

Application No: 22/0692M

Location: ADDERS MOSS, MACCLESFIELD ROAD, OVER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4UD

Proposal: Replacement of existing dwelling and outbuildings with a new dwelling and outbuildings of exceptional design quality. Including landscaping scheme and new vehicle access from Prestbury Road, and associated development.

Applicant: Hares

Expiry Date: 11-Aug-2023

SUMMARY

The proposal represents an inappropriate form of development in the Green Belt as it would not meet any of the exceptions to inappropriate development as defined by the CELPS and the NPPF.

Substantial weight is given to this harm. Very special circumstances which clearly outweigh the harm will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In addition to the Green Belt harm, additional harm has also been identified in relation to the adverse impact on openness the development would have which contributes further the substantial Green Belt harm.

Significant weight is attached to the ecology harm that would arise due to the loss of bat roosts which would cause High severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale. Although mitigation is proposed, there are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and the ecology policies contained within the local plan.

Significant weight is also attached to the harm in which the proposal would have on the character and appearance of the site itself and the wider landscape, due to the scale of the dwellinghouse being inappropriate and the parts of the proposed wider landscaping scheme also failing to preserve the character of the area.

No concerns are raised in terms of highway safety, heritage conservation, trees, flood risk, public rights of way, residential amenity, land contamination or air quality matters. Subject to conditions as outlined in this report, these matters carry neutral weight in the planning balance. Paragraph 148 of the NPPF is clear that in the Green Belt 'very special circumstances' will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other

considerations. As such, in order for the planning application to be approved, the overall balance would need to be in favour the applicant's case. The high-quality design and sustainability considerations presented by the applicant are not deemed to clearly outweigh the combined harm to the Green Belt and the other identified harm.

As a result, the 'very special circumstances' required by the NPPF and the local plan have not been demonstrated and the proposed development remains to be an inappropriate form of development in the Green Belt. The proposal would also have an adverse impact on protected species and would fail to positively contribute to the character of the area. The application is therefore recommended for refusal.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REPORT

In accordance with the Council's Scheme of Delegation, planning applications for small scale major residential development (1 – 4 hectares) will be determined by the Northern Planning Committee.

In this case, the total area of land to which this application relates extends to approximately 2.6 hectares as shown edged in red on the submitted Location Plan. Accordingly, the planning application is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application relates to Adders Moss, a large detached dwellinghouse in Over Alderley. The site lies within the designated Green Belt. The site contains various outbuildings and a tennis court which sit within the garden around the existing dwellinghouse. The site lies at the intersection of Macclesfield Road and Prestbury Road which both run along the site's southern boundary. Existing access is taken from Macclesfield Road.

A band of mature tree and hedge planting is found along the roadside boundary, offering some visual screening from the highway. A public right of way (Over Alderley FP9) passes through the site along the length of its north-western boundary. The site is located within the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designation.

DESCRIPTION OF PROPOSAL

The application seeks full planning permission for the *"Replacement of existing dwelling and outbuildings with a new dwelling and outbuildings of exceptional design quality. Including landscaping scheme and new vehicle access from Prestbury Road, and associated development"*

The proposed development can be summarised to include the following elements:

- Replacement dwelling (inc. attached outbuildings)

- Detached outbuildings
- New vehicle access
- Replacement tennis court
- Landscaping

The proposed replacement dwelling would be broadly located in the same position of the site as the dwellinghouse it would replace. The proposed 7-bedroom two-storey dwellinghouse would be of Classical design.

A number of outbuildings are also proposed as part of the redevelopment of the site, including an Estate Office building adjacent to the dwellinghouse and a Belvedere to the eastern end of the garden.

The proposed new vehicular access would be taken from Prestbury Road and would connect to the dwelling via a meandering driveway parallel to the southern site boundary.

RELEVANT POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1	Presumption in Favour of Sustainable Development
PG 2	Settlement Hierarchy
PG 3	Green Belt
SD 1	Sustainable Development in Cheshire East
SD 2	Sustainable Development Principles
SE 1	Design
SE 2	Efficient Use of Land
SE 3	Biodiversity and Geodiversity
SE 4	The Landscape
SE 5	Trees, Hedgerows and Woodland
SE 7	The Historic Environment
SE 9	Energy Efficient Development
SE 12	Pollution, Land Contamination and Land Instability
SE 13	Flood Risk and Water Management
Appendix C	Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG 9	Settlement boundaries
GEN 1	Design principles
ENV 1	Ecological network
ENV 2	Ecological implementation
ENV 3	Landscape character
ENV 5	Landscaping
ENV 6	Trees, hedgerows and woodland implementation
ENV 7	Climate change
ENV 12	Air quality
ENV 14	Light pollution
ENV 16	Surface water management and flood risk

HER 1	Heritage assets
HER 7	Non-designated heritage assets
HER 8	Archaeology
RUR 13	Replacement buildings outside of settlement boundaries
HOU 8	Space, accessibility and wheelchair housing standards
HOU 12	Amenity
HOU 13	Residential standards
INF 1	Cycleways, bridleways and footpaths
INF 3	Highway safety and access
INF 9	Utilities

