD  
National Planning Practice Guidance  
Poynton Neighbourhood plan – regulation 14 stage Pre-Submission Version Policies: HOU 1B, HOU 1C, HOU 2, HOU 3, HOU 5, HOU 6A, HOU 6D, HOU 3B, HOU 6B, HOU 6C

## CONSULTATIONS

Two consultations have taken place due to revised plans being submitted. The first consultee letters were sent on the 27/03/17, the second consultee letters were sent 27/07/17. The responses to both consultations are summarised below.

### Consultation 27/03/17

Forestry – No objection subject to conditions

Landscape – No objection however detailed landscape plan required as condition

Flood Risk – No objection subject to conditions

Environmental Health – No objection subject to conditions

Public Rights of Way – No objection however informative requested

Highways – No objection

United Utilities - a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Poynton Town Council – The Town Council recommends rejection on the basis of cramped development. The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site.

## REPRESENTATIONS

40 objections have been received. The objections in full can be located on file. A summary of the objections can be located below:

- High density over development of the site
- Loss of the open aspect of the neighbourhood
- Dwellings too close to the road, building line not in keeping
- Noise disturbance
- Illumination concerns
- Overlooking and loss of privacy
- Overshadowing / overbearing
- Out of character
- Highway issues
- Tree and landscape issues
- State of the farm track
- Character and design issues and not in keeping
- Size of the proposed dwelling are not in keeping
- Amenity concerns
- Concerns over garden space

- Drainage concerns
- No need for dwelling of this size
- Density concerns
- Concerns over the overall accumulation of deliveries and contractors vehicles
- Architectural style are not in keeping with the surrounding area
- Significant loss of trees and hedgerow, which provides visual amenity and habitat for wildlife
- Concerns over the 'Party Wall Fence' removal
- Concerns over site/location plan not taking into account recent erected extensions and new dwellings
- Ownership concerns

Concerns have been raised with regards to the consultation process. Officers can confirm that letters have been sent to the relevant neighbours for the statutory 3 week period.

Consultation 20/07/17 (consultation expiry date 10/08/17)

Forestry – No objection subject to conditions

Landscape – No objection subject to conditions

Flood Risk – No objection subject to conditions

Environmental Health – No objection subject to conditions

Public Rights of Way – No objection however informative and boundary treatment condition requested

Highways – No objection however informative requested

Ecology - No objection subject to conditions

United Utilities - Comments not yet received, however former comments still applicable

Poynton Town Council – Further comments not yet received

### **REPRESENTATIONS**

5 objections have been received. The objections in full can be located on file. A summary of the objections can be located below:

- Over development of the site
- Plot sizes not in keeping
- Proposed dwelling located too close to the road
- Amenity issues : loss of privacy, loss of light, overbearing, too close to existing adjoining property
- Highways concerns
- Loss of trees and natural habitat

- Concerns over nearby development as well as proposed development
- Belief the houses are not needed
- Concerns over public right of way
- Concerns over deliveries
- Loss of trees and vegetation
- Drainage issues
- Concerns over legal issues and covenants

Concerns have been raised with regards to the consultation process. Officers can confirm that letters have been sent to the relevant neighbours for the statutory 3 week period.

### **APPRAISAL**

The key issues for Members to consider are:

- Impact upon character of the area
- Amenity of neighbouring property
- Impact upon trees of amenity value
- Highway safety
- Impact upon nature conservation interests
- Flood Risk

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design / Character**

Neighbour comments regarding the character and design of the proposed dwellings have been taken into consideration. Lostock Avenue (and the two dwellings cited directly to the south west of the plot) comprises of a broad mix of bungalows or dormer bungalows with varied architectural styles, materials and designs. The proposed dwellings reflect this local character which would result in a further mix of dormer bungalows with similar ridge heights to the surrounding dwellings.

Lostock Hall Road is characterised predominantly with large dwellings and a select few bungalows and dormer bungalows, again all varying in architectural styles, materials and designs located on reasonably large plots. Again, the proposed dwellings reflect the height of nearby dwellings and have a variance in design, both of which are deemed acceptable and in keeping. A condition is recommended to ensure that materials are submitted to and approved by the Local Planning Authority to ensure all materials used are satisfactory.

Objections have been raised with regards to the proposed dwellings being sited too close to the road and the building line not being in keeping with Lostock Hall Road. The building line along Lostock Hall Road does vary and due to the Location of number 28 to the south and the location of the surrounding road and tracks, it is considered the siting of the dwellings on plots 1 and 2 (which still retain an approximately 10.7m (minimum) deep front garden) will not appear out of place within the streetscene.

Due to the large plot size measuring approx. 77m by 32m with a 2540 sqm site boundary, subdivision is deemed acceptable and in keeping with the area. The agent has undertaken a study of the surrounding properties to provide a context by which to measure the appropriateness of the densities proposed. The agent advised that the dwellings surveyed have been chosen to include some of the largest plots in the immediate area as well as some of the smallest. Properties to the east of Lostock Hall Road have not been included in the study as they are, in part, within the Green Belt and therefore their development form is constrained and controlled by policy intervention and not directly comparable.

The Poynton Neighbourhood Plan Steering Group has prepared a Neighbourhood Plan for Poynton 2016-2030 (Pre submission version). As this is the pre-submission version, limited weight is given to the proposed policies, however, the draft Neighbourhood Plan pinpoints Poynton's vision moving forward. Poynton Neighbourhood Plan contains Policy HOU 6d 'Backland and Tandem Development' which states:

*'Proposals for tandem or back land development within an existing residential curtilage should satisfy the following criteria;*

- a) A satisfactory and separate means of access to the new dwelling can be obtained to an existing public highway*
- b) The amenities of residents of existing and proposed dwelling would be safeguarded as a consequence of the proposed development.*
- c) The proposed dwelling would not result in the creation of an over intensive development to the area and detract from the openness of the Green Belt at this point.*
- d) The plot size of the proposed dwelling should be appropriate to the size of the dwelling and the character of the immediate local area'.*

The site is not in the Green Belt. However, to cover any density concerns HOU 3B of Poynton Neighbourhood Plan (submission version) confirms the *'development within the town boundary shall be at a density of no greater than 30 dwellings per hectare'*.

The agent has confirmed that the proposed development would be just under 16 dwellings per hectare which is based on four dwellings and an overall plot size of 2502sqm (just over 0.25 hectares). A study of the area to the immediate north of the site, bounded by Lostock Hall Road and Lostock Hall Avenue has been undertaken. Within this area there are 15 dwellings and an overall area of 0.94 hectares. This presents a density of 15.9 dwellings per hectare.

Bearing the above points in mind it is therefore considered the proposed development is deemed acceptable in density terms and well within the proposed Poynton Neighbourhood Plan (submission version) of 30 dwellings per hectare.

12 dwellings in the surrounding area have been assessed by the agent as detailed below. There is a noticeable variation in the plot sizes with 3 dwellings containing a plot size under 500sqm and 2 in excess of 800sqm. The average plot size is 640sqm. The proposed plot sizes are deemed reflective of the average plot sizes all being within 10% of the average. The plot ratio of the 12 dwellings assessed has a significant variation with 31% being the highest on some of the dormer bungalows and 16% being the lowest. The average plot ratio along Lostock Hall Road are marginally lower than Lostock Hall Avenue.

<b>Address (dormer bungalows)</b>	<b>Plot size</b>	<b>Dwelling Footprint</b>	<b>Plot Ratio</b>
42 Lostock Avenue	844sqm	154sqm	18%
46 Lostock Avenue	610sqm	120sqm	20%
7 Lostock Avenue	348sqm	87.5sqm	25%
13 Lostock Avenue	650sqm	191sqm	29%
11 Lostock Avenue	420sqm	132sqm	31%
1 Squirrels Chase	477sqm	115sqm	24%
2 Squirrels Chase	625sqm	116sqm	19%
Plot 3 Proposed	648sqm	176sqm	22.5%
Plot 4 Proposed	668sqm	171sqm	23%

<b>Address (two storey house)</b>	<b>Plot size</b>	<b>Dwelling Footprint</b>	<b>Plot Ratio</b>
22a Lostock Hall Road	1215sqm	198sqm	16%
22b Lostock Hall Road	675sqm	110sqm	16%
18 Lostock Hall Road	720	180sqm	15%
16 Lostock Hall Road	765sqm	158sqm	21%
Plot 1 Proposed	592sqm	140sqm	19.5%
Plot 2 Proposed	594sqm	140sqm	19%

Policy DC43 suggests each dwelling should be set back by at least 1m from the site boundary to prevent the creation of a terraced street effect. This distance suggestion has been adhered to with 2.5m between dwellings (at the closest point) and 1.3m to the site boundary (at the closest point). Policy DC43 is primarily for side extensions to houses, however, is still useful to prevent the terraced street effect with new dwellings.

Bearing the above points in mind the proposals are in accordance with policies BE2, DC2, DC35, DC43, SE1 and paragraphs 60 of the Framework with an acceptable design and density for the plot.

### **Trees and Landscape**

The application is supported by a detailed Arboricultural Statement, tree protection scheme, and a tree work plan/schedule. The report identifies the removal of four individual trees and two groups, all category B moderate value specimens, and twelve individual trees and five groups all category C moderate value specimens. A single hedge (H3) and the southern section of (H2) have also been identified for removal. In terms of the 1997 hedgerow regulations these cannot be considered as being important with the hedges forming part of the domestic garden curtilage.

Standing on the Lostock Hall Road frontage is a group of Pines identified within the Arboricultural report. Two of these trees are protected as part of a 2001 Tree Preservation Order (G2) and are shown for retention within the front garden aspect of plot 1 and 2. Both Pines present an acceptable social and spatial proximity to the respective front elevations of both dwellings with their respective front gardens utilised for hard standing parking, with primary external living space to the rear of the dwellings. The front elevation of Plot 1 is influenced by both protected trees in terms of reduced light attenuation and shading but the



primary rooms and usage is associated with the rear of the dwelling. Passing through and over the canopies of the Pines is a bunched low voltage electricity cable. The presence of this cable does impact on the long term retention of these trees with the utilities company able to progress works to the trees under their statutory undertaker status without the requirement to submit an application under the TPO legislation.

The loss of the identified trees from within the site is not considered to be significant with any impact on the amenity of the immediate area and the wider landscape reflected as being 'moderate'. None of the trees identified for removal either individually or collectively are considered worthy of formal protection.

The additional detail included with the amended plans includes an acceptable tree protection scheme, and a tree work plan/schedule. The cellweb information submitted to address the no dig driveway construction relates to generic product information rather than a specific engineer designed site specific construction detail. The spatial relationship between the off site group of trees identified as G9 and plot 3 is not ideal but the pruning of over hanging branches and roots can be undertaken under the applicant's common law rights. As noted previously this group of trees are not considered worthy of formal protection.

The Council's Landscape Officer has assessed the submitted plans and does not consider that the proposals will result in any significant landscape or visual impacts. A condition will be attached to the decision notice if approved to restrict the height of the formal hedge (*Buxus Sempervirens*) along the northern driveway boundary of Plot 2, to a height of no more than 1m, to allow an acceptable sightline from the drive way onto Lostock Hall Road.

From an Arboricultural and landscape perspective, the proposals are considered acceptable and in accordance with Policies DC8, DC37 and DC9 of the Macclesfield Borough Council Local Plan and SE5 of the Cheshire East Local Plan Strategy.

### **Ecology**

The submitted bat survey has been assessed by Cheshire East Councils Nature Conservation Officer who has confirmed the survey was acceptable and no further ecological information was required on this site. The decision notice will include a condition to ensure prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Subject to this, the proposal is therefore in accordance with policies NE11 of the Macclesfield Borough Council Local Plan and SE3 of the Cheshire East Local Plan.

### **Residential Amenity**

Representations have been received expressing concern over impact on residential amenity. Policies DC3, DC38 and DC41 include elements to protect the residential amenities of the occupiers of neighbouring properties.

