

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 16th November, 2022</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA</b>

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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.

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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 meetings are audio recorded and the recordings are 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 Previous Meeting** (Pages 3 - 6)

To approve the Minutes of the meeting held on 5<sup>th</sup> October 2022 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@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. **22/1567M - LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER: Demolition of existing buildings and erection of 8 dwellings with associated garages, parking, gardens, access and landscaping for Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee (Pages 7 - 28)**

To consider the above application.

6. **21/4923M - MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, CHESHIRE, WA16 7LB: Demolition of existing buildings and structures on site and the erection of 11 no. dwellings with associated access, parking, landscaping and infrastructure for c/o Agent, PH Property Holdings Limited (Pages 29 - 52)**

To consider the above application.

**Membership:** Councillors L Braithwaite (Vice-Chair), T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, K Parkinson, L Smetham and J Smith

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 5th October, 2022 in the The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor J Nicholas (Chair)  
Councillor L Braithwaite (Vice-Chair)

Councillors M Benson, T Dean, JP Findlow, A Harewood, S Holland,  
D Jefferay, I Macfarlane, N Mannion and J Smith

**OFFICERS IN ATTENDANCE**

Nicky Folan – Planning Solicitor  
Paul Wakefield – Planning Team Leader  
Nick Hlland – Principal Planning Officer  
Paul Hurdus – Principal Development Manager  
Gaynor Hawthornthwaite – Democratic Services Officer

**27 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor K Parkinson and Councillor L Smetham. Councillor M Benson attended as a substitute for Councillor Smetham.

**28 DECLARATIONS OF INTEREST/PRE DETERMINATION**

No declarations of interest were declared.

**29 MINUTES OF THE PREVIOUS MEETING**

That the Minutes of the previous meeting held on 14<sup>th</sup> September 2022 be approved as a correct record and signed by the Chair.

**30 PUBLIC SPEAKING**

That the public speaking procedure be noted.

**31 21/2975M - THE SWAN HOTEL, CHESTER ROAD, BUCKLOW HILL, CHESHIRE, WA16 6RD: PART DEMOLITION OF EXISTING BUILDINGS, CONVERSION AND ALTERATION OF RETAINED BUILDINGS FOR RESIDENTIAL USE (USE CLASS C3) AND ERECTION OF RESIDENTIAL DEVELOPMENT (USE CLASS C3) WITH ASSOCIATED OPEN SPACE, LANDSCAPING, ACCESS, CAR PARKING AND INFRASTRUCTURE**

Consideration was given to the above application.

(Councillor C Leach, Ward Councillor, Councillors L Reynolds and R Finch on behalf of Mere Parish Council, Mr V Fraser, an Objector, and Mr J Suckley, the agent attended the meeting and spoke in respect of the application).

**RESOLVED:**

That for the reasons set out in the report and the verbal update, the application be APPROVED subject to the S106 Agreement to secure the following:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Affordable Housing – Commuted Sum	£5,314.02	Prior to occupation
Public Open Space & Recreation and Outdoor Sports – Commuted Sum	£51,000 towards off-site POS improvements  £17,000 towards off-site Recreation & Outdoor Sport improvements	Prior to commencement
Requirement to provide an on-site Management Company	Secure requirement to provide on-site Management Company to manage out of curtilage landscaping/habitat & monitor and manage the required on-site reed bed in perpetuity	Prior to occupation of any of the development

And the following conditions:

1. Time (3 years)
2. Plans
3. Submission/approval of and new or replacement facing, roofing and external hard surfacing materials
4. Retention of Milestone
5. Submission/approval of new or replacement window and door details to (Buildings 1 and 3)

6. Any new or replacement fenestration to Buildings 1 and 3 should include reveals to match
7. Removal of Permitted Development Rights (Part 1, Classes A-E and Part 2 Class A)
8. Implementation of electric vehicle charging infrastructure details
9. Submission/approval an updated Conceptual Model (contaminated land)
10. Submission/approval of a verification report (contaminated land)
11. Submission/approval of a soil verification report
12. Works should stop in the event that contamination is identified
13. Obscure Glazing provision
14. Submission/approval of cycle storage details
15. Submission/approval of updated Landscaping scheme (incl boundary treatment)
16. Landscaping – Implementation
17. Submission/approval of levels details
18. Tree retention
19. Submission/approval of a Tree Protection Plan
20. Submission/approval of an updated Arboricultural Method Statement (AMS)
21. Submission/approval of a service/drainage layout (trees)
22. Ecological Mitigation – Implementation
23. Submission/approval of a Construction Environmental Management Plan (CEMP)
24. Submission/approval of on-site reed bed details
25. Nesting/breeding birds
26. Submission/approval of Ecological Enhancement Strategy
27. Implementation of Flood Risk Assessment
28. Submission/approval of detailed overall drainage strategy
29. Submission/approval of a drainage management and maintenance plan

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice*

The meeting commenced at 10.00 am and concluded at 11.15 am

Councillor J Nicholas (Chair)



Application No: 22/1567M

Location: LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER

Proposal: Demolition of existing buildings and erection of 8 dwellings with associated garages, parking, gardens, access and landscaping

Applicant: Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee

Expiry Date: 09-Jun-2022

### **SUMMARY**

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities and has good public transport links. The proposed development would add 8 no. dwellings to the stock of housing in the local area.

The proposal provides a locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The proposal follows the refusal of a scheme for 10 no. dwellings, resulting in the removal of two dwellings furthest to the south of the site. This has allowed the retention of a buffer between the designated heritage assets (3 no. Grade II Listed Buildings) and the proposed development. While the development would be visible from the listed buildings, the distance along with the reduced scale of plot 7, which would be a bungalow style property, and appropriate landscaping would reduce the impact and would not be harmful. The application is considered to result in an acceptable impact on the listed buildings and their setting, which addresses the previous reason for refusal. The application is recommended for approval.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report. However, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to conditions and s106 contributions.

### **RECOMMENDATION:**

**APPROVE subject to conditions and s106 agreement**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the northern edge of Wilmslow and is surrounded by new and existing residential development. The site was previously used as a horse training facility but is no longer in use as the associated paddocks have now been developed with a new housing development.

There are currently five existing buildings on site, comprising single storey stable buildings, a small stable block and a large two-storey barn with mezzanine floor which was used for storage.

The northern section of the site is allocated for residential development in the adopted Cheshire East Local Plan Strategy. The remainder of the allocated site is currently being developed by David Wilson Homes to create 174no. new homes. The southern section of the application site was removed from the Green Belt with the adoption of the Cheshire East Local Plan Strategy and currently has no allocation.

Historically, a former farm building sat in the southwest corner of the site, thought to form part of the Little Stanneylands farm complex dating back to the 17th Century. This area of the site is predominantly laid to grass with established trees and flower beds around the edge. To the south of the site are three grade II listed buildings.

There are a number of existing mature trees on the site; some of which are protected by a Tree Preservation Order (TPO).

An existing watercourse is present on site, flowing in a westerly direction from the centre of the site. The stream is culverted under the eastern part of the site and is understood to be used for drainage of land to the east, eventually flowing into the River Dean to the west of the site.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the existing buildings and the erection of eight new dwellings with associated garages, parking, gardens, access and landscaping.

Amended plans have been received during the course of the application amending plot 7 from a two storey dwelling to a bungalow style property.

## **RELEVANT HISTORY**

20/4737M - Demolition of existing buildings and erection of 10 dwellings with associated garages, parking, gardens, access and landscaping - Refused 01 March 2022

Full planning permission for the residential development of agricultural land to the north and west of the application site was approved by CEC in February 2018 (ref. 17/4521M). That land was previously designated as 'Green Belt' but was allocated for residential development in the Cheshire East Local Plan Strategy (adopted July 2017) in order to help meet identified housing needs over the plan period to 2030. The site is currently being developed by David Wilson Homes (DWH) for 174 homes and associated public open space including a pedestrian / cycle connection between Linneys Bridge and the River Dean and a new bridge crossing of the River

Dean. As part of the approved works, a new roundabout onto Stanneylands Road has been constructed.

## **POLICIES**

### **Cheshire East Local Plan Strategy – adopted 27<sup>th</sup> July 2017 (CELPS)**

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Boundaries
- PG7 Spatial distribution of development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE7 The Historic Environment
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport

### Appendix C – Parking Standards

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.

### **Saved Macclesfield Borough Local Plan Policies (MBLP)**

- NE11 (Nature conservation interests)
- DC3 (Amenities of residential property)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials and Finishes)
- DC36 (Road layouts and circulation)
- DC37 (Landscaping in housing developments)
- DC38 (Space, light and Privacy)
- DC41 (Infilling housing or redevelopment)
- DC63 (Contaminated land)
- BE2 (Historic Fabric)

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

### **Wilmslow Neighbourhood Plan (WNP)**

LSP1: Sustainable Construction  
LSP2: Sustainable Spaces  
LSP3: Sustainable Transport  
NE5: Biodiversity Conservation  
NE6: Development in Gardens  
H2: Residential Design  
H3: Housing Mix  
CR3: Local Green Spaces  
CR4: Public Open Space  
CR5: Health Centres  
TA2: Congestion and Traffic Flow  
TH3: Heritage Assets

### **Other Material Considerations**

#### Draft Site Allocations Development Plan Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications. Relevant policies include:

ENV1 (Ecological network)  
ENV2 (Ecological implementation)  
ENV3 (Landscape character)  
ENV5 (Landscaping)  
ENV6 (Trees, hedgerows and woodland implementation)  
ENV7 (Climate change)  
ENV12 (Air quality)  
ENV14 (Light pollution)  
ENV15 (New development and existing uses)  
ENV16 (Surface water management and flood risk)  
ENV17 (Protecting water resources)  
HOU1 (Housing mix)  
HOU6 (Accessibility and wheelchair housing standards)  
HOU10 (Amenity)  
HOU11 (Residential Standards)  
HOU12 (Housing density)  
HOU14 (Small and medium-sized sites)  
INF1 (Cycleways, bridleways and footpaths)  
INF3 (Highways safety and access)  
INF9 (Utilities)

REC5 (Community facilities)

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
The Cheshire East Borough Design Guide (2017)  
Cheshire East Parking Standards - Guidance Note

**National Policy:**

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

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

**CONSULTATIONS (External to Planning)**

**Head of Strategic Infrastructure (Highways)** – no objections subject to conditions relating to a shared pedestrian/cycle footway and a construction management plan.

