

Application No: 14/4028M

Location: Land to the north of, Chelford Road, Prestbury, Cheshire

Proposal: Proposed erection of 15 dwellings with associated vehicular access and footpath

Applicant: Harvey Wood Investments Ltd

Expiry Date: 25-Nov-2014

## **SUMMARY RECOMMENDATION      REFUSE**

### **MAIN ISSUES**

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm to the Green Belt
- The Council's housing land supply position
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping
- Whether the access and parking arrangements are acceptable
- Open space provision
- Affordable housing
- Education contributions
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal is a sustainable form of development

### **REASON FOR REPORT**

As the application is for 15 dwellings, it constitutes a major application which, in accordance with the Council's constitution, is required to be dealt with by the Northern Planning Committee.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the north side of Chelford Road, on the western edge of Prestbury. It comprises a vacant piece of land measuring 3.36 hectares in area. The site contains two large ponds and a significant amount of vegetation and trees, some of which are

protected by Tree Preservation Orders (TPOs). There are significant changes in levels across the site. There is an existing vehicular access point off Chelford Road via a field gate. Residential properties are located to the north, east and south of the site, with land to the west being largely open.

The site is located in the Green Belt and is designated as an Area of Special County Value (ASCV). Collar House Drive to the east of the site is designated as a Low Density Housing Area and Packsaddle Park opposite the site is a predominantly residential area. Public footpaths are located adjacent to (Collar House Drive) and opposite the site.

## **DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of 15 dwellings. Access and layout is to be considered at this stage with appearance, landscaping and scale being reserved.

The proposed site layout shows the construction of 9 large detached dwellings, one pair of semi detached dwellings and 4 terraced properties. 5 of the dwellings are proposed to be affordable. Access to plots 1 & 2 would be taken from Collar House Drive with access to Plots 3 to 15 taken from a proposed new access road off Chelford Road. As part of the proposal a new pedestrian footpath is proposed within the site, within the southern boundary adjacent to Chelford Road. This footpath would be available for use by the general public but would not be adopted.

## **RELEVANT HISTORY**

The site has a history of refused planning applications for residential development on the site.

34800P – outline application for residential development – refused Oct 1983.

38819P - outline application for residential development – refused Oct 1984 – subsequent appeal dismissed.

59182P - outline application for residential development – refused July 1989.

64984P - outline application for residential development – refused Nov 1990.

## **POLICIES**

### **Local Plan Policy**

- NE1 Landscape Protection and Enhancement
- NE2 Landscape Protection and Enhancement
- NE11 Nature Conservation
- NE17 Nature Conservation
- BE1 Design Guidance
- GC1 New Buildings
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing

H13 Protecting Residential Areas  
T2 Integrated Transport Policy  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC38 Space, Light and Privacy

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

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The following policies are relevant:

MP1 Presumption in Favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG3 Green Belt  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland

SE9 Energy Efficient Development

### **Other Material Considerations**

National Planning Policy Framework  
National Planning Policy Guidance  
Interim Statement on Affordable Housing  
SPG on S106 Contributions  
Prestbury SPD

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

**Highways:** recommend refusal on highway safety grounds and on the grounds that it is not a sustainable development.

**Environmental Health:** no objections subject to conditions regarding construction hours restriction, dust control and contaminated land.

**Environment Agency:** no comments received to date.

**Public Rights of Way Unit:** note that the site is adjacent to a public footpath and that the access road to two dwellings exit onto the public footpath at Collar House Drive. Also note the proposed pedestrian footway along Chelford Road. However, whilst this proposed footpath would offer pedestrians access to Collar House Drive and Public Footpath No. Prestbury No. 22 which leads to Castle Hill and residential areas of the northwest of the village, there is no existing pedestrian footway between Collar House Drive and the village centre along the Chelford Road. Also note that steps are proposed onto the footpath, a graded ramp would be preferable. The proposal for the footpath should also include an access point through from the footpath to Chelford Road opposite Public Footpath Prestbury No. 23, in order to promote access to the Public Rights of Way network in the vicinity of the site, with minimal road walking. Informatives are recommended.