Policy DC38 provides guidance on distances that should normally be achieved between buildings in respect of space, light and privacy. For two-storey properties the desired distance between front to front of dwellings is 21m, back to back of dwellings is 25m and blank

elevations or elevations with no habitable room windows that face a habitable room a gap of 14m is recommended.

The distance between the dwellings back to back on plots 1 and 3 measures approximately 24.6m and between plots 2 and 4 approximately 25 metres. These distances are deemed acceptable and the very small shortfall between plots 1 and 3 is not anticipated to cause any substantial amenity issues, and is therefore in accordance with Policy DC38.

The dwellinghouse at 44 Lostock Hall Avenue which is opposite the proposed front elevation on plot 3 is approximately 43.5m away (front to front). This therefore adheres to the 21m guideline in DC38.

The dwellinghouse at 40 Lostock Hall Avenue which is opposite the front elevation of the dwelling on plot 4 is approximately 15m away (side to front). The agent has confirmed the side elevation of number 40 contains two windows which are both obscurely glazed and appear to be non habitable rooms, which Officers do not dispute. This therefore adheres to the 14m guideline in DC38.

The front elevation of the dwelling on plot 1 to the front elevation of 27 Lostock Hall Road is approximately 26m away. This adheres to the 21m distance suggested in policy DC38. Number 27's concerns with regards to the proposed properties being sited around 1.5m above the level of 27 Lostock Hall Road have been considered. However, the additional 5m distance above the recommended distance in DC38 and the retained trees and landscaping all help reduce any amenity issues resulting in an acceptable relationship between the two properties.

It is noted number 29 Lostock Hall Avenue does not appear on the submitted location plan, however, the location of this dwelling as shown on the details for planning ref; 16/1515m and on site has been considered. Due to the front elevation of this dwelling being sited further back (east) than 27 Lostock Hall Avenue and as the proposed dwelling in plot 2 is to be sited further back than the front elevation of plot 1 it is deemed there will be no substantial amenity issues between these dwellings.

Policy DC38 suggests each dwelling should be set back by at least 1m from the site boundary. This distance suggestion has been adhered to with 2.5m between dwellings (at the closest point) and 1.3m to the site boundary (at the closest point). As detailed above the site is in a predominantly residential area and not within a low density area and so these distances are deemed acceptable.

House Type A which is to be sited on plot 2 and House Type D which is to be sited on plot 1 both contain one first floor side window which serve a bathroom and two ground floor side windows and a door which are to serve a garage, utility and WC. As these windows/doors all serve non habitable rooms the proposed distances to the adjoining dwellings are therefore deemed acceptable. House type F which is to be sited on plot 3 contains one side window which is to serve a garage and one door which serve a utility (both serving non habitable rooms). The proposed distances to the adjoining dwellings are therefore deemed acceptable. House type E which is to be located on plot 4 contains one side window and one door which are to serve a garage and utility both of which are non habitable. The proposed distances to the adjoining dwellings are therefore deemed acceptable.

Loss of view is not a material planning consideration and the development would not be significantly overbearing or dominant so as to unacceptably compromise the outlook of neighbouring properties.

The line of site has been assessed from 22a Lostock Hall Road to the proposed dwellings and due to the orientation and distance between the dwellings, it's not anticipated any substantial amenity issues will be caused.

Bearing all the above points in mind, as regards distance standards related to space, light and privacy, issues of overlooking, overbearing and other amenity aspects (which have been raised as objections) it is considered that the proposed dwellings would not result in any significant loss of amenity to the occupants of neighbouring residential properties. Therefore it is considered that the proposal accords with policies DC3, DC38 and DC41 in respect of neighbouring residential amenity.

### **Highways**

Neighbour comments regarding highway safety and usage have been taken into consideration. The proposal has been assessed by Cheshire East Council's Highway Department (Head of Strategic Infrastructure) who have confirmed there are no material highway implications. The proposed access to each dwelling is acceptable and there is sufficient space within each plot for off-street parking provision to be in accordance with CEC standards.

It is noted there is objection with regards to land ownership and therefore access onto Lostock Hall Avenue. The Council has records indicating that the land in question is adopted highway. Cheshire East Council's Legal Department have confirmed the dispute can only be resolved in two ways, either the owner of 40 Lostock Hall Avenue accept the Council's position that it is highway or the matter would need resolution through the courts. This dispute is therefore ongoing and will need to be resolved outside of the planning process. If approved the decision notice will include an informative requesting a section 184 licence is applied for and granted to cross the highway to allow access.

The concerns with regards to contractor's vehicles and deliveries can be dealt with via a construction method statement condition to ensure minimal impact on the surrounding area.

Highways have confirmed it is important that any boundary treatment is setback behind the visibility splays on Lostock Hall Road. This will be addressed by the landscaping plans.

There are no other material highway considerations associated with this proposal. Accordingly, the application is in accordance with DC6 of The Macclesfield Borough Council Local Plan and deemed acceptable in highways terms.

### **Flood Risk and Drainage**

A public sewer crosses the site and United Utilities have confirmed that they may not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption" is required, for maintenance or replacement. Therefore a modification

of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

The agent however has since obtained a drainage and water report which evidences the drain on the site runs close to the east boundary line. This is where protected trees are located which are to be retained and if approved a landscape plan will be conditioned to be submitted which will take into consideration and prevent any deep rooted shrubs and trees from being planted in the vicinity of the public sewer and overflow systems. The agent has confirmed that the proposed scheme takes this into account and complies with the buffer.

Flood Risk have confirmed they have no objection, however conditions has been requested if approved. The proposal is therefore in accordance with policy SE13 Flood risk and water management.

### **SUSTAINABILITY**

The Framework outlines an approach to sustainable development which seeks to foster positive growth leading to economic, environmental and social progress whilst finding the means to accommodate new ways by which we will earn our living in a competitive world.

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 Poynton town centre including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain, thus in accordance with policy SD 1 and SD 2 of the Cheshire East Local Plan.

The site is just over 1km to Poynton centre, 1km to the nearest school and less than 1km to the train station in a predominantly residential area. Bearing in mind the points mentioned it is considered that the proposal is located in a sustainable location and thus in accordance with policy SD 1 and SD 2 of the Cheshire East Local Plan.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site the decision notice will include a condition to ensure the developer provides Electric Vehicle Infrastructure. Thus, in accordance with paragraph 35 of the NPPF and SD 2 of the Cheshire East Local Plan, this will contribute positively to the area's local distinctiveness in terms of green infrastructure.

### **Housing land Supply**

Cheshire East Local Plan (adopted 27/07/17) confirmed the housing trajectory for Cheshire East illustrates the expected delivery rate of new dwellings. The overall growth proposition is to deliver at least 36,000 new homes by 2030. These figures represent a pro-growth policy position that is forecast to see the borough's population grow by around 58,100 people.

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 3 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Town Centres for the Borough.

## **OTHER MATTERS**

The concerns over the party wall and fence removal are noted. However, Officers can confirm this is not a matter for planning. This will need to be dealt with as a civil matter under the Party Wall Act.

Any concerns over covenants are also not a matter for the planning department and will need to be dealt with as a separate civil matter.

It is noted there are concerns over illumination and noise disturbance. Environmental Protection deal with light pollution and noise issues and have assessed the application. They have not objected to the proposal. If in the future the situation changes with regards to illumination, any complaints should be made to Environmental Protection. In addition any noise complaints can also be submitted to Environmental Protection. If approved, an informative will be inserted into the decision notice suggesting hours of operation.

## **PLANNING BALANCE**

The development would provide benefits in terms of 3 additional market houses which would make a small contribution to the Council's delivery of a 5 year housing land supply. It would provide economic benefits through the provision of employment during the construction phase and benefits for local businesses. It will provide Electric Vehicle Infrastructure promoting green infrastructure benefits.

The development would have a neutral impact upon the following subject to mitigation. The impact upon protected species/ecology is considered to be neutral. There is not considered to be any drainage implications raised by this development. The development would not raise any significant highways issues. The Head of Strategic Infrastructure considers the access to each dwelling is acceptable and there is sufficient space within each plot for off street parking provision to be in accordance with CEC standards. The proposals from an arboricultural and landscape perspective are considered acceptable. The impact upon residential amenity by virtue of overlooking/overshadowing / loss of outlook of adjacent residential occupiers is deemed acceptable with acceptable interface distances. The design of the dwellings is in keeping with the surrounding properties and the density is also considered in keeping.

Bearing the above points in mind, the proposal is deemed acceptable, in accordance with local and national policy and therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

### **Approve subject to conditions**

*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 for Full Planning

#### RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. Vehicle
5. Birds
6. surface water drainage
7. manage the risk of flooding
8. Cheshire Woodlands Tree Work Plan
9. Engineer designed no dig hard surface construction
10. Broadband
11. Submission of construction method statement
12. Dust
13. Landscape
14. Piling
15. NPPF
16. Hours of Work Informative
17. Contaminated Land Informative
18. Land Drainage Act Informative
19. Section 184 Agreement Informative
20. Piling Informative



**This page is intentionally left blank**



Application No: 17/1977M

Location: NETHERBROOK, CHORLEY HALL LANE, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7UL

Proposal: Erection of a single detached dwelling and creation of a new access to the existing dwelling

Applicant: Alderley Edge 1 GB Ltd

Expiry Date: 14-Jul-2017

**SUMMARY**

The site is located within a predominantly residential area to the south west of Alderley Edge. Policy DC41 of the Macclesfield Borough Local Plan, PG2 of the newly adopted Cheshire East Local Plan Strategy and paragraphs within the NPPF set out the circumstances where infill development can be acceptable.

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

The application raises no issues relating to design, highway safety, amenity or arboricultural concerns.

**SUMMARY RECOMMENDATION**

Approve subject to conditions.

**REASON FOR DEFERRAL**

This application was deferred from the Northern Planning Committee on 12<sup>th</sup> July 2017 to allow for additional details to be submitted with regard to potential flood risk issues to the rear of the site. Concerns were also raised regarding the distances between side boundaries between the proposed dwelling and the existing dwelling, Netherbrook.

**APPLICATIONS SUBMISSION SINCE DEFERRAL**

Since the previous meeting, the following information has been received:

- Confirmation of materials to be used
- Revised plans indicating a reduction in the size of the dwelling and the re-siting of the dwelling
- Revised drainage plan (additional attenuation tank)

This is an updated report which deals with these considerations and also provides an up to date position on the Cheshire East Local Plan Strategy, which was adopted on the 27<sup>th</sup> July 2017.

### **REASON FOR REFERRAL**

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

*"The Parish Council has recommended refusal of this application on the grounds that it represents overdevelopment through the subdivision of an existing plot. Concerns have also been expressed by neighbouring residents with respect to the increase in footprint, massing and height of the proposed dwellings. There is also evidence of an increased flood risk at this location and a flood-risk assessment has been requested; therefore, the application would benefit from consideration by Northern Planning Committee."*

### **PROPOSAL**

Planning consent is being sought for the construction of a detached dwelling to the side on an existing dwelling. The permission seeks to split the plot to allow for a second dwelling to be constructed. The proposed dwelling will have 5 bedrooms and will have bedroom space within the roof space. The application will allow for the construction of a separate access to that of Netherbrook, and will provide parking for the proposed dwelling.

### **SITE DESCRIPTION**

The application site is currently occupied by a large detached dwelling which is currently undergoing renovation works. Planning permission has been granted for the original dwelling to reduce its footprint, and to alter the design and finish of the dwelling.

The site is close to an existing area of designated open space, and is to the north of the Green Belt boundary within a predominantly residential area. An area of TPO'd trees lie to the north of the site. The design of the existing dwelling itself does not reflect any specific design period; however, it has a distinct style of its own and is aesthetically concordant with its surroundings. There are no prevailing design features within the street scene and the dwelling is of individual style and taste.

