

Application No: 19/1134M

Location: WHEATSHEAF FARM, BUXTON ROAD, NORTH RODE, CW12 2PH

Proposal: Proposed Residential Development of 17 dwellings (including 5 affordable homes) with New Access to A54 Buxton Road following demolition of existing buildings on site.

Applicant: Brighthouse Homes

Expiry Date: 12-Jul-2019

SUMMARY

The proposed development would bring with it some economic benefits both during the construction period and post construction, resulting in increased additional trade for local shops and business.

While the Council can now demonstrate a five year supply of land for housing, it is imperative that the Council maintains a rolling supply. The provision of 17 units would make some contribution towards this.

However, the proposal would result in substantial environmental harm, in terms of its severe impacts on the historic environment, local landscape and hedgerows. The development would also encroach into the open countryside and would be unacceptable in principle. The site is also considered to be in an unsustainable location, with any future occupiers likely to be highly reliant on private cars. Additionally insufficient information has been provided regarding the potential impacts of contamination and the possibility of mitigation. In terms of social sustainability, the affordable housing provision would not fully comply with the requirements of CELPS.

The modest benefits derived from the proposal would not outweigh the substantial harm identified. Accordingly the application is recommended for refusal.

SUMMARY RECOMMENDATION:

Refuse

REASON FOR REPORT

The proposal is for a residential development of more than 1 hectare and therefore requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site covers 1.4ha and lies within the countryside beyond the Green Belt as identified in the MBLP. The existing site comprises a number of sheds, cabins and containers, with a mixture of agricultural and commercial businesses taking place. There is an existing access to the site from Buxton Road, opposite Station Road.

The site runs parallel to the Macclesfield Canal and is within the Macclesfield Canal Conservation Area. Lock Numbers 5 and 6, as well as the canal bridge are all grade II listed and lie within the immediate vicinity of the site. There is also a Pill Box to the north of the site which is on the Council's list of buildings of local interest.

The canal tow path is a public right of way which runs the full length of the site (footpaths 6334 and 8050).

PROPOSAL

The proposal is for the demolition of all of the existing structures on the site and the construction of 17 houses including 5 affordable units. A new access and road would be created onto Buxton Road. All of the units would face onto the new access road.

RELEVANT PLANNING HISTORY

11/3124C – part approve/part refuse

Certificate of Lawfulness for a Change of Use of Agricultural Buildings as B8 Storage and Distribution and for Change of Use and Operational Development for the Construction of Hardstanding

10/3114M – refused - 04/11/2010

Demolition of workshop building and conversion of a barn to holiday accommodation with amendments at Wheatsheaf Farm (resubmission of previously approved scheme 04/0971P)

04/0971P – approved - 14/06/2004

Renewal of approval 99/1069P for the conversion and alterations to barn to form holiday accommodation with amendments to condition 4

99/1069P – approved – 30/06/1999

Conversion of redundant farm building to holiday accommodation and change of use of end bay of agricultural building from livestock rearing to implement store and workshop

98/1361P – refused – September 1998

Change of use of barn to dwelling with extensions. Extension of existing outbuilding; Demolition and replacement of existing outbuilding

96/1996P – approved – January 1997

Side extension to form livestock building

78018P - August 1994

Slurry store and lagoon (agricultural determination)

75126P – approved – October 1993

Steel framed agricultural building

40214P – approved – 4/04/1985

Installation of mobile home

259502PB – refused – 30/06/1982

3 bed bungalows for agricultural worker

27363P – approved - 16/09/1981

Temporary home

23957P – approved – 09/10/1980

Agricultural access

POLICY

Cheshire East Local Plan Strategy

MP1 – Presumption in Favour of Sustainable Development

PG 2 – Settlement Hierarchy

PG 6 – Open Countryside

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable Development Principles

IN 1 – Infrastructure

IN 2 – Developer Contributions

SE 1 – Design

SE 2 – Efficient Use of Land

SE 3 – Biodiversity and geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 12 – Pollution, Land Contamination and Land Instability