Over Alderley Neighbourhood Development Plan (OANDP)

[Regulation 14 Stage – Limited Weight]

OA4	Responding to Over Alderley's Built Heritage
OA5	Responding to Local Character
OA6	Landscape Character
OA7	Dark Skies and Lighting
OA8	Wildlife
OA9	Sustainable Design Guidance
OA11	Protecting Over Alderley's Peace and Tranquility

Other Material Considerations

National Planning Policy Framework
 National Planning Practice Guidance
 The Cheshire East Borough Design Guide
 Habitat Regulations

RELEVANT PLANNING HISTORY

13892P – approved – April 1978
Store for agricultural parts & equipment

16/5811M – positive certificate – January 2017
Certificate of proposed lawful use for vehicular access, area of hardstanding and a detached garage

17/0682M – positive certificate – April 2017
Certificate of Lawful Existing use of land as garden

CONSULTATIONS

Environmental Protection (CEC)

- Conditions relating to testing of soils and identification of previously unknown contamination recommended
- Electric vehicle charging condition
- Recommended informatives relating to construction hours, dust management, pile foundations, floor floating and contamination

Highways (CEC)

- No objection
- New access provides sufficient visibility to serve the dwelling
- Gates are sufficiently set back from the highway

Lead Local Flood Authority (CEC)

- No objection in principle
- Recommend condition for submission and approval of a drainage strategy

Public Rights of Way (CEC)

- Property is adjacent a public footpath
- Unlikely that the proposal would affect the public right of way

United Utilities

- Advice / recommendations provided for applicant

Over Alderley Parish Council

- We note the quality of the information comprising the application and the applicant's intention to create a design of the highest standards.
- The comprehensive redevelopment of the site to create a replacement dwelling in the greenbelt presents an opportunity to discover a compelling and relevant design solution of its place and time.
- Emerging themes in the neighbourhood plan are the nature of built form within the different plot types in the parish, the primacy of the landscape and the character and continuity of field boundaries.
- Large Georgian estates in the parish are set in many acres. The role that they play in the hierarchy of built form and landscape across the parish is clearly understood.
- The scale and nature of this site does not fit this category, it cannot even "borrow" landscape from adjacent fields to create an appropriate setting. It will therefore be in conflict with the local character and distinctiveness of Over Alderley.
- The Georgian reproduction style will stand in stark contrast to the family of buildings that it seeks to be a part of and in stark contrast to the gentle agricultural context of the parish.
- Substantial thinning of the tree belt forming the perimeter of the site has recently taken place. Any new development should replace this to provide a dense screen (as the example at Dickens Farm).
- The gate entrance seeks to create an imposing impression which is again at odds with the characteristics of older plot and estate entrances in the parish. A far less visible and arresting solution, taking cues from older plot examples and providing continuity of the stone wall and native hedge boundaries, will settle the site more harmoniously into its context.

- A critical issue will be controlling artificial lighting levels, keeping all external lighting to a minimum, to avoid light pollution and eliminate harmful impacts in the greenbelt.
- Revised gateway design does not meet the requirements of the Over Alderley Neighbourhood Plan regarding design principles. The Neighbourhood Plan sets out that high walls, gates and building materials should not be used to create separation from the landscape. Boundary treatments should reflect the naturalness and openness of the landscape and not attempt to introduce alien features which do not integrate with the local landscape and character.

OTHER REPRESENTATIONS

East Cheshire Group of the Ramblers

- Over Alderley Footpath 9 is located along the north west side of the site and within the boundary of the planning application. However, scant details are provided of how the path will be treated. Its existence is noted in paragraph 10.2 of the Design and Access Statement with the comment "Public access via a footpath on the north-west boundary, concerns in relation to privacy and security". The elevations are labelled up showing "New brick wall between yard and public footpath" and "New hedgerow between public footpath and forecourt" (Proposed Elevations A).
- The footpath will be enclosed on both sides and, thus, we would ask for a minimum width of 2.5m to be provided in accordance with the PROW Unit requirements. This width is particularly important to achieve along the section of path north of the existing outbuildings where the current width is barely 1 metre. On this section the footpath has a high holly hedge on the west side and a new hedge is proposed on the east side of the footpath which, inevitably, will impinge on the actual width available for the footpath.
- We would also ask that the surface is either sealed (as per the southern section of the existing path) or stoned so that it can be walked in all weathers.
- In the absence of further details, we would ask that a planning condition is placed on the development to the effect that:
 1. A minimum width of footpath of 2.5m shall be provided along the whole length of the development
 2. The surface of the path shall be to the approval of the PROW Unit

OFFICER APPRAISAL

Principle of Development – Green Belt

The application site is located within the Green Belt. Paragraph 149 of the NPPF states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 149 and 150 of the NPPF specify a number of exceptions to this, which are also broadly mirrored in policy PG 3 of the CELPS.

In this case, the application proposes a number of different elements, comprising a replacement dwelling, outbuildings, new access, replacement tennis court and associated landscaping.

Accordingly, the following two exceptions to inappropriate development in the Green Belt are relevant to the proposal:

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

limited infilling 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;*

These exceptions are discussed in turn below.