### **RELEVANT SITE HISTORY**

- 17/1330M – New gable and porch to front elevation. Demolition of existing extensions and construction of permitted development rear extensions single and two storey. Rendering of complete building. Approved 2017.

## **LOCAL AND NATIONAL POLICY**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

Section 7 – Requiring Good Design

Section 11 – Conserving and Enhancing the Natural Environment

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

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

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

SD1 (Sustainable Development in Cheshire East)

SD2 (Sustainable Development Principles)

SE1 (Design)

SE4 (The Landscape)

SE5 (Trees, Hedgerows and Woodland)

### **Macclesfield Borough Local Plan**

BE1 (Design)

DC1 (Design)

DC3 (Amenity)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree Protection)

DC38 (Space, Light and Privacy)

DC41 (Infill Development)

DC42 (Subdivision of Property for Residential Purposes)

H13 (Protecting Residential Areas)

### **Alderley Edge Neighbourhood Plan**

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

## **CONSULTATIONS**

United Utilities – Drainage concerns raised.

Highways – No objection.

Alderley Edge Parish Council – Refusal recommended.

Public Rights of Way – No objection.

### REPRESENTATIONS

4 letters of objection received, summarised as follows:

Damage to existing hedges.

Loss of privacy

Construction should be restricted to working hours

Design and scale of the development

Drainage/sewerage

Highway concerns

### 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**

### **Infill Development**

Local Plan Policy DC41 (which has been retained) relating to infill housing development, states that infill housing will be required to comply with a number of criteria prior to being considered appropriate development. These criteria relate to the design of the proposed dwelling, the impact the dwelling will have on the amenity of the neighbouring dwellings, and the impact on highway safety.

Amenity and highway safety are addressed within a separate section of this report, therefore design is considered below.

Dwellings along the length of Chorley Hall Lane are of differing design and finished materials. Therefore provided that the design of the proposed dwelling does not create a significant contrast between itself and the existing dwellings there are no design concerns regarding the dwelling itself. The dwelling will be 3 storey, and will have a vertical emphasis due to the width constraints of the site, but this does not pose a concern as existing dwellings are either of 2 or 3 storey design.

The proposed materials are a light red brick to the elevations and a graphite tile to the roof. These materials are considered acceptable and have been submitted in order to mitigate the need for a pre-commencement condition relating to materials of construction.

Concern has been raised that the dwelling will occupy a very small site which would result in an over development of the original Netherbrook site. The original dwelling Netherbrook has been reduced in width by the removal of a large single storey side extension. It is considered that the site itself is large enough to accommodate both dwellings with sufficient amenity space and parking space without having a significant detrimental impact on the character of the surrounding street scene.

It is therefore considered that the proposed dwelling subject of this application will not have a significant detrimental impact on the character of the area, nor will it create an anomalous feature within the immediate vicinity. Therefore, the proposed development complies with policies SD1, SD2 and SE1 of the Cheshire East Local Plan.

### **Drainage**

Drainage concerns have been raised by United Utilities and have since been addressed by the submission of a revised drainage scheme. Whilst flooding has been raised as a concern, and is one of the reasons for the application to have been called in to the Planning Committee, it is considered that a flood risk assessment is not necessary for this proposal as the dwelling lies within Flood Zone 1 as designated by the Environment Agency, meaning that it is at minimal risk of fluvial flooding.

Since the deferral of the application from the last meeting, revised drainage details have been submitted which indicate an additional flooding attenuation tank to the rear garden of the proposed dwelling. This has been added to the scheme to address the concerns regarding potential flooding to the rear of the dwelling. Further comments have been received from the

Council's Flood Risk Team regarding the revised scheme and no objection has been raised. A condition has been recommended by the Flood Risk Officer which requires ground testing on site prior to commencement of development. The proposal is therefore acceptable in terms of flood risk and drainage.

An error regarding the proposed house layout has been identified on the revised drainage plan. This will be addressed by way of an update.

### **Arboricultural Impacts**

Cheshire East Local Plan policy SE5 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.

A small area of TPO'd trees are positioned to the north of the site. No significant work is to take place in this location. However, in order to achieve the proposed visibility splays, a section of the boundary hedge may need to be removed. Comments have not been received from the Arboricultural Officer with regard to the proposed development; therefore once these have been received they will be included in an update report.

A landscape condition will be added to any subsequent decision in order to ensure that the green and leafy character of the immediate surroundings is maintained.

### **Highways**

Concern has been raised by members of the public regarding the safe access and egress to and from the proposed dwelling. These concerns were mirrored by comments from the Highways Department regarding sufficient visibility splays being achievable. A revised plan showing the required visibility splays has been received and is now considered acceptable by Highways.

The NPPF places great emphasis on encouraging sustainable development, including the use of sustainable modes of transport. The site is considered to be within a sustainable location with good access to local amenities and public transport links. The dwelling 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.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Cheshire East Local Plan Policies SE1 and SD2, in hand with Macclesfield Local Plan Policy DC3, place significant weight in 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 site of Netherbrook on Chorley Hall Lane is a large site with significant and well established boundary detail to all sides.

The construction of the dwelling will not result in loss of light, or overshadowing to the rear of any neighbouring dwelling by virtue of its location as it is to the north of dwelling on Downesway and therefore does not impact on levels of direct sunlight to these dwellings. The residents of Aeolia to the east will also not suffer loss of light, or overshadowing due to the position of the dwelling, and the existing boundary detail.

Privacy distances have been met between the proposed dwelling and dwellings on Downesway, and the established boundary detail further protects the privacy of all residents. Concern has been raised by the resident of Aeolia regarding potential loss of privacy due to the 4 windows to be placed in the side elevation of the dwelling. Whilst these windows are not to habitable rooms, it is intended that they be obscurely glazed in the interests of privacy for both the neighbours and the future occupiers of the dwelling.

It has been requested that a condition be placed on any subsequent approval with regard to the hours of construction. Whilst hours of construction have not been suggested by Environmental Protection, due to the level of work to be carried out on the site, and the proximity to neighbouring properties, an informative will be added which restricts the hours of construction works.

As amenity concerns have been addressed it is considered that the proposed development complies with legacy policies DC3 and DC38 of the Macclesfield Borough Local Plan, policies SE1 and SE2 of the Cheshire East Local Plan and the relevant sections of the NPPF.

Councillors raised concerns at the committee meeting regarding the distance between the proposed and the existing dwelling. To allay this concern, the width of the proposed dwelling has been reduced by 0.9m, and the dwelling has been moved away from the existing dwelling Netherbrook by 0.7m in order to address the concerns raised regarding the distance between the existing and proposed dwelling. The gap between the dwellings is now 4.4m at the narrowest point. The re-siting of the dwelling closer to the eastern boundary will not harm the amenity of the residents to the east.

### **Housing Land Supply**

Cheshire East Local Plan (adopted 27/07/17) confirmed the housing trajectory for Cheshire East illustrates the expected delivery rate of new dwellings. The overall growth proposition is to deliver at least 36,000 new homes by 2030. These figures represent a pro-growth policy position that is forecast to see the borough's population grow by around 58,100 people.

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 1 no. dwelling within the plan period in a sustainable location within the settlement boundary of one of the key Local Service Centres for the Borough.

### **ECONOMIC SUSTAINABILITY**

It is accepted that a development of this size would bring the usual economic benefit to the closest shops in Alderley Edge 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.

### **SUMMARY AND PLANNING BALANCE**

All objections and comments received have been noted and considered during the recommendation of this application. The presumption in favour of development is however a significant material consideration. The merits of the application have been taken into account, and it is considered that the application complies with both local and national policy, therefore satisfying the presumption towards sustainable development.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thus, 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**

*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 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 Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A02FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A25GR - Obscure glazing requirement
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Hours





**This page is intentionally left blank**

Application No: 17/2061M

Location: ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of existing buildings and erection of 7 new dwellings.

Applicant: Mr & Mrs Wilman

Expiry Date: 13-Jun-2017

**SUMMARY**

This application seeks full planning permission for the replacement of the existing dwelling with 7no. replacement dwellings.

The site is positioned within a sustainable location designated as safeguarded land in the Local Plan.

It is considered that the principle of the new dwellings in the proposed location is acceptable and therefore satisfies the three threads 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.

The proposed development could be implemented without any significant 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 Toni Fox on the 28<sup>th</sup> April due to the following concerns:

*"Overdevelopment of the site. Inconsistent with the current street scene and approved street scene of planning application 14/0007M. Insufficient parking and car turning space within dwelling curtilages, particularly plots 2, 3 and 4. Insufficient information on TPO tree removal and site access visibility splays. Bat survey to be submitted that has been undertaken in mid bat survey season. Inaccurate information submitted in relation to the history of the site."*

## **DESCRIPTION OF SITE AND CONTEXT**

The site is in an area of 0.428ha which lies on the north side of Adlington Road (A5102) to the west of Wilmslow Town Centre, located on Safeguarded Land. It is currently occupied by a single detached dwellinghouse, Rosegarth, and its residential curtilage. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

The site lies in an Area of Special County Value for Landscape (ASCVL) in the MBLP.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the existing dwelling and outbuilding and the erection of 7no. new dwellings.

## **RELEVANT HISTORY**

16/5382M Demolition of the existing property and the erection of 9 new residential dwellings.

Withdrawn 22 December 2016

11/0419M New Garden Store/Plant Room and Amendments to Design of Entrance Gate Walls

Approved with conditions 15 June 2011

10/4938M Non-Material Amendment - Change in the design of the rear bay window to from curved to rectangular

Approved, 13 January 2011

10/4717M Application for a Non-Material Amendment – 08/2190P

29 December 2010

10/3767M Non-Material Amendment to Applications 10/0324M – Amendment to existing consent 08/2190P – Additional dormer window to south elevation

Approved 01 November 2010

10/3105M Non-Material Amendment Ref: 10/0324M – New conservatory – change in external appearance

Approved 07 September 2010

08/0750P Two storey side extension and erection of front wall and gates, Approved with conditions, 21 May 2008

08/2190P Two storey side & single storey rear extensions, front porch & balcony, Approved with conditions, 19 January 2009

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELP)**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

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

#### **Macclesfield Borough Local Plan – saved policies**

NE1 (Areas of Special County Value)  
NE11 (Nature conservation interests)  
NE17 (Improvements to Nature conservation in the countryside)  
DC3 (Amenities of residential property)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree protection)  
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)  
DC41 (Infill Housing Development)  
DC63 (Contaminated land)

#### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Wilmslow Neighbourhood Plan (currently under consultation at Regulation 5)

#### **National Policy:**

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

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

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

**Highways:** no objections

**Environmental Health:** no objections subject to conditions

**United Utilities:** no objections

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

#### **Wilmslow Town Council:**

*“Recommend refusal on the grounds of this being overdevelopment of the site and out-of-character with the area and streetscene. The Planning Committee also expressed concerns regarding traffic movements to and from the site on this dangerous corner...”*

### **OTHER REPRESENTATIONS**

Representations from 13no. different properties and Jones Homes have been received. A summary of the relevant points can be viewed below:

- Out of character with the road – overdevelopment.
- Highway safety issues due to location on a bend. Also increase in traffic.
- Design of houses not in keeping with the area
- Additional pressure on schools, medical and other local services from the development.
- Too dense.
- Impact on the residential amenity of the surrounding properties.
- Not a sustainable location

### **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**

The Cheshire East Local Plan has now been adopted and so forms the Development Plan for the Borough. In the new Local Plan the site has been removed from the safeguarded land and Green Belt allocations and so the proposed use is acceptable in principle.

### **ENVIRONMENTAL SUSTAINABILITY**

## Design and Impact on Character of the Area

The comments from the previous application and pre-application have been taken on board by the applicant.