SE 13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

Appendix C – Adopted Parking Standards

Macclesfield Borough Local Plan

NE3 – Landscape Conservation

NE17 – Nature Conservation in Major Developments

BE6 – Macclesfield Canal Conservation Area

GC6 – Outside the Green Belt Areas of Special County Value and Jodrell Bank Zone
RT7 – Cycleways, Bridleways and Footpaths
RT10 – Canals and Water Recreation
DC3 – Design – Amenity
DC6 – Design – Circulation and Access
DC8 – Design – Landscaping
DC35 – Residential – Materials and Finishes
DC36 – Residential – Road Layouts and Circulation
DC37 – Residential – Landscaping
DC38 – Residential – Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework (NPPF 2019)

Cheshire East Council Design Guide

Landscape Character Area Appraisals

CONSULTATIONS

Canal and River Trust - Comments made regarding the landscape, setting, flood risk and impact on the canal. They have suggested conditions relating to landscaping, removal of permitted development rights for boundary treatments, risk assessment and method statement, revised flood risk assessment, contamination management plan, drainage details and access onto the towpath.

Historic England - Do not wish to offer any comments. Suggest seek the views of your specialist conservation and archaeological advisers.

Environment Agency – No comments received

United Utilities – Conditions should be imposed requiring a surface water drainage scheme to be submitted and requiring foul and surface water to be drained on separate systems. A management and maintenance plan should also be provided for the surface water drainage systems.

Flood Risk - applicant should ensure that the flood risk from the canal is considered within the Flood Risk Assessment. Conditions should be imposed requiring percolation test results, and a detailed strategy/design limiting surface water run-off.

Strategic Infrastructure Manager – No objection subject to conditions relating to the construction of the access and the provision of visibility splays.

Education – Comments not received at time of report preparation

Strategic Housing - Object to this application. Three units should be provided as Affordable rent and two units as Intermediate tenure. An Affordable Housing Statement is required. There needs to be a North Rode Rural Housing Need Survey provided to show the required

need in full. Also there is no full explanation of the mix on tenures for the 5 Affordable Housing

Countryside and Rights of Way - It appears unlikely that the proposal would affect the adjacent public right of way.

Bosley Parish Council - Proper consideration should be given to the development's suitability in a rural setting and any traffic implications regarding access to the A54.

North Rode Parish Council - As the site currently operates for commercial uses, the principle of development is acceptable. Concerns raised regarding the sustainability of the location and the spread and maintenance of affordable housing across the site. Conditions should also be imposed regarding electric vehicle charging points and Highways should consider a lower speed limit as the existing Station Road junction is dangerous when turning right.

REPRESENTATIONS

Representations have been received from six neighbours. The main points are summarised as follows:

- A54 adjacent to the site is risky for cyclists. It makes the applicant's case that the site is accessible to schools and shops a complete nonsense. The National Cycle Network (NCN) referred to is at least 2.4 miles away and would not help with people looking to get to schools or shops. If the developer wanted to improve sustainable transport links, they could supply funds to upgrade the canal towpath adjacent the site.
- There are no NCN routes in the vicinity and no footpaths and no street-lighting along the A54. The statement that the site is highly accessible on foot is misleading.
- The closest bus stops are not accessible from the proposed site. The statement that the site has limited accessibility by public transport, walking and cycling is false.
- Represents worse form of sporadic development in the countryside, away from services and not served by public transport.
- The accident review is flawed and based on inadequate information. At least two other accidents have taken place since the incident referred to in the report. The survey took place in the school holidays when the traffic is lower and not representative of routine traffic. Queries regarding the speed survey as it found 15% of vehicles to be breaking the speed limits.
- The applicant has constructed a new agricultural building on land adjacent to Station Road, indicating that the applicant is looking to relocate the site activities elsewhere.
- The proposal would not enhance the local area and would urbanise land within the open countryside
- Agree with comments made by landscape officer
- Would set a precedent, placing more pressure on the countryside
- Would not represent sustainable development
- Existing pressure on utilities – no mains drainage overhead electricity cables and old water supply pipes.
- Development would use more greenbelt development area than brownfield site

- It would not be sustainable development and would be based on the demolition of existing agricultural buildings, which are consistent with the rural character of the area.
- Unacceptable degree of urbanisation, detrimental to the character of the locality.
- No overriding need for residential development
- Affordable housing justification is spurious given that such provision should be well-related to centres where employment and services are available, without reliance on private car travel.