**Housing:** no objection subject to comments regarding the amount and type of affordable housing proposed.

**United Utilities:** no objection subject to conditions regarding foul and surface water.

**Leisure Services:** comments awaited.

**Education:** comments awaited.

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

**Prestbury Parish Council:** strongly object on the grounds that it is in the Green Belt and not sustainable.

### **OTHER REPRESENTATIONS**

71 representations have been received objecting to the proposal. Details can be read on file. The planning objections raised are summarised below:

- Building on greenbelt- contrary to policy
- Area of special County Value
- Affordable housing is not affordable
- Affordable housing is too far from village centre
- No public transport
- Congestion and road safety
- Highways safety including footpaths, no speed limits, no street lighting
- Danger to Cheshire cycleway cyclists
- Concerns over maintenance over Collar House Drive as is an unadopted road
- If approved will encourage further buildings on the land
- Local school is oversubscribed
- Issues over Falibroome School bus collections and road safety
- Noise Pollution
- Air quality and dust
- Parking issues
- Flooding on Chelford Road
- Houses in the area already not selling
- Requirement is for downsizing and not larger homes
- Concerns over Chelford Roads unique character
- Concerns over trees and the pond
- Ecology concerns
- Concerns over Japanese Knotweed
- Concerns over wildlife habitat for animals and the protected species
- Concerns over landscape character and appearance of the area.
- Concerns over the natural formation of Prestbury Village
- Concerned over neighbouring towns merging
- Concerns over the living conditions of local people
- Concerns over construction vehicles
- No local employment

## **APPLICANT'S SUPPORTING INFORMATION**

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Planning, Design & Access Statement
- Extended Phase I Habitat Survey
- Biodiversity Information Report
- Tree Survey
- Flood Risk Assessment

## **OFFICER APPRAISAL**

## **Principle of Development/Green Belt**

### Appropriateness of the development

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph then goes on to list exceptions to the policy, none of which apply in this case. Local Plan policy GC1 is broadly consistent with paragraph 89.

The proposed erection of 15 dwellings is therefore inappropriate development in the Green Belt.

Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Impact on the openness of the Green Belt

As well as being inappropriate development, it is also considered that a residential development of the scale proposed would also have a significant impact on the openness of the Green Belt.

### Other Harm to the Green Belt

Paragraph 80 of the NPPF sets out the five purposes of the Green Belt, one of which (bullet point 3), is to assist in safeguarding the countryside from encroachment. It is considered that the scale of the proposed development is such that it would involve encroachment into the countryside and would thereby conflict with one of the purposes of Green Belt.

To conclude, it is considered that the proposed development is inappropriate development in the Green Belt. Due to the scale and nature of the development proposed it would also impact on openness and would involve encroachment into the countryside. Substantial harm to the Green Belt would arise from the proposal. This substantial harm would need to be clearly outweighed by other considerations i.e. very special circumstances.

## **Very Special Circumstances**

The Planning Statement submitted with the application acknowledges that as the site lies in the Green Belt, that the proposal is inappropriate development. However, it is suggested that there are a number of considerations that weigh in favour of the proposal and these are summarised below:

- Council cannot demonstrate a five year supply of deliverable housing sites;

- The site has previously been considered by a Planning Inspector to be an illogical boundary to the Green Belt when considering the Macclesfield Local Plan in 1982;
- The site history and the direction of travel of the CELP indicates that there is a real prospect of it being released for housing at the site allocations stage of the plan making process;
- The application site is a natural extension to the settlement boundary of Prestbury and is within walking distance of all amenities and services

Having considered the 'very special circumstances' put forward in support of the application, none are considered sufficient, either individually or cumulatively to outweigh the substantial harm that would arise from the proposal. With regard to the Council's housing land supply, this will be discussed in more detail elsewhere in the report, but Members will be aware that the Council maintains its position that it can currently demonstrate a five year housing supply. Notwithstanding this, the absence of a five year housing supply is not considered sufficient to clearly outweigh the Green Belt harm. With regard to a previous Inspectors comments in relation to the proposal, these were made over 30 years ago and the site continues to remain in Green Belt despite subsequent Local Plan reviews. The submission of a planning application is not an appropriate means to seek to change the land use allocation of a site, this should be done via the Local Plan review process. It is not accepted that there is sufficient evidence that there is a 'real prospect' of the site being released for housing at the site allocations stage of the plan making process and even if this were the case, as stated above, the determination of a planning application is not an appropriate or acceptable means to change adopted planning policy.

## Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".*

The NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

## **Visual Impact**

Whilst this is an outline application, approval of access and layout is being sought at this stage. A proposed site layout has been submitted with the application and shows that five of the large, detached houses are to be located adjacent to and within close proximity of Chelford Road. The finished floor levels of these proposed houses are higher than the nearby road level. The remainder of the housing would be located further back within the site. A new access road, widened access and pedestrian footpath is proposed off/alongside Chelford Road.