**Environmental Protection** – no objection subject to conditions relating to construction days / hours of operation, foundations, dust management and contaminated land.

**United Utilities** – a public sewer crosses the site. An access strip will be required for maintenance or replacement. Conditions requested in relation to surface water, foul water and sustainable drainage.

**Cadent Gas Ltd** – recommend applicant be advised of infrastructure (low or medium pressure (below 2 bar) gas pipes and associated equipment) in the vicinity of the proposal with an informative of steps development must take as a result.

**Strategic Housing Manager** – No objection - under the site circumstances the provision of one affordable unit is acceptable.

**Lead Local Flood Authority** – no objection subject to conditions.

**Manchester Airport** – no aerodrome safeguarding objections subject to conditions on the control of dust / smoke, lighting and restriction of ponds. There are also comments regarding reflective materials and no solar photovoltaics used without first consulting with the aerodrome safeguarding authority for Manchester Airport.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:** *“Council recommend refusal on the grounds of Plot 7 being too close to the listed building and detrimental to the heritage setting, contrary to Wilmslow Neighbourhood Plan Policy TH3 (Heritage assets). The development erodes the buffer zone previously felt to be essential to the planning application for the adjacent David Wilson Homes’ site and significantly disrupts the green infrastructure network, thus contrary to Wilmslow Neighbourhood Plan Policy NE6 (development in gardens). The development of the adjacent*

*site (application 22/1599) contains the listed building and must be considered together with this application to develop a satisfactory outcome for this important setting.”*

## **OTHER REPRESENTATIONS**

Representations have been received from approximately 19 addresses following the initial consultation, commenting on the following grounds: -

- The new dwellings would lead to a loss of enjoyment to properties along Orchid Close due to the proximity of the dwellings
- The dwellings would result in a lack of privacy and loss of light to existing dwellings
- The protected trees would be compromised by the new development
- The new access would be dangerous
- There should be more smaller affordable homes as people are priced out of Cheshire East
- The footpath should be extended to join with the existing footpath outside 26 Stanneylands Rd
- The site represents a small amount of natural environment left following the new David Wilson development. The ecology on the site should be protected
- Overdevelopment
- The development would negatively impact on the listed buildings
- The site contains a lot of wildlife which would be destroyed by the proposal
- Key reasons for refusal of the previous scheme remain
- Plot 1 would lead to a loss of privacy and loss of light for the adjacent dwelling at number 46 Stanneylands Road
- The letter from United Utilities raises concerns about a risk of overland surcharge
- The ecological buffer zone should be widened to 13m in order to avoid destroying habitat of key importance
- The proposal is contrary to Wilmslow Neighbourhood Plan policy TH3

Following reconsultation on the amended plans, a further 4no. comments have been received to date. The deadline for comments has been extended to the 11<sup>th</sup> November so any new comments received prior to the committee meeting will be included in an update. Comments mainly follow the same lines of the original comments with the addition of the following:

- A European Protected Species of bat has been recorded on site and the tests for granting a licence will not be met
- Plot 4 is too close to the rear of properties in Orchid Close and would lead to a loss of light for these properties

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site consists of part of the LPS 56 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five-year supply of housing, with the southern section of the site also being removed from the Green Belt. Therefore, the principle of

residential development is acceptable in this location subject to all other matters being satisfied, the application should be determined without delay.

LPS56 states that in addition to around 200 dwellings the development is expected to deliver the following;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road;
- Retention of trees and woodlands at the edges of the site, with new planting to re-enforce landscape features - to properly define a new Green Belt boundary and to maintain the setting of existing properties and protect the amenities of those occupiers.

## **Site Specific Principles of Development**

- a. The development must be a high-quality design which reflects and respects the character of the area and the amenities of neighbouring properties.
- b. Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows where possible.
- c. Creation of a new vehicular access to Stanneylands Road, or as an alternative to Manchester Road.
- d. Improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages.
- e. Provision must be made for public open space to the north and west of the site utilising the river valley. Any new development will be expected to make contributions to playing fields and children's play facilities where these cannot be provided on site.
- f. New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation.
- g. Provide contributions to health and education infrastructure.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- i. Provide for a long-term management strategy for land along the Dean Valley shown as Protected Open Space.
- j. Respect for the setting of listed buildings adjacent to the site.
- k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated.

As mentioned previously, the site to the north allocated under LPS 56, has had an application approved for the delivery of 174no. dwellings and is currently under construction. This application has 7no. of the proposed dwellings located within the LPS 56 allocation.

The southern section of the site, falls outside LPS 56 and contains one new dwelling (plot 7) As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development

- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

Following discussions between the Council's Built Conservation Officers and the applicant, it was agreed to remove the 2 frontage properties from the application refused by the Northern Planning Committee earlier this year and to substitute the two-storey dwelling on plot 7 for a bungalow to reduce the impact of the development on the heritage assets. In this case, the provision of the additional windfall dwelling would be of an acceptable scale relative to Wilmslow and would deliver housing within a sustainable location. From here, there are good rail links (including to Manchester, London) and buses to other local / key service centres. There are local amenities nearby, and social infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood plan policy.

The development would contribute to the Borough's housing requirements through the provision of additional market dwellings. In accordance with these policies, there is no objection in principle to new dwellings in this location, subject to compliance with the other relevant development plan policies.

## **Residential Mix**

Policy SC4 of the Cheshire East Local Plan states that *"New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities."* WNP policy H3 repeats this aim with the additional statement that *"Applications which contribute to providing one or more of the house types below will be supported • Small properties for first time buyers • A provision of family homes including smaller family housing providing 2-3 bedroomed dwellings with garden space • Homes for the elderly and those with disabilities, including bungalows • Accommodation for those wishing to downsize • Higher density accommodation (apartments, terraces etc.) when a site is within the Town Core"*. The mix and type of two, three, four and five bed dwellings including a 2-bedroom bungalow, one open market 3-bedroom and one affordable three-bedroom dwelling located within a residential area here would contribute to the mix of housing sizes and types and would complement the existing provision within the area. The proposal offers a good mix for the size of the site.

## **Affordable Housing**

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing

for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a proposed development of 8 dwellings with a site area of 0.96 Hectares in a Key Service Centre, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 2 dwellings to be provided as affordable homes.

The applicant has provided evidence that supports the provision of 1 Affordable Dwelling, when vacant building credit is taken into account. An Affordable Housing Statement has been provided and this shows the affordable dwelling will be provided as intermediate tenure. Under the site circumstances this is acceptable, and no objections are raised from the Council's Housing Officer.

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

NPPF Chapter 12 deals with achieving well-designed places. Paragraph 126 identifies good design as a key aspect of sustainable development.

Paragraph 130 states that "*planning policies and designs should ensure that, developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- a) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience"*

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

Wilmslow Neighbourhood Plan Policy NE6 outlines three criteria which applications are encouraged to meet:

- The built form and hard surface areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new planting.
- The landscape proposals developed must meet all 10 Green Biophillic Points set out within Wilmslow Neighbourhood plan policy SP2: Sustainable Spaces.

Wilmslow Neighbourhood Plan Policy H2 states that all new residential development should seek to deliver high quality design.

The Council's Design Officer has reviewed the proposal and has offered their support to the scheme.

The site is approximately 1 ha and is located on Stanneylands Road, between the settlements of Wilmslow, Handforth and Styal. It is bordered by a residential development currently under construction to the north and by a cluster of three Grade II listed buildings to the south. The site currently contains five existing buildings which comprising a mixture of pitch-roofed stable blocks with a Tudor-style cladding and flat roofed barns.

The changes since the previous unsuccessful application have seen a reduction in the number of dwellings from 10 to 8, via the removal of the homes on the former plots 8 and 9 which were closest to the heritage assets to the south. In addition, the 2-storey house on plot 7 has been replaced with a 2-bed hip-roofed bungalow. Both of these changes have been made to reduce the impact of the development on the valued cluster of heritage assets to the south and as a result both are appreciated.

The provision of two-storey homes, along with the aforementioned bungalow, are considered to be appropriate for the location and these all have suitable variations in roof pitches and gables to provide interest and relieve monotony. In addition, the change in levels across the site is effective in providing a varied street scene. Overall, the scale and massing of the scheme presented provides no concern.

The detailed design development work undertaken to the dwellings is appreciated and the influence of local context (and the CEBDG) is readily apparent as illustrated in the Design Storybook.