OFFICER APPRAISAL

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined '*in accordance with the plan unless material considerations indicate otherwise*'. This is echoed within policy MP1 of the CELPS and paragraph 11 of the NPPF 2018 which also seeks that decisions should apply a presumption in favour of sustainable development should the development proposals accord with an up-to-date development plan without delay.

The site lies within the Open Countryside, where CELPS policy PG 6 applies. The justification confirms that the Cheshire countryside is highly valued by residents, visitors and businesses alike. It confirms that the key objective of this policy is the preservation of the countryside.

This policy sets out the types of development which may be acceptable within the Open Countryside. This includes the replacement of existing buildings by new buildings not materially larger than the buildings they replace. It does not specifically refer to the redevelopment of brownfield or previously developed sites.

Policy SD 1 lists the considerations which will apply in order to achieve sustainable development in Cheshire East. Point 15 states that it will include making efficient use of land, protecting the best and most versatile agricultural land and making best use of previously developed land where possible.

Policy SE 2 deals with the efficient use of land. It confirms that the Council will encourage the redevelopment/re-use of previously developed land and buildings. It confirms that all windfall development should: consider the landscape and townscape character of the surrounding area; build upon existing concentrations of activities and existing infrastructure; not require major investment in new infrastructure and consider the consequences for sustainable development.

Appendix 17 of the CELPS defines 'previously developed land that is or was occupied by a permanent structure and any associated fixed surface infrastructure.' It specifically excludes land occupied by agricultural buildings or structures.

Does the site comprise previously developed land?

In 2011 a certificate of lawful use was submitted for the site. This related to the four buildings to the north of the site (shown as building A on the existing site plan) and two areas of hardstanding to the south. The certificate alleged that the buildings had a lawful B8 use (Storage and Distribution) and also alleged that the area of hardstanding was lawful.

A certificate of lawful use was issued in respect of 3 of the 4 buildings, which form building A. The certificate of lawful use was refused insofar as it related to 1 of the buildings (marked as section 2 of building A on the existing plan), and the areas of hardstanding, as it had not been demonstrated that the use/operations had been ongoing for the requisite time to make them lawful.

The applicant advises that the use within the remaining building now also has a lawful commercial use, alleging that it has been used for car sales for a continuous period in excess of 10 years. However, no certificate of lawful use has been issued to confirm this. As such, it has not been shown that this section of building A is 'previously developed land' for the purposes of Policy SE2.

There is no planning history to suggest that buildings B, C and E have a lawful use other than agriculture. At the time of the site visit, building E was being used for lambing while there was what appeared to be agricultural storage within shed B. The supporting statement acknowledges that these structures are used at least in part for agricultural purposes. As a consequence, they do not meet the definition of previously developed land.

Similarly there is no planning history for the shipping containers or caravan on the site. There are debates within case law as to whether shipping containers constitute operational development or a use of the land. This will depend on their degree of permanence, the ease with which they could be removed and the means with which they have been anchored to the ground. The siting of a caravan is commonly accepted to be a use of the land and is not considered to be a building.

In this case, aerial photographs appear to indicate that the containers have been in situ for a number of years. However, as aerial photographs only show snapshots in time, it is not clear whether they have been moved around the site. Likewise, the means with which they are fixed to the ground or the ease with which they could be removed is not known. That being said, it is acknowledged that containers and other forms of outdoor storage do have some visual impact on the countryside.

Whilst some of the areas of hardstanding appeared to be being used for external storage, the area to the north of shed E was being used for the storage of bales, indicating an agricultural use.

Council records indicate that the cabin marked D has been there since at least 2010.

The proposed development shows the new dwellings to be constructed across the full width of the site, with houses along both sides of the newly installed road.

The site has a mixed commercial and agricultural use. Whilst the commercial uses would meet the definition of previously developed land; this is not the case for the agricultural uses.

The supporting information indicates that the existing buildings have a total volume of 1152.82 cubic metres. The total footprint is shown to be 2631sqm. Both of these figures include the containers, caravan and the sheds which are not demonstrated to be in a lawful commercial use.

Excluding these containers, sheds and the caravan on the basis that they do not comply with the definition of 'previously developed land', the total volume of buildings on the site would be 8535.12 cubic metres, with a footprint of around 943sqm (buildings A & D).

