

Application No: 15/2780M

Location: ALSTONFIELD, CASTLE HILL, MOTTRAM ST ANDREW, CHESHIRE, SK10 4AX

Proposal: Outline Application for construction of one two-storey infill dwelling with associated shared access

Applicant: Mr & Mrs R Sym

Expiry Date: 12-Aug-2015

SUMMARY

The proposed Outline scheme is considered to constitute an appropriate development in principle in the Green Belt. The site is considered to lie within the village of Prestbury (despite the fact that it technically lies within the Parish of Mottram St Andrew). The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 1no dwelling. The principle of the proposal is therefore in accordance with paragraph 89 of the National Planning Policy Framework.

The proposed utilisation of the existing access to Alstonfield to form a shared access is considered to be acceptable in principle by the Strategic Infrastructure Manager. All other matters in terms of design, landscaping, layout and scale would be assessed under a subsequent reserved matters application, however based on the site characteristics this is considered to be achievable in principle.

The proposed development is considered to be sustainable in the social, environmental and economic sense in principle. The application is therefore recommended for approval.

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES

- Principle of Development in the Green Belt
- Highway Issues
- Potential impact on amenity
- Sustainability
- Trees/ Landscaping

REASON FOR REPORT

The application has to go to Northern Planning Committee because it would represent a departure from Macclesfield Borough Local Plan policy GC1.

PROPOSAL

This is an Outline application for the erection of 1no infill dwelling and associated alterations to the shared access. All other matters are proposed to be reserved for a subsequent Reserved Matters application. Whilst an indicative site plan and street scene elevation has been submitted with the application, these matters are to be reserved to be assessed under any future Reserved Matters application.

SITE DESCRIPTION

The application site relates to a parcel of land that lies adjacent to, and within the domestic curtilage of, the property Alstonfield. A certificate of lawfulness for the existing use of this land as domestic garden was granted under application 06/1260P. The site lies within a ribbon of development in the Green Belt.

RELEVANT HISTORY

06/1260P

CERTIFICATE OF LAWFULNESS FOR THE EXISTING USE OF LAND AS GARDEN CURTILAGE

POSITIVE CERTIFICATE

03/05/2007

70821P

PROPOSED IN FILL DETACHED DWELLING

REFUSED

17/06/1992

53273P

ONE DWELLING

REFUSED

15/06/1988

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated in the NPPF (para 2).

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

National Policy/Guidance

National Planning Policy Framework (NPPF)

The NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development. (para 6)

And, at the heart of the NPPF

...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. (para 14)

For decision-taking this means

...approving development proposals that accord with the development plan without delay...and

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

- a) 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*
- b) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (para 7)

The sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 6: Delivering a wide choice of high quality homes
- Part 9: Protecting Green Belt Land

National Planning Practice Guidance (NPPG)

The NPPG came into force on 6th March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

GC1- Green Belt (New Build)

BE1 - Design Guidance
H1 - Phasing Policy (Housing)
H2 - Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
H13 - Protecting Residential Areas
DC1 - Design (New Build)
DC3 - Amenity
DC6 - Circulation & Access
DC8 - Landscaping
DC9- Tree Protection
DC35 - Materials and Finishes
DC37 - Landscaping
DC38 - Space, Light & Privacy
DC41 - Infill Housing Development or Redevelopment
DC63- Contaminated Land
NE1- Area of Special County Value

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS

Strategic Infrastructure Manager- No Objection subject to conditions regarding visibility splays.

Environmental Health- No Objection subject to standard conditions.

Nature Conservation- No Objection subject to a condition regarding mitigation for nesting birds.

Tree Officer- No Objection in principle.

VIEW OF THE PARISH COUNCIL

Mottram St Andrew Parish Council- Object on the following grounds:

- Constitutes encroachment into the Green Belt
- Adverse impact on the residential amenity of neighbouring property (Broadoak) in terms of overlooking, overbearing impact
- Adverse impact on highway safety

REPRESENTATIONS

1no objection has been received on the following planning related grounds:

- Site does not lie within a sustainable location, on a road with no public footpaths, hence future occupiers would have to use the private car to access facilities within the village of Prestbury, which would further exacerbate traffic congestion problems
- Would be contrary to Green Belt policy and result in terms of encroachment into the Green Belt, further eradicating the distinction between Prestbury and Mottram St Andrew and the openness of the Green Belt
- Would set a precedent for other similar sites to the detriment of the character and appearance of the Green Belt
- Adverse impact on the amenities of their property in terms of overbearing impact, loss of light
- Adverse impact on the visual amenities of the Green Belt as a result of a dwelling so close to their side boundary and property
- Access alterations would have an adverse impact on highway safety

APPRAISAL

Principle of Development

The principle of development is considered to be acceptable in this Green Belt location. The development would represent limited infilling within a village in accordance with paragraph 89 of the NPPF. Details of design, scale, landscaping and site layout would have to be acceptable but this would be considered under a subsequent reserved matters application. It is considered that the site circumstances including plot size would give scope for this to be achieved, in compliance with paragraph 89 of the NPPF in terms of the appropriateness of the development in a Green Belt location, highway safety and parking, design and the impact on the character and appearance of the Area of Special County Value, impact on residential amenity, sustainability of the site, and impact on trees and protected species.

