

Application No: 13/4995M

Location: Land off, Brook Lane, Alderley Edge, SK9 7RU

Proposal: Proposed Erection of Detached Super Eco Home, with integral garage and associated access and landscaping

Applicant: Mr Peter Widdows

Expiry Date: 21-Jan-2014

REASON FOR REPORT

The application has been brought to the Committee at the discretion of the Planning & Enforcement Manager due to the nature of the proposal and the issues it raises.

SUMMARY

The application is for a new residential development in the Green Belt, which is an inappropriate form of development, which reduces openness, and conflicts with the purposes of including land in the Green Belt. There is therefore substantial harm to the Green Belt arising from the proposal. The way in which the dwelling works with the level changes across the site, the full wheelchair access that is provided and the achievement (in excess) of level 6 of the Code for Sustainable Homes are all positive aspects of the proposal. However the material considerations advanced by the applicant in favour of the proposal are not considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt. The proposal is therefore contrary to Local Plan policy GC1 and paragraph 89 of the Framework.

Accordingly, the proposal is not considered to be a sustainable form of development and the application is recommended for refusal.

RECOMMENDATION

Refuse

PROPOSAL

This application seeks full planning permission to erect a new dwelling, with integral garage and associated access and landscaping. The dwelling is described on the application forms as a "Detached Super Eco Home".

SITE DESCRIPTION

The application site comprises an area of unmanaged open land with vegetation to the site boundaries. There is a significant change in levels across the site as the land slopes up from

Brook Lane to the northern boundary shared with Alderley Edge Golf Club beyond. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

16887PB – 16 dwellings – Refused (Green Belt) 31.01.1979

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 55. New dwellings in the countryside
- 56-68 Requiring good design
- 89. Green Belt

Development Plan

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

- BE1 (Design principles for new developments)
- NE11 (Protection and enhancement of nature conservation interests)
- GC1 (New buildings in the Green Belt)
- DC1 (Design quality for new buildings)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Requirements to provide and maintain landscape schemes for new development)
- DC9 (Protection of trees of amenity value)

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

Other material planning considerations

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 Presumption in favour of sustainable development
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer contributions
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure

SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

CONSULTATIONS

Highways – No objections

Environmental Health - No objections subject to conditions relating to dust control and piled foundations

Environment Agency - No objections subject to conditions relating to the submitted FRA and surface water drainage

Alderley Edge Parish Council – Recommend refusal on the following grounds:

- Inappropriate development in the Green Belt.
- Approval would set precedent and should be refused.
- Unclear whether the proposed residence is within this Flood Plain.
- Concern about safety of vehicular access to the site

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

One letter of representation has been received making the following general comments:

- Significant road safety hazard could be made worse by stationary vehicles waiting to turn into the site
- HGV restriction on bridge needs to be enforced
- A stone wall or wooden fencing should be erected in order to maintain visual appearance of the site
- Pruning of trees overhanging the highway should be made a condition of any permission

APPRAISAL

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Inappropriate development

As a new dwelling in the Green Belt, the proposal is an inappropriate form of development in the Green Belt, as it is not for one of the identified exceptions listed in policy GC1 of the Local Plan or paragraph 89 of the Framework.

Other harm

In terms of other harm, the site is located within a sensitive Green Belt location where the separation between the settlements of Wilmslow and Alderley Edge is limited. The Green Belt Review in 2013 identified this area north of Brook Lane and south of Whitehall Brook as making a major contribution to the purposes of the Green Belt, particularly in preventing the two settlements merging. Bringing additional development into this location is contrary to the purposes of the Green Belt. In addition, it is considered that there would also be some reduction to the openness of the Green Belt. The house is a very substantial structure which will accommodate several occupants. This would have a subsequent impact upon the levels of outside activity, all of which would have some impact upon openness. This would conflict with the most important attribute of the Green Belt. Therefore very special circumstances need to be identified that clearly outweigh the harm by reason of inappropriateness and any other harm.

Very special circumstances

The applicant has submitted the following material considerations in favour of the development:

1. There is no 5 year housing land supply
2. There is a need for more houses specifically in the immediate area and this will necessitate building on Green Belt land
3. The site is in a suitable and sustainable location and in an area highlighted for growth and as being defined as a Key Service Centre and Local Service Centre
4. The site has no alternative uses, provides no economic benefit, has limited landscape value and is in effect an anomaly within the area and street scene. There is no public access to the land.
5. Historic lack of land management ensures the land has low visual amenity
6. Developing the site based on the sensitive designs will not have a detrimental impact on the Green Belt, by nature of its openness, character or quality
7. The site is already heavily screened from Brook Lane and the Golf Course and there are only limited views into and out of the site. As part of the proposals the screening will be improved and the limited views retained.
8. There are no objections to the scheme on any technical or aesthetic grounds
9. The designs provide a sensitive and robust approach influenced by the local context and the topography of the site.
10. An extremely small percentage of the site is being proposed to be developed
11. The proposals far exceed the requirements of either Level 6 of the Code for Sustainable homes or the definition of Carbon Neutral and incorporates sustainability elements which aren't required or considered as part of these definitions/ schemes.
12. The dwelling provides full wheelchair and accessible access far in excess of that required by any regulations or standards, including Lifetime homes and is unique in this regard for a dwelling of this scale
13. The dwelling will meet the required aspects of Paragraph 55, as well as being "exceptional quality or innovative in nature" in that it will help to raise the standard of design more generally in rural areas, reflects the highest standards in architecture,

significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area.