When the containers are included, the total volume on site would be 9134 cubic metres and the total footprint would be approximately 1621sqm.

The proposed plans show the new development to have a total volume of 9769.5 cubic metres and a footprint of 1637sqm. From these figures, it is clear that even when including the shipping containers, the proposed development would result in an increase in volume on the site.

The supporting statement also acknowledges that the proposed development would result in a 23% increase in floor area (even when including all of the buildings and structures, which do not meet the definition of previously developed land).

This is indicative of the greater spread of two storey development across the site. The proposed dwellings would spread out over a greater proportion of the site, with the built form and proposed garden areas extending into land which is currently undeveloped.

All of the proposed dwellings are shown to be two storey dwellings. The southern part of the site is currently dominated by low level structures and areas of undeveloped land. The spread of two storey form across this part of the site would have a greater impact on the countryside than the current development.

The proposed development would result in the spread of two storey built form across the site and would encroach into undeveloped countryside. It would appear significantly more intrusive within its setting than the existing development. It would fail to comply with the requirements of CELPS policies PG 6, SD 1 and SE 2. The principle of development for the quantum and spread of built form proposed is not considered to be acceptable.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

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 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Affordable Housing

CELPS Policy SC5 outlines that in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1000sqm) in Local Service Centres and all other locations, at least 30% of all units should be provided as affordable homes.

This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing. Therefore for this development of 17 units a provision of 5 affordable units is required.

Policy SC5 states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer.

The proposed plans indicate that five affordable housing units would be provided. However, no full details have been provided regarding the tenures of the proposed units.

As it stands the Council's Strategic Housing Team has objected to the proposal. They have advised that an Affordable Housing Statement would need to be produced and agreed with the Council, confirming:

- (a) The Agreed Mix;
- (b) The timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) Details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

In the absence of this information, the Council cannot be satisfied that the proposed development would meet the requirements of CELPS policy SC5.

In addition to the comments of the Strategic Housing Team, it is noted that the affordable housing units would be located at one end of the development adjacent to Buxton Road. The affordable housing would also be of a different design to the market value properties. This would be particularly noticeable given that the same the market properties would be of the same design, which is replicated throughout the site.

From the information provided, it would appear that the development would fail to comply with the criteria 4 and 5 of CELPS policy SC 5, as the affordable homes would not be dispersed through the site and would not be indistinguishable from the market housing. There do not appear to be any specific circumstances or benefits that would warrant a different approach.

In the event that the planning application is recommended for approval, or an appeal is made, the affordable housing provision would need to be secured by way of a Section 106 agreement. This would:

- Require them to transfer any rented affordable units to a Registered Provider
- Provide details of when the affordable housing is required
- Include provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- include the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Rural Exception Housing

Additionally as the site lies within the Open Countryside, CELPS policy SC6 is also applicable. This states that Rural Exceptions affordable housing will be permitted as an exception to other policies concerning the countryside, to meet locally identified affordable housing need, subject to all listed criteria being met. The proposed development would not meet the following criteria of this policy:

1. The site does not adjoin a Local Service Centre/Other Settlement and it is not close to existing services and facilities or public transport.
2. The proposal is not for a small scheme as it would create in excess of 10 dwellings
3. A site options appraisal has not been submitted to demonstrate why the site is the most suitable one.
4. There is no up to date needs survey for North Rode and the applicant has not submitted one in support of their application.

The proposal does not comply with the requirements of CELPS policy SC6 and cannot be considered as Rural Exceptions affordable housing.

Education

Comments from Education regarding capacity in local schools is awaited and will be reported as an update.

Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

The justification to the policy explains that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites.

Some open space does appear to be proposed at the north west corner of the site, but the specific type of open space is not clear. Comments are also awaited from ANSA. Further details will be provided as an update.

Landscape

CELPS Policy SE 4 deals with the landscape. This states that all development should conserve the landscape character and quality and where possible enhance and effectively manage the historic, natural and manmade features that contribute to local distinctiveness of both rural and urban landscape.

CELPS policy SE 6 also deals with Green Infrastructure. This policy seeks to safeguard and retain the existing network of green infrastructure. It identifies the Macclesfield Canal as being a strategic infrastructure asset.