The removal of the dwellings that formerly occupied the southernmost part of the site has allowed for the planting of additional trees that, subject to suitable specification, will add to the wooded landscape character which is already a feature of the site.

Finally, the planted edge to Stanneylands Road and the rockery entrance feature as shown in the CGI (views 1 and 2) are considered appropriate and avoid the pastiche signage that commonly detract from housing developments. As a result, there are no design objections to the proposed scheme.

### **Heritage**

The site is currently occupied by single storey equestrian buildings, of a simple style with "Tudor" timber decorative cladding. There are a number of established trees within the site and

hedges which lie on the southern border adjacent to the Grade II listed C17th barn. The hedges screen a large area of grass covered garden. The northern part of the application site is within LPS56, where housing is currently under construction on the adjacent land, the southern part of the site is outside of LPS56. The open land currently provides a visual buffer between the listed houses and new housing development. The principles of development are quite clear within LPS 56 that any scheme needs to respect the setting of the listed buildings adjacent to the site.

The listed buildings are Little Stanneylands, the Barn 15m west of Little Stanneylands and Rose Cottage to the east, all designated at Grade II.

The timber framed, thatched buildings of Little Stanneylands a former farmhouse/stables and the barn date from the 17th century and are in use as dwellings. They have been altered and extended but are of both historical and architectural interest, providing good examples of Cheshire vernacular farmhouse and agricultural buildings. Rose Cottage is early C18th century, although altered in the 20th, it is brick built with slate roof. It is also of architectural and historic interest and is a good example of a vernacular cottage.

The C17th barn, lies to the south of the site backing on to the road and is timber framed, painted noggin, with thatched roof on stone plinth. A modern extension has been added to the right of plan in a vernacular style, with large eye-brow dormer. The overall appearance is one of a small-scale timber framed, thatched farm building.

As well as being of interest in their own right, they hold value as a group, set around what remains of a part of a farm complex with central courtyard. There are views of the buildings from Stanneylands Road, with the former barn and its extension having most prominence as it sits at back of pavement. Rose Cottage is located within the plot. There are views through the garden to the north of the wider group.

Listed Buildings are designated heritage assets for the purposes of NPPF chapter 16 and CELPS policy SE 7. NPPF paragraph 189 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

*Paragraph 191 states that:*

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph NPPF 200 notes that:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

In accordance with NPPF paragraph 202, *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be*

*weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

CELPS Policy SD 2 Sustainable Development Principles notes that all development will be expected to respect, and where possible enhance, the significance of heritage assets, including their wider settings.

Policy SE 7 notes that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal. In the case of designated heritage assets, SE 7 notes that this will be done by:

*i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.*

*ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.*

*iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part, of a heritage asset is accepted.*

Additionally, in accordance with the Section 16 and 66 of the 1990 Act, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

The application is supported by a Heritage Statement which describes the significance of the heritage asset and assesses the impact of the proposals upon the significance.

This application is further to a previous refused submission 20/4737M which was initially for 10 detached dwellings, subsequently reduced to 9 plots. The latest amended scheme is for the construction of 8 houses, 6 detached and a pair of semi-detached dwellings with a new independent access from Stanneylands Road between the David Wilson housing site and the three listed houses. The scheme has been amended so that an existing area of open garden adjacent to the listed barn will remain undeveloped and Plot 7 has been reduced in height and is now to be a single storey, detached, bungalow.

The former northwest garden will remain undeveloped and will be retained as an open grass and soft landscaped area. This will ensure there is a green buffer in accordance with LPS56, with the views from the street and looking out from the group and the immediate sylvan setting will be preserved. It is essential that this garden area remains undeveloped in future and is preserved as an open landscape space, free from clutter, with natural landscaping to protect the views of the listed group.

To the rear of Rose Cottage, Plot 7 will now be a single storey bungalow in place of a large, two storey house. The amendment has been made so that the new building will be sympathetic to the adjacent listed cottage in terms of scale and to reduce the visual impact upon the building's setting. Plot 7 will remain outside of LPS56, as a bungalow replacing an existing single storey stable block rather than as originally proposed a large two storey detached dwelling, there will be a degree of change, but it is not considered to be harmful. A green buffer will be retained between Little Stanneylands and this part of the site.

The scheme therefore meets the requirements of section 66 of the Act, the saved heritage policies of the MBLP BE2, BE15, Policy, SD2, SE 1 and SE 7 of the CELPS which in combination seek to secure appropriate design in a heritage context and also the policies contained within Section 16 of the NPPF. In terms of LPS56 a buffer has now been retained between the site and the listed properties. The Conservation Officer has assessed the proposals and, following the amended plans, now raises no objections to the scheme.

### **Residential Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

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

The Design Guide identifies the following separation distances;

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

The separation distances between the existing properties on Carlton Avenue and those proposed is a minimum of 41 metres, with a minimum distance between the proposed dwellings and the recently approved dwellings of 25m and as such the proposals will not cause an unacceptable level of overlooking or have an unacceptable adverse impact on privacy. The vast majority of the trees along the site boundary with the existing properties are retained and they will effectively screen the development from neighbouring properties.

Plot 4 would be positioned side on to the rear of the properties within Orchid Close with the distance between the two buildings approx. 25m. Plot 1 is positioned adjacent to the side elevation of number 46 Stanneylands Road with no side facing windows proposed. Although

there are side facing windows on number 46 Stanneylands Road these are either secondary windows or serve non-habitable rooms. The impacts on the existing residential properties are therefore within acceptable limits and would also accord with emerging Policy HOU11 of the SADPD.

## **Highways**

The site will be served via a single access off Stanneylands Road. The access road is a shared surface cul-de-sac with a turning head at the end. Adequate visibility at the access has been provided in accordance with the 30mph speed limit on Stanneylands Road.

The design and width of the access is acceptable and is suitable for adoption. Each of the units have a minimum of two car parking spaces and meets current CEC parking requirements.

To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site.

The provision of 8 units is a low generation development and would not lead to traffic capacity problems on the local highway network.

In summary, the application is an acceptable design in relation to highways and no objections are raised by the Head of Strategic Transport, subject to conditions.

## **Arboriculture and Forestry**

No substantial arboricultural objections were raised to the previously submitted layout as amended under application 20/4737M subject to the agreement of details for ground protection and design of hard surfacing within the root protection area of trees. Planning conditions for the implementation of the submitted tree protection scheme, submission of a levels survey and service/drainage layout were also required. Loss of TPO trees were accepted under the previous scheme subject to the submission of a landscape scheme/management plan and ecological buffer zone to the east of the site to provide appropriate mitigation.

This current proposal is supported by an updated Arboricultural Statement including an Arboricultural Method Statement for Construction and Tree Protection Plan and Ground Protection under trees informed by the proposed site plan. A Landscape Management Plan, detailed Planting Plan and Drainage Layout has also been provided.

The revised layout includes the removal of two houses at the front of the site and a reduction in the size of Plot 7 allowing for more trees to be retained than what was proposed in the previous scheme.

Seven protected trees; one tree within protected group (G5 of the Assessment) and protected Group G1 (a low category group) are proposed for removal, no more than what was previously agreed under 20/4737M.

As part of pre-application discussions there was a requirement for all trees to be retained outside the curtilage of private gardens. This has been adopted within the current scheme and are located within communal managed areas.

Some pruning work is required on retained trees to provide working space around trees during the construction period which is as agreed under application 20/4737M. In addition, some further pruning of trees has been identified near to Plots 3A, 4 and 7 will be required over time to maintain clearances from properties. Such work is of a relatively minor nature and will be controlled by the TPO.

Impact of construction works and areas of hard standing within Root Protection Areas are considered in the supporting Method Statement. This matter was considered as part of pre-application discussions and highlighted in the submitted Assessment and agreed under the previous proposal.

A detailed planting plan and Landscape Management Plan has been submitted which cover the areas of open space and ecological buffer zone to the east of the site. The proposed planting provides appropriate mitigation for the loss of trees within the site.

No objections are raised by the Council's Arboricultural Officer, subject to appropriate conditions.

### **Nature Conservation**

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Policy NE5 of the WNP states that "Planning applications will be supported where it can be demonstrated that they will not adversely affect designated and non-designated wildlife habitats including Priority Habitats within Wilmslow."

Bats - Evidence of bat activity in the form of minor roosts has been recorded within one of the buildings proposed for demolition. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest that a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained.

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

### *Alternatives*

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

### *Overriding public Interest*

The proposals would bring about additional much need dwellings to the area.

### *Mitigation*

To compensate for the loss of the existing roost, the submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A condition will be included in any approval for the recommended mitigation.

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

Woodland and bluebells - A small area of woodland is present on site associated with the ditch. The submitted ecological assessment advises that this woodland may support bluebells which are a priority species and hence a material consideration. A further survey of the bluebells on site has now been completed. The majority of bluebells on site are thought to be hybrids of no nature conservation importance. A smaller number of native bluebells were however recorded.

The woodland would be lost under the current proposals and bluebells would also be lost from the site. Due to the relatively limited extent of woodland on site and the number of bluebell plants present, this impact would be correspondingly small.

A strategy has been submitted for the planting of native bluebells on site to compensate for those lost to the development. This approach is acceptable and would be conditioned accordingly.

Nesting birds - A number of priority species have been recorded in the broad vicinity of the application site. The application site is likely to support nesting birds potentially including the more widespread priority species recorded in the wider area. The application site is however unlikely to be significantly important for birds.