As viewed within the streetscene it is considered that the pre-existing area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style. This will be diluted somehow by the recently approved development currently under construction adjacent to the site. While this development is fairly dense it was agreed that the houses that were to front onto Adlington Road would be less dense and individually designed in order to complement the pre-existing character along Adlington Road.

The development would consist of a small cul-de-sac accessed from Adlington Road with the proposed properties facing onto Adlington Road contain a dual frontage so that a frontage is provided onto Adlington Road.

The street scene provided shows the large amount of space between the two dwellings facing onto Adlington Road with the mature retained trees further reducing the prominence of the houses. These properties are individually designed and help to complement the character of the surrounding area.

While there would be dwellings visible from Adlington Road to the rear of the site within the proposed cul-de-sac they would be significantly set back and would not be prominent. When considering this alongside the adjacent development under construction the density of this rear section would be similar to the density of the whole of the adjacent site. Whilst it is noted that the density of the dwellings fronting onto Adlington Road are less in the adjacent development it would be impossible to disguise the fact that there is a dense development to the rear of these dwellings and it is considered that the proposed development would not detract from the character of the area.

The proposed building line facing onto Adlington Road is in line with the approved development and the overall design is in keeping with the design of the new development under construction.

Overall, the proposal is considered to comply with policy SE1 of the CELPS and the requirements of chapter 7 of the NPPF.

## Highways

The proposal does include sufficient parking on site. Concerns have been raised relating to the 'unsafe' access on the bend of Adlington Road. This is an existing access and sufficient visibility splays have been shown in order to satisfy the Head of Strategic Infrastructure.

It has also been shown that a large refuse vehicle is able to enter and exit the site in a forward gear.

With the above in mind the proposal is considered to accord with policy DC6 of the MBLP and no objections are raised by the Head of Strategic Infrastructure.

## **Arboriculture and Forestry**

Following a review of the Arboricultural Impact Assessment (Murray Tree Consultancy Ref: 02/03/17/BS/FULLDated 2nd May 2017 concerns were raised by the Council's Arboricultural Officer regarding the assessment of the protected Oak tree (identified as T42 in the Assessment).

The Assessment suggests that the Oak adjacent to the entrance is a low ( C1) category specimen showing die back in the outer crown (Arboricultural data sheet) and recommends reduction to a pollard and subsequently suggests at para 6.1.3 that the tree is in a significant state of decline and suggests the tree should be removed for development.

Following concerns during the application the site layout Plan, Landscape Plan, submitted Arboricultural Impact Assessment, Tree Constraints Plan and Tree Protection Scheme have been amended to include the retention of the protected Oak (T42).

Some concerns were raised regarding the design (Plot 7) as regards utilisable garden space and retained protected trees, however it is considered that this is acceptable and any future pressures from the dwelling would be defensible. The proposal is therefore considered to comply with the requirements of policy SE5 of the CELPS and DC9 of the MBLP.

## **Nature Conservation**

No objections are raised regarding the impact of the proposed development on the nature conservation of the site.

## **SOCIAL SUSTAINABILITY**

### **Amenity**

Policy DC3 of the MBLP seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. In respect to the spacing standards, these are set out in the guidance contained within policy DC38.

The objections have been carefully considered. Although a lot of the adjacent properties have yet to be built the impact on them must be fully considered. To the west plots 1 and 2 have been designed so that the amount of habitable windows facing onto plot 188 is minimised. Between the rear elevation of plot 2 and the side elevation of plot 188 on the adjacent land there is a distance of approx. 22m. When considering the surrounding development this distance is considered to be acceptable.

Plot 3 would be offset from the rear elevation of plot 182 on the adjoining site. The distance between the two properties would be approx. 19m, which is considered to be sufficient with the off-set relationship of the two properties.

There is a distance of approx. 23m between the rear elevations of plots 4 and 5 with the rear elevation of plot 181 on the adjacent site. When considering that the rear elevation of plot 181



is not parallel to the rear elevations of plots 4 and 5 this distance is considered to be acceptable.

The distance between the rear elevations of plots 6 and 7 to the side elevation of plot 189 on the adjacent site is approx. 27m which is sufficient.

It has been noted that due to the proposed buildings consisting of two and a half storeys a higher distance should be maintained between dwellings. While there is a further storey within the loft space the properties have been designed so that none of the windows to the loft storeys overlook adjacent 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.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38 and DC41 of the MBLP and guidance contained within 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 seven dwellings and therefore the impact is limited.

### **PLANNING BALANCE**

Whilst the objections are noted, the principle of the development can be accepted subject to there being no significant adverse impacts arising from it.

It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

The proposal preserves the key characteristics of the surrounding 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.

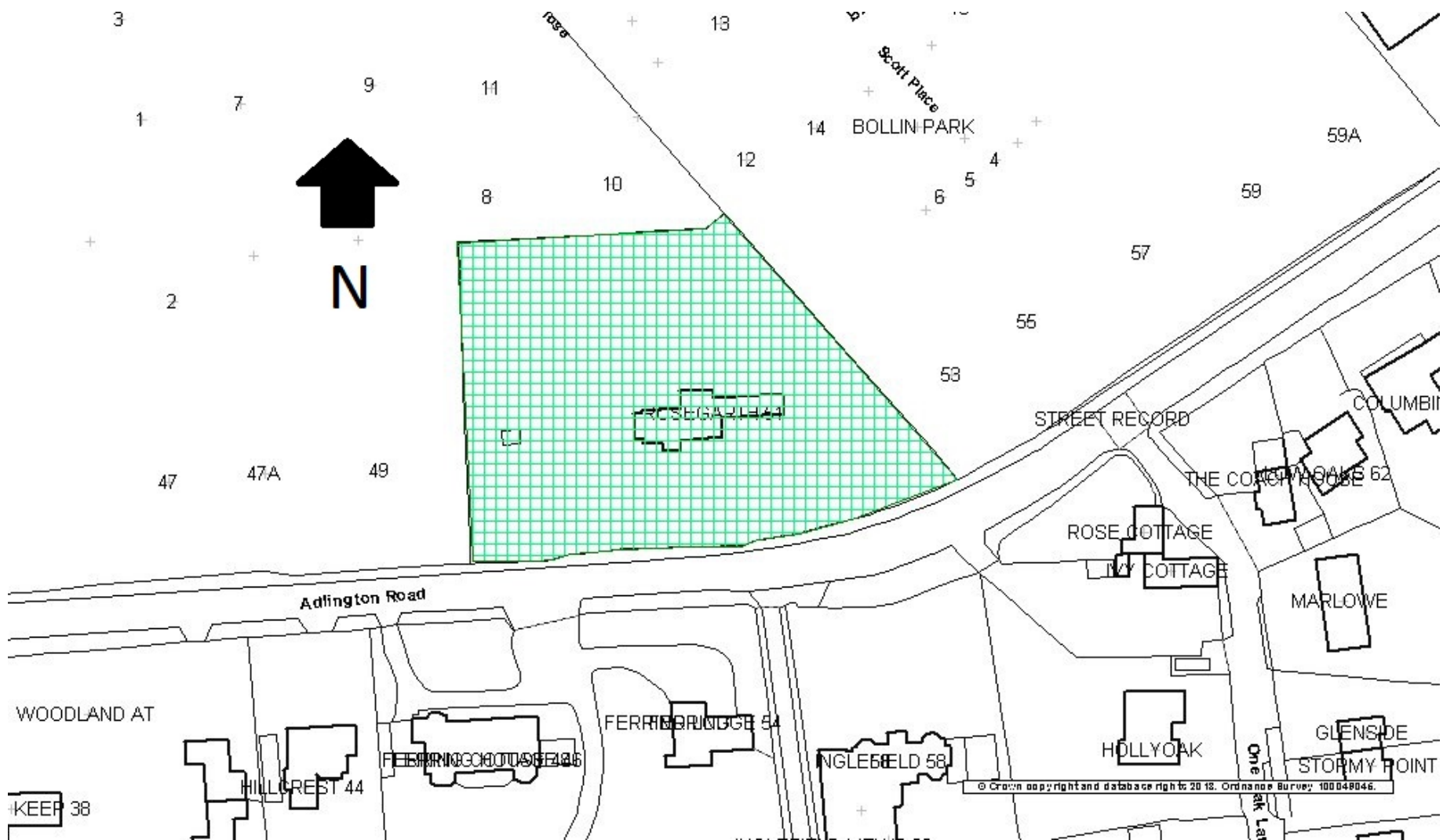
The proposal is therefore considered to be a sustainable form of development and accordingly the application is recommended for approval subject to conditions.

*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: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A02LS - Submission of landscaping scheme
6. A04LS - Landscaping (implementation)
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A03TR - Construction specification/method statement
10. Hours of operation
11. Contaminated Land
12. Electric Vehicle Infrastructure
13. Dust management Plan
14. Nesting birds
15. Broadband



**This page is intentionally left blank**

Application No: 17/2263M  
Location: TOP CROFT, RIDGE HILL, SUTTON  
Proposal: Proposed agricultural building (re-submission of 15/0950M)  
Applicant: Mr & Mrs C. J. Bailey  
Expiry Date: 17-Aug-2017

**SUMMARY**

This application seeks full planning permission for the construction of a timber building to be used for the storage of agricultural machinery and hay/silage.

It would be of timber construction and of moderate proportions, which would be screened by existing mature landscaping.

The development is not inappropriate development as defined in the NPPF and local plan policies GC1 and PG3. The amended design would not harm the openness of the Green Belt or the area of special landscape quality.

**RECOMMENDATION: Approve, subject to conditions**

**REASON FOR REFERRAL**

The application is to be presented at Northern Planning Committee as it has been 'called-in' to committee at the request of Cllr Gaddum. This is due to the concerns of Sutton Parish Council that the building size and volume is intrusive and inappropriate and therefore the matter should be debated.

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a small parcel of land which is located within the Green Belt as defined by the Macclesfield Local Plan Proposals Map. The site comprises a field and hard surfaced area with vehicular access off the adjacent lane. The site currently contains an unauthorised shipping container, which is used for the storage of agricultural machinery. The site lies to the north of Ridge Hill, which is a lane that runs southeast from Sutton village.

**DETAILS OF PROPOSAL**

This application seeks approval for the construction of an agricultural building with elevations constructed of Yorkshire boarding and green plastisol corrugated sheeting roof. This

application has been amended to reduce the size of the building and it would now measure 12 metres long by 2.8 metres wide, and would therefore have a footprint of 33.6 metres<sup>2</sup> as a simple oblong structure. It would be 3.5 metres high at the ridge and 2.4 metres to the eaves. It would provide 2 areas of storage, one for straw and feed storage and another for agricultural machinery

This compares with a previously refused application which was 'L' shaped and would have been constructed of plastic corrugated sheets. The longest elevation proposed was 12.2 metres long by 2.6 metres wide and the shorter part was 2 metres by 6.1 metres. It would have created a footprint of 44 metres<sup>2</sup>. It would have contained three main storage areas, one for agricultural machinery, one for straw and feed storage and a smaller area for open storage.

### **RELEVANT HISTORY**

15/0950M - Proposed agricultural building - Refused 1.11.2016

(Currently the subject of an appeal ref; APP/R0660/W/3173873)

### **POLICIES**

Cheshire East Local Plan Strategy – Adopted July 2017

Policy MP1 - Presumption in favour of Sustainable development

Policy PG3 - Green Belt

Policy SD1 - Sustainable development in Cheshire East

Policy SD2 - Sustainable development principles

Policy SE1 - Design

Policy SE2 - Efficient use of land

Policy SE4 - The Landscape

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

Macclesfield Borough Local Plan - saved policies

Policy GC1 - Green Belt

Policy NE1 - Area of Special County Value

Policy NE3 - Landscape Conservation

### **Other Material Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 79, 87 and 89.

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

Sutton Parish Council state that they wish to repeat previous comments that the area of land does not justify the requirement for an agricultural building. The building size and volume is intrusive and inappropriate.