Within the Cheshire East Landscape Character Assessment, the site lies within area LCT 11 – Higher Wooded Farmland, which abuts the Peak District National Park Fringe. This identifies the area as having strong rural character and being relatively remote and tranquil. It

also highlights the pronounced rolling topography, which can offer extensive views to the Peak District hills which provide prominent and distinctive land marks. This appraisal makes specific reference to the Macclesfield Canal, which is seen to provide a glimpse of the industrial past.

The appraisal provides guidance for landscape management within the LCT. This includes retaining the rural character of the farmed landscape, protecting and enhancing the canals associated with the area's industrial past, avoiding the over-engineering of roads which could create an urbanising influence within the strongly rural landscape and maintaining the openness of characteristics view from this LCT across to the Peak District uplands.

The Council's Landscape Officer has objected to the proposal. They have advised that the proposed layout is suburban, with almost equidistant buildings strung along a sinuous cul-de-sac. They have advised that the layout is in contrast to rural buildings, which tend to be more reflective of topography and need, often grouped in small clusters or set around the perimeters of yards or greens. The detached double garages and separate parking bays are seen as adding to the urbanisation of the proposal.

The proposed landscaping would form an enclosure around the built development. This enclosure acknowledges the alien character of the development and seeks to screen it. In doing so, it adds to the development's separation. A development should be designed to integrate with its surroundings.

The proposal would represent a suburban form of development which would not be visually appropriate for this landscape character area. The permanent adverse impacts on the physical landscape have not been appropriately considered or mitigated against.

The proposed development would fail to conserve the landscape character and quality of this rural landscape. It would fail to comply with the requirements of CELPS policy SE 4.

Heritage Assets

The application site lies wholly with the Macclesfield Canal Conservation Area. Locks 5 and 6 and the Canal Bridge also lies within close proximity of the site and are grade II listed buildings. The pill box to the north of the site is included on the Council's list of buildings of local historic and architectural interest. The impact of the development on these designated and non-designated heritage assets needs to be fully considered.

CELPS policy SE 7 deals with the Historic Environment and aligns with the requirements set out within chapter 16 of the NPPF. This policy sets out the considerations in relation to both designated and non-designated heritage assets.

This requires development proposals which would cause harm to a designated heritage asset and its significance to provide a clear and convincing justification as to why that harm is considered to be acceptable. Where that case cannot be demonstrated, proposals will not be supported. The level of harm should be considered against the public benefits that may be gained by the proposal.

NPPF Paragraph 194 advises that substantial harm to or loss of grade II listed buildings should be exceptional. NPPF Paragraph 195 directs local planning authorities to refuse consent for proposed developments which would lead to substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or one of a list of exceptions apply.

The Macclesfield Canal Conservation Area was designated in 1975. The Conservation Area appraisal highlights the considerable architectural, historic and scenic interest of the Macclesfield Canal in the context of the North West.

The application site is adjacent to the stretch of twelve locks grouped together at Bosley. It is these locks that lift the canal by 118ft in just over one mile, making the Macclesfield Canal the second highest canal in the United Kingdom. The appraisal highlights the resultant number of bridges, aqueducts and embankments as being key features of this canal. The appraisal also notes how this gives the expansive views from the canal both to the east towards the Pennines and to the West over the Cheshire Plain and to the Clywdian Range in North Wales.

The site lies within Character Area 9 of the appraisal, which includes Bosley Locks. The appraisal highlights the importance of hedgerows along the full length and highlights that due to the shape of this section and the sudden drop in height a whole series of differing views is experienced of the surrounding countryside. One of the key characteristics is considered to be the outstanding views across the surrounding countryside as the locks descend. It concludes that *“there are no significant negative characteristics along this beautiful stretch.”*

Within the immediate vicinity of the site are locks 5 and 6 and the canal bridge all of which are grade II listed buildings. The impact on the setting of these assets also needs to be considered.

The proposed scheme would fundamentally alter the appearance the character and appearance of the site and the wider area. The existing character of development within the surrounding area takes the form of farms and open agricultural fields, with sporadic housing, both dotted along the roads and associated with farm units.

