

Application No: 25/3963/PIP

Application Type: Permission in Principle

Location: Caudebec Congleton Road, Alderley Edge, Cheshire East, SK9 7AL

Proposal: Permission in principle for the construction of up to 2 dwellings

Applicant: Mr Andrew O'Dua, White Pennant Limited

Expiry Date: 19 November 2025

Summary

- The application proposals seek permission in principle for the development of up to two residential dwellings.
- The proposals are not considered to fall within the 'limited infilling in villages' exception to inappropriate development.
- In consideration of the exception within paragraph 155 of the NPPF, that relating to grey belt, it is accepted that the application site represents grey belt land, it is also considered that the application site falls in a sustainable location.
- Given the statutory constraints of a permission in principle, it is considered that a residential scheme in principle (site location, the type and amount of development) could be provided on site.
- The presumption in favour of sustainable development applies which points towards the grant of planning permission.

Summary recommendation

Approve

1. REASON FOR REFERRAL

- 1.1. The application relates to a significant departure from Cheshire East's Local Plan Policies, which the Head of Planning is minded to approve, and under the terms of the Constitution it is required to be determined by the Northern Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1. The site lies to the south of Alderley Edge and extends to 0.45 hectares of residential garden land fronting Congleton Road to the west.
- 2.2. The immediate area is characterised by a ribbon of development or residential development along Congleton Road. The site has existing access from Congleton Road via an existing gate. The site and its surrounds are washed over by a Green Belt designation and for the purposes of the Local Plan, the land is within the open countryside.

3. DESCRIPTION OF PROPOSAL

3.1. The application proposals seek permission in principle for the development of up to two residential dwellings.

4. RELEVANT PLANNING HISTORY

4.1. Following a review of the Council's records, the relevant planning history for the dwelling known as Caudebec, is considered as follows:

- 4.1.1. 07/3145P: Redevelopment of site to provide two residential units and garages following demolition of two residential units and garages – Approved 16 April 2008;
- 4.1.2. 08/1900P: Demolition of sunroom extension, erection of single storey extension and external alterations – Approved 17 October 2008;
- 4.1.3. 11/0227M: Orangery style kitchen extension with roof lantern and bi-fold doors – Approved 19 April 2011;
- 4.1.4. 11/4359M: Side extension to existing dwelling to link main dwelling to ancillary annexe to create one dwelling without annexe – Approved 25 January 2012;
- 4.1.5. 17/00116M: Alterations/extension to existing dwelling and annex building. Proposed stable block and menage, external works including new access road/hardstanding and associated landscaping – Approved 3 May 2017;
- 4.1.6. 18/0684M: Proposed alterations to dwelling, and single storey side and first floor rear extensions; proposed menage; stable block; external works including new driveway, hardstanding areas, tennis court and landscaping (amendments to 17/0116M) – Approved 15 May 2018;
- 4.1.7. 18/3351D: Discharge of condition 06 on 18/0684M – Approved 13 July 2018;
- 4.1.8. 18/3652D: Discharge of conditions 07 and 08 on 18/0684M – Approved 13 August 2018; and
- 4.1.9. 21/3927M: Two storey link extension between the main dwelling and ancillary outbuilding to provide additional living accommodation – approved 22 February 2022.

4.2. The site also partially overlaps the site of an application for two dwellings as set out below:-

- 4.2.1. 21/3276M: Permission in Principle application for construction of two dwellings – Refused 2 December 2021.
- 4.2.2. That appeal was dismissed on 20 May 2022, under reference APP/R0660/W/21/3288337.
- 4.2.3. To summarise, the Inspector found that there was too much of a gap between the appeal site and further built form to the south, along Congleton Road, and as the appeal site was found to be at the end of a ribbon of development, the development would not be in 'a small gap in an otherwise built-up frontage or a relatively small gap between existing buildings' and would not be infill development.