### **OTHER REPRESENTATIONS**

An adjacent neighbour comments that:

- The application will not improve native biodiversity if an alien, alpine species like alpacas are to be introduced. Also the land will be poached and biodiversity prejudiced.
- Alpacas need little or no housing. Some wind shelter and a few trees are only required. The land in its existing state even without a building would support alpacas since they require little daily attention
- Why if the previous Application 15/0950M for a 440 sq. ft, building was refused another application for a building 50% larger is unnecessary and unacceptable.
- The building size and volume is intrusive and inappropriate and that a building of this size and height is unnecessary for 5 alpacas and that a low building of 300 sq ft would be sufficient unless Mr and Mrs Bailey's intention is to overstock or to use Top Croft for other purposes or land use.
- When he sold Top Croft to Mr Bailey he said he wanted the land to grow a few vegetables and might erect a summer house near the northern hedge
- No objection to an agricultural building provided any such building is appropriate to the use planned and is well screened and suggest a smaller building in a different position as an alternative.

### **OFFICER APPRAISAL**

#### **Background**

Planning application number 15/0950M was refused under delegated powers for the following reason:

*“In the opinion of the Local Planning Authority, the proposed building, by reason of its siting, orientation and proportions would result in an unacceptable erosion in the openness of the Green Belt; result in an encroachment into the countryside, thereby conflicting with the purposes of including the land within the Green Belt; and have a detrimental impact on the visual amenity of the Green Belt. Furthermore, the site lies within an Area of Special County Value and it is considered that the proposed development would result in significant harm and detract from the visual character of the area. The proposed development is therefore considered to be contrary to Policies NE1, BE1, GC1, DC1, and DC28 of the Macclesfield Local Plan, and guidance contained within the National Planning Policy Framework.”*

This application is now the subject of an appeal APP/R0660/W/3173873 via the written representation procedure. The Council's appeal statement was submitted to the Planning Inspectorate on 26<sup>th</sup> July 2017.

This previous application proposed the retention of the container currently on site, with new cladding, new roofing and also an extension, whereas this resubmission is for the erection of a new timber building, on the same spot thereby requiring the removal of the shipping container.

The container appeared on site in October 2014 and a Planning Contravention Notice was issued on 7<sup>th</sup> January 2015, requesting information from the applicant. A response was received from the applicant on 26<sup>th</sup> January 2015 who advised that they would submit a planning application, which was subsequently submitted on 25 February 2015.

### Key Issues

- Green belt policy
- Visual impact
- Policy DC28 - Agricultural buildings

### Green Belt

The application site lies within the Green Belt therefore the main issues to be considered in terms of the principle of the proposed development are:

- Whether or not the development represents inappropriate development in the Green Belt;
- The effect of the development on the openness of the Green Belt;
- If it does amount to inappropriate development, whether the harm by *way of inappropriateness, and any other harm, is clearly* outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### *Inappropriateness*

Paragraphs 89-90 of the National Planning Policy Framework (Framework) define those categories of development, which may be regarded as inappropriate, subject to certain exceptions. Policy GC1 of the Macclesfield Borough Local Plan (Local Plan) and PG3 of the adopted Cheshire East Local Plan Strategy (Final Version) state that within the Green Belt, approval will not be given for the construction of new buildings except for a number of purposes which are set out in the policies. This includes agricultural buildings.

It was accepted under the previous application that the proposal was for agricultural use and the information submitted with this application confirms this. This information can be viewed as part of the background papers to the application but in summary is as follows;

- The previous owner of the land grew and then felled trees on the site for a cash crop.



- Following purchasing the land the applicant has restored the land back to an agricultural use by removing 300 tree stumps, improving walls and fences, clearing drainage routes.
- The land was ploughed and levelled and then seeded with Ley grass and clover to produce a hay/silage crop and the first crops were taken in 2015 and 2016.
- Over 300 trees have been planted around the site to supplement the existing landscaping and give proposed livestock protection from weather.
- The applicant wishes to have up to 6 alpacas on the land to be used for breeding and wool and also take a crop which previously has been undertaken by a contractor.
- The building would be used for the storage of equipment/feed associated with the agricultural use of the land.

### *Openness*

Paragraph 79 of the Framework notes that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The applicant has amended the design of the proposed agricultural building to be of timber construction and be of a smaller scale. The site is well screened by substantial landscaping of both mature and young trees. Views of the site, when approached from the east are restricted by the existing landscaping, and the existing container only becomes clearly visible, when close to the gated access.

When approaching the site from the west, views are broken up by mature trees on the western boundary of the site. Views from the adjacent lane and from the open land to the north of the site are also restricted due to existing landscaping.

It is possible for these trees to remain in situ if the application were to be granted with conditions requiring;

- a) a construction method statement being submitted to detail either a pile and ground beam base or a pad; and
- b) a tree pruning specification to be agreed.

It is considered that timber construction would weather into the landscape and would not harm the area of special county value for landscape quality and therefore there would be no significant harm to the openness of the Green Belt.

### *Very Special Circumstances*

Very special circumstances are not required as the development is not considered to be inappropriate development.

### *Other Material Considerations*

The building would not adversely affect a site of nature importance, listed building or conservation area and there would be no impact upon residential amenity of the nearest

neighbour, Long Ridge, which is set back from the road frontage and screened by substantial landscaping along its frontage.

There is an existing access to the site from the highway and landscaping conditions could be imposed to ensure the long term protection of existing trees.

### **ENVIRONMENTAL SUSTAINABILITY**

The timber design of the building and the retention of the mature trees on site would protect the natural environment. Its close relationship to the adjacent land being used for agriculture would be environmentally sustainable.

### **SOCIAL SUSTAINABILITY**

The proposal would be of a higher quality build than that previously proposed and it would not harm the principles of health, social and cultural well being of the local community.

### **ECONOMIC SUSTAINABILITY**

The erection of the building would provide a small economic benefit to the area by providing accommodation for machinery and storage to assist with the efficient management of the associated agricultural land which would result in using the services of local agricultural contactors or suppliers.

### **PLANNING BALANCE**

Whilst the objections are noted, the proposed building is not inappropriate development, is now of moderate proportions and appropriate materials and is well screened by existing mature landscaping.

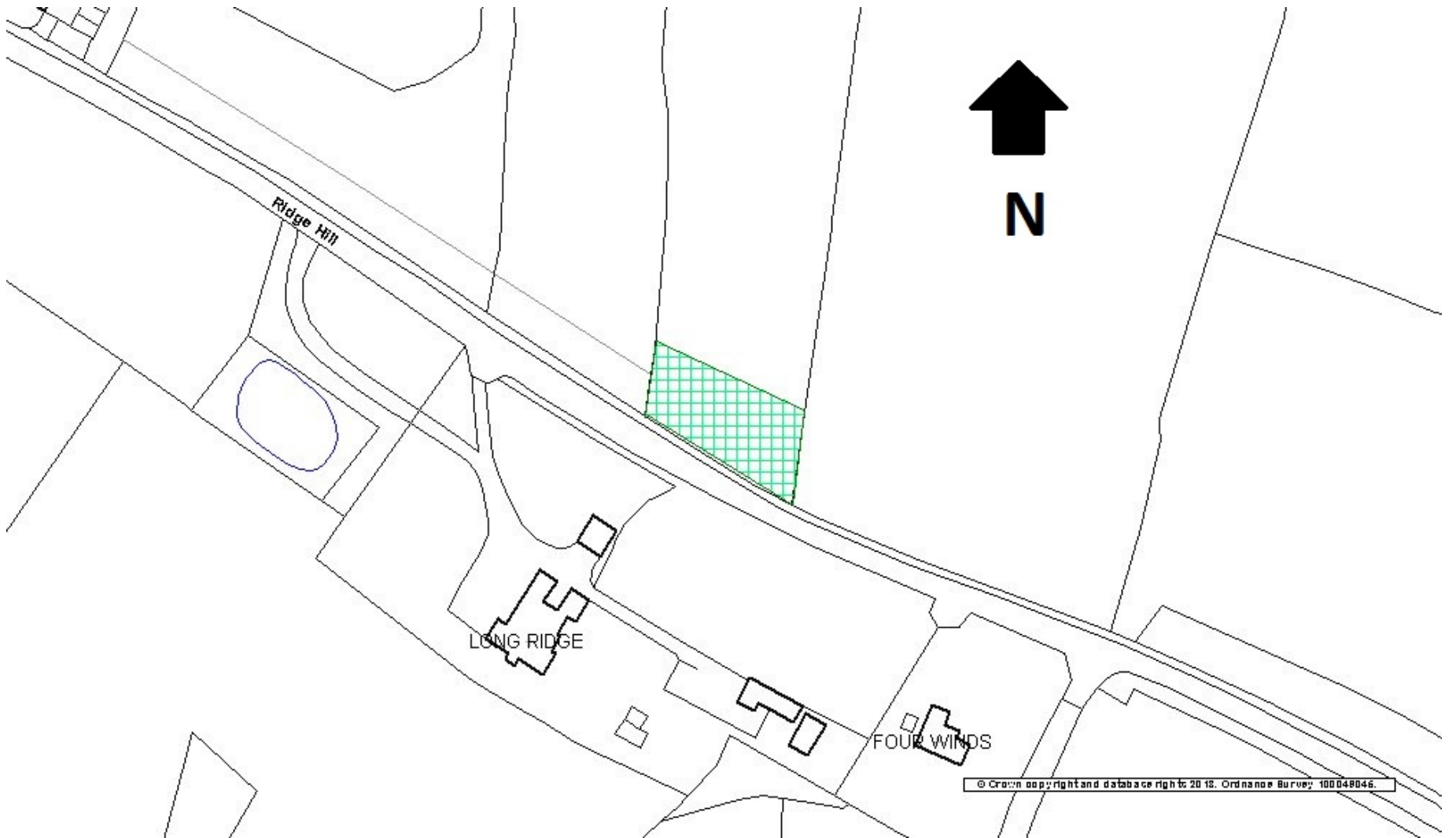
It therefore complies with paras 79, 87 and 89 of the NPPF and policy PG3 of Cheshire East Local Plan Strategy and saved policies GC1 and NE1 of the Macclesfield Borough Local Plan. In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thus this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

*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 for Full Planning

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A03TR - Construction specification/method statement
5. A04TR - Tree pruning / felling specification
6. NPPF



© Crown copyright and database rights 2018. Ordnance Survey 100048046.

Application No: 17/2586M

Location: Alderley Edge School for Girls, Wilmslow Road, Alderley Edge, Cheshire, SK9 7QE

Proposal: Construction of artificial grass hockey pitch on existing school field, with 1.2m perimeter fence, no floodlighting.

Applicant: Simon Malkin, Alderley Edge School for Girls

Expiry Date: 18-Jul-2017

### **Summary**

The NPPF (2012) strongly promotes sustainable development. The fundamental aim being to secure and promote social and economic growth, whilst preserving and enhancing both the built and natural environment.

This development would enhance the existing sports facilities at Alderley Edge School for Girls through the provision of an all-weather pitch which would enable play throughout the year. This would amount to a significant social benefit for the scheme. Wider benefits include enhancing the reputation of the school, and opportunities for younger residents to take part in sport, which indirectly benefits Alderley Edge as an attractive place to live and raise families

Environmentally, it is considered that suitable landscape and boundary treatments, reserved via condition, can ensure that residential amenity is respected. The impact of noise is not considered to be significantly adverse and there are to be no particularly harmful impacts to either the protected trees (TPO), the ecological value of the site, health and safety of residents, nor drainage/flood risk (subject to a drainage scheme).

All objections raised by members of the public, and the Parish Council, have been considered. However, the presumption in favour of sustainable development is a strong material planning consideration. The social benefits of this development would demonstrably outweigh the small environmental harm, ensuring the health, activeness and opportunities for recreation within the existing community, whilst reinforcing Alderley Edge as an attractive place to live.

Thus it is recommended that this application be approved.