If planning consent is granted standard conditions would be required to safeguard nesting birds.

Badgers - Evidence of badger activity was recorded on site. No setts are present. The Council's Nature Conservation Officer advises that the proposed development will result in a minor adverse impact upon badgers as a result of the loss of an area of foraging habitat. The submitted badger report recommends that the 'Ecological buffer zone' shown on the submitted layout plan be fenced to retain an accessible corridor for the use of badgers. If planning consent is granted, conditions are required in respect to badgers.

Hedgehogs - This priority species is known to occur in the broad locality and may occur on the application site on at least a transitory basis. The proposed development would have a minor adverse impact upon this species. If planning consent is granted a condition would be required to safeguard hedgehogs.

Invertebrates - A number of priority moth and butterfly species have been recorded in the broad locality of the application site. The proposed development would result in the loss of suitable habitat for these species which would result in a localised adverse impact.

To ensure that the potential impacts of the proposed development upon these species is adequately addressed it must be ensured that the development delivers a net gain for biodiversity as discussed below.

Reptiles - The submitted ecological assessment has identified habitat on site that is suitable for slow worms. There are no records for this species within 1km of the proposed site and the species is very scarce in Cheshire. It is therefore considered that this species is not reasonably likely to be present or affected by the proposed development.

Non-native invasive plant species - Two non-native invasive plant species were recorded on site. These species would be removed during site clearance in the event that planning consent was granted.

### Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. To assess the losses/gains for biodiversity resulting from the proposed development the applicant has undertaken an assessment of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

The metric shows that the proposed development would deliver a net gain for hedgerows, but result in the loss of 0.92 biodiversity units for other habitats.

To compensate for this loss of biodiversity and deliver a net gain of 10%, an additional 1.42 biodiversity units would be required. The Council may consider accepting a commuted sum to ensure that suitable habitats could be created at an offsite location.

Using figures from the CEC Draft Biodiversity SPD this would be costed as £10,035 per unit and £1,200 admin fee per unit. Total £11,235.00 per unit. Therefore, a commuted sum would be calculated as below:

1.13 x £11,235 (cost per unit and admin fee) = £ 15,953.70.

Ecological enhancement - This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The application is supported by an ecological enhancement strategy which proposes the incorporation of features to enhance the biodiversity value of the completed development. If planning consent is granted an appropriate condition is required to secure the implementation of these proposals.

Landscape Management Plan - The application is supported by a Landscape Management Plan. If planning consent is granted condition should be attached to secure its implementation for a thirty-year period.

Subject to the proposed contributions and conditions, the proposal will comply with the requirements of policy SE 3 of the CELPS.

### **Landscape**

CELPS policy SE 4 relates to Landscape. Amongst other matters, all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness in both rural and urban landscapes.

The submitted details have been assessed by the Council's Landscape Officer and no objections are raised subject to conditions.

### **Flood Risk**

CELPS policy SE 13 deals with Flood Risk and Water Management. It requires all development to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

The Council's Flood Risk Officer has advised that the principle of the development is acceptable, but that approval should be subject to conditions requiring:

- Implementation in accordance with details of surface water storage/disposal in the Flood Risk Assessment submitted with the application.
- Submission and approval of a detailed surface water drainage design/strategy.

The Flood Risk Officer also advised that advisory notes on the surface water drainage hierarchy, and on the need for consent for any alterations to ordinary watercourses, should be added to any approval.

It has been confirmed by the Council's Flood Risk Officer since that the information received is sufficient to avoid prior to commencement conditions and their formal response will follow.

United Utilities have commented that there is a potential risk of overland surcharge and to mitigate this the removal of the proposed manhole should be considered. The applicant has since provided an amended drainage scheme with the removal of this manhole. Proposed conditions have been suggested to mitigate any harm.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Biodiversity compensation = £15,953.70
- Affordable Housing - plot 3A to comply with affordable housing policy.

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

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

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

The provision of biodiversity compensation and affordable housing is necessary, fair and reasonable to provide a sustainable form of development, and to comply with local and national planning policy.

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

## **Planning Balance**

The proposal would contribute to the Borough's housing requirements with the addition of 7no. new dwellings within the Council's allocation LPS56 with a further 1no. new windfall dwelling. The inclusion of 1no. affordable dwelling on site in a sustainable location, in line with policy, would carry significant weight. The proposal would complete the development of the housing allocation.

There would be a creation and ongoing management of ecological areas. The removal of the invasive species and non-native bluebells that cross pollinate with native bluebells which leads to native bluebell populations diminishing, together with the compensation payment which help to achieve a biodiversity net gain of 10%. These factors would carry modest weight in favour of the development.

The removal of the two dwellings furthest to the south of the site following the previous application has retained a buffer between the heritage assets and the proposed development, and while the development would be visible from the listed buildings the distance along with the reduced scale of plot 7 and appropriate landscaping would reduce the impact.

Therefore, subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

- Biodiversity compensation = £15,953.70
- Affordable Housing - plot 3A to comply with affordable housing policy.

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice*

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

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Materials as application
4. Implementation of landscaping scheme
5. Nesting bird survey to be submitted
6. Foul and surface water shall be drained on separate systems.
7. Surface water drainage details to be submitted
8. Electric vehicle infrastructure to be provided
9. Contaminated land - verification report to be submitted
10. Ecological Enhancement details to be implemented
11. Imported soil to be tested
12. Steps to be taken in event of unidentified contamination
13. Car parking spaces to be provided and retained at all times thereafter
14. Development carried out in accordance with Flood Risk Assessment
15. Shared pedestrian/cycleway to be constructed
16. Construction management plan to be submitted
17. Implementation of bat mitigation.
18. Implementation of bluebell mitigation.
19. Safeguarding nesting birds
20. Updated badger survey
21. Implementation of hedgehog mitigation.
22. Implementation of landscape master plan.
23. Implementation of Landscape management plan for a thirty-year period.
24. Phase II investigation implemented (contamination)
25. Tree Protection and Implementation Measures
26. Service/Drainage Layout detail



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Application No: 21/4923M

Location: MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, CHESHIRE, WA16 7LB

Proposal: Demolition of existing buildings and structures on site and the erection of 11 no. dwellings with associated access, parking, landscaping and infrastructure.

Applicant: c/o Agent, PH Property Holdings Limited

Expiry Date: 01-Jul-2022

### **SUMMARY**

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed residential development will give a new use for the site. The proposals do not increase the amount of development on the site, and it is considered that the proposals will not have a detrimental impact on neighbouring properties, or on the road network due to the access and parking arrangements proposed.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for dwellings is an acceptable form of development and represents an efficient use of land.

Concerns have been raised over the design of the scheme, amendments to the scheme were received which have addressed some of the concerns raised.

On balance, the proposal is considered to be acceptable and in accordance with development plan policies and the National Planning Policy Framework.

A section 106 agreement is required to secure financial contributions for Education and Recreational Open Space.

It is not considered that there are any adverse impacts of the development.

Therefore, for the reasons mentioned above the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

**APPROVE Subject to Section 106 agreement and conditions**

## **REASON FOR REFERRAL**

The application is to be determined by Northern Planning Committee because the application is a small scale major residential development for between 1 and 4ha, and under the terms of the Constitution it requires a Committee decision.

## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises the vacant Mobberley Riding School located off Newton Hall Lane in Mobberley. The site has a dwelling on site with a number of buildings associated with the former use of the site as a riding school and covers an area of 1.55ha.

The main riding school arena is a double arena and is of a considerable size, in addition to this there are a number of substantially constructed brick stables and storage buildings on site, from relating to the previous equestrian use. There are double manege areas with different surface treatments. The site has a large expanse of hardstanding across the site, including the main access to the site off Newton Hall Lane.

The site is bounded by a mixture of boundary treatments. There are native hedgerows, more formal leylandii hedgerows separating sections of the site and post and rail fencing. The site has fields to the north, east and south with the curtilage of Oak House to the northwest located within the site. The site is located within the Green Belt as identified in the Local Plan. The Mobberley Conservation Area lies approximately 65m to the south of the site.

## **DETAILS OF PROPOSAL**

The proposal comprises the demolition of all riding school buildings, including the arena and stable buildings and the redevelopment of the site for a residential development of 11 detached dwellings. The existing property on the site (Oak House) will remain as part of the proposal. This existing building has an active frontage onto Newton Hall Lane and will also have vehicular access off the new access road.

The proposed dwellings will be in a cul-de-sac arrangement on two sides of one access road with two courtyards.

A complete set of revised plans was received on 1<sup>st</sup> September 2022 and full re-consultation carried out. The revisions made design and layout improvements to the scheme. Including improving the housing mix to include 3 bed units.

The housing mix comprises, 2x 3 bed, 3x 4 bed and 6 x 5 bed.

The properties all have generous private gardens and an area of incidental open space is proposed. All properties also have generous car parking provision with garaging providing external storage.