5. NATIONAL PLANNING POLICY

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Hierarchy
- PG3 Green Belt
- PG6 Open Countryside
- PG7 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SE1 Design
- SE2 Efficient Use of Land
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood Risk and Water Management
- CO1 Sustainable Travel and Transport
- CO4 Travel Plans and Transport Assessments
- Appendix C Parking Standards
- PG8 Development at local service centres
- PG9 Settlement Boundaries
- PG10 Infill villages
- GEN1 Design principles
- ENV1 Ecological network
- ENV5 Landscaping
- ENV6 Trees, hedgerows and woodland implementation
- ENV16 Surface water management and flood risk
- HOU1 Housing mix
- HOU12 Amenity
- HOU13 Residential standards

- HOU14 Housing density
- HOU16 Small and medium sized sites
- INF1 Cycleways, bridleways and footpaths
- INF3 Highways safety and access

6.3. Neighbourhood Plan

6.4. The Nether Alderley Neighbourhood Plan has reached Regulations 17 and 18 Stage (Examination). The examination began on the 30 October 2025. Therefore, limited to moderate weight can be given to the policies within this NP.

- HD1 Local Design and Character
- LE2 The Countryside
- H1 Housing to Address Local Needs

7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application

7.2. Cheshire East Design Guide.

8. **CONSULTATIONS (External to Planning)**

8.1. **Nether Alderley Parish Council** – The Parish Council has previously objected to an application on this site and we also object to this one. It is not infilling development, being at the end of a long stretch of ribbon development. It is close to the difficult junction at Welsh Row, and, above all, it is in the Green Belt. We do not consider this development to be grey belt and ask that it be refused.

8.2. **Highways** – No objections but raised concerns regarding the access.

8.3. **Environmental Health** – No objection.

8.4. **United Utilities** – No objection.

8.5. **Lead Local Flood Authority** – No objection.

9. **REPRESENTATIONS**

9.1. The application has been duly advertised by means of direct neighbour notification letters and site notice.

9.2. Two letters of representation have been received, and their comments can be summarised as follows: -

- Lack of details
- Not eligible to be a PIP
- Increased Traffic and Highway Safety Concerns
- Increased Noise Pollution
- Increased Light Pollution
- Loss and Destruction of Habitat
- Increased Litter and Environmental Degradation
- Impact on Rural Character

10. OFFICER APPRAISAL

Preliminary Matters:

- 10.1. The proposal is for permission in principle (PIP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development.
- 10.2. The permission in principle consent route has two stages: the first stage (or PIP stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed proposals are assessed. This appeal relates to the first of these 2 stages.
- 10.3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted.
- 10.4. The Local Planning Authority may not grant Permission in Principle for a major development. Major development, in the case of Permission in Principle are applications where the number of houses is 10 or more, the floor space created is 1,000m² or more, or the development is carried out on a site having an area of 1 hectare or more.
- 10.5. In this case the development is for two units, and the red line site has an area of less than 1 hectare (0.45ha). The floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details stage.
- 10.6. Therefore, the main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Location

- 10.7. The site is located within the Green Belt.

Inappropriate development

- 10.8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence.
- 10.9. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.10. Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS) seeks to protect the Cheshire East Green Belt. In that respect, its aims are broadly consistent with the Framework.
- 10.11. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 154 and 155. CELPS Policy PG3 lists similar exceptions.

10.12. The 2021 refusal on the site and subsequent appeal were assessed against a previous iteration of the NPPF. However, it is again considered that there is too much of a gap between the site and further built form to the south, along Congleton Road, and as the site is at the end of a ribbon of development. Therefore, the development would still not be in 'a small gap in an otherwise built-up frontage or a relatively small gap between existing buildings' and would not be infill development for the purposes of CELPS Policy PG3(3v), or the Framework test at paragraph 154(e).

10.13. The proposals would also not be considered limited infilling or the partial or complete redevelopment of previously developed land for the purposes of the Framework test at paragraph 154(g).

Identifying grey belt:

10.14. However, Paragraph 155 of the Framework now identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that: -

"Development of homes should not be regarded as inappropriate where: -

- (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- (b) there is a demonstrable unmet need for the type of development proposed;*
- (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and*
- (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157."*

10.15. It is acknowledged that CELPS Policy PG3 would usually be a key policy for determining the appropriateness of development in the Green Belt, however the policy is no longer consistent with the NPPF as it does not include 'grey belt' in the list of exceptions. See above. However, Paragraph 225 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework.