Replacement Building

As set out above, the replacement of a building in the Green Belt is not inappropriate, subject to the new building being in the same use and not materially larger than the one it replaces. The application proposes no change of use and therefore the first requirement of this exception is met.

SADPD policy RUR 13 provides detailed policy expectations for development involving the replacement of buildings in the Green Belt. The policy reinforces the requirements of the NPPF and policy PG 3 stating that the replacement building must not be materially larger than the existing building.

There is no definition as to what constitutes a 'materially larger' building. Policy RUR 13 states that when considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger.

A 'Schedule of Areas' is provided at Section 12 of the submitted Design & Access Statement. In this case, the existing dwellinghouse has a floor area (GEA) of 669m² which when compared to the 911m² floor area of the proposed dwellinghouse represents a 36% increase.

The above figure relates to the main dwellinghouse only, however if existing and proposed outbuildings are also included, the proposed replacement buildings would result in a floor space increase from 842m² to 1055m² of, which equates to a 25% increase.

In terms of building heights, the main ridge of the proposed dwellinghouse would be 10.1m which when compared with the existing height of 6.9m represents a 46% increase. Similarly, the proposed increase in eaves height from 5.1m to 7.3m is a 43% increase. Both of these parameters would represent a materially larger dwellinghouse.

The above figures clearly illustrate an increase compared to the existing building; however, it is also important to consider a range of other parameters when concluding whether a building is materially larger. In this case, the proposed architecture is inspired by Classical design. As a result, the grand facades, tall ceiling heights and tall eaves, coupled with the increase in floor space would represent a building that is materially larger than the one it would replace.

Accordingly, the proposed development would fail to accord with this exception to inappropriate development in the Green Belt.

The applicant's submission concurs with this conclusion, and therefore a case of very special circumstances to outweigh this harm has been presented. This is discussed later in the report.

Redevelopment of Previously Developed Land

The proposed development comprises more than just the replacement of a building; it also involves additional elements of development including the construction of new detached outbuildings, a new vehicular access, replacement tennis court and site-wide landscaping.

The entire site is understood to be in residential use (as established by 17/0682M) and is therefore defined as previously developed land. Therefore, as set out above the partial or complete redevelopment of the land is not inappropriate as a matter of principle, subject to the proposed development not having a greater impact on openness.

As set out above in consideration of the replacement building exception, the proposed dwellinghouse would be materially larger than the one it would replace. This increase in size would also represent loss of openness both spatially and visually, and for this reason, this element of the proposal would fail to meet the exception to inappropriate development.

In addition to the main dwellinghouse, the application also proposes the construction of new outbuildings. One of the new buildings proposed is a belvedere which would be built within the garden to the eastern end of the site. This building would be located in part of the site which is currently absent from built form. It would not appear to be physically related to the main dwellinghouse due to the significant separation between the two. Accordingly, the construction of this building in part of the site which is currently absent from such development would result in loss of openness. Therefore, this element of the proposal would also fail to accord with the above exception to inappropriate development.

Another element of the site's redevelopment involves the creation of a new gated access and driveway. The principle of constructing a new access point and private driveway have previously been established by application reference 16/5811M. However, as part of this current application a new set of gates and railings are proposed to form the new access. The size of the gates has been reduced during the course of the application, however as revised the gates would still be located on part of the site which does not currently contain the scale of built form proposed. The proposed stone gate pillars would reach almost 4m in height, with the 30m length of metal railings having a height greater than 2m. The proposed gated access is therefore not considered to preserve openness. It would therefore fail to meet the exception to inappropriate development.

Accordingly, the proposed replacement dwelling, new buildings and landscaping works would have a greater impact on openness than the existing development and therefore it would not comply with the exception.

Green Belt – Summary

For the above reasons, the proposed development would fail to accord with any of the given exceptions to inappropriate development in the Green Belt, as set out in CELPS policy PG 3 and paragraphs 149 and 150 of the NPPF. It would therefore represent an inappropriate form of development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt. In accordance with NPPF paragraph 148, substantial weight is given to this harm.

Other Green Belt harm

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. As discussed above, the proposed development would result in loss of openness both visually and spatially due to the construction of a materially larger building. Additional elements of the proposed development, including new outbuildings and gated access, would also cause visual and spatial harm to openness.

The duration of the development, and its remediability are also important considerations, taking into account any provisions to return land to its original state of openness. The development proposed would be of substantial construction and is not of a design intended to be removed from the land in a short timeframe. The proposal would therefore be a permanent feature in on the land.

Finally, the degree of activity likely to be generated, such as traffic generation is also a key consideration in assessing the impact on openness. In this case, there would be no increase in residential units. There would be no material increase in activity at the site as a result of the proposed development, however this does not justify the harm generated by the other considerations above.

For the above reasons, the proposed development cause harm to openness in addition to the harm it would cause by reason of inappropriate development in the Green Belt.

Character, Design & Landscape

Policy SD 2 of the CELPS states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness. Policy SE 1 of the CELPS details that development proposals should make a positive contribution to their surroundings in terms of a number of criteria. This includes ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

SADPD policy GEN 1 expands on this, expecting all development proposals to contribute positively to the borough's quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials.