### **RECOMMENDATION**

**Approve subject to conditions.**

## REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor (Cllr Browne) for the following reason:

*“The Parish Council have recommended refusal of this application due to concerns regarding access, parking, over intensification of the site, potential loss of privacy, health & safety concerns, hours of use, commercialisation of the site and loss of amenity with due to increased noise. The Parish Council have also requested a drainage & flood risk assessment, as well as a wider consultation with residents on Brook Lane & Wilton Crescent. This application would therefore benefit from further consideration by Northern Planning Committee*

## PROPOSAL

This application seeks planning permission for the replacement of a grass hockey pitch with an astro-turf (all-weather) hockey pitch (finished in green) which would be used by Alderley Edge School for Girls (AESG). The application form indicates that the pitch would be available for use between hours of 09.00 – 17.00 every day (see appraisal for reduced hours to be conditioned).

1.2m wire mesh fencing would be erected to the sides of the grounds and mature trees would be planted to north-west corner of the grounds providing screening of the development. The hockey pitch itself would not be full-size, and would not be suitable for official matches, instead comprising 4 smaller pitches for use by students, and for training purposes by AESG.

In order to create the level surface required, the western side of the pitch would be raised in height by 0.5m – 0.8m and excavated to the eastern end, sitting below the natural land level by 1.0m – 1.4m to the northeast corner, there would be a small gabion retaining wall. A ‘long jump run up’ and ‘sand pit’ would be located to the west of the hockey pitch.

## SITE DESCRIPTION

The application site comprises Alderley Edge School for Girls and associated grass sports pitch to the west of the school. It is understood that the existing grass pitch is used for hockey amongst other outdoor sports. Mature trees (some of which protected via TPOs) are established along the eastern, southern and western boundaries of the site. The topography of the area varies slightly with the eastern end of the grounds at a slightly higher land level than the west.

It is understood that the pitch is used by the school only. There are a number of residential properties which border the site to the north and western boundaries. Access to the pitch would be through Alderley Edge School. The applicant has confirmed that they are not aware of any restrictive hours on the existing playing fields.

## CONSTRAINTS

Predominantly Residential  
Existing Open Space  
Tree Preservation Order  
Alderley Edge Plan (Designation, regulation 7)

## **RELEVANT SITE HISTORY**

Various.

Of particular relevance:

17/2588M - Levelling existing sloping playground by the use of retaining structures, installation of sports weldmesh fencing and floodlighting. *Pending Consideration.*

17/0770M (Land off Lydiat Lane) - Removal of existing dilapidated timber sports equipment store and replacement with new timber sports equipment store of same height. *Approved with conditions.*

05/0361P - Construction of synthetic grass sports pitch with associated perimeter fence and floodlighting. *Withdrawn.*

## **LOCAL AND NATIONAL POLICY**

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

Policy PG1 (Overall Development Strategy)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SD2 (Sustainable Development Principles)  
Policy SC2 (Indoor and Outdoor Sport Facilities)  
Policy SC3 (Health and Well-being)  
Policy SE1 (Design)

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

### **Macclesfield Borough Local Plan (2004)**

DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree protection  
RT1 – Protection of Open Space

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
SECTION 17 (Promoting healthy communities)

The National Planning Practice Guidance (NPPG) (as updated online)

## **Supplementary Planning Documents**

Cheshire East Borough Design Guide (2017)

## **CONSULTATIONS**

### **Alderley Edge Parish Council:**

The Parish Council recommends refusal of this application as there are concerns over; access, parking, over intensification of the site, potential loss of privacy, health & safety concerns, hours of use, commercialisation of the site and loss of amenity with regard to noise. The Parish Council also request a drainage & flood risk assessment and wider consultation with residents on Brook Lane & Wilton Crescent.

*Noted.*

### **Environmental Health:**

The site will only allow for a ¾ size all weather hockey pitch meaning that the pitch is unsuitable for the playing of official matches and would not therefore be used by outside users for match purposes. Hence the proposed pitch would be predominantly used by the school itself. In light of the fact that there would be no serious commercial use and that the proposed pitch would be mainly used by the school, this Service raises no objection. However, conditions regarding 9am – 7pm use (Monday – Friday), 9am – 3pm (Saturday) and no use Sundays/Bank Holidays, would be more appropriate.

- Suggest contaminated land informative
- Hours of construction condition
- Dust control condition

### **United Utilities:**

No objection to the development subject to the following conditions:

- Surface water drainage scheme (submitted and approved by the LPA prior to commencement of works)
- Management and maintenance of Sustainable Drainage System
- Site Drainage informative

### **Sport England:**

No objection subject to a pre-commencement condition regarding the built design and layout.



Recommend the applicant install cable ducting under the surface.

## REPRESENTATIONS

16 x letter of support have been received summarised as follows:

- Flood Risk/Drainage
- Impact on properties to the western end and northern side of the playing field
- Application should not have been validated due to minimal information
- Impact on residential amenity through proximity and height of pitch
- Reductions in the size of the pitch should be considered
- School has alternative pitch facilities at Lydiat Lane
- Ground investigations
- Impact on ecology
- Noise impact
- Commercial use
- Future application likely for floodlighting
- Impact on Trees
- Loss of privacy
- Access and parking impact
- Safety due to hockey balls landing in gardens
- Harm to the character of the area/visual amenities
- Sport England comments
- Lack of prior consultation with residents from AESG
- Loss of privacy to 1<sup>st</sup> floor windows of Oakleigh
- Hockey not appropriate for an area that is predominantly residential
- Pitch will be used for tournaments and matches
- Pitch will be used at weekends
- Traffic impacts
- Construction impact
- Potential for temporary floodlights
- No assurances from school re. commercial use
- Inadequate neighbour consultation by the LPA
- Insufficient information compared to previous submission (05/0361P)
- Suggested conditions should the application be approved.

*All objections have been noted and considered. The proposed scheme has been assessed on-site.*

*In response to some concerns raised:*

- *As to whether AESC have consulted with residents prior to submission of their application, this is something that the LPA would always normally encourage this to try to overcome issues earlier, although this is not a necessity. The application as submitted must now be assessed against planning policy*
- *The suggested conditions are noted, although any conditions must comply with the 'condition test' as outlined in the NPPF (paragraph 206)*
- *Sufficient information has been submitted to enable validation of the application.*

- *Concerns relating to floodlighting are noted, as are there inclusion in the previous application (05/0361P) although they do not form part of this application*
- *Construction impacts are not a material planning consideration and may be dealt with through separate legislation*
- *The existing pitch has been used for hockey previously*
- *The application does not indicate commercial use and through suitable restrictive hours conditions, any hockey play later in evenings or extended play at weekends can be restricted.*

*All other concerns are addressed in the appraisal.*

## **APPRAISAL**

### **Key Issues**

- Principle of development;
- Design considerations
- Character of the area
- Drainage/Flood risk
- Health and safety
- Highway Implications
- Sustainability

### **Principle of Development**

The application site is set within the settlement boundary as defined by the development plan. Within these limits, development is normally acceptable in principle subject to all other material considerations being satisfactory.

The Councils strategic approach to recreation is:

*“To improve recreational provision for the benefit of all residents and visitors whilst ensuring that conservation and restraint policies are not undermined.”*

Similarly, the NPPF emphasises the important contribution that open spaces, and opportunities for sport and recreation, can make to the health and well-being of communities. At paragraph 70, the NPPF is clear in its guidance that planning decisions should plan positively for the provision and use of shared space (such as sports grounds) as these can enhance the sustainability of communities. Further to this Policy RT1 of the MBLP (which is consistent with the NPPF) emphasises the protection which must be afforded to these spaces.

The Joint Strategic Needs Assessment highlights that “Physical activity is important in childhood to support healthy growth and development, psychological well-being and social interaction”. As per the justification for policy SC3 (Health and Well-being), encouraging residents to live a healthy lifestyle involves the provision of facilities to encourage regular exercise.

Weight is given to the use of the existing playing field, which is available for hockey use (as has been the case previously) and other outdoor sports. The quality of the playing field could, however, be questioned due to the topography of the site and nature of the permeable surface which throughout the year may be waterlogged preventing suitable play. It could be argued that the times of year when such a surface would be most suitable would, in fact, be summer, outside of the school year. Paragraph 73 of the NPPF stresses that access to high quality open spaces can make an important contribution to the health and well-being of communities. In this specific case, it is apparent that the proposed all-weather surface (and associated wire mesh fencing) would be of a higher quality and this would contribute to a healthier lifestyle for students at AESG. As such, the social benefits of the development are clear, and weigh in favour of the development.

The Council supports an established school which provides recreational and health benefits to younger residents of Alderley Edge, would encourage students to engage in sport from a younger age. The replacement of a grass-pitch with a more durable/playable, all-weather pitch, would comply with the aims of the NPPF, and policies RT1 (MBLP), and SC2, SC3 of the CELPS.

No community use is indicated within the application and it is understood that the all-weather pitched would be used solely by AESG. It is noted that AESG do occupy a much larger pitch along Lydiat Lane, Alderley Edge, and the intention is to use this pitch for grass based sports such as rounders. This site has been subject to an application recently for a replacement storage shed (17/0770m, approved). This does not form part of the application.

### **Design assessment and effect on the character of the area**

In respect of the public realm, the proposed astro-turf surface would not be visible from any significant public vantage points. Furthermore, from perspectives immediately outside the site, mature trees border the grounds which provide a substantial amount of screening. The excavation to the eastern aspect of the grounds (-1.0 to -1.4m) and raising of levels to the west are very modest (+0.5m to +0.8m). These are necessary in ensuring a level playing surface and would not significantly harm the landscape character of the area. The surface would be finished in artificial grass (coloured green) which would harmonise with the surrounding appearance.

To the northwest corner of the grounds, this side is presently void of significant vegetation. A landscape condition has, however, been submitted highlighting a mixture of holly trees (semi-mature standard) and a new hedge to be planted to help screen the proposed pitch.

No issues are raised with the sand pitch and run up, which are very minor alterations. It is uncertain as to whether this aspect of the scheme would actually require planning permission.

Concerns are raised regarding potential use of floodlighting. A condition will be attached to ensure that no floodlights are used on these grounds. This is necessary on grounds of residential amenity.

## **Parking / Highways**

Given that this application simply seeks to replace the surface of the playing fields, and there is no commercial use indicated in the application, it is not considered that parking requirements would be affected, nor would there be any intensification of the use of the access. The Highways department have been consulted, and no objection has been received. It is noted, from both the concerns raised and the Parish Council that parking is an issue in this area. The development, however is not considered to worsen the present situation or peak demand. There is therefore no reason to refuse the application on the above grounds.

## **Arboriculture impacts**

The application is supported by a detailed Arboricultural Statement by Cheshire Woodlands dated 17<sup>th</sup> May 2017 (Ref CW/8617-AS1)

The statement identifies the loss of a single tree (Yew) identified as G4/1 and the reduction of a dead stem (Holly) G6/1 along with a limited amount of crown lifting of the trees associated with G2 and G6; all the proposed works are considered appropriate and accord with the requirements of prudent Arboricultural management.

In order access the site for construction purposes it is proposed to use the existing car park to the east, as a site compound, with a temporary ramp down into the construction area, this doesn't present any direct or indirect implications for the retained trees which are protected as part of Macclesfield Borough Council (Alderley Edge - Alderley Edge School for Girls) Tree Preservation Order 2005; these details do not appear to form part of the application particulars attached to this submission.