Identifying grey belt - purposes a, b and d

10.16. The NPPF defines 'Grey Belt' in Annex 2 as: -

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

10.17. The application site in this case would constitute 'other land'.

10.18. Whether the site should be classed as 'grey belt' is based on an assessment of how that site contributes to the purpose (a), (b) or (d) of the Green Belt as defined by paragraph 143 of the NPPF.

- Purpose (a) is – 'to check the unrestricted sprawl of large built-up areas';
- Purpose (b) is – 'to prevent neighbouring towns merging into one another'; and

- Purpose (d) is – ‘to preserve the setting and special character of historic towns’.

10.19. With regards to ‘*Purpose A*’ (*sprawl*), it is accepted that the 2015 Green Belt Assessment concludes that the wider area makes a significant contribution to purpose (a). However, when assessed against the guidance in the PPG, the proposed development site is minor in scale at 0.45 hectares and contained within the curtilage of Caudebec, and its use would not make a harmful contribution to urban sprawl.

10.20. Furthermore, the 2015 Green Belt assessment identifies that: “*the area is well contained by the A357, the A358 and the A34 which form strong boundaries; this has contained development in Alderley Edge, Prestbury, and the northwest area of Macclesfield*”.

10.21. The application site is retained within these strong highway boundaries and does not breach them. Further, the site is enclosed by highways to the west (Congleton Road) and to the south (Artists Lane), a Public Right of Way to the east and the host dwelling of Caudebec to the north. It is agreed that development of the site would not allow any more sprawl outside of the residential enclave of Caudebec.

10.22. With regard to ‘*Purpose B*’ (*towns merging*), the 2015 CEC Green Belt Assessment concludes that the wider parcel of land makes a significant contribution to this purpose as the general area assists in preventing settlements from merging including Prestbury and Macclesfield. The NPPG now confirms that this purpose relates to the merging of towns and not villages. The land does not form part of a gap between towns.

10.23. Finally, in regard to ‘*Purpose D*’ (*character*) of the Green Belt, this relates to preserve the setting and special character of historic towns. It is considered that the contribution that the land subject to the application makes to the special character of historic towns is ‘Weak’. This is because of how far away the application site is to Alderley Edge subsequently having no visual, physical, or experiential connection to the historic aspects of the town.

Identifying Grey Belt – Footnote 7

10.24. Footnote 7 identifies protected areas or assets of particular importance, where the overall scale, type or distribution of development can be restricted.

10.25. Footnote 7 reads as: -

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

10.26. None of the areas or assets listed in footnote 7 apply to the application site.

Identifying Grey Belt – Conclusions

10.27. The application site is deemed to meet this key test as to whether a site represents grey belt in that the site is not considered to ‘strongly’ contribute to either purposes a, b or d. It is not considered that the application site falls within any of the policies, areas nor assets in footnote 7 that would provide a strong reason for refusing or restricting development.

Grey belt and fundamentally undermine purposes of Green Belt (155a)

10.28. Given the above, the impact of the scheme at a site-specific level would be very limited. However, the key consideration is whether there would be a fundamental impact on the remaining Green Belt across the plan area of Cheshire East as a whole.

10.29. The use of this modest site for a minor development of up to two dwellings would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way for the purposes of paragraph 155(a) of the Framework.

Unmet Need (155b)

10.30. The application proposes the erection of up to two dwellings.

10.31. The Cheshire East Local Plan Strategy was adopted on the 27 July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

10.32. As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.

10.33. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or;
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

10.34. In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a **3.8-year supply** measured against the five-year local housing need figure of 13,015 dwellings.

10.35. The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

10.36. In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.

10.37. As such, the proposals would be acceptable under paragraph 155 (b) as the type of development proposed is housing, and there currently is an unmet need for housing in Cheshire East.