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Policy GC1 of the Macclesfield Borough Local Plan (adopted January 2004) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless there are very special circumstances, or it is for one of the purposes set out in the policy. Whilst this includes limited infilling this is restricted to four specific settlements, which does not include the village of Prestbury

Therefore, in seeking to restrict infilling to a small number of villages within the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

Although it is noted that the site lies within washed over Green Belt land outside of the settlement boundary of Prestbury as shown within the Macclesfield Borough Local Plan, the site is considered to be visually, physically and functionally located within Prestbury village. For the purposes of paragraph 89 of the NPPF, it is considered that the construction of an infill dwelling in this location should not be considered to constitute inappropriate development in the Green Belt.

The proposed site is a plot of very similar size to neighbouring residential plots. The width and depth of the proposed plot is clearly comparable with others in the immediate vicinity of the site and is clearly capable of accommodating a single dwelling comparable to those in the immediate vicinity of the site.

There is existing built development to north and south of the site and development of the site would reflect the existing form of linear development. The rear garden would be entirely enclosed by existing gardens and would not therefore extend into the countryside beyond the existing garden boundaries surrounding the site.

The proposed development is for a single dwelling. The plot is set between two existing residential plots which form part of a developed frontage facing Castle Hill leading directly into the village.

Overall therefore the development of the plot for 1no dwelling is considered to constitute limited infilling within a village in the Green Belt. It would therefore fall under one of the exceptions listed under paragraph 89 of the NPPF and is considered to constitute appropriate development in this location in Green Belt terms.

It should be noted that this conclusion has been reached taking into account the individual factors of this case, and based on conclusions from other appeal decisions. If Members concluded that the site does not constitute infilling within a village, based on the available evidence, then a different outcome to the planning application should be reached.

Sustainability

The objections are noted. However the development is considered to lie within a sustainable location in accordance with the NPPF. Whilst it is noted that no public footpaths lie along Castle Hill, the site lies some 1.2km away from the centre of the village of Prestbury, which provides a variety of shops, a church, a school, railway station, and public houses.

Design / Character

The design of the development including its scale and siting would be considered at the Reserved Matters stage and so cannot be assessed as part of this Outline application.

Trees / landscape

The Tree Officer raises no objections, stating the following:

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Tree Protection Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

It is therefore considered that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

Whilst this is an outline application the detail provided from an arboricultural perspective is specific, detailed, and reflective of a full application being obtained in the future for the indicative build plot location identified in this submission.

An existing access into the site already exists, with ground associated with the upper level and within the RPA of T1 appearing to be compacted by the passage of vehicles. This may have a long-term impact on the trees vigour and vitality but at present the tree condition is reflective of a high value category A specimen. The remaining trees on the site are considered to be of moderate to low value, with the retained specimens able to be protected in accordance with current best practice BS5837:2012

The detail and principle associated with the submitted AIA is accepted in respect of the hard surfacing within the RPA of T1 and the minimal incursion associated with the build footprint front elevation. Should the principle of development be accepted, any subsequent application for reserved matters should seek to ensure the RPA of T1 is not compromised to a greater degree than is indicated in this outline application.

Conditions relating to trees and landscaping can be attached to any future application for Reserved Matters.

Ecology

The Nature Conservation Officer raises no objections, subject to a condition to ensure the safeguarding of nesting birds. Subject to this, the development accords with policy NE11 of the local plan.

Residential Amenity

The objections have been carefully considered. The site layout plan submitted is indicative only but it is considered that due to the size of the plot, any future Reserved Matters application would be able to ensure that sufficient distances to neighbouring property would be able to be achieved to ensure that the development would accord with local plan policies DC3, DC13, DC38, DC41 and that a commensurate degree of space, light and privacy would be able to be achieved between all neighbouring property.

Highways

The objections have been carefully considered. However the Strategic Infrastructure Manager raises no objection to the proposals subject to a condition regarding visibility splays. They state:

The current site has restricted visibility especially to the south of the access, the applicant has proposed to improve visibility by removing the existing vegetation on the fronting the A538. As the access falls within the 30mph limit splays of 2.4m x 43m has been proposed, these splays conform with Manual for Street requirements and are considered acceptable.

The improvements in visibility at the existing access will also improve safety for the existing users of the access.

Subject to this condition, there is considered to be no adverse impact on highway safety as a result of the development, which would utilise (and alter) the existing access. Furthermore the plot size is considered to be large enough to ensure that sufficient off street parking would be able to be incorporated under any future Reserved Matters application.

Housing land supply

In brief, the Council cannot currently demonstrate a 5 year supply of housing. The proposed dwelling would make a small contribution to the housing needs of the Borough. The site lies in close proximity to a range of facilities and services including shops, community facilities and

SOCIAL SUSTAINABILITY

The development would make a small contribution to delivering housing supply. The size of the plot is considered to be sufficient to ensure that the siting and scale of the development would not adversely impact on neighbouring amenity. This would be considered under any future Reserved Matters application. However, It is only for a single dwelling and therefore the impact is low.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to some extent as well as to some extent bringing direct and indirect economic benefits to the town including additional

trade for local shops and businesses. However, It is only for a single dwelling and therefore the impact is low.

PLANNING BALANCE

Whilst the objections are noted, the principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt. The Strategic Infrastructure Manager raises no objections on highway safety grounds. All other matters regarding the siting, scale, appearance and landscaping of the site would be considered at the Reserved Matters stage.

Overall the scheme is considered to represent a sustainable form of development in environmental, social and economic terms.

The application is therefore recommended for approval, subject to conditions.

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 Planning & Enforcement Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Visibility Splays to be formed and approved prior to occupation
4. Nesting Birds Survey Requirement
5. Piling Method Statement Required prior to commencement
6. Dust Control Scheme Requirement prior to commencement
7. Contaminated Land Phase 1 Report Requirement prior to commencement