## **PLANNING HISTORY**

24498P, New viewing gallery, Approved, 05-Nov-1980

30409P, Erect a 30'x80' extension to an existing steel framed building, 21-Jul-1982

40234P, Wooden loose boxes to house ponies, Approved, 28-Feb-1985

53116P, Erection of office to replace temporary building, Approved, 11-May-1988

65630P, Erection of lean to building to form tractor bay and implement store, Approved, 14-Jan-1991

72850P, Extension to indoor arena to provide riding area for the disabled, Approved, 03-Aug-1993

80777P, Two-storey extension to tack storage building and part conversion of first floor to form meeting room ancillary to the use as a riding school, Approved, 26-Apr-1995

53117P, Extension to dwelling, Approved, 26-May-1998

98/0664P, Formation of outdoor riding arena, Approved, 27-May-1998

01/1839P, Formation of riding track and midden (retrospective) on land Newton Hall Lane, and access road on to western side of Newton Hall Lane, Approved, 05-Sep-2001

03/0453P, Extension of indoor riding school for use by disabled persons, Approved, 16-Apr-2003

09/1685M, Application to discharge section 52 agreement attached to application 5/72850P to allow public competitions, gymkhanas or similar activities, Not determined.

16/3931M, Demolition of the existing buildings on site and the erection of Church Meeting Hall (Use Class D1) with associated access, parking and landscaping and infrastructure, Refused, Appeal Dismissed, 25.09.2018

## **POLICIES**

### **Local Plan Policy**

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

### **Macclesfield Borough Local Plan (saved policies)**

GC1 (New Buildings in the Green Belt)

BE1 (Design Guidance)

DC1 (Design – New Build)

DC3 (Amenity)

DC6 (Circulation & Access)

DC8 & DC37 (Landscaping)  
DC9 (Trees)  
NE11 (Nature Conservation)  
DC35 (Materials & Finishes)  
DC38 (Space, Light & Privacy)

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

PG3 – Green Belt  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
Appendix C – Parking Standards  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

### **Other Material planning policy considerations**

#### Emerging Cheshire East Site Allocations Development Plan Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

Relevant policies include:

PG12 – Green Belt and safeguarded land boundaries,  
GEN1 - Design principles,  
ENV1 - Ecological network,  
ENV2 - Ecological implementation,  
ENV3 - Landscape character,  
ENV5 – Landscaping,  
ENV6 - Trees, hedgerows and woodland implementation,  
ENV7 - Climate change,  
ENV12 - Air quality,  
ENV14 - Light pollution,  
ENV15 - New development and existing uses,  
ENV16 - Surface water management and flood risk,  
ENV17 - Protecting water resources,  
HER1 – Heritage assets,

HOU1 – Housing mix,  
HOU6 – Accessibility and wheelchair housing standards,  
HOU10 – Amenity,  
HOU11 – Residential Standards,  
HOU12 – Housing density,  
HOU14 – Small and medium-sized sites,  
INF1 - Cycleways, bridleways and footpaths,  
INF3 - Highways safety and access,  
INF9 – Utilities

Housing Supplementary Planning Document adopted July 2022  
National Planning Policy Framework  
National Planning Practice Guidance

### **Neighbourhood Plan**

Mobberley Neighbourhood Plan – Regulation 7 stage reached (neighbourhood area designation) – no policies to give weight to

### **CONSULTATIONS**

**Environmental Health** – No objections subject to conditions

**LLFA** – No objections subject to conditions

**United Utilities** – No objections subject to conditions

**Strategic Housing** – No objections to the revised plans as presented so long as there is no increase over the present floor space of 2,923m<sup>2</sup>.

**Children's Services (education)** – No objections subject to secured contribution of £32,685.

**Mobberley Parish Council** – No objections to revised scheme

### **REPRESENTATIONS**

3 letters of representation received following amended plans:

- The development is too urban in appearance, 11 units is too many
- It is a mini housing estate up close to the conservation area
- Increased traffic with at least 22 additional cars
- The local school is stretched and oversubscribed
- There is no street parking so the village does not need 11 houses.
- The village needs realistic, affordable, sympathetically designed houses ring fenced for Mobberley children.
- The amendments ignore the context of the agricultural setting. The proposals remain against the historic pre-application response.
- Suburban in character, huge site take up, top-heavy housing mix.
- The site layout will create a ring of houses when viewed from any external viewpoint,

- much more sprawling than the current substantial but isolated buildings.
- Passing, almost dismissive, reference is made to the Conservation Area, however this is a key component of a supportable scheme. Agricultural buildings surrounding farms are set out on a grid pattern around square or rectangular courtyard areas, the scheme will appear alien in the landscape.
- CGIs should have viewed wider context rather than individual properties.

12 letters of representation received to original scheme:

Support x 1

- Express support, concerns over the state of the site and the impact it is having on the conservation area. It has been derelict for several years and has become a blot on the landscape.
- Need new housing in Mobberley, and it will improve the area at the same time.
- Unknown future if the current application is not approved.

Objection x 11

- Housing not agricultural in appearance
- Huge impact on the countryside
- The design falls short of complying with the NPPF
- Inappropriate infill development affecting the character of the area and visual amenity.
- Appearance of a suburban 'executive' housing estate
- Buildings should be converted and extended like other local equestrian facilities
- Too many units without encroaching into the Green Belt
- Will the houses only be for the Plymouth Brethren or the general public
- Speed survey is not accurate of only 35mph
- Looks like a 1980s development
- Should be a more modern and efficient style of home
- Disappointing that there is no affordable housing on the site
- Not in keeping with the street scene
- Should be 2 bed starter homes only
- Wildlife habitat will be lost
- Primary school is already oversubscribed
- Does not integrate into the surroundings
- Not enough light and space between properties
- Will set a precedent for further overdevelopment of the Green Belt
- Should be reopened as a riding school
- Out of character
- Fewer, more traditional homes would be more in keeping

## **OFFICER APPRAISAL**

### **Green Belt**

The site is located within the Green Belt. The site is previously developed land and has a large amount of built development on the site including significant areas of hardstanding. The proposed development includes the clearance and redevelopment of the site for the

construction of 11 dwellings.

Within the Green Belt new development is restricted, and only certain types of development are considered to be not inappropriate. Paragraph 149 of the NPPF sets out exceptions to inappropriate development and the types of built development which are acceptable within the Green Belt. The most relevant exception to this application is:

*(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*- not have a greater impact on the openness of the Green Belt than the existing development;  
or*

*- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

This is reflected in part in policy PG3 of the CELPS, however PG3 is not entirely consistent with the NPPF policy above, as it requires an assessment of the impact of the proposal upon the purposes of Green Belt, which the NPPF policy does not, and also does not include any reference to the lower test of not causing substantial harm to the openness of the Green Belt where the proposal meets an identified affordable housing need. Given this lack of consistency with the NPPF, the weight afforded to policy PG 3 of the CELPS is reduced.

Paragraph 149(g) of the NPPF is therefore the appropriate Green Belt policy test for the application. In this case no affordable housing is proposed, therefore the relevant test is whether the proposed development has a greater impact on the openness of the Green Belt than the existing development.

The majority of the existing built development is located to the northeast and southwest of the site, with maneges, and hardstanding across the majority of the site. The proposed development is focused in these areas. Plots 6, 7 and 8 are located where there is no substantial built development, however the area is developed due to hardstanding of the former maneges. The amount of hard surfacing will be reduced significantly with the introduction of gardens across the site and green space to the north of the site. A series of amendments throughout the course of the application have reduced the hardstanding, especially reducing the amount of hardstanding on private driveways. The most recent set of amendments has removed single storey links between dwellings and garages, further breaking up the built development on the site and increasing views through the site and increasing openness, albeit in a minor way.

The amount of built development across the site will be reduced significantly with a reduction in volume and floor area. With a 19.6% reduction in built volume across the site, a 38% reduction in footprint, a 9.7% reduction in floor area and a 56.6% reduction in hardstanding and manege. Notwithstanding these reductions, the amount of built development in the form of buildings, is spread across the site to a much greater extent, particularly to the southeast. In addition to this it has to be noted that the existing very large arena has a fairly modest ridge height of around 7m, and an eaves height of 4m. The proposed dwellings have a ridge height of between 7.7 and 8.7m and an eaves height of around 5m, so there is an increase in overall

height across the site of up to 1.7m. However, it is considered that whilst there is an increase in height and spread of development across the site, the reductions in volume, footprint, floor area and hardstanding represent an overall benefit to the openness of the Green Belt. Therefore, the proposal meets the test in the NPPF at paragraph 149(g) and the proposal does not represent inappropriate development within the Green Belt.

The Cheshire East Local Plan and NPPF place great emphasis on the redevelopment of brownfield or previously developed sites and an efficient use of land. Policy SE2 of the CELPS states that the Council will encourage the redevelopment/re-use of previously developed land and buildings.

This site is currently redundant and has been for many years, the buildings on the site are beginning to degrade, especially the double arena which has been in a poor state of repair for many years. A previous use for the site was put forward as a place of worship, however this was refused and dismissed on appeal on Green Belt due to the amount of hardstanding proposed, the size of the hall and on locational sustainability grounds, due to the large congregations that would be accessing the site on a very regular basis. Due to the loss of the main large building on site, a significant reduction in hardstanding and amount of activity residential development would bring, it is considered that this scheme is beneficial in comparison to the previously refused place of worship scheme.

It is considered that residential development which involves minimal traffic flow and at a low density is an appropriate use for a previously developed site such as this. It is considered that the site density is appropriate for this rural Green Belt location.

The proposal is not considered to have a greater impact on openness than the current situation and is therefore acceptable in principle in terms of Green Belt impact, and is in accordance with paragraph 149 of the NPPF.

### **Affordable Housing**

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

The CELPS states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a proposed development of 11 dwellings in the Open Countryside therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 (3.3) dwellings to be provided as affordable homes.