Whilst the proposal is not strictly a type of development that would normally be considered under NPPF paragraph 80(e) as it is for a replacement dwellinghouse, rather than a new isolated home in the countryside, it still acts as a useful benchmark in assessing the quality of design a proposal would deliver.

The application is supported by a detailed Design & Access Statement, Planning Statement, an assessment of a design review panel and E*SCAPE assessment by Roger Lomas.

Dwellinghouse

The detailed design of the dwellinghouse is considered to be high-quality, however when considering an application under NPPF paragraph 80 it is important to note that the design must be exceptional and reflect the highest standards in architecture for it to be recognised as outstanding.

With regard to the setting of the dwelling within the wider landscape, the more intimate landscape of formal gardens is reflective of a house of this style and stature, compared to historic examples. However, whilst the surrounding landscaping is rural in character, it sits outside the site boundary and therefore beyond control of the scheme – as such, this landscape is “borrowed” with no guarantees that the character of the wider landscape will be retained. Whilst some similar historic properties may, over time, have experienced a reduction in the extent of their wider estate setting, the grandeur and scale of the country house was originally designed to sit in a more generous, expansive landscape setting than is available for this proposed scheme. Consequently, it does not have the benefit of a wider estate and therefore appears out of scale for the comparatively modest plot it is proposed upon.

There is also a question here regarding the philosophy of seeking a new Georgian mansion in a contemporary setting, particularly when the approach replicates traditional detailing rather than re-interpreting that for the 21st century. Consequently, although the proposed detailing is undoubtedly well executed, there is no evidence to suggest that the proposal would be truly outstanding, nor would it seek to push the boundaries of rural design more generally. It also cannot be demonstrated that the proposal would significantly enhance its immediate setting or be sensitive to the area’s defining characteristics as expected by NPPF paragraph 80(e). This is not to say the detailed design is not high-quality, it would just not be considered as an exceptional example.

Whilst it is noted that there are references to potential approaches to sustainable energy production, there is no clear strategy which outlines the specific measures and their performance. As such, it is difficult to weigh its contribution toward design quality or ensure the performance of the building through condition.

Overall, whilst the detailed design of the proposed dwellinghouse itself would represent an example of high-quality architecture, the size and appearance of the building would appear out of scale within the context of the relatively modest plot in which it would be located.

Wider Landscaping

In addition to the design policies set out above, the local plan’s landscape policies are also of relevance, particularly due to the site’s location within a Local Landscape Designation (Alderley

Edge and West Macclesfield Wooded Estates). These areas represent the highest quality and most valued landscapes in the borough.

CELPS policy SE 4 is the overarching consideration when assessing the landscape impact of a proposal. Amongst other matters, it expects all development in Local Landscape Designations to conserve and enhance their special landscape quality. The Council will seek to protect Local Landscape Designations from development which is likely to have an adverse effect on its character and appearance and setting.

SADPD policy ENV 3 reinforces this, stating that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area.

In terms of the landscaping works across the site, a 'Landscape Concept' and 'Whole Site A2 Plan' give an indication of the proposed scheme. The Landscape Officer raises no objection to this, albeit the details are limited as submitted. A fully detailed landscape scheme and strategy would be expected and therefore in the event of approval, a number of conditions have been recommended to secure the required details. There are, however, concerns with some of the elements proposed as part of the landscaping works.

Part of the proposed landscaping involves new boundary treatment and hard landscaping around the perimeter of the site. Revised plans were submitted during the course of the application scaling down the visual appearance of the proposed new gated access. The Design Officer has reviewed the proposal and accepts that the amendments to the proposed gateway do reduce the potential impact they would have on the character of Prestbury Road compared to the original proposal, however it is still a formal gateway in an area where entrances are generally more low-key and informal.

The Landscape Officer has also commented on the proposed entrance gates, considering them to be at odds with the rural character of Prestbury Road. As above, the revised plans are not considered to resolve this concern as the imposing set of gates and associated railings remain to be proposed in an area which is currently absent from such built form.

Cleft chestnut pale fencing is proposed as boundary fencing to the highway. This section of fencing would run along the edge of the highway for length of over 200m. This type of fencing is usually used as a temporary measure, and with a height of 2m is not considered to be an appropriate choice of boundary treatment in this location. A lower, and more discrete timber post and rail fence or similar would be more appropriate to tie in with the local landscape character.

No details of external lighting have been provided with the application. In accordance with SADPD policy ENV 14 the amount of lighting proposed will be kept to a minimum in the interests of security, safety and operational purposes. To avoid excess external lighting of the site, including illumination of the dwellinghouse itself and the driveways and garden, a condition would be recommended for a full lighting scheme to be submitted and approved.

Accordingly, whilst there are no objections to some elements of the landscaping package proposed subject to conditions, the proposed new gated access and boundary treatments proposed would fail to make a positive contribution to the distinctiveness of the local area and would not preserve the character of the landscape.

Design Summary

Whilst the proposed dwellinghouse is not considered to be of exceptional or truly outstanding design, the detailed design can still be considered to be high quality. However, the grandeur and scale of country house design was originally intended to sit in a more generous, expansive landscape setting than is available for this proposed scheme. Consequently, it does not have the benefit of a wider estate and therefore appears out of scale for the comparatively modest plot it is proposed upon.