The proposed pitch has been down sized from the previous submission which was withdrawn, but there are still pinch points associated with the proposal, where there's an incursion within or development extends up to RPA's. In order to establish a level playing surface the pitch will be elevated on the western aspect with the eastern end accommodated within an excavated area. The raising of the ground directly impacts on the trees associated with the south western corner of the pitch, and in particular a large mature Sycamore identified as G2/1, and the adjacent Sycamore G2/2; the incursion within the RPA does not exceed 15% of the RPA associated with G2/1 and significantly less in respect of G2/2. Adjacent to the mature Sycamore identified as G6/2 an excavation of up to 250mm is required with 9% of the trees RPA implicated. Both incursions fall below the maximum 20% and are unlikely to cause any significant long term detrimental impact providing the trees are protected during the construction period with both fencing and ground protection, and a suitable arboricultural method statement is provided; these aspects can be addressed by condition

The maximum extent of the excavation at the eastern end of the pitch extends up to the RPA of the mature Sycamore identified as G5/1, with stone gabion cages retaining to ground to the east; subject to suitable protection measures as discussed previously no long term detrimental impact is anticipated.

Drainage details including soakaways have not been provided, but these need to respect the identified RPA's, this can be addressed by condition.

Conditions are requested by the Arboricultural Officer who has recommended conditions be attached regarding details of an Arboricultural Statement, a tree protection scheme, and development being carried out in accordance with Cheshire Woodlands Arboricultural Statement (ref. CW/8617-AS1). Subject to these conditions no concerns are raised in this regard.

### **Nature Conservation**

No concerns are raised in respect of ecology subject to a condition that prior to the removal of vegetation (or demolition/conversion of buildings) between 1<sup>st</sup> March and 31<sup>st</sup> March of any given year, a detailed survey shall be carried out to check for nesting birds. Subject to this condition, the Nature Conservation Officer raises no objection and the proposal would accord with policy NE11 (MBLP).

Notwithstanding the details of the landscape plan, a condition will be requested regarding the landscaping scheme ensuring that the hedge is mixed native species

### **Environmental Health**

The restrictive hours as suggested by Environmental Health are agreed with and will be added to the decision notice. In consideration of the recommended dust and hours of construction conditions, these are not considered reasonable, or necessary and would therefore not comply with the 'conditions test' of the NPPF. The application simply seeks to replace a grass pitch with astro-turf and this is not likely to generate significant levels of dust. Hours of construction can be added as an informative. A contaminated land condition will also be added to the decision notice.

### **Residential amenity**

The greatest impact would be upon 'Oakleigh Cottage' to the northern corner of the site, with the front elevation of this dwelling in close proximity to the corner of the hockey pitch. This property does sit at slightly lower land level in relation to the pitch. Concerns are therefore raised in respect of losses of privacy between the users of the pitch, and the occupiers of the house (Ground Floor and 1<sup>st</sup> Floor) and potential for noise disturbances. Following discussions with the applicant, changes to the scheme have been agreed including considerable landscaping of the northern corner (including a beech hedge) and semi-mature planting of Holly Trees. The latter due to their low canopies would provide extensive screening of the development and also assist with some acoustic screening. Notwithstanding this, details of a close-boarded fence/boundary treatment are also to be requested via condition (to be approved by the LPA) to ensure that further treatments assist with screening and noise mitigation. It is recognised that the existing playing field would presently be noise generative and balls etc could still land within their garden regardless of the outcome of this scheme. Whilst there is the probability that this pitch may be used more extensively during school hours and some after school play, the provision of soft screening and a fence, could arguably represent a betterment of the situation in terms of reducing visibility of the field, reducing stray balls and general noise reduction.

A 1.2m weldmesh fence would border the hockey pitch and the nature of this material is likely to reduce any audible nuisance of shots missing the net etc or passing to the side of the pitch.

It should be argued that the most significant impact would be students shouting, team captains giving orders etc, the usual noises associated with playing sports. These noises would be evident regardless of the replacement pitch. A condition will be attached to the decision restricting play to between 9am – 7pm (Monday to Friday), 9am – 3pm (Saturdays), and no play on Sundays/Bank holidays. These hours of restriction have been requested by Environmental Health, and are considered reasonable and necessary in ensuring the development is sympathetic to surrounding residential amenity.

The raising of the ground to the NW corner of the pitch, would be +0.4m. This is a modest increase and the impact is mitigated by the aforementioned screening measures (which would be ensured via condition).

3.0m high black nylon netting would be erected behind the goal ends. This will help to prevent most shots towards goal (but missing), carrying a significant/direct trajectory towards any rear windows of the dwellings along Wilton Crescent. The density of the trees to the east of the grounds would also help in forming a barrier to such occurrences.

Hockey balls may still land in some gardens. This, however, could occur with the existing layout, and is arguably more likely at present given the lack of fencing around the fields. As evidenced through aerial imagery, this playing field has existed adjacent to AESG for a significant period of time (and aerial photography shows the field having been marked out as a pitch). The relationship between the playing field and surrounding properties is well established, this application simply seeks to replace the existing playing field surface. The principle of this use is well established.

As stated earlier, it is noted that the pitch is not full size and therefore won't be used for any serious competitive play. A number of residents have referred to the initial consultation by Sport England which requested a community use agreement. After discussions with Sport England, this requested condition has been removed and the use is expected to be by AESG only.

Concerns have been raised regarding the use of floodlights. A condition will be attached to the decision ensuring that no floodlights are installed. Conditions will also be added regarding a suitable drainage scheme (to be submitted) and management of drainage for the lifetime of the development.. Such a scheme will prevent significant surface water runoff.

### **Sustainability**

#### ***Environmental sustainability***

The likelihood is that the pitch would be used more intensively than the existing playing fields. There is the potential, therefore, for a slightly greater impact to residential amenity through increased noise. This impact, however can be adequately addressed through suitable mitigation (namely planting of trees, a larger hedge, and a suitable acoustic fence to be positioned behind the pitch). The impact is not so great to warrant refusal of this application, when assessed against the existing use/situation, and the clear social benefits. No issues are raised in respect of arboriculture, ecology, nor would there be a harmful impact to the visual amenities of the area. The scheme is considered to be environmentally sustainable.

### ***Social sustainability***

The proposal would provide a considerable social benefit for part of the younger population within Alderley Edge. By strengthening and modernising the existing sports grounds, AESG would be enhanced as a place to study and this would directly promote physical activity, and indirectly benefit healthy growth, fitness, social interaction and general well-being. Play would be available in most weather conditions during term and some small after-school play (up to 7pm). Both at a national and local policy level, the activeness and health of a community is promoted (SC2 and SC3 of the CELPS, RT1 of the MBLP, and section 8 of the NPPF). This development would be in direct accordance with the thrust of these policies.

### ***Economic sustainability***

Small economic benefits include those to local business within Alderley Edge/Wilmslow which may receive additional commerce via the purchase of sports equipment/attire. Some minor benefits also exist to the construction industry.

### **Summary and Planning Balance**

The objections have been noted and considered, however the presumption in favour of sustainable development is a significant material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies the criteria for sustainable development. In respect of the tests of Paragraph 14, the benefits of the scheme significantly and demonstrably outweigh the increased impacts on the surrounding environment, which are not considered significantly adverse. The social benefits of this development would demonstrably outweigh the small environmental impact, ensuring the health, activeness and opportunities for students at AESG, whilst reinforcing Alderley Edge as an attractive place to live. Following assessment of the plans, this development would comply with policies SC2 and SC3 of the MBLP, and and RT1 of the MBLP. The social benefit of providing an all-weather pitch and enhancing the existing open space weighs considerably in favour of the development, which would not be outweighed by any other material considerations.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thus 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.**

*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. Development in accordance with plans
2. Three year time limit
3. Materials in accordance with application
4. No floodlighting to be used
5. Submission of a drainage scheme (prior to commencement of development)
6. Sustainable drainage management and maintenance plan (submitted prior to commencement of development)
7. NPPG Drainage Informative
8. Design and Layout of the Artificial Grass Pitch (details submitted prior to commencement of works)
9. Hours of restriction: 9am - 7pm (Monday to Friday), 9am - 3pm (Saturday), No use (Sunday/Bank holidays)
10. Detailed survey for nesting birds
11. Arboricultural works in accordance with Cheshire Woodlands Arboricultural Statement
12. Detailed Arboricultural Method Statement (submitted prior to the commencement of works)
13. Tree Protection Scheme (submitted prior to commencement of works)
14. Landscaping scheme focusing on boundary treatments, specifically acoustic fencing along the northern boundary and a mixed species native hedge to the northwest corner (to be submitted prior to the commencement of works)
15. Notwithstanding the details requested via condition, the development to be in accordance with the approved landscaping
16. Prior to use of development, all boundary treatments to be erected
17. NPPF informative
18. Hours of construction informative
19. Contaminated Land informative





**This page is intentionally left blank**

Application No: 17/2610M

Location: Land between no.3 Seven Sisters Lane and No.4 Seven Sisters Lane, Ollerton, Cheshire, WA16 8RN

Proposal: Infill Development for 2no. dwellings and associated landscaping.

Applicant: Russ Brighthouse, Brighthouse Investments Ltd

Expiry Date: 14-Jul-2017

### Summary

The scheme represents an appropriate form of development as defined in paragraph 89 of the NPPF (limited infilling in villages). The design does incorporate traditional juxtaposed with contemporary elements, these encourage individuality preventing a pastiche approach. The contemporary elements would not be so prominent to significantly detract from the character of the area. The scale of the dwellings and density as viewed from Seven Sisters Lane would be appropriate within the surrounding context.

The application raises no issues relating to design, highway safety or any adverse impact in respect of environmental issues. Social benefits include the provision of 2x family sized dwellings in this village location, and the usual economic benefits for the construction industry and small benefits for the rural economy.

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

### RECOMMENDATION

**APPROVE subject to conditions**

### REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor for the following reason:

*“The Parish Council has concerns relating to the scale of the proposed dwellings together with the design dominating the character of the existing adjacent cottages. In addition there are highway concerns relating to the 'unrestricted' road and the additional access drive.”*

## PROPOSAL

This application seeks planning permission for the erection of 2 x detached dwellings between nos. 3 and 4 Seven Sisters Lane, Ollerton. Both units would be 4x bedroom, set back but fronting onto the highway, with an attached car-port to the front. A traditional design has mostly been sought albeit with a contemporary gabled feature to the front. Materials indicated include Cheshire Brick, slate tiles over a pitched roof, and timber/aluminium windows. Boundary treatments include a 1.8m close-boarded fence between the two proposed gardens, and retention of existing hedges and fences to the sides of the plots. To the street frontage, a small hedge, planted forward of a 1.2m high Cheshire rail fence is proposed.

A single access would be formed from Seven Sisters Lane which would lead directly to a turning area serving both properties. The car-ports would provide space for 2 vehicles, parking could also be achieved to the front of these.

Amended plans have been sought and received which show reductions in the height of the building (-300mm), setting back and reducing the height of the entrance gable by 300mm (and using a more natural timber cladding), reducing the projection of the single storey element (plot 2) by 1.5m. The rear projection of plot 2 is increased slightly.

Full consultation has been carried out on the plans submitted with the application.

## SITE DESCRIPTION

The application site comprises an area of land (0.1ha) between nos. 3 and 4 Seven Sisters Lane. This land has previously been associated with no.2, and is currently overgrown with semi-mature trees and shrubbery. A gated access exists to the NE corner of the site and a mature hedge fronts the site bordering the highway. Land levels are fairly consistent across the site and to neighbouring plots.

There is a mix of architectural styles in the area including a large detached dwelling (no.4), terraced 2-storey properties (nos.1-3), and a grade II listed building opposite (Hawthorn Cottage). The area is sylvan in character with non-uniform, albeit traditional, designs adding the built element. Ollerton Nursery is located immediately NW of the site (behind the proposed gardens), and larger scale residential development exists further NW (just past the A537). Within the local context, render, Cheshire brick, white painted brick, and slate roofing tiles are the predominant materials.

The site is contained within the North Cheshire Green Belt. None of the trees contained within the site are subject to a TPO.

