

NORTHERN PLANNING COMMITTEE – 9 August 2023

UPDATE TO AGENDA

APPLICATION NO.

22/0692M

LOCATION

ADDERS MOSS, MACCLESFIELD ROAD, OVER ALDERLEY, SK10 4UD

UPDATE PREPARED

08 August 2023

KEY ISSUES

Following the publication of the Committee Report, the applicant has submitted further information in response to the published Committee report. These include:

- Response to Committee report
- Counsel opinion
- Revised boundary treatment plan

Revised Plans

Given the very late stage at which these plans have been submitted these have not been accepted on this occasion as insufficient time is available to allow all parties to consider the proposed amendments.

Response to Committee report

This covers a number of points within the Committee report, which are summarised as follows:

- The applicant points to an error in their Design & Access Statement which refers to an existing floor area of 669sqm rather than 699.5sqm referred to in the planning statement. This means that the total increase in floor area of the house alone is 30%, and the combined increase through replacing all buildings is 25%. This is noted.
- The applicant maintains that because the building is set back into the site it sits at a lower level and therefore the height increase is not as much as is set out in the report. The increase in ridge height becomes 1.46m (21%), and the increase in eaves height becomes 0.71m (13%), compared to 3.2m (46%) and 2.2m (43%) expressed within the officer report. Officers stand by the height assessment within the original report. The comparative heights of the two dwellings are 6.9m (existing) and 10.1m (proposed). It is also noted that no existing land levels were provided with the application.

- The Belvedere could be removed from proposal. This is noted.
- Entrance gates amended – see above (re. revised plans)
- Comments on Green Belt policy assessment (see Counsel Opinion section below)
- Applicant considers that it is unmistakable that the proposal raises the standard of design more generally in the area and significantly enhances its immediate setting. This is noted, and the view of officers is set out in the original report.

Counsel Opinion

This suggests that officers may be misinterpreting policy and misdirecting the Committee by adding substantial weight to harm by reason of inappropriateness to substantial weight to harm to openness. It is accepted by officers, that substantial weight should not be allocated to each element of Green Belt harm. Rather, it is the totality of the Green Belt harm that attracts substantial weight, and the intention of officers was not to mislead the Committee.

The Opinion also suggests that there is no clear reference to an assessment of the level of harm caused to the Green Belt by the proposal.

Therefore, to clarify, firstly the level of harm. The proposal is inappropriate development in the Green Belt, which is harmful by definition. There is not a sliding scale of inappropriate development, therefore no further description regarding the level of definitional harm is required.

In terms of the harm to openness, in addition to the visual and spatial increases to the size of the main dwellinghouse itself compared to the existing development, the application also proposes new walls, external terrace areas and staircases, gate posts, boundary treatment, and a long driveway which would all contribute towards a moderate to substantial loss of openness of the Green Belt.

Secondly, with regard to the weight to be attributed to that harm. The proposal would represent an inappropriate form of development in the Green Belt, which would also result in a moderate to substantial loss of openness. This identified harm to the Green Belt attracts substantial weight, as stated in paragraph 148 of the NPPF.

Within the conclusion to the original report, significant weight is also attached to the harm to the character and appearance of the site and the wider area. Substantial weight is then attached to the identified ecological harm (bat roosts).

Balanced against this harm is the applicant's case of high quality design and sustainability credentials. Given the concerns raised in the report regarding the overall scale of the building in its context and inappropriate landscaping, the weight afforded to the design of the dwelling is significantly reduced and can only be limited at best. Similarly limited weight is given to the sustainability credentials of the building as there is no genuine commitment to the installation of the listed features.

Therefore, for these reasons, the other considerations presented in the applicant's submission do not carry sufficient weight to clearly outweigh the identified harm to the Green Belt, the character of the area and protected species. Very special circumstances have not been demonstrated in this case.

CONCLUSIONS

As in the original report a recommendation of refusal is made. Reason for refusal 1 has been slightly amended, and the amended reasons are set out below:

- 1. The proposal would represent an inappropriate form of development in the Green Belt which would reduce openness. Substantial weight is given to this harm. Very special circumstances that would clearly outweigh the 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.**