

Application No: 22/1567M

Location: LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER

Proposal: Demolition of existing buildings and erection of 8 dwellings with associated garages, parking, gardens, access and landscaping

Applicant: Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee

Expiry Date: 09-Jun-2022

SUMMARY

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities and has good public transport links. The proposed development would add 8 no. dwellings to the stock of housing in the local area.

The proposal provides a locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The proposal follows the refusal of a scheme for 10 no. dwellings, resulting in the removal of two dwellings furthest to the south of the site. This has allowed the retention of a buffer between the designated heritage assets (3 no. Grade II Listed Buildings) and the proposed development. While the development would be visible from the listed buildings, the distance along with the reduced scale of plot 7, which would be a bungalow style property, and appropriate landscaping would reduce the impact and would not be harmful. The application is considered to result in an acceptable impact on the listed buildings and their setting, which addresses the previous reason for refusal. The application is recommended for approval.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report. However, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to conditions and s106 contributions.

RECOMMENDATION:

APPROVE subject to conditions and s106 agreement

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern edge of Wilmslow and is surrounded by new and existing residential development. The site was previously used as a horse training facility but is no longer in use as the associated paddocks have now been developed with a new housing development.

There are currently five existing buildings on site, comprising single storey stable buildings, a small stable block and a large two-storey barn with mezzanine floor which was used for storage.

The northern section of the site is allocated for residential development in the adopted Cheshire East Local Plan Strategy. The remainder of the allocated site is currently being developed by David Wilson Homes to create 174no. new homes. The southern section of the application site was removed from the Green Belt with the adoption of the Cheshire East Local Plan Strategy and currently has no allocation.

Historically, a former farm building sat in the southwest corner of the site, thought to form part of the Little Stanneylands farm complex dating back to the 17th Century. This area of the site is predominantly laid to grass with established trees and flower beds around the edge. To the south of the site are three grade II listed buildings.

There are a number of existing mature trees on the site; some of which are protected by a Tree Preservation Order (TPO).

An existing watercourse is present on site, flowing in a westerly direction from the centre of the site. The stream is culverted under the eastern part of the site and is understood to be used for drainage of land to the east, eventually flowing into the River Dean to the west of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings and the erection of eight new dwellings with associated garages, parking, gardens, access and landscaping.

Amended plans have been received during the course of the application amending plot 7 from a two storey dwelling to a bungalow style property.

RELEVANT HISTORY

20/4737M - Demolition of existing buildings and erection of 10 dwellings with associated garages, parking, gardens, access and landscaping - Refused 01 March 2022

Full planning permission for the residential development of agricultural land to the north and west of the application site was approved by CEC in February 2018 (ref. 17/4521M). That land was previously designated as 'Green Belt' but was allocated for residential development in the Cheshire East Local Plan Strategy (adopted July 2017) in order to help meet identified housing needs over the plan period to 2030. The site is currently being developed by David Wilson Homes (DWH) for 174 homes and associated public open space including a pedestrian / cycle connection between Linneys Bridge and the River Dean and a new bridge crossing of the River

Dean. As part of the approved works, a new roundabout onto Stanneylands Road has been constructed.

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017 (CELPS)

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Boundaries
- PG7 Spatial distribution of development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE7 The Historic Environment
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Saved Macclesfield Borough Local Plan Policies (MBLP)

- NE11 (Nature conservation interests)
- DC3 (Amenities of residential property)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials and Finishes)
- DC36 (Road layouts and circulation)
- DC37 (Landscaping in housing developments)
- DC38 (Space, light and Privacy)
- DC41 (Infilling housing or redevelopment)
- DC63 (Contaminated land)
- BE2 (Historic Fabric)

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

Wilmslow Neighbourhood Plan (WNP)

LSP1: Sustainable Construction
LSP2: Sustainable Spaces
LSP3: Sustainable Transport
NE5: Biodiversity Conservation
NE6: Development in Gardens
H2: Residential Design
H3: Housing Mix
CR3: Local Green Spaces
CR4: Public Open Space
CR5: Health Centres
TA2: Congestion and Traffic Flow
TH3: Heritage Assets