In terms of landscaping, the full details of any earthworks required, and detailed planting plans have not been provided however this can be secured by way of condition. However, the hard landscaping details that have been provided for consideration are not found to be appropriate, in particular the gated access and boundary treatment around the perimeter of the site.

The large entrance gates would appear as an incongruous formal built feature, at odds with the rural character of this section of Prestbury Road. The 2m tall split chestnut fencing which would run along the site's highway boundary would also be inappropriate and would not positively contribute to the character of the site or the wider landscape.

Accordingly, the proposal would conflict with CELPS policies SD 1, SD 2, SE 1 and SE 4; and SADPD policies GEN 1 and RUR 13.

Heritage Conservation

The application property is visible on the Tithe Map, identified as a small plot occupied by a single linear building which sat in a much smaller plot than the existing property now enjoys. As such, the dwelling should be considered as a non-designated heritage asset.

When considering applications affecting non-designated heritage assets, CELPS policy SE 7 requires that the impact of a proposal on the significance of the asset should be properly considered, as they are often equally valued by local communities. The presumption should be that heritage assets should be retained and re-used wherever practicable.

SADPD policy HER 7 states that a balanced judgement will be required, when considering development that would impact a non-designated heritage asset. Regard should be given to the significance of the heritage asset and the scale of any loss or harm.

The application is supported by a Heritage Impact Assessment (Henderson Heritage). It identifies that the property appears on the Tithe Map of 1836-1851. The assessment also points out that there are historical connections with the De Ferranti family (section 3.7), which provide some associative historic value.

The Heritage Conservation Officer accepts that the building has undergone many alterations in the past and no longer demonstrates its early origin, hence while there has been a building on this site in the distant past its value as a non-designated heritage asset has been severely reduced. Additionally, the alterations made to the building over time have resulted in a mix of styles which have resulted in ill-considered extensions to the building, resulting in a disjointed and confused appearance.

Accordingly, although there is a historic connection with the built form on this site, it is considered that connection has been obliterated over time (as set out in sections 4.3.7, 4.3.8 and 6.4 of the HIA). Therefore, the heritage value of the site should no longer form a key consideration for further development.

For the above reasons, no objections are raised by the Heritage Conservation Officer and the proposal would comply with policies SE 7 and HER 7 of the local plan.

Nature Conservation

CELPs policy SE 3 sets out the main policy requirements in relation to development proposals that would have an impact on the borough's biodiversity and geodiversity. Development proposals which are likely to have a significant adverse impact on a site with the local or regional designations, habitats or species specified in the policy will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

All development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests to comply with policy SE 3. SADPD policy ENV 2 provides further requirements when considering the ecological impact of a proposal. It expects all development to provide a net gain in biodiversity, and states that planning applications should be supported by an ecological assessment.

Bats

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the survey of the buildings on site. In addition, a minor roost of a second widespread bat species and third minor roost of a less common bat species was also recorded. The Nature Conservation Officer advises that these roosts are of substantial nature conservation value.

In the absence of mitigation, the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the identified roosts. The Nature Conservation Officer confirms that the loss of the maternity roost would have a High severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale. The loss of the minor roosts would have a low impact on the species concerned.

To mitigate for the risk of killing or injuring bats during the construction phase the submitted report recommends the timing of the works and that the works be supervised by a licenced bat worker. The provision of a number of bat boxes is proposed as a means of compensating for the loss of the existing roosts.

As there is evidence that a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development, the planning authority must have regard to the Habitats Regulations when determining the application and consider whether Natural England would be likely to grant a protected species license. The Habitats Regulations only allow a license to be issued when a number of tests are met. In summary are:

- the development is of imperative overriding public interest,
- there are no suitable alternatives and

- the favourable 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 be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The first test requires the development to be of overriding public interest. In this case, as is explained further below, the proposed development fails to accord with the policies of the local plan and the provisions of the NPPF and is therefore recommended for refusal. Accordingly, there is deemed to be no overriding reason for granting approval of the application and as such, the development is deemed to fail this first test.

The second test requires consideration of a suitable alternative. An alternative to the development proposed could involve remodelling and upgrades to the existing dwellinghouse. These alternative works have the potential to have a similar impact on protected species as the proposed development. Therefore, there are not considered to be any suitable alternatives in this instance.

The third and final test requires the favourable conservation status of the species to be maintained. The Nature Conservation Officer advises that in the event planning consent is granted the proposed mitigation and compensation, if successful, would be sufficient to maintain the favourable conservation status of the species concerned. This would be secured via condition in the event the application was recommended for approval.

However, whilst the proposal may meet the second and third tests, the first test have not been met and the application proposals are deemed to fail Habitats Regulations which in turn, means that it's unlikely that Natural England would grant a protected species licence.

As the development would have a substantial adverse impact on habitats or species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are also deemed contrary to CELPS policy SE 3, and SADPD policy ENV 2.

Great Crested Newts

A survey has been undertaken on the on-site pond which did not record any evidence of great crested newts being present. There are two further ponds located just over 60m from the proposed development site.