As stated, the site lies in the Green Belt and within an ASCV. At present, whilst overgrown, it is considered that it contributes positively to the visual amenity of the area, providing a positive landscape feature. Local Plan policy NE1 states that in ASCV’s the Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse impact on its character and appearance. Local Plan policies BE1 and DC1 relate more generally to design and require new development to reflect local character and be sympathetic to the character of the local environment, street scene, buildings and the site itself.



The Council's Landscape Officer has been consulted on the application and notes that, as the Design and Access statement indicates, the site benefits from considerable vegetation in the form of mature broadleaved trees and hedges, and a number of these trees along the Chelford Road boundary of the application site are subject to TPOs. The D&A also identifies that these trees contribute *'positively to local character, where density of development begins to increase on the approach to the village centre'*.

The qualities identified in the D&A are essentially those that characterise the Bollin Valley ASCV, namely the strong sense of naturalness, which is identified as being of particular importance in proximity to urban areas, where the woodland, mature trees give a sense of enclosure and a sense of place and contribute to the verdant and picturesque character of this particular area. The Bollin Valley ASCV clearly also contributes to the setting of Prestbury, just to the east, a function of this particular site that has been identified in the D&A.

It is not clear from the submission how the proposed development would either conserve or enhance the quality of the landscape and since the proposed development of 15 dwellings is likely to have an effect on the character and appearance of the area, it is also likely to be contrary to Policy NE1 of the Macclesfield Borough Local Plan.

As such it is considered that a development of the scale and type proposed would be contrary to Local Plan policies NE1, BE1 and DC1 and to guidance relating to design and to conserving and enhancing the natural environment contained within the NPPF.

## **Trees**

The site contains a significant number of trees, some of which are formerly protected by Tree Preservation Orders (TPOs). A tree survey has been submitted with the application and the Council's forestry officer has been consulted.

Access into the site requires the removal of two Horse chestnut trees identified as T30 and 31 within the survey. The loss of T31 is accepted irrespective of the development proposals by virtue of the trees condition. There are only development reasons to remove T30 which has been identified as a high value category A specimen protected as part of the 1985 Tree Preservation Order which extends across the majority of the site.

It is unclear if any additional trees require removal in order to facilitate the requisite visibility splays; it is possible additional specimens may require removal immediately adjacent to the pond and to the west of the access. No details have been supplied in terms of the adoptable status associated with the proposed internal footpath which extends parallel to Chelford Road. If this feature is to be adopted excavation / construction will compromise the health and longevity of the high value trees which presently form the southern aspect of the site charactering the sylvan setting of this aspect of Chelford Road. It may be possible if the footpath does not require adoption that implementation could be facilitated under a 'no dig' solution, but given the prominence of the trees, this information should be provided as part of the application and details provided within a Arboricultural Impact Assessment.

As a result of an absence of formal management a significant number of trees have been allowed to establish throughout the site, any removals in order to facilitate development can be mitigated by specimen planting throughout the development should it proceed.

The majority of the proposed internal road layout reflects the requirement to observe the identified RPA's of the protected trees. The exception to this relates to the short section which serves plots 5 and 6. Implementation will require the removal of a number of mature trees which are protected as part of Group 2 of the 1985 Tree Preservation Order; these are high value Cat A trees the loss of which is considered to be unacceptable

There are also potential issue of relationship and social proximity in terms of retained trees and plots 5 and 9. It may be possible to over hand plot 9 with the garage re-located on the eastern aspect and the utilisable rooms to the west of the plot, but the dominance of the very large mature protected beech T24 associated with plot 5 may not be as easily addressed.

Levels may be an issue throughout the site but any negative impact appears to have been addressed by the use of selective retaining walls.

The impact of the proposals is considered unacceptable resulting in the premature removal of protected trees (DC9). Mitigation in terms of replacement planting is proposed but this will not offset any resulting loss of amenity given the size and age of the trees scheduled to be removed

If consideration is given to a revised layout it may be possible depending on the composition of the design to achieve an acceptable solution.

## **Ecology**

An Extended Phase I Habitat Survey and a Biodiversity Information Report have been submitted with the application and the Council's Nature Conservation Officer has been consulted.

### Great Crested Newts

Two ponds are located within the application site boundary that have been assessed by the submitted habitat survey as being suitable to support breeding great crested newts.

Initially the Nature Conservation Officer requested further survey work to be carried out in respect of newts. However, after the receipt of further clarification/information regarding the newt survey work undertaken, he is now satisfied that great crested newts are not reasonably likely to be present at the site.

### Bats

A number of trees have been identified on site that have the potential to support roosting bats. The majority of these trees will be retained as part of the proposed development.