14. The proposals will not have an unacceptable overshadowing or overlooking of neighbouring properties
15. The proposals create a unique, innovative and exceptional quality family accessible home on an incredibly tricky site. The dwelling and the proposals as a whole blend seamlessly into the site and the natural existing boundary treatments remain.

These matters are considered below in the Planning Balance section of this report.

Design / character

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

It is proposed to construct the house to achieve a minimum level 6 of the Code for Sustainable Homes (CSH). How this will be achieved is demonstrated within the application documents. Level 6 is the highest rating within the CSH and is stated as having net zero carbon emissions. The application does however state that the dwelling is likely to be far more sustainable than the minimum requirements of level 6.

The dwelling has been designed to utilise solar gain, natural ventilation and good daylighting. These passive technologies will reduce the need for artificial ventilation, heating and lighting thereby reducing the energy usage.

The submission explains that the arisings from the required excavations will be used on site to re-contour the land and create the landscaped bunds shown on the proposed site plan. Soil will also be retained for use at the end of the construction process to create the green roof to the building. It is the applicant’s initial intention to use an innovative solution where the retained earth, albeit with ground screw ties, is self retaining. This system dramatically negates the need for concrete within the retaining structure and it is therefore proposed that the foundations of the dwelling can also be screw piled, effectively allowing the dwelling to have a light touch on the site. The junction between the dwelling structure and the retained earth will be formed by a continuous glazing system, which will also provide natural light around the rear perimeter of the building.

The proposed dwelling is of a considerable size, despite its single-storey form. If the dwelling was visible within the street scene it would likely be seen to be out of context with surrounding houses, contrary to policy BE1 of the local plan. The local context is varied, however, buildings are generally traditional in form, over two storeys and consisting of a much smaller footprint.

However, the visual impact of the dwelling is virtually eliminated through the creation of a landscaped bund which will be used to screen the development from public vantage points. It is therefore acknowledged that any glimpses of the dwelling from public vantage points would be limited. Nonetheless the levels of activity associated with a dwelling of this scale would provide some evidence of the development being present. Overall, the proposal is unlikely to result in significant harm to the character of the area.

It should also be noted that the adjacent property, Preston Cottage, is listed. However, given this distance to this neighbour and the extent of vegetation between the two buildings, there is not considered to be any significant impact upon the setting of the listed building.

Trees / landscape

The application is supported by a Tree Survey and Arboricultural Implication Assessment which provides the level of detail required to adequately assess the impact of development on existing trees.

The site supports a significant number of self set trees which have colonised the area along with a more open part, which the development seeks to occupy. Only a single tree (Willow 0003) has been identified for removal to facilitate construction; this has been categorised as being of low value C3 in terms of BS5837:2012 which is accepted. The remaining 20 trees scheduled to be removed relate to their condition. The quality of these trees is considered to be mainly low, again category C, the loss of which can easily be mitigated by a specimen planting scheme. A detailed methodology in order to retain the mature Hawthorn T0004 has been proposed. However no objections are raised to the removal of this tree also, having regard to its condition. The retained trees can be protected in accordance with current best practice BS5837:2012.

The proposed development can be implemented without having a significant direct or indirect impact on trees. It is accepted given the quality of the majority of the trees scheduled for removal, a specimen landscape scheme should be seen with maturity a net gain. No significant tree issues are therefore raised and the proposal is considered to comply with policy DC9 of the Local Plan.

In landscape terms, the proposed development would obviously change the character of the site itself but would not have an adverse effect on the character of the wider landscape.

Regarding visual impacts, ideally photomontages would have been an effective way of demonstrating the visual impact of the development from Brook Lane and from the public footpath across the golf course, particularly in the winter, but these have not been provided. However, there would be scope to amend the proposed earthworks and planting scheme if necessary to ensure that the dwelling would not be visible. Once the proposed planting had matured the new landform is unlikely to appear incongruous or conspicuous from Brook Lane.

Ecology

The nature conservation officer has commented on the application and notes that it is accompanied by a number of acceptable habitat and protected species surveys. The surveys indicate that there are unlikely to be any significant ecological issues associated with the

proposed development. However if planning consent is granted, a condition is recommended to safeguard breeding birds:

Residential Amenity

Local Plan policy DC3 seeks to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The nearest residential properties are located on the opposite side of Brook lane to the application site, and to the west (Preston Cottage). Having regard to the distance to (over 30 metres) and the relationship with these neighbouring properties, no significant amenity issues are raised.