The application site however offers very limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and protection, furthermore the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

The Nature Conservation Officer advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations with regard to great crested newts during the determination of this application.

In the event planning permission is granted a condition requiring adherence to the submitted reasonable avoidance measures document is recommended.

Ponds

The existing pond on site was not shown as being retained on the submitted layout or landscape plans. The pond was removed from the red line of the application site during the course of the application. No development is therefore proposed in this area and as such no further consideration of the pond is required.

Nesting Birds

In the event of approval, a condition is recommended which prevents the removal of any vegetation, demolition or conversion of any buildings during bird nesting season (March – August), unless a detailed survey has been carried out. Subject to this condition, nesting birds would be safeguarded.

Non-Native Plant Species

A number of non-native invasive plant species are present on site. If planning consent is granted, the Nature Conservation Officer recommends that a condition be attached requiring the submission of a method statement for the control of these species. This could be incorporated into the Ecological Enhancement condition below.

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.

In the event of approval, the Nature Conservation Officer would recommend that the applicant submits an ecological enhancement strategy prior to the commencement of development. This could be secured by an appropriately worded condition.

Ecology Summary

The proposed development would have a moderate-high impact upon a maternity colony and minor roost of bats, which are protected and priority species. The reasons for or benefits of the proposed development do not outweigh the adverse impacts of the proposed development upon these species. The proposals are contrary to CELPS policy SE 3 and SADPD policy ENV

2. The proposal would also fail the Habitats Regulations tests and therefore Natural England are unlikely to grant a licence for the development.

Trees

In accordance with CELPS policy SE 5 Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

SADPD policy ENV 6 sets out a range of policy requirements relating to trees and hedgerows. Amongst other matters, it states that development should retain and protect trees, with the proposed layout being informed and supported by an appropriate arboricultural assessment.

The application site benefits from quite extensive established tree cover, none of which is presently afforded any statutory protection. The application is supported by an Arboricultural Impact Assessment & Method Statement (Tree Solutions). The report includes a survey of tree cover on the site and confirms the presence of 2 high quality A Category groups of trees, 16 individual moderate quality B Category trees, 10 low quality U Category trees and 1 poor quality U Category tree which is unsuitable for retention irrespective of the development proposal.

The majority of trees are shown to be retained with just one moderate quality and 1 low quality tree shown to be removed to accommodate the proposed access. The new dwelling and associated structures do not appear to present a significantly inferior relationship to what presently exists. The report and method statement include a tree protection plan and methodology which would be adhered to throughout the duration of any construction period and which makes provision for engineer designed surfacing where conflicts arise in the rooting areas of a retained tree. The Forestry Officer raises no objections to the proposal.

Local plan policies require 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. This planning application provides an opportunity to incorporate new planting in accordance with this policy. It is recommended that if planning permission is granted a condition should be attached which requires the submission of a landscape scheme to meet the requirements of this policy.

There are subsequently no objections to the proposal in terms of impact on existing trees, and it is considered to comply with policies SE5 and ENV6 of the Local plan. In the event of approval, a number of conditions are recommended by the Forestry Officer to secure the matters considered above.

Living conditions

Policy SE 1 of the CELPS expects all development to be designed to ensure an appropriate level of privacy for new and existing residential properties. Policy HOU 12 of the SADPD states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed

development. Consideration must be given to matters such as loss of privacy, loss of daylight, overbearing effects, traffic generation and environmental disturbance.

In this case, it is considered that the proposed replacement dwelling and associated works give rise to no significant adverse impact to neighbouring amenity. The nearest neighbouring residential properties are over 100m away from the proposed dwellinghouse, which when coupled with the existing tree and hedge planting between would result in no concerns relating to amenity impact.

The replacement dwelling would remain to be just one residential unit and therefore no material increase in traffic generation or environmental disturbance is expected upon completion of the development.

It is therefore considered that the proposals are acceptable in this respect and comply with the relevant policies of the local plan.

Highways

CELPS policy SD 1 and SADPD policy INF 3 state that development proposal should provide safe access and sufficient car parking in accordance with adopted highway standards.

The new access provides sufficient visibility to serve the dwelling and the design includes for the gates to be sufficiently set back from the highway. On-site parking would exceed minimum standards.

Cheshire East Highways therefore raise no objections to the application, and the proposal complies with relevant highways policies in the local plan.

Flood Risk / Drainage

CELPS policy SE 13 and SADPD policy ENV 16 deal with flood risk and drainage implications of development. Between them, they expect development proposals to demonstrate the measures that will be taken to manage flood risk.

The Lead Local Flood Authority (LLFA) have reviewed the details submitted in support of the application and raise no objection in principle to the proposal. They have however requested additional information to be submitted including a fully detailed drainage strategy and management plan. As no concerns are raised as a matter of principle, the LLFA have recommended a condition for the submission and approval of these details in the event the planning application is approved.

United Utilities have commented on the proposal and do not raise an objection. In the event of approval, the applicant / developer should be made aware of their requirements and recommendations contained within their written response.

Subject to the condition recommended by the LLFA, the proposed development would be acceptable from a flood risk management perspective.