The existing site contains a number of large sheds. The fence along the boundary is a new feature, and appears to be unauthorised. Whilst the current arrangement is not attractive, it does not appear at odds with the rural character of the area, given the agricultural and functional appearance of the buildings. The site in its current form is consistent with the general views from the canal on both the approaches to and within the surrounding area. The existing views from locks 5 and 6 provide an agricultural viewpoint with the hills in the distance.

The proposed scheme, with the proposed dwellings centred along a new cul-de-sac would introduce an urban form of development into this overwhelmingly rural setting. It would pay scant regard to the sensitivity of the countryside setting, which is a key feature of this part of the Conservation Area and the setting of the locks and Canal Bridge. The scale of the development and the area covered mean that it would completely transform the character and appearance of this part of the conservation area and the setting of the listed buildings.

The existing agricultural viewpoints from locks 4, 5 and 6 would be adversely affected by the proposal. The rural backdrop, which is a key aspect of this part of this section of the Conservation Area and the setting of the listed buildings would be fundamentally altered by the proposal.

The Conservation Officer has advised that as a result the scheme would fly in the face of heritage policies to protect the setting of heritage assets and would result in substantial harm to the heritage assets and their setting.

In accordance with NPPF Paragraph 194, substantial harm to grade II listed buildings should be exceptional. NPPF Paragraph 195 is clear that developments which would lead to substantial harm to a designated heritage asset should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or one of a list of exceptions apply.

The proposal would result in substantial harm to designated heritage assets. There are no substantial public benefits, which would outweigh this harm. The proposed development would fail to comply with CELPS policy SE 7 and the aims of chapter 16 of the NPPF.

Character and Design

CELPS policy SE 1 deals with Design. It states that development proposals should make a positive contribution to their surroundings in terms of sense of place; managing design quality; Sustainable urban, architectural and landscape design; liveability/workability and designing in safety.

The Cheshire East Borough design guide is an adopted supplementary planning document (SDP), which seeks to improve the quality of new residential development in the Borough. It is a material consideration when determining planning applications. Building for Life 12, which is the industry standard for the design of new housing developments sets out 12 criteria to assess the proposed development.

The Council's Design Officer has reviewed the proposal against the adopted design guide and the Building for Life 12 (BfL12) assessment. They have acknowledged that the existing site is a detractor upon the canal and setting. However, it is not untypical in a rural context.

The proposed development would create a suburban housing estate within the middle of the countryside. It would be incongruous and uncharacteristic within the high quality rural setting, characterised by positive views from the canal to the surrounding landscape. It is considered that the development would totally alter impressions on approach to and through this sensitive stretch of canal.

The Design Officer concludes that the proposed development would be highly inappropriate given the context of the site.

They have advised that from a design perspective, this adverse impact in relation to the site's context would be a detracting factor in the BfL12 assessment. As a consequence, it would also perform badly against criteria 5 (character) and 6 (working with the site and its context) in

particular, having regard to the above. They have also advised that the proposal would fall short in relation to spatial and locational sustainability, namely criteria 1 (connections), 2 (facilities and services) and 3 (public transport).

Consequently, from both a built heritage and design perspective this would not comply with both national and local policy. Having regard to the statutory responsibility upon the authority to seek to preserve or enhance the character and appearance of the conservation area and have special regard to the preservation of listed buildings and their settings, then these proposals also fail to satisfy those legal imperatives.

The proposal would fail to comply with CELPS policy SE 1.

Parking and Highway Safety

Appendix C of the CELPS sets out the Council's adopted parking standards. This requires one space to be provided for one bedroom properties; two spaces for properties with two or three bedrooms and three spaces for houses with 4+ bedrooms. The proposed plans indicate that these standards would be met.

Concerns have been raised regarding the highways implications of the access. The Strategic Infrastructure Manager has been consulted on the proposal and has not raised any concerns in terms of highway safety, subject to conditions requiring the provision of the access and visibility splays. If the application had been recommended for approval, these would have been imposed by condition.

Sustainable transport and Facilities

Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, apart from in certain circumstances. None of which apply to the current proposal.