Other Material Considerations

Draft Site Allocations Development Plan Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications. Relevant policies include:

ENV1 (Ecological network)
ENV2 (Ecological implementation)
ENV3 (Landscape character)
ENV5 (Landscaping)
ENV6 (Trees, hedgerows and woodland implementation)
ENV7 (Climate change)
ENV12 (Air quality)
ENV14 (Light pollution)
ENV15 (New development and existing uses)
ENV16 (Surface water management and flood risk)
ENV17 (Protecting water resources)
HOU1 (Housing mix)
HOU6 (Accessibility and wheelchair housing standards)
HOU10 (Amenity)
HOU11 (Residential Standards)
HOU12 (Housing density)
HOU14 (Small and medium-sized sites)
INF1 (Cycleways, bridleways and footpaths)
INF3 (Highways safety and access)
INF9 (Utilities)

REC5 (Community facilities)

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)
Cheshire East Parking Standards - Guidance Note

National Policy:

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

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways) – no objections subject to conditions relating to a shared pedestrian/cycle footway and a construction management plan.

Environmental Protection – no objection subject to conditions relating to construction days / hours of operation, foundations, dust management and contaminated land.

United Utilities – a public sewer crosses the site. An access strip will be required for maintenance or replacement. Conditions requested in relation to surface water, foul water and sustainable drainage.

Cadent Gas Ltd – recommend applicant be advised of infrastructure (low or medium pressure (below 2 bar) gas pipes and associated equipment) in the vicinity of the proposal with an informative of steps development must take as a result.

Strategic Housing Manager – No objection - under the site circumstances the provision of one affordable unit is acceptable.

Lead Local Flood Authority – no objection subject to conditions.

Manchester Airport – no aerodrome safeguarding objections subject to conditions on the control of dust / smoke, lighting and restriction of ponds. There are also comments regarding reflective materials and no solar photovoltaics used without first consulting with the aerodrome safeguarding authority for Manchester Airport.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“Council recommend refusal on the grounds of Plot 7 being too close to the listed building and detrimental to the heritage setting, contrary to Wilmslow Neighbourhood Plan Policy TH3 (Heritage assets). The development erodes the buffer zone previously felt to be essential to the planning application for the adjacent David Wilson Homes' site and significantly disrupts the green infrastructure network, thus contrary to Wilmslow Neighbourhood Plan Policy NE6 (development in gardens). The development of the adjacent*

site (application 22/1599) contains the listed building and must be considered together with this application to develop a satisfactory outcome for this important setting.”

OTHER REPRESENTATIONS

Representations have been received from approximately 19 addresses following the initial consultation, commenting on the following grounds: -

- The new dwellings would lead to a loss of enjoyment to properties along Orchid Close due to the proximity of the dwellings
- The dwellings would result in a lack of privacy and loss of light to existing dwellings
- The protected trees would be compromised by the new development
- The new access would be dangerous
- There should be more smaller affordable homes as people are priced out of Cheshire East
- The footpath should be extended to join with the existing footpath outside 26 Stanneylands Rd
- The site represents a small amount of natural environment left following the new David Wilson development. The ecology on the site should be protected
- Overdevelopment
- The development would negatively impact on the listed buildings
- The site contains a lot of wildlife which would be destroyed by the proposal
- Key reasons for refusal of the previous scheme remain
- Plot 1 would lead to a loss of privacy and loss of light for the adjacent dwelling at number 46 Stanneylands Road
- The letter from United Utilities raises concerns about a risk of overland surcharge
- The ecological buffer zone should be widened to 13m in order to avoid destroying habitat of key importance
- The proposal is contrary to Wilmslow Neighbourhood Plan policy TH3

Following reconsultation on the amended plans, a further 4no. comments have been received to date. The deadline for comments has been extended to the 11th November so any new comments received prior to the committee meeting will be included in an update. Comments mainly follow the same lines of the original comments with the addition of the following:

- A European Protected Species of bat has been recorded on site and the tests for granting a licence will not be met
- Plot 4 is too close to the rear of properties in Orchid Close and would lead to a loss of light for these properties

OFFICER APPRAISAL

Principle of Development

The application site consists of part of the LPS 56 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five-year supply of housing, with the southern section of the site also being removed from the Green Belt. Therefore, the principle of

residential development is acceptable in this location subject to all other matters being satisfied, the application should be determined without delay.