Highways

The application site has a substantial frontage along Brook Lane. A new vehicular access will be created from Brook Lane, which will be positioned opposite the property known as Maesbrook at the western end of the site. Four parking spaces will be provided within the site, which is considered to be adequate for the proposed 6 bed dwelling. The Strategic Highways Manager raises no objections to the development and the proposal is therefore considered to comply with policy DC6 of the Local Plan.

Accessibility

The site is located approximately 1.2km from Alderley Edge village centre, and all its associated shops, services and facilities. Wilmslow town centre is 2.2km away. The nearest bus stop is approximately 400 metres from the site on Knutsford Road. There are footpaths along Brook Lane and therefore the local shops and services can be accessed relatively easily by non car modes of transport. Having regard to these distances, the site is considered to be in a reasonably accessible and sustainable location.

Flood Risk

The north western end of the application site is located within flood zones 2 and 3 of Whitehall Brook. The footprint of the dwelling will however be located outside of these areas at highest risk of flooding. The Environment Agency has commented on the proposal and raises no objections subject to the development being carried out in accordance with the submitted flood risk assessment, finished floor levels being set no lower than 800mm above the 1 in 100 year flood level, and the submission of a surface water management scheme. All of which could be dealt with by condition.

SOCIAL SUSTAINABILITY

The proposal will provide one new family dwelling at a time when the Council cannot conclusively demonstrate a five year supply of housing.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would make a very limited contribution to this by potentially creating some jobs in construction and economic benefits to the construction industry supply chain.

RESPONSE TO OBJECTIONS

With regard to the comments received in representation not addressed above, the comments relating to the enforcement of the HGV restriction on the bridge and the branches overhanging the highway relate to existing matters, and the proposed development is not considered to make this situation any worse.

PLANNING BALANCE

The proposal is an inappropriate form of development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt. In accordance with paragraph 88 of the Framework, substantial weight is given to any identified harm to the Green Belt.

In terms of considerations in favour of the proposal, the applicant puts forward the following matters as material considerations that outweigh the identified harm to the Green Belt. Each one is considered in turn.

- Lack of 5 year housing land supply.

It is acknowledged that the Council does not have a five year supply of housing land, however, the provision of one house would make little inroad into the shortfall of housing land, and as such only limited weight can be given to this.

- Sustainable location.

The site is reasonably accessible, but good accessibility is required for all new dwellings, and therefore only limited weight should be given to this.

- The site has no alternative uses.

It is not clear what other alternative uses have been investigated by the applicant. No weight can therefore be attached to this.

- Land has low visual amenity.

The site is by no means detrimental to the character of the area. Therefore no weight is attached to this.

- Sensitive designs will not have a detrimental impact on the Green Belt.

Green Belt harm has been identified above and the applicant accepts that the proposal is inappropriate, which is harmful by definition. This weighs against the proposal.

- The site benefits from screening, which will be improved.

The screening will limit views of the dwelling from public vantage points and will ensure the impact upon the character of the area is acceptable. Whilst this is a positive aspect of the proposal this simply demonstrates compliance with local plan policies.

- No objections on any technical or aesthetic grounds.

This is acknowledged, but again simply demonstrates compliance with other relevant local plan policies.

- Sensitive design approach influenced by local context and site topography.

The dwelling does respond to the site's topography by setting the building into the slope, and reference is made within the method statement that local materials will be used in construction. These matters attract moderate weight.

- An extremely small percentage of the site is being proposed to be developed.

This is due to the fact that the site is so big. The proposed dwelling is very substantial and will have a footprint of approximately 1400sqm. In addition to the excavation works to provide the lawn area, driveway a substantial area will be developed and as such no weight is afforded to this.

- Proposals far exceed requirements of Level 6 of the CSH.

It is accepted that the number of dwellings that achieve this rating is relatively low, and the sustainability credentials of the building are notable. However this is not considered to be exceptional given that all houses will need to be at least level 6 by 2016. Moderate weight is attached to this.

- Fully accessible dwelling far in excess of that required by any regulations.

The single level which accommodates disabled access throughout is a very positive factor and will allow the dwelling to be used by all. Moderate weight is attached to this.

- Will not have an unacceptable impact on neighbouring properties.

This is acknowledged, but again simply demonstrates compliance with other relevant local plan policies.

- The dwelling will meet the criteria of Paragraph 55 (of the Framework).

Paragraph 55 of the Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. These circumstances include:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area*

As noted above the design of the dwelling works with the level changes across the site, and the full wheelchair access is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for underground houses are intriguing, and the dwelling includes some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovative nature to justify the development under paragraph 55.

The proposal is inappropriate development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt, and paragraph 14 of the Framework does indicate that this is one area where development should be restricted. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply.

Furthermore, the Council is a considerable way along the local plan process which does seek a strategic response to meeting the housing needs of the area and the Borough as a whole. It would not therefore be appropriate to undermine the local plan process by allowing the development of a Green Belt site that would result in substantial harm to matters of public interest.

It is therefore concluded that the above considerations, taken together or individually, do not amount to the required very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other identified harm.

The proposal is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and the National Planning Policy Framework.

RECOMMENDATION

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 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.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R04LP - Inappropriate development in the Green Belt

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