Two of these trees however (T30 and T31) would be lost under the current proposals.

It is advised that these trees must be subject to a detailed survey to establish the presence/absence of roosting bats and a report submitted to the Council prior to the determination of the application.

### Badgers

Evidence of badger activity has been recorded on site but no sett is present. It is advised that the proposed development is likely to result in the loss of badger foraging habitat but this loss is unlikely to be significantly important.

As the status of badgers can change within a short time scale it is recommended that if planning consent is granted a condition be attached requiring the submission of an updated badger survey and assessment prior to the commencement of development.

### Breeding birds

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

### Common Toad

Common Toad is present at the site in considerable numbers. This species is a priority species and hence a material consideration. It is advised that the retention of the ponds on site would help to mitigate the impacts of the proposed development upon this species, however there is a loss of terrestrial habitat associated with the proposed houses.

In order to reduce the impacts associated with the loss of terrestrial habitat it is recommended that the applicant provides proposals for the enhancement of the retained terrestrial habitats around the ponds to ensure their value for this species is maintained. It should also be ensured that the retained ponds are not incorporated into residential gardens.

### Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. It is advised that the proposed development will result in the loss of a considerable length of existing hedgerow.

In summary, whilst the impact of the proposal, subject to the imposition of appropriate conditions, is considered to be acceptable with regard to Great crested newts, badgers, breeding birds and common toad, there is insufficient information to assess the impact of the proposal on bats. Concerns are also raised with regard to the loss of hedgerows.

### **Highways and Parking**

As stated, an amended vehicular access off Chelford Road would provide access to 13 of the proposed dwellings (Plots 3 – 15), with access to Plots 1 & 2 being taken off Collar House Drive. 42 parking spaces are proposed to serve the 15 dwellings, 9 of which appear to be to serve Plots 10-15.

The Council's Strategic Highways Manager has been consulted on the application and comments that it is indicated that the proposed road would not be adopted as public highway and remain private, the internal road layout is acceptable although there does not seem to be any turning facilities to cater for refuse collection and delivery vehicles with the site. Given the number of properties proposed and the distance away from Chelford Road, refuse collection would need to be from within the site.

There is a segregated footpath proposed that runs alongside the site frontage which is of some benefit but it does not link into any other footway either side of the proposed development and therefore it is of little benefit for people walking to the site. The SHM comments that it has to be recognised that this will be a car based development and as such will be unsustainable.

The proposed main access is located just beyond a bend in Chelford Road and the plans submitted do not indicate the visibility plays in both directions. It is clear that in the important leading direction there is limited visibility due to the bend in Chelford Road and this is a fundamental problem with the access. The SHM therefore recommends that application is refused on highway safety grounds and that due to the fact that it is not a sustainable development.

### **Open Space Provision**

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004).

Whilst the formal comments of the Greenspace officer are awaited, in accordance with the SPG and in the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £45,000, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £10,000 (figure of £1000 per dwelling waived for affordable housing) which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

### **Affordable Housing**

The site falls within the Adlington, Prestbury and Bollington sub area for the purposes of the SHMA update 2013. This identified a net need for 15 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 1x1bd, 11x 2bd and 1x 4+bd general needs units and 2x 1bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 11 applicants who have selected the Prestbury lettings area as their first choice. These applicants require 7x 1bd, 3x 3bd and 1x 4bd units.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version require that on developments of 15 dwellings or more (or 0.4 hectare) in Prestbury the Council will negotiate for the provision of affordable housing.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The proposal is an outline application for 15 dwellings including provision of 5 affordable units. The application form outlines that 3 will be provided as rented and 2 intermediate tenure units. This tenure split and quantum of affordable housing is compliant with the IPS and emerging Local Plan policies. As this is an outline application it would not be expected that the residential mix to be secured at this stage, however the indicative site plan appears to show smaller housing which would comprise the affordable units. This includes a terrace of four units and a pair of semi-detached units. As there are 5 units to be provided it is assumed that this unit type and layout means that market, intermediate and rented units may be adjoining; this is not practical and may cause an issue for any RP who wishes to take transfer of the units. This would need to be addressed in any reserved matters application and it would be the Council's preference that the applicant engages in early discussions with Registered Providers about the transfer of the units.

## **Education**

Given the number of dwellings proposed, it is necessary to consider whether the proposal triggers a requirement for financial contributions towards the provision of school places. At the time of writing, a response is awaited from the Council's education team on this issue and any response received will be reported as an update.