LPS56 states that in addition to around 200 dwellings the development is expected to deliver the following;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road;
- Retention of trees and woodlands at the edges of the site, with new planting to re-enforce landscape features - to properly define a new Green Belt boundary and to maintain the setting of existing properties and protect the amenities of those occupiers.

Site Specific Principles of Development

- a. The development must be a high-quality design which reflects and respects the character of the area and the amenities of neighbouring properties.
- b. Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows where possible.
- c. Creation of a new vehicular access to Stanneylands Road, or as an alternative to Manchester Road.
- d. Improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages.
- e. Provision must be made for public open space to the north and west of the site utilising the river valley. Any new development will be expected to make contributions to playing fields and children's play facilities where these cannot be provided on site.
- f. New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation.
- g. Provide contributions to health and education infrastructure.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- i. Provide for a long-term management strategy for land along the Dean Valley shown as Protected Open Space.
- j. Respect for the setting of listed buildings adjacent to the site.
- k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated.

As mentioned previously, the site to the north allocated under LPS 56, has had an application approved for the delivery of 174no. dwellings and is currently under construction. This application has 7no. of the proposed dwellings located within the LPS 56 allocation.

The southern section of the site, falls outside LPS 56 and contains one new dwelling (plot 7) As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development

- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

Following discussions between the Council's Built Conservation Officers and the applicant, it was agreed to remove the 2 frontage properties from the application refused by the Northern Planning Committee earlier this year and to substitute the two-storey dwelling on plot 7 for a bungalow to reduce the impact of the development on the heritage assets. In this case, the provision of the additional windfall dwelling would be of an acceptable scale relative to Wilmslow and would deliver housing within a sustainable location. From here, there are good rail links (including to Manchester, London) and buses to other local / key service centres. There are local amenities nearby, and social infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood plan policy.

The development would contribute to the Borough's housing requirements through the provision of additional market dwellings. In accordance with these policies, there is no objection in principle to new dwellings in this location, subject to compliance with the other relevant development plan policies.

Residential Mix

Policy SC4 of the Cheshire East Local Plan states that *"New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities."* WNP policy H3 repeats this aim with the additional statement that *"Applications which contribute to providing one or more of the house types below will be supported • Small properties for first time buyers • A provision of family homes including smaller family housing providing 2-3 bedroomed dwellings with garden space • Homes for the elderly and those with disabilities, including bungalows • Accommodation for those wishing to downsize • Higher density accommodation (apartments, terraces etc.) when a site is within the Town Core"*. The mix and type of two, three, four and five bed dwellings including a 2-bedroom bungalow, one open market 3-bedroom and one affordable three-bedroom dwelling located within a residential area here would contribute to the mix of housing sizes and types and would complement the existing provision within the area. The proposal offers a good mix for the size of the site.

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing

for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a proposed development of 8 dwellings with a site area of 0.96 Hectares in a Key Service Centre, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 2 dwellings to be provided as affordable homes.

The applicant has provided evidence that supports the provision of 1 Affordable Dwelling, when vacant building credit is taken into account. An Affordable Housing Statement has been provided and this shows the affordable dwelling will be provided as intermediate tenure. Under the site circumstances this is acceptable, and no objections are raised from the Council's Housing Officer.

Design and Impact on Character of the Area

NPPF Chapter 12 deals with achieving well-designed places. Paragraph 126 identifies good design as a key aspect of sustainable development.

Paragraph 130 states that *"planning policies and designs should ensure that, developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- a) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience"*

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

Wilmslow Neighbourhood Plan Policy NE6 outlines three criteria which applications are encouraged to meet:

- The built form and hard surface areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new planting.
- The landscape proposals developed must meet all 10 Green Biophillic Points set out within Wilmslow Neighbourhood plan policy SP2: Sustainable Spaces.

Wilmslow Neighbourhood Plan Policy H2 states that all new residential development should seek to deliver high quality design.