Public Rights of Way

A public footpath (Over Alderley FP9) passes through the site, following its north-western border. SADPD policy INF 1 states that development proposals that would lead to the loss or degradation of a public right of way (such as a footpath, cycleway or bridleway) or a permissive path (such as a canal towpath) will not be permitted.

The Public Rights of Way Definitive Map Officer has reviewed the proposal and considers the development unlikely to affect the public right of way. In the event of approval, an advice note has been given to be attached to any planning consent to ensure that developers are aware of their obligations.

Comments from the East Cheshire Group of the Ramblers are noted, however given the view of the PRow team above, a refusal could not be sustained in this instance.

Contamination

In accordance with CELPS policy SE 12, development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

The Council's Contaminated Land team have no objection to the proposal, subject to a number of conditions concerning reducing contamination risk to future occupiers. These conditions include a requirement for all imported soils to be tested, and a procedure to be followed should previously unidentified contamination be discovered.

Subject to the recommended conditions, the proposed development would be acceptable with regard to land contamination risk.

Air Quality

Environmental Protection Officers have recommended a condition requiring the installation of an electric vehicle (EV) charging point at the new dwelling in the interests of local air quality.

However, the amended Building Regulations (which came into force in June 2022), require the installation of an EV charging point at all most new residential properties. Planning decisions should not duplicate the function of other regulatory bodies or controls, and therefore as the development would be subject to the amended Building Regulations it is not necessary to impose such a planning condition.

Planning Balance – Very Special Circumstances

As set out above, the proposal would represent an inappropriate form of development in the Green Belt. In accordance with NPPF paragraph 147:

inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Paragraph 148 then continues:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

The main consideration is therefore whether there are any 'very special circumstances' which would outweigh the substantial Green Belt harm, and the other harm identified in relation to character and appearance, and protected species.

The applicant has accepted that the proposal would represent an inappropriate form of development in the Green Belt and have therefore presented a case of other considerations in which they believe would be 'very special circumstances'. These considerations relate to the high-quality design of the building, including its architecture and sustainability credentials.

High-Quality Design

Supporting information supplied with the application states that "the proposal is an exceptional piece of design, complemented by an equally comprehensive and considered landscape". A peer review of the proposals has been carried out by representatives of the Traditional Architecture Group (TAG), and the proposal has also been subject to an assessment by e*SCAPE Urbanists who have provided an Urban Design Review.

The various parties involved have provided a number of conclusions, including:

"the project has the potential to be an elegant and unique 'jewel' of a small country house. Equally suited to its time as much as to a long provenance of building classical villas"

"This property, located and set into the landscape will add to the area's wealth of existing country villas and be a positive asset replacing the current ad-hoc extended property with something that is cohesive, vibrant and unique"

"This proposed replacement dwelling at Adders Moss should be seen as a unique asset to the parish going far and above the design quality of many replacement dwellings found in this part of the borough. It should be used as a benchmark and exemplar of what will be expected from such developments in the future that claim to utilise Georgian/Palladian architecture as their inspiration"

In order for the high-quality design to clearly outweigh the substantial Green Belt harm, it will have to demonstrate how it would represent a 'very special circumstance'. Whilst NPPF paragraph 80(e) is not strictly applicable to this proposal as it relates to a replacement dwellinghouse rather than a new isolated rural dwellinghouse, it still acts as a useful tool in assessing the quality of design. If the design of the proposed dwelling were found to be truly outstanding and of exceptional quality, then it would also very likely meet the very special circumstances test.

As set out in the Character, Design & Landscape section of this report, it is accepted that the proposed detailed design represents a high-quality example of architecture. However, whilst this element of the design is considered to be high-quality, it does not naturally follow that it would outweigh the identified Green Belt harm, which in this case is substantial.

Other elements of the design, including the overall scale of the building within its context and the proposed landscaping were found to be inappropriate, and therefore significantly reduce the amount of weight that can be given to the overall design of the proposal outweighing the identified harm.

Sustainability

A Sustainability Statement was submitted during the course of the application setting out a number of measures which could be incorporated into the development. These include:

- Seek to meet RIBA 2025 operational energy use target of 60 kWh/m²/a
- LED lighting
- Ventilation strategy
- Controlled swimming pool heating
- Ground source heat pumps
- Underfloor heating
- Wood burning stove (as opposed to open fireplace)
- Roof mounted solar photovoltaics
- Ground mounted solar photovoltaics
- Responsibly and locally sourced materials
- Reuse of materials
- Refuse and recycling space contained in outbuildings
- Low water consumption fittings and appliances
- Tree planting

All of the various elements presented in this scheme would clearly be seen as a positive in that they would contribute to the mitigation and adaptation of climate change to a degree. However, a large proportion of the different elements proposed are generally becoming to be commonplace in developments, therefore limiting the weight they can be given as exceptional or outstanding design credentials.

It is also noted that the Sustainability Statement does not offer a genuine commitment to the installation of the listed features; there are many references stating that these features 'may' or 'could' be implemented. Again, this further limits the weight that the Sustainability Statement carries in support of the proposal.