CELPS policy SD 1 states that in order to achieve sustainable development, developments should be located so that they are accessible by public transport, walking and cycling. CELPS policy SD 2 confirms that residential development will be expected to provide access to a range of forms of public transport, open space and key services and amenities. The justification includes a table to assess the distance to services and amenities, noting that consideration will also be given to the quality of the pedestrian, cycle or other transportation routes.

CELPS policy CO1 deals with sustainable travel and transport. It confirms that development will be expected to reduce the need to travel by guiding development to sustainable and accessible locations or locations that can be made sustainable and accessible.

The site lies on the (A54) Buxton Road, opposite the junction with Station Road, which has no pavements or streetlights. The speed limit along Buxton Road outside the application site is 50mph. The closest bus stop is approximately 1km from the site. The closest railway station is in Congleton, over 6km from the site.

To access the bus or railway network, future occupiers would have to walk along a 50mph road with no pavements or streetlights. Such an undertaking would be dangerous and unrealistic.

Concerns have also been raised about the quality of the cycle routes to and from the sites. Buxton Road has no provisions for cyclists and the closest National Cycle Network is over 2km from the site.

Whilst there is a public footpath along the canal, which could be used by residents, the distance from nearby settlements means that this would be unlikely to provide a viable option for future residents wishing to use it to get to work, school or access facilities.

There are no facilities within walking distance of the site. As opportunities to use public transport or other means of sustainable transport are limited, it is highly likely that future occupiers would be reliant on the use of private cars to access services, facilities, school and work.

The proposal would result in a car –orientated form of development. It would not provide access to a range of forms of public space, key services or amenities. It would fail to comply with requirements of CELPS policies SD 1, SD 2, SE 1, SE 2 and CO1. It would result in the creation of isolated dwellings in the countryside and would fail to comply with NPPF paragraph 79.

Flood Risk and surface water drainage

CELPS Policy SE 13 deals with Flood Risk and Water Management. It states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the Borough and provide opportunities to enhance biodiversity, health and recreation. This policy requires that all developments at risk of flooding are supported by an appropriate flood risk assessment and seek improvements to the current surface water drainage network.

The application site lies within Flood Zone 1, which has the lowest probability of flooding. However, it does lie immediately adjacent to the Macclesfield Canal.

The submitted Flood Risk Assessment does not assess the potential for flooding from the Canal.

Both the Council's Flood Risk Team and the Canals and Rivers Trust have noted that the submitted flood risk assessment does not consider the flood risk from the canal. Neither has recommended that this forms a reason for refusal. In the event that planning permission had been granted a condition would have been imposed requiring a revised flood risk assessment, which fully considers the potential flood risk from the canal.

A surface water drainage scheme has also been submitted. The Council's Flood Risk Team has advised that in the event that planning permission is granted conditions should be imposed requiring the submission of percolation tests and a detailed strategy to limit surface water runoff, with associated management/maintenance plan. It is essential that any surface water run-off does not run off into the canal. This too could have been dealt with by way of

condition. The impact on surface water drainage and flood risk would be acceptable subject to these conditions.

Contaminated Land

The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. This identifies that a landfill is present on the south east of the site. No further information (including the Envirocheck Report) or assessment has been provided within the report.

The Council does not hold any records of this landfill. The potential contaminant linkages associated with the potential source should have been assessed further in accordance with Environmental Health's Developer's Guide.

As the potential risks from the former landfill to the proposed development have not been suitably assessed, there is insufficient information to ascertain whether the site could be suitably developed for a residential use.

In the absence of this information the Council cannot be satisfied that the development would comply with policy SE 12. This is because it has not been demonstrated that any contamination could be appropriately mitigated against and remediated if necessary.

Ecology and forestry

CELPS policy SE 3 seeks to protect and enhance areas of high biodiversity and geodiversity value. This policy confirms that developments likely to have a significant adverse impact on priority habitats and species will not be permitted, except where the reasons or benefits of the proposed development outweigh the impact.

A day time survey for bats was carried out on the site. This concluded that the site was not currently suitable for bats. If the application had been recommended for approval conditions could have been imposed to protect breeding birds and secure ecological enhancements.

There are a number of hedgerows along the boundaries of the site. Hedgerows are a priority habitat and as such as material planning consideration in accordance with CELPS policy SE 3.