The Council's Design Officer has reviewed the proposal and has offered their support to the scheme.

The site is approximately 1 ha and is located on Stanneylands Road, between the settlements of Wilmslow, Handforth and Styal. It is bordered by a residential development currently under construction to the north and by a cluster of three Grade II listed buildings to the south. The site currently contains five existing buildings which comprising a mixture of pitch-roofed stable blocks with a Tudor-style cladding and flat roofed barns.

The changes since the previous unsuccessful application have seen a reduction in the number of dwellings from 10 to 8, via the removal of the homes on the former plots 8 and 9 which were closest to the heritage assets to the south. In addition, the 2-storey house on plot 7 has been replaced with a 2-bed hip-roofed bungalow. Both of these changes have been made to reduce the impact of the development on the valued cluster of heritage assets to the south and as a result both are appreciated.

The provision of two-storey homes, along with the aforementioned bungalow, are considered to be appropriate for the location and these all have suitable variations in roof pitches and gables to provide interest and relieve monotony. In addition, the change in levels across the site is effective in providing a varied street scene. Overall, the scale and massing of the scheme presented provides no concern.

The detailed design development work undertaken to the dwellings is appreciated and the influence of local context (and the CEBDG) is readily apparent as illustrated in the Design Storybook.

The removal of the dwellings that formerly occupied the southernmost part of the site has allowed for the planting of additional trees that, subject to suitable specification, will add to the wooded landscape character which is already a feature of the site.

Finally, the planted edge to Stanneylands Road and the rockery entrance feature as shown in the CGI (views 1 and 2) are considered appropriate and avoid the pastiche signage that commonly detract from housing developments. As a result, there are no design objections to the proposed scheme.

Heritage

The site is currently occupied by single storey equestrian buildings, of a simple style with "Tudor" timber decorative cladding. There are a number of established trees within the site and

hedges which lie on the southern border adjacent to the Grade II listed C17th barn. The hedges screen a large area of grass covered garden. The northern part of the application site is within LPS56, where housing is currently under construction on the adjacent land, the southern part of the site is outside of LPS56. The open land currently provides a visual buffer between the listed houses and new housing development. The principles of development are quite clear within LPS 56 that any scheme needs to respect the setting of the listed buildings adjacent to the site.

The listed buildings are Little Stanneylands, the Barn 15m west of Little Stanneylands and Rose Cottage to the east, all designated at Grade II.

The timber framed, thatched buildings of Little Stanneylands a former farmhouse/stables and the barn date from the 17th century and are in use as dwellings. They have been altered and extended but are of both historical and architectural interest, providing good examples of Cheshire vernacular farmhouse and agricultural buildings. Rose Cottage is early C18th century, although altered in the 20th, it is brick built with slate roof. It is also of architectural and historic interest and is a good example of a vernacular cottage.

The C17th barn, lies to the south of the site backing on to the road and is timber framed, painted noggin, with thatched roof on stone plinth. A modern extension has been added to the right of plan in a vernacular style, with large eye-brow dormer. The overall appearance is one of a small-scale timber framed, thatched farm building.

As well as being of interest in their own right, they hold value as a group, set around what remains of a part of a farm complex with central courtyard. There are views of the buildings from Stanneylands Road, with the former barn and its extension having most prominence as it sits at back of pavement. Rose Cottage is located within the plot. There are views through the garden to the north of the wider group.

Listed Buildings are designated heritage assets for the purposes of NPPF chapter 16 and CELPS policy SE 7. NPPF paragraph 189 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 191 states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph NPPF 200 notes that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

In accordance with NPPF paragraph 202, *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be*

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

CELPS Policy SD 2 Sustainable Development Principles notes that all development will be expected to respect, and where possible enhance, the significance of heritage assets, including their wider settings.

Policy SE 7 notes that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal. In the case of designated heritage assets, SE 7 notes that this will be done by:

i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.

ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.

iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part, of a heritage asset is accepted.

Additionally, in accordance with the Section 16 and 66 of the 1990 Act, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

The application is supported by a Heritage Statement which describes the significance of the heritage asset and assesses the impact of the proposals upon the significance.