Sustainable location (155c)

10.38. The Framework is clear that, when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site's location would be appropriate for the kind of development proposed. Similarly, when making decisions regarding planning applications on grey belt land, authorities should ensure that the development would be in a sustainable location. For the purpose of these decisions, where grey belt land is not in a location that is or can be made sustainable, development on this land is inappropriate.

10.39. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations. However, in reaching these judgements, national policy is clear that authorities should consider opportunities to maximise sustainable transport solutions, as set out in paragraphs 110 and 115 of the NPPF.

10.40. Paragraph 110 of the Framework seeks to actively manage patterns of growth to support the objectives in Paragraph 109 of the Framework. In this instance, the most relevant objective in Paragraph 109 (when considering whether the development would be in a sustainable location for the purposes of Paragraph 155 of the Framework) is pursuing opportunities to promote walking, cycling and public transport using a vision-led approach.

10.41. This objective needs to be considered in the context that Paragraph 110 also states that opportunities to maximise sustainable transport will vary between urban and rural areas.

10.42. In other words, some allowance should be made for a site's rural location. However, that does not mean that all sites in rural areas should be considered equally. Some will be better placed for development than others when considering access to services and facilities.

10.43. The Development Plan of Cheshire East sets out what can be described as a vision-led approach to the sustainable location of development through a spatial strategy. It seeks to direct development to built-up areas with the precise location depending on accessibility to facilities by suitable travel modes. Thus, the development plan identifies sustainable locations for development through Policies MP1 and PG1.

10.44. The site is within 1.2 km of the centre of Alderley Edge where there is a range of local shopping, leisure and service facilities, school and medical centre. Bus services run along Congleton Road within walking distance of the site. The closest train station is in Alderley Edge village centre.

10.45. The centre of Alderley Edge is accessible on foot, either via Congleton Road which has a pedestrian footpath leading into Alderley Edge, or the public footpath running to the rear of the site to the east of Congleton Road. However, it must be acknowledged that walking conditions are not ideal, as there is no street lighting and pedestrians would have to manage a steep hill up into, and back from, the village.

10.46. The Council have previously assessed the sustainability of the site and consider it to be in a village and 'locationally sustainable in the round'.

10.47. Given the above, the site is considered to be a sustainable location for the purposes of meeting Paragraph 155(c) of the Framework with due regard given to paragraphs 110 and 115 of the Framework and the PPG.

Golden Rules 155d

10.48. NPPF Paragraph 155 (d), states that ‘Where applicable, the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156 and 157 below.’

10.49. Paragraph 156 states:

‘Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.’*

10.50. As this application does not meet the criteria of a ‘major’ development, none of the Golden Rules apply.

Green Belt Conclusion

10.51. The site does not make a strong contribution to purposes a), b) or d) of the Green Belt as set out at paragraph 143 of the Framework and is not covered by the areas or assets listed in footnote 7 and therefore comprises ‘Grey Belt’ land. The development of the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council cannot currently demonstrate a five-year supply of housing and there is a demonstrable unmet need for the type of development proposed. The development would be in a sustainable location having regard to paragraphs 110 and 115 of the Framework. The proposed scheme is not major development and therefore is not required to meet the ‘Golden Rules’ requirements set out in paragraphs 156-157 of the Framework.

10.52. It has been demonstrated above that the site and proposals would meet the requirements of paragraph 155 of the Framework, therefore the proposed delivery of housing on the site should not be regarded as inappropriate development in the Green Belt.

Land Use

10.53. The proposed land use is for residential purposes.

10.54. The Local Planning Authority are keen to make sure that new residential development creates satisfactory living environments for both new and existing residents. Therefore, it is necessary to look at any ‘in principle constraints’ the site has for a residential use.

Highway Access, Safety and Parking Provision

10.55. CELPS Policy CO1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking. SADPD Policy INF3 relates to highway safety and access. It sets out the circulation and access criteria for new development. This includes amongst other matters, the provision of adequate visibility splays, manoeuvring vehicles and emergency vehicles.

10.56. There is sufficient space within the site for off-street parking provision to be in accordance with CEC parking standards for up to two dwellings.