With the above in mind, there is a Vacant Building Credit to be taken into account.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

The existing floor space is 2,923sqm and the proposed floor space is 2,620sqm This is a reduction in floorspace and therefore having regard to the Vacant Building Credit to be applied, there is no affordable housing requirement for the proposed development.

### **Housing Mix**

The application proposes a housing mix of 2x 3 bed, 3x 4 bed and 6 x 5 bed homes. The Cheshire East Housing SPD adopted in July 2022 requires that there should be a mix of housing on sites of 10 or more homes, and that developments should maintain an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposed development in this case has a mix of market dwellings with 3, 4 and 5 beds. No 1 and 2 bed dwellings are proposed, which clearly reduces the housing mix on the site. However, the scheme does provide family homes on the edge of a village with a range of services, and most importantly provides housing on a brownfield site which is considered to be an efficient and sustainable form of development. There is no obligation to provide affordable housing in this location due to vacant building policy, and therefore a market only scheme is acceptable. It is considered that for the size of the development with 11 units, the mix is acceptable and broadly accords with policy SC 4 of the CELPS.

### **Housing Land Supply**

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Underperformance against either of these can result in relevant policies concerning the supply of housing being considered out of date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

### **Education**

The Local Plan is expected to deliver 36,000 houses in Cheshire East, which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 11 dwellings is expected to generate:

2 - Primary children (11 x 0.19)

2 - Secondary children (11 x 0.15)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Education Service acknowledges that this is an existing concern, however the 2 secondary age children expected from this development will exacerbate the shortfall.

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

$2 \times £17,959 \times 0.91 = £32,685$  (Secondary)

Therefore, in order for the proposal to be acceptable in terms of education provision and to be able to deliver sustainable development, a financial contribution of £32,685 is required.

### **Design**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and streetscene. These policies are supported by the Cheshire East Design Guide SPD.

Draft policies GEN1 (Design principles), HOU1 (Housing mix), HOU6 (Accessibility and wheelchair housing standards), HOU12 (Housing density) and HOU14 (small and medium sized sites) of the SADPD are also a material consideration.

The proposed layout was originally put forward through pre-application discussions and has evolved throughout the application process. A number of elements of the scheme have been amended.

The layout of the scheme is a cul-de-sac with a courtyard arrangement for plots 8, 9, 10 and 11. There are units to the east of the site arranged around a square turning head to be more agrarian in character which was amended from an oval shaped termination point to a more traditional rectangular courtyard. Each property has an individual driveway and garage with ample car parking. The properties around the courtyard are arranged with driveways coming off it with some landscaping. The properties from plots 1-7 are arranged either side of the access road with plots 4,5 and 6 at the end of the cul-de-sac.

A number of amendments have been made to the housetypes to include a greater level of detail on the rear elevations of the properties. The majority of the properties have rear elevations facing the countryside, and the rear elevations of the housetypes were considered to be suburban in character lacking attention to detail given to the front elevations, however in this context the rear elevations of the properties are equally as important due to views into the site from the countryside beyond.

Plot 1 (house type A1) has not been amended and is considered to have a good level of design detailing especially being a corner turner with no blank elevations. The design is appropriate, high quality and has an agrarian theme due to the fenestration and detailing.

For plots 2 and 3 (house type B), a greater level of brick detailing has been provided on the rear along with a slightly higher rear gable which has more traditional proportions.

Plot 4 (house type H) is one of the most prominent when viewed from outside of the site looking in, therefore it is important that the elevations include appropriate details to complement the rural context of the dwelling. The house type has been substituted to a type with a detached garage, this breaks up the building and will increase openness by removing the link, and makes the dwelling less suburban in appearance. This design includes timber cladding detail on the rear elevation, providing a higher quality of overall design.

Plot 5 (house type K) has been amended to strengthen the agrarian character of the design on the rear elevation which is evident on the front elevation. The front elevation has been amended to recess the integral double garage so this is not the dominant feature of the front elevation. The rear elevation lacked detail, and now has a feature gable with a change in material detailing.

Plot 6 (house type H) The house type has been substituted to a type with a detached garage, this breaks up the building and will increase openness by removing the link, and makes the dwelling less suburban in appearance. This design includes timber cladding detail on the rear elevation, providing a higher quality of overall design.

Plot 7 (house type J) this house type has been substituted to provide a detached garage which was requested to break up the built development. However, in changing the house type some positive previous amendments have been lost, particularly the loss of the timber cladding which gave the housetype a more agrarian character. This housetype is now very suburban in

character and is lacking detail on the rear elevation which faces the countryside beyond the site. The area of hardstanding for the driveway has been reduced.

Plot 8 (house type A2) has not been amended and is set in a position stepped forward of plot 7. The garage for plot 8 is set forward of the front elevation, and forms part of the courtyard area. The design has a high level of detail and is considered to be of a good quality. It has appropriate proportions especially on the front elevation which has barn style fenestration.

Plot 9 (house type F1) has been amended to link to plot 10 by the garage to strengthen the courtyard character.

Plot 10 (house type G) has been reduced from a 4 bed dwelling to a 3 bed, however the property does have a generous dressing room and with some internal alterations could become a bedroom. This property has also been linked to plot 9 by the garage to strengthen the courtyard character. This property now has a pedestrian link to Newton Hall Lane, which is welcomed, however does not provide the active frontage along Newton Hall Lane which was requested through the application process. The gable of plot 10 does however contain doors at ground floor level and false window at first floor level, therefore the gable facing Newton Hall Lane is not completely blank.

Plot 11 (house type F2) has been amended from a 4 bed to a 3 bed, this design is considered to have character that complements the agrarian theme running through the development on the front and rear elevations. The plot now has a pedestrian access off Newton Hall Lane which was requested, however the positioning of the dwelling has not been amended, so the rear of the property continues to face Newton Hall Lane and does not provide the active frontage onto the lane, this amendment reduces the amount of private garden space for future occupiers.

Overall, the amendments have improved the quality of the design of the development, the rear elevations of a number of the plots have been improved through modest alterations improving the character and tying into the overall theme of the development, albeit this detail was lost on housetype J on plot 7. The level of design detail of the house types in general is good with brick detailing, the inclusion of chimneys and roof details in particular.

The layout is considered to be improved from the original submission, there have been amendments to soften the landscape scheme especially with the amount of hardstanding and the hardsurfacing treatments. However certain amendments requested that could have improved the relationship between the scheme and Newton Hall Lane have not been fully executed, and the loss of the garage serving plot 8 which has a very prominent position on the service road has remained in situ.

To ensure that the quality of the design remains acceptable the submission of materials details, hard and soft landscaping details, window reveals, windows, doors and rainwater goods details, wet roof verges, boundary treatments, and the removal of permitted development rights for extensions and alterations and fences, walls and gates will be necessary in order to manage the development effectively into the future, due to the sensitive rural location.

A number of objections to the scheme have commented on design and its suburban character typical of a modern housing estate. Notwithstanding these comments it is considered that the amendments made do address some of the issues raised, and the housetypes are of a quality

design with attention to detail. The layout does maintain a more suburban feel even though there is a courtyard as part of the design. However, it is considered that on balance, the design is acceptable and broadly accords with the design policies listed above.

### **Heritage**

Policy SE7 of the CELPS refers to the Historic Environment. The objective of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment. Emerging SADPD policies HER1 (Heritage assets) is also a material consideration.

The application site is located close to the Mobberley Conservation Area (CA) boundary. Given the size of the proposed development the Conservation Officer considers that it could affect the setting of the CA. The setting of a CA can be defined as the surroundings in which the CA is experienced.

The Conservation Officer has commented on the amended scheme and considers that the layout does not appear to have changed nor has the impression of a mini urban estate appearance. The proposed development appears too urban in character dominated by the highway with a small estate like appearance. This is alien to rural locality the Conservation Officer considers that the character and appearance and linked to that, it would undermine local distinctiveness which is an important policy consideration within the development plan and added that it is close to the CA boundary and would create a distinctively different character to the buffer area.

The Conservation Officer considers that the scheme does not provide a sense of place within the rural context as it does not enhance the quality, distinctiveness and character of this rural location and is not sensitive in terms of its proximity to the CA, a designated heritage asset. Additionally, it would harm the setting of the CA. Overall the locality would be compromised by the urban style of development.

Following the receipt of the original comments from the Conservation Officer, a series of amendments were made which have improved the design, particularly of the housetypes, and to the landscape scheme including the road layout which have made the layout more appropriate in the rural area.

It is considered that due to the position of the proposal, which is 65m from the Conservation Area and the improvements made to the scheme that any harm to the heritage asset would be on lower end of less than substantial.

With regard to Oak House, the Conservation has commented that this is a non-designated heritage asset and that the building's current environment of the equestrian setting is appropriate in the rural area. It is not considered that the proposed development will harm the setting or the fabric of the non-designated heritage asset. It secures the future viability of the building being included in the proposed development.

It is considered that whilst the design could be said to have suburban influences, efforts have been made to give the properties a more rural design and appearance, the proposal is therefore, on balance, considered to be broadly acceptable with regard to the heritage assets

and would not cause harm to a degree to warrant refusal of the application on these grounds, therefore the proposal is not at odds with policy SE 7 of the CELPS.