This application is further to a previous refused submission 20/4737M which was initially for 10 detached dwellings, subsequently reduced to 9 plots. The latest amended scheme is for the construction of 8 houses, 6 detached and a pair of semi-detached dwellings with a new independent access from Stanneylands Road between the David Wilson housing site and the three listed houses. The scheme has been amended so that an existing area of open garden adjacent to the listed barn will remain undeveloped and Plot 7 has been reduced in height and is now to be a single storey, detached, bungalow.

The former northwest garden will remain undeveloped and will be retained as an open grass and soft landscaped area. This will ensure there is a green buffer in accordance with LPS56, with the views from the street and looking out from the group and the immediate sylvan setting will be preserved. It is essential that this garden area remains undeveloped in future and is preserved as an open landscape space, free from clutter, with natural landscaping to protect the views of the listed group.

To the rear of Rose Cottage, Plot 7 will now be a single storey bungalow in place of a large, two storey house. The amendment has been made so that the new building will be sympathetic to the adjacent listed cottage in terms of scale and to reduce the visual impact upon the building's setting. Plot 7 will remain outside of LPS56, as a bungalow replacing an existing single storey stable block rather than as originally proposed a large two storey detached dwelling, there will be a degree of change, but it is not considered to be harmful. A green buffer will be retained between Little Stanneylands and this part of the site.

The scheme therefore meets the requirements of section 66 of the Act, the saved heritage policies of the MBLP BE2, BE15, Policy, SD2, SE 1 and SE 7 of the CELPS which in combination seek to secure appropriate design in a heritage context and also the policies contained within Section 16 of the NPPF. In terms of LPS56 a buffer has now been retained between the site and the listed properties. The Conservation Officer has assessed the proposals and, following the amended plans, now raises no objections to the scheme.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

The Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The separation distances between the existing properties on Carlton Avenue and those proposed is a minimum of 41 metres, with a minimum distance between the proposed dwellings and the recently approved dwellings of 25m and as such the proposals will not cause an unacceptable level of overlooking or have an unacceptable adverse impact on privacy. The vast majority of the trees along the site boundary with the existing properties are retained and they will effectively screen the development from neighbouring properties.

Plot 4 would be positioned side on to the rear of the properties within Orchid Close with the distance between the two buildings approx. 25m. Plot 1 is positioned adjacent to the side elevation of number 46 Stanneylands Road with no side facing windows proposed. Although

there are side facing windows on number 46 Stanneylands Road these are either secondary windows or serve non-habitable rooms. The impacts on the existing residential properties are therefore within acceptable limits and would also accord with emerging Policy HOU11 of the SADPD.

Highways

The site will be served via a single access off Stanneylands Road. The access road is a shared surface cul-de-sac with a turning head at the end. Adequate visibility at the access has been provided in accordance with the 30mph speed limit on Stanneylands Road.

The design and width of the access is acceptable and is suitable for adoption. Each of the units have a minimum of two car parking spaces and meets current CEC parking requirements.

To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site.

The provision of 8 units is a low generation development and would not lead to traffic capacity problems on the local highway network.

In summary, the application is an acceptable design in relation to highways and no objections are raised by the Head of Strategic Transport, subject to conditions.

Arboriculture and Forestry

No substantial arboricultural objections were raised to the previously submitted layout as amended under application 20/4737M subject to the agreement of details for ground protection and design of hard surfacing within the root protection area of trees. Planning conditions for the implementation of the submitted tree protection scheme, submission of a levels survey and service/drainage layout were also required. Loss of TPO trees were accepted under the previous scheme subject to the submission of a landscape scheme/management plan and ecological buffer zone to the east of the site to provide appropriate mitigation.

This current proposal is supported by an updated Arboricultural Statement including an Arboricultural Method Statement for Construction and Tree Protection Plan and Ground Protection under trees informed by the proposed site plan. A Landscape Management Plan, detailed Planting Plan and Drainage Layout has also been provided.

The revised layout includes the removal of two houses at the front of the site and a reduction in the size of Plot 7 allowing for more trees to be retained than what was proposed in the previous scheme.