10.57. The Council Head of Strategic Transport has stated that a potential access to this site could be difficult in providing the necessary visibility splays without affecting the boundary trees/hedges. This would be assessed at the technical details stage, and if necessary, further consents could be withheld.

Ecology

10.58. CELPS Policy SE3 deals with biodiversity and geodiversity. It seeks to protect areas of high biodiversity and geodiversity. It also requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity.

10.59. The site is not covered by a statutory or non-statutory nature conservation designation. The proposed works are unlikely to have an impact on any statutory nature designated sites, including SSSI's and RAMSAR sites. The Council's Ecologist has therefore advised that there are no ecological constraints to warrant withholding a permission in principle for this application.

Arboricultural Implications

10.60. CELPS Policy SE5 relates to Trees Hedgerows and Woodland. It seeks to protect trees hedgerows and woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character, or historic character of a surrounding area. SADPD Policy ENV6, seeks to protect trees and woodlands worthy of formal protection from development unless certain circumstances apply.

10.61. Although no arboricultural information was submitted with the application, it can be seen that the application site is heavily treed, and this is supported by formal submissions with previous applications on the site.

10.62. Whilst this would not preclude the possibility of a residential scheme being acceptable on the site, this would constrain the design and amount of any dwellings provided.

Amenity

10.63. SADPD Policy HOU12 states that development proposals should not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation. SADPD Policy HOU13 sets out guidelines of space between buildings.

10.64. A residential use which is compatible with the mainly residential surroundings. Although there is farm land in close proximity of the site, there are numerous other dwellings in close

proximity that are already affected by the general noise, disturbance and odours of living next to such buildings. As such, the proposed land use is acceptable in principle.

Flood Risk

10.65. CELPS Policy SE13 (*Flood Risk and Water Management*) states that “all planning applications for development at risk of flooding are supported by an appropriate Flood Risk Assessment (FRA) to demonstrate that development proposals will not increase flood risk on site or elsewhere and opportunities to reduce the risk of flooding are sought, taking into account the impacts of Climate Change in line with the Cheshire East SFRA”. SADPD Policies ENV16 (*Surface water management and flood risk*) and ENV17 (*Protecting water resources*) also seek to manage surface water drainage effectively and reduce the risk of flooding elsewhere, and also to ensure development proposals will not have a detrimental impact on the flow or quality of groundwater or surface water.

10.66. It is noted that the LLFA and United Utilities have not found any reason to object to this application, subject to a planning condition to submit a drainage strategy before development commences. This of course can be provided at the technical consent stage.

10.67. The site is not within a Flood Risk Zone, and is not at risk of surface water flooding, except for a 1 in 1000-year storm event. United Utilities have commented that they will make another recommendation if a subsequent application is submitted at the Technical Detail Consent stage. They have requested further information regarding sustainable drainage systems. The previous comments apply.

Contamination

10.68. CELPS Policy SE12 (Pollution, Land Contamination and Land Instability) states that “The council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm”.

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

10.70. Given the history of the site, significant contamination is unlikely, to warrant an objection to a residential use at this stage. Any Technical Matters Consent would need to address contamination risks.

Public Rights of Way

10.71. SADPD Policy INF1 relates to cycleways, bridleways and footpaths. National planning policy highlights that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It also says that planning policies should protect and enhance public rights of way and access.

10.72. The property is adjacent to public footpath Nether Alderley No. 7 as recorded on the Definitive Map. PROWs are of course, protected, and it appears unlikely that the proposal would affect the public right of way. This matter could be further examined at the Technical Matters Consent stage.

Manchester Airport (Aerodrome Safeguarding)

10.73. SADPD Policy GEN5 relates to aerodrome safeguarding. Development that would adversely affect the operational integrity or safety of any officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems will not be permitted.

10.74. The proposed development has not been examined against aerodrome safeguarding measures. The assessment of any not conflict with any safeguarding criteria would be undertaken during the Technical Matters Consent stage.

Land Use Summary

10.75. Bearing the above in mind therefore, the land use elements of the permission in principle scheme are deemed to be acceptable

Amount

10.76. This proposal seeks to bring forward up to two dwellings on this site of 0.45 hectares, giving an overall density of 4 dwellings per hectare.