### **Open Space and Outdoor Recreation**

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards. Saved Policy RT5 of the MBLP also refers to minimum standards for open space provision. Saved Policy DC40 of the MBLP sets out children's play and amenity open space provision requirements. Being a major development, the provision of Public Open Space [play and amenity] and Recreation and Outdoor Sport is required in line with Policy SE6 of CELPS.

An area of open space has been provided on site which will include the planting of fruit trees. Due to the size of the development, it is not possible to provide the required amount of public open space on site.

All of the units on site have sizeable private amenity space, and due to the location of the site all residents will use cars or public transport for their journeys to amenities as the nearest children's play area is 2 miles away and the second nearest is 3 miles away. Contributions towards these relatively distant existing facilities are arguably not fair and reasonably related in scale and kind to the development. Therefore, in this instance it is not considered to be appropriate to request commuted sums for off-site play.

However, with regard to recreational open space, all outdoor sports facilities are expected to be provided off site for a development of this scale. All acceptable travel distances/analysis for outdoor sport are much greater. The nearest formal sports facility is the Jim Evison Playing Fields located approximately 2.25 miles away and is considered to be a reasonable travel distance. Therefore a recreation and outdoor sport contribution is required at a rate of £1,000 per dwelling, as set out in Appendix 4 of the Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements.

### **Trees**

Policy SE5 of the CELPS relates to trees, hedgerows and woodland. The main objective of the policy is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area. Saved Policy DC9 of the MBLP and emerging Policy ENV6 of the SADPD are largely reflective of this policy.

The application is supported by an Arboricultural Implications Assessment and Arboricultural Method Statement that identifies five individual trees, eight groups of trees and eight hedgerows within the site. Trees within the site are currently not protected by a Tree Preservation Order and do not lie within a designated Conservation Area.

The proposal will require the removal of a low (C) category linear group of Ash, Whitebeam and Hawthorn (G4) and (part of a moderate (B) category mixed Group (G3) to accommodate Plots 6 and 10 and removal or part removal of four hedgerows (H3, H4, H5,H7 and H8) to accommodate the improved access and Plots 6 and 7. The hedgerows are internal to the site and are therefore not deemed 'Important' under the Hedgerow Regulations.

One individual dead tree (T2) and a group of two Sycamore and one Ash (G6) are proposed for removal by virtue of their poor condition, irrespective of the development proposals.

The proposed removals will likely have a slight adverse impact within the immediate vicinity, but negligible on the wider landscape and public visual amenity.

Draft landscaping proposals have been submitted with provision for replacement planting within proposed front gardens, site boundaries and the area of open space to the north.

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience, and support biodiversity.

The planning application provides an opportunity to incorporate new planting in accordance with this policy to demonstrate adequate mitigation has been provided. It is recommended that if planning permission is granted a condition should be attached which requires the submission of a detailed landscape scheme which includes the incorporation of native large canopy trees along the site boundaries and within the area of open space to meet the above objectives.

### **Landscape**

The objective of Policy SE4 (Landscape) of the CELPS is to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Saved Policies DC8 and DC37 of the MBLP set out what landscaping & landscaping schemes should achieve. Emerging Policy ENV5 of the SADPD sets out what should be included in landscaping plans

The Landscape Officer commented on the original scheme and the findings of the submitted Landscape and Visual Appraisal (LVA). The LVA has been based on the Guidelines for Landscape and Visual Impact Assessment Third Edition, Landscape Institute, and Institute of Environmental Management and Assessment (GLVIA 3), however the landscape officer had some concerns regarding its validity. The LVA appears to underplay some of the landscape and visual effects on identified landscape and visual receptors; provides no assessment on the visual effects on residential receptors; provides no assessment of the landscape effects on LCA 7b. Ringway (although an assessment of LCT 7. Lower Wooded Farmland is provided), provides no named details on the Chartered Landscape Architect; does not clearly define the reasoning behind the parameters of the study area; does not include photography /visualisations; and does not include an assessment of construction or cumulative effects.

Therefore, the landscape officer had some reservations about its conclusion, particularly that the scheme would *“generate beneficial levels of landscape and visual effect and...be beneficial to the perceived openness of the Green Belt”* and that these would further increase as the landscape proposals establish.

Notwithstanding the above, the landscape officer did not anticipate that the proposals would result in residual adverse effects on landscape and visual receptors once the landscape proposals become more mature over time and does not object to the scheme.

Following the receipt of these comments, Barnes Walker the landscape architects who produced the LVA have provided a technical note in response to the landscape officer's comments. A number of amendments have now been made to the landscaping of the site following landscape officer and planning officer comments which are as follows:

- Orchard/fruit trees have been included within the open space
- The hardstanding has been reduced to the entrance arm by adjusting the alignment of the road as it turns into the site.
- Driveways have been reduced to plots 4-7 with the incorporation of additional landscaping.
- The end courtyard is now framed by hedgerow.
- Tree planting and hedges along the re-aligned road have now been adjusted and the arc of the hedge now sits directly opposite the driveways to plots 2&3.
- Cobbled/sett edge provided at the main access drive to reduce the amount of tarmac.

It is considered that the amendments to the landscape scheme are an improvement and will green and soften the site. No significant landscape issues are therefore raised and the proposal is considered to comply with the landscape policies of the local plan referred to above.

### **Ecology**

Policy SE3 of the CELPS refers to Biodiversity and Geodiversity and seeks to protect and enhance these considerations. Saved Policy NE11 of the MBLP is largely reflective of these requirements. Emerging Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation

### **Barn Owl**

Evidence of past usage of the barns by barn owls has been recorded at this site. In the absence of mitigation the proposed development would result in the loss of an occasionally used roost. Occasionally used roosts can be important for this species. The applicant has proposed to install a barn owl box on site to compensate for the loss of the existing roost.

Conditions are required to ensure barn owls are appropriately safeguarded during the works and to ensure that an adequate level of compensatory roosting opportunities are provided.

### **Bats**

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the building known as Building 4 (B4). The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of B4 on site in the absence of mitigation is likely to have a low impact on bats at the local level.

The submitted report recommends the installation of a bat on one of the new buildings as a means of compensating for the loss of the roost.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations. A licence under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

#### Overriding public Interest

The proposals would provide 11 dwellings on the edge of the village of Mobberley, it would see the efficient re-use of an existing brownfield site which is currently not being used. It is considered therefore this is in the wider public interest for the project to go ahead to provide housing on a brownfield site.

#### Alternatives

The alternative would be for the project for the project to not go ahead, the site is Previously Developed Land within the Green Belt where future pressures could exist on the site for development. Therefore it is considered that alternatives may become available in the future, the site will be under pressure to be developed.

#### Mitigation

A suitable scheme of mitigation has been put forward as part of the proposals and it is considered that the proposal would not have an adverse impact on protected species. The scheme for mitigation will be conditioned as part of the decision.

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

#### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition is therefore recommended which requires the submission of an ecological enhancement strategy.

The proposal therefore accords with policy SE3 of the Cheshire East Local Plan, NE11 of the MBLP.

#### **Highways**

Policy CO1 of the CELPS and saved Policy DC6 of the MBLP consider matters of highway safety. Emerging SADPD Policy INF3 considers highways safety and access.

#### Access and Internal Layout

The access position to the site is unchanged and has a 5.5m carriageway width with 6m corner radii, and it is indicated that footways will be provided on both sides of the access. A speed survey was undertaken to determine the 85%ile speeds on the approach to the access, these were found to be 38mph in both directions.

Visibility splays of 2.4m x 92m have been provided in accordance with the required Stopping Sight Distance for the vehicle speeds.

Each of the dwellings has sufficient off-street parking provided and meets CEC minimum parking standards.

## Accessibility

There is an existing footway on the development side of Newton Hall Lane that the internal road layout will link into. A bus service is available on Knutsford Road to the south of the site, this is hourly service between Altrincham and Macclesfield.

## Locational Sustainability

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities.

This proposal is on the edge of Mobberley, a Local Service Centre. Mobberley has a small number of shops a school and is well connected through public transport with bus routes and a rail station.

The site itself is more remote, located along Newton Hall Lane. The sustainability of the site is of concern, as it is acknowledged that residents would have to travel by car to reach most services including play areas, shops and the local school there is a footpath which runs from the village to the site, so pedestrian access to the site is possible. The nearest bus stop is approximately 600m from the site. Access to this does being within a reasonable distance and having regular bus services means that access to other services is possible.

The reasonable distance for a bus stop is considered to be 500m in CELPS policy SD2, and whilst this is exceeded, it is still within walking distance. The nearest PROW is Mobberley FP41 which is 230m away and meets the criteria in policy SD2 which requires a PROW within 500m. The railway station is 3.9km away which is over the appropriate distance of 2km.

Amenity open space is proposed on site, which helps the sustainability of the site.

Children's playground, outdoor sports, public parks all exceed the distances required by policy SD2.

The services and amenities vary in distance from the site. However, the majority of local services such as post office, cash machines, supermarket, school, doctors' surgery etc, are located within Mobberley village centre which is 2.7km away. There is a post box 260m from the site.

The site is considered to be locationally unsustainable when applying policy SD2, meaning that the future occupiers of the site would be mostly reliant on the use of a car to satisfy most of their day-to-day needs. However, the fact that the bus service is regular and within 600m means that access to other services further afield and within Mobberley are accessible without total reliance on the private car. This combined with the size of the development of 11 units, and the fact that the proposal is redeveloping a brownfield site it is considered that on balance the development is acceptable having regard to sustainability.