Seven protected trees; one tree within protected group (G5 of the Assessment) and protected Group G1 (a low category group) are proposed for removal, no more than what was previously agreed under 20/4737M.

As part of pre-application discussions there was a requirement for all trees to be retained outside the curtilage of private gardens. This has been adopted within the current scheme and are located within communal managed areas.

Some pruning work is required on retained trees to provide working space around trees during the construction period which is as agreed under application 20/4737M. In addition, some further pruning of trees has been identified near to Plots 3A, 4 and 7 will be required over time to maintain clearances from properties. Such work is of a relatively minor nature and will be controlled by the TPO.

Impact of construction works and areas of hard standing within Root Protection Areas are considered in the supporting Method Statement. This matter was considered as part of pre-application discussions and highlighted in the submitted Assessment and agreed under the previous proposal.

A detailed planting plan and Landscape Management Plan has been submitted which cover the areas of open space and ecological buffer zone to the east of the site. The proposed planting provides appropriate mitigation for the loss of trees within the site.

No objections are raised by the Council's Arboricultural Officer, subject to appropriate conditions.

Nature Conservation

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Policy NE5 of the WNP states that "Planning applications will be supported where it can be demonstrated that they will not adversely affect designated and non-designated wildlife habitats including Priority Habitats within Wilmslow."

Bats - Evidence of bat activity in the form of minor roosts has been recorded within one of the buildings proposed for demolition. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest that a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional much need dwellings to the area.

Mitigation

To compensate for the loss of the existing roost, the submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Woodland and bluebells - A small area of woodland is present on site associated with the ditch. The submitted ecological assessment advises that this woodland may support bluebells which are a priority species and hence a material consideration. A further survey of the bluebells on site has now been completed. The majority of bluebells on site are thought to be hybrids of no nature conservation importance. A smaller number of native bluebells were however recorded.

The woodland would be lost under the current proposals and bluebells would also be lost from the site. Due to the relatively limited extent of woodland on site and the number of bluebell plants present, this impact would be correspondingly small.

A strategy has been submitted for the planting of native bluebells on site to compensate for those lost to the development. This approach is acceptable and would be conditioned accordingly.

Nesting birds - A number of priority species have been recorded in the broad vicinity of the application site. The application site is likely to support nesting birds potentially including the more widespread priority species recorded in the wider area. The application site is however unlikely to be significantly important for birds.

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

Badgers - Evidence of badger activity was recorded on site. No setts are present. The Council's Nature Conservation Officer advises that the proposed development will result in a minor adverse impact upon badgers as a result of the loss of an area of foraging habitat. The submitted badger report recommends that the 'Ecological buffer zone' shown on the submitted layout plan be fenced to retain an accessible corridor for the use of badgers. If planning consent is granted, conditions are required in respect to badgers.

Hedgehogs - This priority species is known to occur in the broad locality and may occur on the application site on at least a transitory basis. The proposed development would have a minor adverse impact upon this species. If planning consent is granted a condition would be required to safeguard hedgehogs.

Invertebrates - A number of priority moth and butterfly species have been recorded in the broad locality of the application site. The proposed development would result in the loss of suitable habitat for these species which would result in a localised adverse impact.

To ensure that the potential impacts of the proposed development upon these species is adequately addressed it must be ensured that the development delivers a net gain for biodiversity as discussed below.

Reptiles - The submitted ecological assessment has identified habitat on site that is suitable for slow worms. There are no records for this species within 1km of the proposed site and the species is very scarce in Cheshire. It is therefore considered that this species is not reasonably likely to be present or affected by the proposed development.

Non-native invasive plant species - Two non-native invasive plant species were recorded on site. These species would be removed during site clearance in the event that planning consent was granted.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. To assess the losses/gains for biodiversity resulting from the proposed development the applicant has undertaken an assessment of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

The metric shows that the proposed development would deliver a net gain for hedgerows, but result in the loss of 0.92 biodiversity units for other habitats.

To compensate for this loss of biodiversity and deliver a net gain of 10%, an additional 1.42 biodiversity units would be required. The Council may consider accepting a commuted sum to ensure that suitable habitats could be created at an offsite location.