CELPS policy SE 5 deals with Trees, Hedgerows and Woodland. This states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of hedgerows that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting

The Council's Forestry officer has advised that there are lengths of established agricultural hedgerow on the site, which would appear to be impacted by the development.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would be normally required under the Hedgerow Regulations 1997.

Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application.

The Forestry officer has advised that a full hedgerow assessment is required as part of the submission in order to determine the full impact of the proposals in terms of the hedgerow, whether the hedgerow is ecologically or historically important, and what mitigation would be required in order to demonstrate a net environmental gain. In the absence of this information, the proposal would fail to comply with CELPS policy SE 5.

If the application had been recommended for approval, a condition would also have been imposed requiring a method statement to prevent any contamination of the Macclesfield Canal during construction works.

PLANNING BALANCE AND CONCLUSIONS

The proposed development would bring with it some economic benefits both during the construction period and post construction, resulting in increased additional trade for local shops and business.

While the Council can now demonstrate a five year supply of land for housing, it is imperative that the Council maintains a rolling supply. The provision of 17 units would make some contribution towards this.

However, the proposal would result in substantial environmental harm, in terms of its severe impacts on the historic environment, local landscape and hedgerows. The development would also encroach into the open countryside and would be unacceptable in principle. The site is also considered to be in an unsustainable location, with any future occupiers likely to be highly reliant on private cars. Additionally insufficient information has been provided regarding the potential impacts of contamination and the possibility of mitigation. In terms of social sustainability, the affordable housing provision would not fully comply with the requirements of CELPS.

The modest benefits derived from the proposal would not outweigh the substantial harm identified. Accordingly the application is recommended for refusal for the following reasons:

- 1. The proposed development would result in the spread of two storey built form across the site and would encroach into undeveloped countryside. It would**

appear significantly more intrusive within its setting than the existing development. It would fail to comply with the requirements of CELPS policies PG 6, SD 1 and SE 2. The principle of development for the quantum and spread of built form proposed is not acceptable.

2. Insufficient information has been provided to demonstrate that the proposed affordable housing would comply with the requirements of CELPS policy SC5, notably in terms of the agreed mix, the timing, location and distribution of affordable housing and its design and construction.
3. The proposal would represent a suburban form of development which would not be visually appropriate for within the surrounding landscape. The permanent adverse impacts on the physical landscape have not been appropriately considered or mitigated. The proposed development would fail to conserve the landscape character and quality of this rural landscape. It would fail to comply with the requirements of CELPS policy SE 4.
4. The scale of the development and the area covered mean that it would completely transform the character and appearance of this part of the conservation area and the setting of the listed buildings. The existing agricultural viewpoints from locks 4, 5 and 6 would be adversely affected by the proposal. The rural backdrop, which is a key aspect of this part of this section of the Conservation Area and the setting of the listed buildings, would be fundamentally altered by the proposal. The proposal would result in substantial harm to designated heritage assets. There are no substantial public benefits, which would outweigh this harm. The proposed development would fail to comply with CELPS policy SE 7 and the aims of chapter 16 of the NPPF.
5. The proposed development would create a suburban housing estate within the middle of the countryside. It would be incongruous and uncharacteristic within the high quality rural setting, characterised by positive views from the canal to the surrounding landscape. It is considered that the development would totally alter impressions on approach to and through this sensitive stretch of canal. It would fail to comply with CELPS policy SE 1.
6. The proposal would result in a car-orientated form of development. It would not provide access to a range of forms of public space, key services or amenities. It would fail to comply with requirements of CELPS policies SD 1, SD 2, SE 1, SE 2 and CO1. It would result in the creation of isolated dwellings in the countryside and would fail to comply with NPPF paragraph 79.
7. Insufficient information has been provided regarding the landfill identified within the submitted Phase I report. In the absence of this information the Council cannot be satisfied that the development would comply with CELPS policy SE 12. This is because it has not been demonstrated that any contamination could be appropriately mitigated against and remediated if necessary.
8. A full hedgerow assessment is required as part of the submission. In the absence of this information, the council cannot be satisfied that the works could

be carried out without resulting in harm to a priority habitat or historic hedgerow. Furthermore it is not known whether any loss can be mitigated or compensated for. In the absence of this information, the proposal would fail to comply with CELPS policy SE 5.

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) 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.