The statement accepts that roof mounted solar photovoltaics will offer limited generating potential due to the small number that could be installed. They would also be difficult to integrate aesthetically. Ground mounted solar panels are also suggested, however the Sustainability Statement states that they would also result in a detrimental visual impact, so renewable energy from the National Grid would be sourced instead. It is unlikely that solar photovoltaic panels will therefore be installed. As an alternative, the sourcing of renewable energy from the grid is not uncommon for a typical household to achieve, and therefore very limited weight is given to this matter in the overall balance.

Very Special Circumstances Summary

For the above reasons, whilst there are found to be a number of high-quality elements in terms of the detailed design of the proposal, there are also others which are not found to be appropriate within the context of the site itself or the character and appearance of the wider area. Concerns are also raised with regard to the sustainability credentials that have been put forward in support of the proposal. There is nothing that is truly outstanding, which goes substantially beyond the level of sustainability that is often seen incorporated into buildings.

There are no reasons as to why a Green Belt policy-compliant dwellinghouse cannot be achieved in this location whilst also being of high-quality design and incorporating the sustainability measures presented. An inappropriate dwellinghouse in the Green Belt is not a necessary requirement to deliver these positive benefits.

Overall, whilst some elements of the proposal are accepted to demonstrate high-quality design, there are other elements that do not. The proposed development would not be truly outstanding, nor would it significantly enhance its immediate setting. It would therefore fail to be considered as a 'design of exceptional quality' as defined by paragraph 80(e) of the NPPF, which is a useful indicator in assessing the amount of weight that should be attached to the merits of a proposed development's design.

As the design quality and other sustainability principals presented are not considered to clearly outweigh the substantial Green Belt harm and the other additional harm, the proposal remains to be considered an inappropriate form of development in the Green Belt.

CONCLUSIONS AND RECOMMENDATION

The proposal represents an inappropriate form of development in the Green Belt as it would not meet any of the exceptions to inappropriate development as defined by the CELPS and the NPPF.

Substantial weight is given to this harm. Very special circumstances which clearly outweigh the harm will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In addition to the Green Belt harm, additional harm has also been identified in relation to the adverse impact on openness the development would have which contributes further the substantial Green Belt harm.

Significant weight is attached to the harm in which the proposal would have on the character and appearance of the site itself and the wider landscape, due to the scale of the dwellinghouse being inappropriate and the parts of the proposed wider landscaping scheme also failing to preserve the character of the area.

Substantial weight is attached to the ecology harm that would arise due to the loss of bat roosts which would cause High severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale. Although mitigation is proposed, given the identified Green Belt harm and harm to the character and appearance of the area, there are no overriding

reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and the ecology policies contained within the local plan.

No concerns are raised in terms of highway safety, heritage conservation, trees, flood risk, public rights of way, residential amenity, land contamination or air quality matters. Subject to conditions as outlined in this report, these matters carry neutral weight in the planning balance.

Paragraph 148 of the NPPF is clear that in the Green Belt 'very special circumstances' will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. As such, in order for the planning application to be approved, the overall balance would need to be in favour the applicant's case. The high-quality design and sustainability considerations presented by the applicant are not deemed to clearly outweigh the combined harm to the Green Belt and the other identified harm.

As a result, the 'very special circumstances' required by the NPPF and the local plan have not been demonstrated in this case and the proposed development remains to be an inappropriate form of development in the Green Belt. The proposal would also have an adverse impact on protected species and would fail to positively contribute to the character of the area. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposal would represent an inappropriate form of development in the Green Belt, to which substantial weight is given. Additional harm would also be created by virtue of the loss of openness the development would result in. Very special circumstances that would clearly outweigh the harm to the Green Belt, and the other identified harm, do not exist. The proposed development would therefore be contrary to Cheshire East Local Plan Strategy policy PG 3; Site Allocations and Development Policies Document policy RUR 13; and the provisions of Chapter 13 of the National Planning Policy Framework.**
- 2. The size and appearance of the proposed Classical, country estate style dwellinghouse would appear out of scale within the context of the relatively modest plot in which it would be located. Together with the inappropriate proposed gated access and perimeter boundary treatment, the development would fail to make a positive contribution to the area and it would fail to preserve the character and appearance of the wider landscape. The proposed development would therefore be contrary to Cheshire East Local Plan Strategy policies SD 1, SD 2, SE 1 and SE 4; Site Allocations and Development Policies Document policies GEN 1 and RUR 13; and the provisions of Chapters 12 and 15 of the National Planning Policy Framework.**
- 3. The proposed development would have a moderate-high impact upon a maternity colony and minor roost of bats, which are protected and priority species. The reasons for or benefits of the proposed development do not outweigh the adverse impacts of the proposed development upon these species and so the proposals are contrary to Cheshire East Local Plan Strategy policy SE 3; Site Allocations**

and Development Policies Document policy ENV 2; and Chapter 15 of the National Planning Policy Framework. In considering the application under the Habitat Regulations, the proposed development is not of overriding public interest and there are suitable alternatives to the proposal which would have a reduced impact upon bats. The application therefore fails to comply with the licensing tests in the Habitat Regulations. Natural England would consequently be unlikely to grant a protected species license in this instance.

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