Using figures from the CEC Draft Biodiversity SPD this would be costed as £10,035 per unit and £1,200 admin fee per unit. Total £11,235.00 per unit. Therefore, a commuted sum would be calculated as below:

1.13 x £11,235 (cost per unit and admin fee) = £ 15,953.70.

Ecological enhancement - This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The application is supported by an ecological enhancement strategy which proposes the incorporation of features to enhance the biodiversity value of the completed development. If planning consent is granted an appropriate condition is required to secure the implementation of these proposals.

Landscape Management Plan - The application is supported by a Landscape Management Plan. If planning consent is granted condition should be attached to secure its implementation for a thirty-year period.

Subject to the proposed contributions and conditions, the proposal will comply with the requirements of policy SE 3 of the CELPS.

Landscape

CELPS policy SE 4 relates to Landscape. Amongst other matters, all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness in both rural and urban landscapes.

The submitted details have been assessed by the Council's Landscape Officer and no objections are raised subject to conditions.

Flood Risk

CELPS policy SE 13 deals with Flood Risk and Water Management. It requires all development to 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.

The Council's Flood Risk Officer has advised that the principle of the development is acceptable, but that approval should be subject to conditions requiring:

- Implementation in accordance with details of surface water storage/disposal in the Flood Risk Assessment submitted with the application.
- Submission and approval of a detailed surface water drainage design/strategy.

The Flood Risk Officer also advised that advisory notes on the surface water drainage hierarchy, and on the need for consent for any alterations to ordinary watercourses, should be added to any approval.

It has been confirmed by the Council's Flood Risk Officer since that the information received is sufficient to avoid prior to commencement conditions and their formal response will follow.

United Utilities have commented that there is a potential risk of overland surcharge and to mitigate this the removal of the proposed manhole should be considered. The applicant has since provided an amended drainage scheme with the removal of this manhole. Proposed conditions have been suggested to mitigate any harm.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Biodiversity compensation = £15,953.70
- Affordable Housing - plot 3A to comply with affordable housing policy.

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of biodiversity compensation and affordable housing is necessary, fair and reasonable to provide a sustainable form of development, and to comply with local and national planning policy.

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

Planning Balance

The proposal would contribute to the Borough's housing requirements with the addition of 7no. new dwellings within the Council's allocation LPS56 with a further 1no. new windfall dwelling. The inclusion of 1no. affordable dwelling on site in a sustainable location, in line with policy, would carry significant weight. The proposal would complete the development of the housing allocation.

There would be a creation and ongoing management of ecological areas. The removal of the invasive species and non-native bluebells that cross pollinate with native bluebells which leads to native bluebell populations diminishing, together with the compensation payment which help to achieve a biodiversity net gain of 10%. These factors would carry modest weight in favour of the development.

The removal of the two dwellings furthest to the south of the site following the previous application has retained a buffer between the heritage assets and the proposed development, and while the development would be visible from the listed buildings the distance along with the reduced scale of plot 7 and appropriate landscaping would reduce the impact.

Therefore, subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

- Biodiversity compensation = £15,953.70
- Affordable Housing - plot 3A to comply with affordable housing policy.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Materials as application
4. Implementation of landscaping scheme
5. Nesting bird survey to be submitted
6. Foul and surface water shall be drained on separate systems.
7. Surface water drainage details to be submitted
8. Electric vehicle infrastructure to be provided
9. Contaminated land - verification report to be submitted
10. Ecological Enhancement details to be implemented
11. Imported soil to be tested
12. Steps to be taken in event of unidentified contamination
13. Car parking spaces to be provided and retained at all times thereafter
14. Development carried out in accordance with Flood Risk Assessment
15. Shared pedestrian/cycleway to be constructed
16. Construction management plan to be submitted
17. Implementation of bat mitigation.
18. Implementation of bluebell mitigation.
19. Safeguarding nesting birds
20. Updated badger survey
21. Implementation of hedgehog mitigation.
22. Implementation of landscape master plan.
23. Implementation of Landscape management plan for a thirty-year period.
24. Phase II investigation implemented (contamination)
25. Tree Protection and Implementation Measures
26. Service/Drainage Layout detail