## RELEVANT SITE HISTORY

None relevant

## LOCAL AND NATIONAL POLICY

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

### **Cheshire East Local Plan Strategy (2010-2030)**

Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)  
Policy SC4 (Residential Mix)  
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)

### **Macclesfield Borough Local Plan (2004)**

DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)  
GC1 (Green Belt)

### **National Policy**

The National Planning Policy Framework (NPPF) (2012), of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
32 (Promoting Sustainable Transport)  
47-50 (Wide Choice of Quality Homes)  
56-68 (Requiring Good Design)  
69-78 (Promoting Healthy Communities)  
SECTION 9 (Protecting Green Belt Land)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG) (as updated online)

## Supplementary Planning Documents

Cheshire East Borough Design Guide (adopted 2017)

### CONSULTATIONS

#### CEC Highways:

This application is for two dwellings on land adjacent to Seven Sisters Lane, Ollerton.

It is proposed to have a shared drive access to the site and visibility has been provided at the access point. The off street car parking provision is in accordance with CEC standards.

No highway objections are raised subject to conditions

#### Environmental Health

Suggest the following conditions:

Pile foundations

Site Specific Dust Management Plan

Hours of operation informative

Electric Vehicle Charing Points

Contaminated Land

Contaminated Land informative

#### **Ollerton with Marthall Parish Council (summarised)**

- In conflict with Green Belt Policy
- Overdevelopment of the site
- Does not consider the rural character of the area and nearby properties
- Adversely changes the street scene
- Negative effect upon the grade II listed cottage opposite (Hawthorn Cottage), which has been carefully preserved
- Not consistent with the Cheshire Borough Design Guide
- Misinterpretation of planning policy regarding limited infill
- Vast reduction in the amenity of neighbouring properties due to close proximity
- Overlooking and loss of privacy
- Residents have not been consulted nor given the opportunity to raise concerns
- Not sustainable, reliant on car use for key services
- Application premature (not submitted for consideration under the neighbourhood plan)
- Does not support a ecological report given existing trees and vegetation
- Serious highway issues, no information given regarding time of the day the Highways report was compiled i.e. rush hour
- Increased car activity per household (up to 3 per household). Vehicles leaving the site will inevitably have to turn into the path of oncoming traffic
- Drainage report not adequate. Parish Council aware of drainage issues in the area
- Unnecessary car ports which reduce further the openness of space.

*Objection noted. The scheme has been through full neighbour consultation, and a site notice has been placed outside of the site. In addressing other concerns, please refer to the appraisal.*

## REPRESENTATIONS

11 letters of objection received, summarised as follows:

- Harm to the Green Belt
- No very special/exceptional circumstances identified
- Overbearing visually
- Misleading plans
- Harm to the street scene
- Proposal premature, given the neighbourhood plan being created
- Housing needs being met elsewhere (Knutsford)
- Does not constitute infill development
- Harm to the character of the rural lane
- Removal of land from the Green Belt not justified
- Not a built up frontage
- Red edge plan incorrect
- Out of character with the area
- Loss of residential amenity
- Highway safety
- Lack of information with the application
- Overdevelopment
- Not sustainable
- Not infill as 'viewed on the ground' (Court of Appeal in Wood v SoSCLG & Gravesham, 2015)
- Width of the development fills the plot
- Construction Impact
- Scheme heavily reliant on use of private car
- Accident blackspot (some of which serious)
- Not pedestrian friendly area
- High traffic in area
- Insufficient highway information.

The above objections have been received from properties within the area, two of which have been produced by planning consultants, and one by a highway consultant.

The full content of the above objections can be viewed on the public file. These have been noted and considered in the determination of this application.

Issues relating to legal matters, working hours and construction are not material planning considerations which can be afforded significant weight in this decision making. It is also noted that the proposal does not involve the removal of land from the Green Belt. This designation would remain in place with the proposed dwellings subject to Green Belt policies.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Two site inspections have been carried out. Public consultation has been carried out in accordance with statutory requirements.

## APPRAISAL

### Key Issues

- Principle of development/impact on the Green Belt
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Flooding issues
- Ecology Implications
- Sustainability

### Principle of Development and Green Belt assessment

The application site lies within an area of Green Belt as defined by the Development Plan. Paragraph 89 of the NPPF (2012) states that the construction of new buildings is regarded as inappropriate. One of the stated exceptions to this is *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*.

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

The Macclesfield Borough Local Plan defines infilling as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*. The width of the two plots are approximately 20m, which would be appropriate in the context of the surrounding plot sizes.

Whilst the residential line does stop abruptly beyond no.4, the adjacent property southeast of the site, the two dwellings proposed would respect both the building line and the height would be compatible with the surrounding built forms. Given the above, the scheme is acceptable in principle and would infill a gap in an otherwise built up frontage.

Other considerations include whether the proposal would have a detrimental impact on openness or the permanence of the Green Belt, both fundamental characteristics as stated in paragraph 79.



As openness is “the absence of built development”, the assessment of openness must be taken with consideration of the built context of the locality. Built forms border the application site to both sides and there are a range of residential properties, including larger detached dwellings, and a terrace.

The two dwellings would be constrained at both sides by development and would not encroach any residential development into the open countryside beyond the village. The scale of the development is generally in keeping with that of the surrounding properties. Whilst the village does contribute to the openness of the Green Belt, hence its inclusion in this designation, the site and its surrounding context cannot be said to be primarily characterised by openness due to the surrounding built development. No significant harm is found to exist to the openness of the Green Belt. Whilst objections have been raised about the removal of land from the Green Belt, the site itself would still remain within the Green Belt and be subject to the restrictions associated with this designation.

The proposed development would comply with the NPPF, and policy PG3 of the CELPS.

### **Design assessment and impact on the character of the area**

The dwellings designed are proportionate, and utilise styles (Cheshire brick, slate tiles to a pitched roof, and chimney stacks) which are sympathetic to the local vernacular. The pitched roofs would follow the linearity of the road and through the similar roof heights and building lines to adjacent sites the development would assimilate well into the site and surrounding context. Details of materials will be requested via condition.

The following gaps (approximate) are defined within the development

- Between dwellings 1 and 2 = 3.5m
- Distance to the street scene from the principal elevation = 9.0m
- Distance of the car-ports to the street scene = 3.5m

Whilst the car-ports do sit closely to Seven Sisters Lane it is worth noting that these are open-framed and would be largely screened by hedges (to be ensured via condition). No issues are raised with these aspects.

Concerns have been raised regarding the contemporary entrance halls and that these may not be visually in keeping. Design, however, as highlighted at paragraph 60 of the NPPF, is a subjective matter, and planning decisions should not attempt to stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles. With this in mind, and in the recognition that these would not be prominent in the street scene, nor harmful to the character of the area, these features are acceptable.

Given the modest scale of the gardens to the rear, it is appropriate to removed permitted development rights for Classes A (extensions) and E (outbuildings). This will ensure the LPA can control the scale of any further development with due respect to residential amenity and impact on the Green Belt. Landscaping and boundary treatment conditions are recommended, to ensure a suitable setting for the dwellings and to help ensure a ‘green’ frontage to the development which would soften their impact. The trees to the SE corner of the plot are also indicated to be retained which would help soften any appearance of the buildings when traversing Seven Sisters Lane in an eastward direction. Dwelling 1 would be

more visible when approaching the site from the east, although this would be in the context of the terraced form (positioned closer to the highway) and the appearance of a detached dwelling or open-framed car-port would not be incongruous. Permitted development rights shall also be removed for Part 2, Class A (fences and means of enclosure) in the interests of protecting the character of the area.

Hawthorn Cottage (Grade II listed) is situated opposite Seven Sisters Lane approximately 40m east of the site. This gap coupled with the mature trees and shrubbery which extensively screen the site, would prevent any significant impact to the setting of the heritage asset.

The scheme has been assessed the Cheshire East Borough Design Guide, and policy SE1 of the CELPS and no significant conflict has been found.

### **Residential amenity**

The scheme has been assessed on-site and no concerns are raised in respect of residential amenity. Due to the siting of the two dwellings and orientation relative to the adjacent plots, there would be no significant losses of light nor a significant overbearing presence.

Two upper floor windows are to be positioned within the side elevation of plot 1. These shall be conditioned to be obscure glazed to protect the privacy of no. 3. The relationship between the two sites is appropriate subject to the 1.8m close boarded fence between the 2 gardens. This will be ensured via a boundary treatment condition.

### **Highways**

The Highways Officer has been consulted and has raised no objection regarding visibility from the access, nor the off street scar parking provision. Conditions suggested include:

- Visibility splays in accordance with submitted plans
- Construction Management Statement to be submitted and approved by the LPA.

These conditions are recommended to be attached to the decision notice.

### **Flooding issues**

The site is located within EA Flood Zone 1 meaning there is a “low probability of flooding”. Adequate drainage could be achieved on-site and areas of permeable surfacing can be ensured via landscaping condition. It is not expected that the development would significantly increase surface water flooding in this location. A drainage scheme, will, however be reserved via condition to ensure that drainage within the site is adequate and will be assessed by the Council’s flood risk team.

### **Ecology and Nature Conservation**

The Nature Conservation Officer has been consulted who has suggested that if planning consent is granted a landscape condition be attached ensuring the inclusion of native species in created hedgerows and the enhancement, where possible, of the retained hedgerows.

Conditions are also suggested regarding breeding birds (detailed surveys, and features suitable for the use of breeding birds).

The above suggested conditions are recommended to be added to the decision notice.

### **Arboricultural impacts**

No issues are raised. The trees located on the site to be removed are small, not protected and are not significant in their contribution to the wider character of the area.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is not considered to represent an inappropriate form of development in the context of the area and Green Belt, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential amenities. The visual amenities which contribute to the street scene would be preserved and there would be no significant highway issues, flood risk issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

#### ***Social sustainability / Housing Land Supply***

National Planning Policy strongly emphasises the need to provide more housing to meet future needs as well as the present. Whilst the council can demonstrate a five year supply of deliverable housing land, housing must continue to be provided across the borough including through windfall sites such as this, including in certain villages, and crucially in sites which comply with the NPPF (as indicated in paragraph 89). Weight in itself is given to the sustainability of the site which is considered to represent “*optimum viable use*” as prescribed in paragraph 134 of the NPPF.

It is recognised that the provision of two additional houses in this locale would provide a small social benefit and a small contribution to the housing requirements of the Borough. The scheme would help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

#### ***Economic sustainability***

The proposed development will help to maintain a flexible and responsive supply of land for housing, albeit to a small extent. Some direct and indirect benefits for the local economy will also be evident, including additional trade for local shops and businesses.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor and short term.

## Summary and Planning Balance

The objections have been noted and considered, however the scheme represents a form of sustainable development which is a material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies all aspects of sustainable development. It is acknowledged there would be a greater impact on the character of the area than that at present. However, this impact would not be significantly detrimental to the general rural character, and constitutes an appropriate form of development in the Green Belt.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thus this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

*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. Plans
2. Time limit
3. Materials to be submitted prior to commencement of works.
4. Parking provided prior to use of development
5. Landscaping (Boundary treatments, including hedges) details prior to commencement of works.
6. Landscaping (hard/soft details) details prior to commencement of works
7. Features for breeding birds - details submitted prior to commencement of development
8. Prior to removal of vegetation - detailed survey for nesting birds.
9. Removal of Class A and E (Part 1, Schedule 2) and Class A (Part 2, Schedule 1) of the GPDO
10. Visibility splays to be provided in accordance with plans
11. Construction Management Statement - details to be submitted prior to commencement of works
12. Obscure Glazing

- 13. Pile foundations
- 14. Dust Management Plan
- 15. Electric Vehicle Charging Point (1 per dwelling)
- 16. Import of soil - details submitted prior to commencement
- 17. Unexpected contamination
- 18. Hours of construction informative
- 19. contaminated land informative
- 20. NPPF informative
- 21. Drainage scheme - details to be submitted prior to commencement of works.
- 22. Development in accordance with approved landscaping