## **Amenity**

As stated, existing residential properties are located to the north, east and south of the site, with two residential properties located to the west fronting Chelford Road.

Having regard to the proposed site plan and the relative position of existing and proposed dwellings, it is not considered that the proposal would result in a significant adverse impact on the amenity of existing residential occupiers. Similarly it appears that the proposed layout would result in acceptable relationships between the proposed dwellings.

## **Public Rights of Way**

As previously stated, public rights of way are located adjacent to and opposite the site.

The Council's Public Rights of Way Unit have been consulted on the application and raise no objections to it subject to the addition of an informative regarding the public right of way should permission be granted. However, whilst the provision of a pedestrian footway along Chelford Road is noted, a number of amendments are suggested to its design, should the development proceed.

## **Flood Risk/Drainage**

A Flood Risk Assessment (FRA) has been submitted with the application.

The Environment Agency and United Utilities have been consulted on the application. Comments from the Environment Agency are awaited and in the interim comments are also being sought from the Council's Flood Risk Manager. Any comments received will be reported in an update.

United Utilities raise no objections to the proposal subject to the imposition of conditions regarding foul and surface water. These conditions would be imposed should permission be granted for the development.

## **Sustainability**

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being '*an economic role*', '*a social role*' and '*an environmental role*'.

These roles should not be undertaken in isolation, because they are mutually dependent.

In this case, the site lies on the outskirts of Prestbury Village and the nature of Chelford Road is such that whilst services are available within the village, the lack of pedestrian footways along Chelford Road means that the development will inevitably be car dependent. In locational terms it is therefore considered to be unsustainable. Whilst there would be economic benefits arising from the proposal and whilst the proposed provision of affordable housing is a social benefit of the proposal, the environmental impact of the proposal is also considered to be unacceptable.

To conclude, the benefits of the proposal include some economic benefits and the provision of affordable housing. However, it is considered that the benefits of the proposal are outweighed by the loss of Green Belt land, the locational unsustainability of the site and the adverse visual impact of the proposal. The proposal is therefore considered to be inherently unsustainable.

### **Heads of Terms**

Should Members be minded to approve this application, a S106 legal agreement would be required to secure the following:

- £45,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space and amenity facilities in Prestbury;
- £10,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) for improvements, additions and enhancements of existing recreation / outdoor sports facilities facilities in Prestbury;
- Mechanism to ensure that 5 of the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure;

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

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 15 dwellings, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contributions are in accordance with the Council's Supplementary Planning Guidance on Planning Obligations.

The provision of 5 units of affordable housing is necessary, fair and reasonable given the scale of the development proposed and is in accordance with the Council's Interim Planning Statement on Affordable Housing.

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

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or unless specific policies in the NPPF indicate development should be restricted.

In this case, as outlined within the report, key policies relating to Green Belt and housing are considered to be up to date and consistent with policies contained within the NPPF.

The proposal is inappropriate development in the Green Belt which would also impact on openness and involve encroachment into the countryside. Substantial harm is attached to the harm identified to the Green Belt. The very special circumstances put forward do not clearly outweigh the harm to the Green Belt. In particular, the Council can currently demonstrate a five year housing supply and notwithstanding this, the absence of a five year housing supply is not considered sufficient to clearly outweigh the Green Belt harm.. The proposal would result in an adverse impact on the visual amenity of the area, including an adverse impact on the ASCV. It would result in the loss of protected trees and would result in unacceptable relationships between existing trees and proposed dwellings. The proposed vehicular access off Chelford Road does not provide adequate visibility and would not therefore be acceptable on highway safety grounds. Concerns are also raised with regard to the sustainability of the site and to the adequacy of proposed servicing facilities. Insufficient information has been submitted with regard to the impact of the proposal on bats, which are a protected species. When considered as a whole, the proposal is considered to be an unsustainable form of development.

This application follows a series of refusals for housing proposals on this site. It is clear that the applicants are seeking to change the Green Belt designation of the site. However, as stated within the report, any desire to change the land use designation should be pursued via the Local Plan review. Due to the numerous concerns raised regarding the proposal within the report, the application is recommended for refusal.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



## Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. R01TR            - Loss of protected trees
2. R02TR            - Threat to protected trees
3. R03NC            - Insufficient ecological information
4. Inappropriate development in the Green Belt, adverse impact on openness and encroachment into the countryside. Very special circumstances put forward not sufficient to outweigh the significant harm identified to the Green Belt.
5. Adverse visual impact and adverse impact on ASCV
6. Lack of visibility at the proposed access and resultant adverse impact on highway safety
7. Unsustainable form of development

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