## Development Impact

The development of 11 units has a low peak traffic generation and will not result in any traffic impact concerns, the former use as a riding school would also have produced traffic generation from the site so this would not all be new traffic on the network.

### Public Right of Way

The property is adjacent to public footpath Mobberley No. 41 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way. The PROW team did not raise any objections to the previous application at the site for the site to be redeveloped as the site does not encroach onto the PROW. This proposal does have the same red line the previous application, therefore an informative will be added to the decision to make developers aware of their obligations.

### Summary

The provision of 11 residential dwellings on the site does not raise and highway concerns as a replacement of the previous riding school that was occupying the site.

There are no highway objections raised.

### **Living conditions**

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances. There is also guidance on separation distances within the Cheshire East Council Design Guide SPD. Saved policies DC13 & DC14 of the MBLP relate to noise pollution and Policy DC63 of the MBLP relates to contaminated land. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Emerging policies HOU10 (Amenity), HOU11 (Residential Standards), ENV12 (Air quality), ENV13 (Aircraft noise), ENV14 (Light pollution) and ENV15 (New development and existing uses), of the SADPD are largely reflective of these policies and/or expand upon a number of the amenity considerations.

Environmental Health have been consulted on the application and have raised no objections in terms of air quality, noise or contaminated land. It is not considered that the proposed development will have a detrimental impact on the amenity of local residents. The closest immediate neighbour to the site is Oak House which is within the application site itself and forms part of the scheme. Due to the nature of the proposed use for residential it is not considered that the proposal will cause harm by way of overlooking, loss of privacy or loss of light to surrounding properties. The properties are set within substantial plots, and there are no issues regarding amenity or separation distances within the site.

### Air Quality

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Therefore, a condition relating to a travel information pack to be provided to occupants is recommended. Electric vehicle charging is now covered by building regulations.

### Contaminated Land

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

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

ID Geoenvironmental Ltd report 5188-G-R001, Geoenvironmental Appraisal, dated July 2021 was submitted in support of the application. The report has identified a number of pollutant linkages and remediation is required at the site. The report has provided remedial options for the site which should be developed into a Remediation Strategy for the site. This should also take into account the requirements of the Council's Developer's Guide.

The proposal is acceptable within regard to contaminated land subject to conditions.

## **Flood Risk**

Policy SE13 of the CELPS relates to Flood Risk and Water Management. The crux of this policy is to ensure development integrate measures for sustainable water management to reduce flood risk. Emerging policies ENV16 (Surface water management and flood risk) and ENV17 (Protecting water resources) are largely reflective of these policies.

The proposed development is in Flood Zone 1 which has a low probability of flooding from rivers and sea. The application is accompanied by a Flood Risk Assessment and drainage statement. The LLFA have raised no objections to the proposal subject to conditions and United Utilities have raised no objections subject to a condition. Therefore, it is not considered that the proposal will exacerbate or be at risk of flooding in the future subject to suitable drainage techniques being implemented on site.

## **HEADS OF TERMS**

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Education -  $2 \times £17,959 \times 0.91 = £32,685$  (Secondary)
- Recreational Open Space  $£1,000 \times 11 = £11,000$  towards the Jim Evison Playing Fields.

## Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance, the financial contributions as set out are based on formulae within the Macclesfield Borough Council – Supplementary Planning Guidance on s106 (Planning) Agreements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **REPRESENTATIONS**

A number of representations have been received objecting to the proposed development, the representations focus on the principle of development, the design of the development and highways impact. These matters have been addressed in the main body of the report.

## **CONCLUSIONS**

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed development represents an appropriate redevelopment of a brownfield site. The proposals do not increase the amount of development on the site and the development will be beneficial in-part to openness through a reduction in built development across the site and the general greening of the area through substantial private gardens and an area of open space which is currently covered by hardstanding and buildings.

A number of design improvements have been made throughout the course of the application, which have been beneficial and the design is considered to be acceptable on balance. The location of the site is some distance from many facilities, but is considered to be adequately sustainable, due to the proximity of a nearby bus stop.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for residential development is an acceptable form of development.

On balance, the proposal is considered to be acceptable and broadly accords with the Development Plan and National Planning Policy Framework.

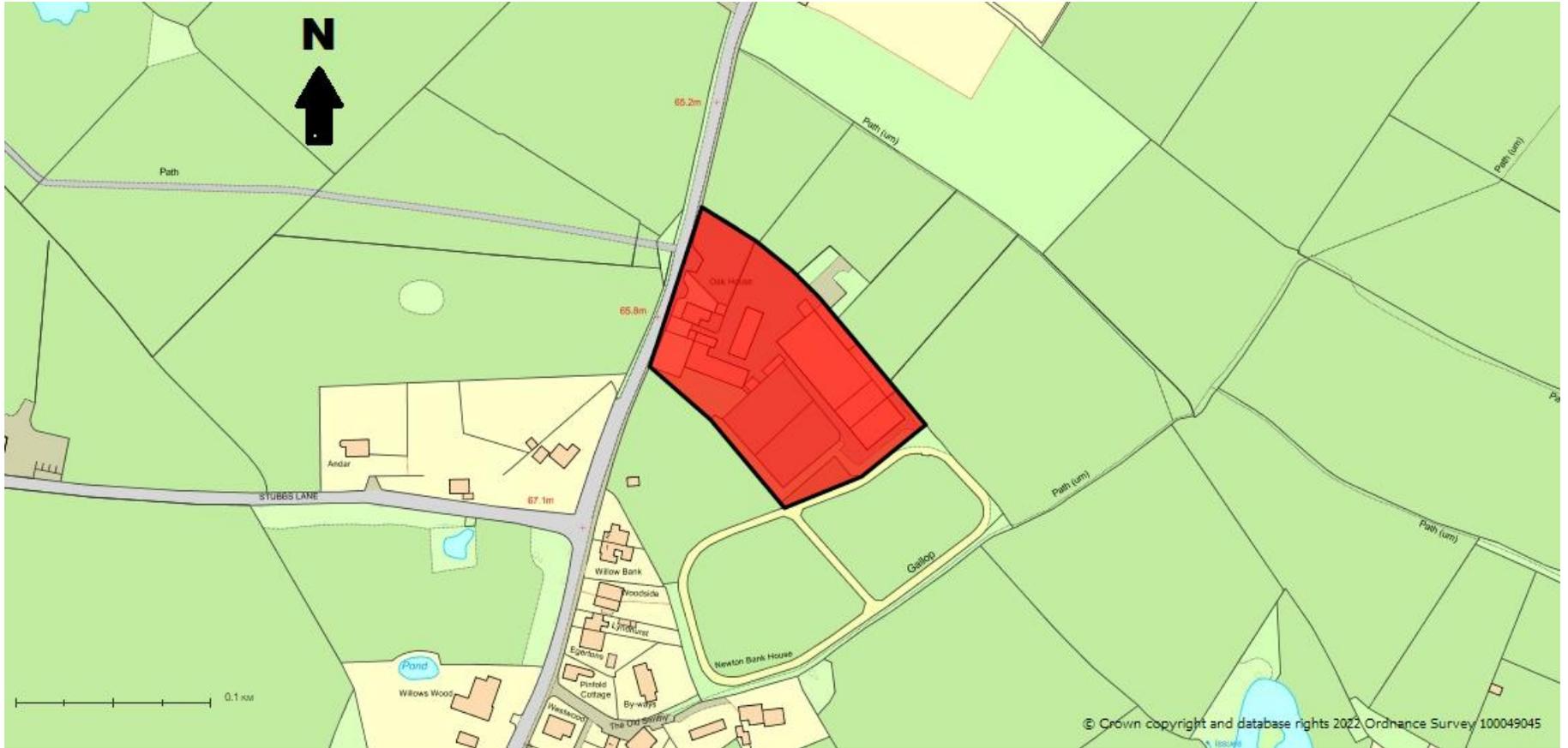
Therefore the proposal is recommended for approval subject to conditions and a section 106 agreement.

## **RECOMMENDATION**

APPROVE subject to S106 agreement and the following conditions

1. Time Limit
2. Approved Plans
3. Submission of Materials
4. No dry roof verges
5. Window reveals
6. Details of windows, doors and rainwater goods
7. Details of boundary treatments
8. Removal of permitted development rights for extensions, alterations and fences, walls and gates.
9. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment (AIA) /Arboricultural Method Statement (AMS) (Mulberry Ref TRE/MRSNHL/Rev A dated 14/9/21).

10. Landscaping submission full landscaping scheme including boundary treatments and detail native large canopy trees.
11. Landscaping implementation
12. Breeding bird exclusion zone
13. Prior to the commencement of development a barn owl compensation strategy is to be submitted to and agreed with the Local Planning Authority.
14. The proposed development to proceed in accordance with the recommendation made by section 5.3 of the submitted Phase 1 Habitat Survey & Bat Surveys report (Rachel Hacking Ecology, June 2021)
15. Prior to the use of any building materials in the new development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.
16. Submission of Landscape Management Plan
17. Travel Information Pack details to be submitted
18. No development (other than agreed demolition and site clearance works) shall commence until a Remediation Strategy is submitted to, and approved in writing, by the LPA.
19. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report.
20. Detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes to be submitted
21. Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA before any development (excluding demolition and site clearance) shall take place
22. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. HYD638\_MOBBERLEY.RIDING.SCHOOL\_FRA, Dated 17/09/2021)



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