10.77. SADPD Policy HOU14 (Housing Density) states that “residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare”. Whilst this target is somewhat higher than that which is provided, it is considered to be an appropriate balance to making efficient use of land and preserving the local character.

10.78. The immediate area is characterised by a ribbon of development or residential development along Congleton Road. This assessment had been well established, as well by the applicant in their supporting evidence for their in-fill planning application in 2021.

10.79. Given the existing tree cover within the site, the rather contrived red line plan, and that two dwellings are being proposed, it is considered that the most likely achievable layout or design would be a tandem form of development. This being with one dwelling to the front of the site, and the remaining dwelling being at the rear.

10.80. Properties are generally set towards the back of long, narrow plots that are enhanced by well-established vegetation and mature trees which impart a distinctly sylvan quality on the area. Therefore, sensitive control is necessary to ensure that the character and amenity of the surrounding residential area is not damaged.

10.81. However, the PIP is for ‘*up to*’ two dwellings, therefore the applicant may only come forward with a TDC for one dwelling, or a pair of semis at the rear of the site, or even a single building comprising two apartments. For these reasons, it is considered that a scheme comprising of up to two dwellings could be accommodated on this site in some configuration. If a form of development that is not deemed acceptable, (tandem development) that would adversely affect the character of the area, this could be resisted/negotiated during the TDC application

11. PLANNING BALANCE/CONCLUSION

- 11.1. A Planning Authority must exercise its judgement and consider many (sometimes) conflicting issues to decide whether planning permission should be granted. This will mean examining the Development Plan and taking material considerations which apply to the proposal into account. These things must be properly considered otherwise the decision of whether or not to grant permission may be unlawful.
- 11.2. The application proposals seek planning permission in principle for the development of up to two residential dwellings.
- 11.3. The application site is within the Green Belt and is not previously developed.
- 11.4. The proposals are not considered to fall within the 'limited infilling in villages' exception to inappropriate development. In consideration of the exception within paragraph 155 of the NPPF, that relating to grey belt, it is accepted that the application site represents grey belt land, it is also considered that the application site falls in a sustainable location. As such, it is also deemed that the proposals fall within the grey belt exception to inappropriate development in the Green Belt.
- 11.5. Given the statutory constraints of a permission in principle, it is considered that a residential scheme in principle (site location, the type and amount of development) could be provided on site.
- 11.6. The Council current housing land supply position is 3.8 years. In an era of national, and in this instance, local housing shortages, the provision of two units would assist in increasing the supply of housing across Cheshire East. These matters attract moderate weight in favour of the proposal.
- 11.7. The impact of the development on residential amenity, noise, air quality, contaminated land, highways, ecology and drainage and flood risk would all be considered at the Technical Details Stage.
- 11.8. The proposal would also provide economic benefits during the construction period. The future occupiers would also provide economic benefits to the nearby area once the development would be complete through their use of nearby shops and services. These matters attract limited yet additional positive weight.
- 11.9. The benefits are that the development would provide up to two additional houses and are a social benefit, considering the housing land supply shortfall. The benefits of the scheme also include investment in the local economy and the creation of jobs during the construction phase, increased support for local shops and businesses by the future occupants. The scheme would generate Council Tax income, which could provide a source of revenue funding for the Local Authority in delivering services as well as investing in the locality.
- 11.10. In the context of paragraph 11 of the Framework, the adverse impacts of the development when assessed against the policies in the Framework taken as a whole, including those seeking to boost the supply of homes, achieve well designed places and making effective use of land, would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

11.11. For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved.

11.12. It is not possible for conditions to be attached to a grant of permission in principle, and its terms may only include the site location, the type of development and amount of development. The PPG advises that where permission in principle is granted by application, the default duration of that permission is 3 years. Planning obligations (S.106 Legal Agreements) cannot be secured at the permission in principle stage.

12. RECOMMENDATION

Approve permission in principle

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions / Informatives / Planning Obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

