

Application No: 21/4923M

Location: MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, CHESHIRE, WA16 7LB

Proposal: Demolition of existing buildings and structures on site and the erection of 11 no. dwellings with associated access, parking, landscaping and infrastructure.

Applicant: c/o Agent, PH Property Holdings Limited

Expiry Date: 01-Jul-2022

SUMMARY

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed residential development will give a new use for the site. The proposals do not increase the amount of development on the site, and it is considered that the proposals will not have a detrimental impact on neighbouring properties, or on the road network due to the access and parking arrangements proposed.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for dwellings is an acceptable form of development and represents an efficient use of land.

Concerns have been raised over the design of the scheme, amendments to the scheme were received which have addressed some of the concerns raised.

On balance, the proposal is considered to be acceptable and in accordance with development plan policies and the National Planning Policy Framework.

A section 106 agreement is required to secure financial contributions for Education and Recreational Open Space.

It is not considered that there are any adverse impacts of the development.

Therefore, for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION

APPROVE Subject to Section 106 agreement and conditions

REASON FOR REFERRAL

The application is to be determined by Northern Planning Committee because the application is a small scale major residential development for between 1 and 4ha, and under the terms of the Constitution it requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site comprises the vacant Mobberley Riding School located off Newton Hall Lane in Mobberley. The site has a dwelling on site with a number of buildings associated with the former use of the site as a riding school and covers an area of 1.55ha.

The main riding school arena is a double arena and is of a considerable size, in addition to this there are a number of substantially constructed brick stables and storage buildings on site, from relating to the previous equestrian use. There are double manege areas with different surface treatments. The site has a large expanse of hardstanding across the site, including the main access to the site off Newton Hall Lane.

The site is bounded by a mixture of boundary treatments. There are native hedgerows, more formal leylandii hedgerows separating sections of the site and post and rail fencing. The site has fields to the north, east and south with the curtilage of Oak House to the northwest located within the site. The site is located within the Green Belt as identified in the Local Plan. The Mobberley Conservation Area lies approximately 65m to the south of the site.

DETAILS OF PROPOSAL

The proposal comprises the demolition of all riding school buildings, including the arena and stable buildings and the redevelopment of the site for a residential development of 11 detached dwellings. The existing property on the site (Oak House) will remain as part of the proposal. This existing building has an active frontage onto Newton Hall Lane and will also have vehicular access off the new access road.

The proposed dwellings will be in a cul-de-sac arrangement on two sides of one access road with two courtyards.

A complete set of revised plans was received on 1st September 2022 and full re-consultation carried out. The revisions made design and layout improvements to the scheme. Including improving the housing mix to include 3 bed units.

The housing mix comprises, 2x 3 bed, 3x 4 bed and 6 x 5 bed.

The properties all have generous private gardens and an area of incidental open space is proposed. All properties also have generous car parking provision with garaging providing external storage.

PLANNING HISTORY

24498P, New viewing gallery, Approved, 05-Nov-1980

30409P, Erect a 30'x80' extension to an existing steel framed building, 21-Jul-1982

40234P, Wooden loose boxes to house ponies, Approved, 28-Feb-1985

53116P, Erection of office to replace temporary building, Approved, 11-May-1988

65630P, Erection of lean to building to form tractor bay and implement store, Approved, 14-Jan-1991

72850P, Extension to indoor arena to provide riding area for the disabled, Approved, 03-Aug-1993

80777P, Two-storey extension to tack storage building and part conversion of first floor to form meeting room ancillary to the use as a riding school, Approved, 26-Apr-1995

53117P, Extension to dwelling, Approved, 26-May-1998

98/0664P, Formation of outdoor riding arena, Approved, 27-May-1998

01/1839P, Formation of riding track and midden (retrospective) on land Newton Hall Lane, and access road on to western side of Newton Hall Lane, Approved, 05-Sep-2001

03/0453P, Extension of indoor riding school for use by disabled persons, Approved, 16-Apr-2003

09/1685M, Application to discharge section 52 agreement attached to application 5/72850P to allow public competitions, gymkhanas or similar activities, Not determined.

16/3931M, Demolition of the existing buildings on site and the erection of Church Meeting Hall (Use Class D1) with associated access, parking and landscaping and infrastructure, Refused, Appeal Dismissed, 25.09.2018

POLICIES

Local Plan Policy

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

Macclesfield Borough Local Plan (saved policies)

GC1 (New Buildings in the Green Belt)

BE1 (Design Guidance)

DC1 (Design – New Build)

DC3 (Amenity)

DC6 (Circulation & Access)

DC8 & DC37 (Landscaping)
DC9 (Trees)
NE11 (Nature Conservation)
DC35 (Materials & Finishes)
DC38 (Space, Light & Privacy)

Cheshire East Local Plan Strategy

PG3 – Green Belt
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
Appendix C – Parking Standards
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments

Other Material planning policy considerations

Emerging Cheshire East Site Allocations Development Plan Document (SADPD)

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

Relevant policies include:

PG12 – Green Belt and safeguarded land boundaries,
GEN1 - Design principles,
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,
HER1 – Heritage assets,

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

Housing Supplementary Planning Document adopted July 2022
National Planning Policy Framework
National Planning Practice Guidance

Neighbourhood Plan

Mobberley Neighbourhood Plan – Regulation 7 stage reached (neighbourhood area designation) – no policies to give weight to

CONSULTATIONS

Environmental Health – No objections subject to conditions

LLFA – No objections subject to conditions

United Utilities – No objections subject to conditions

Strategic Housing – No objections to the revised plans as presented so long as there is no increase over the present floor space of 2,923m².

Children's Services (education) – No objections subject to secured contribution of £32,685.

Mobberley Parish Council – No objections to revised scheme

REPRESENTATIONS

3 letters of representation received following amended plans:

- The development is too urban in appearance, 11 units is too many
- It is a mini housing estate up close to the conservation area
- Increased traffic with at least 22 additional cars
- The local school is stretched and oversubscribed
- There is no street parking so the village does not need 11 houses.
- The village needs realistic, affordable, sympathetically designed houses ring fenced for Mobberley children.
- The amendments ignore the context of the agricultural setting. The proposals remain against the historic pre-application response.
- Suburban in character, huge site take up, top-heavy housing mix.
- The site layout will create a ring of houses when viewed from any external viewpoint,

- much more sprawling than the current substantial but isolated buildings.
- Passing, almost dismissive, reference is made to the Conservation Area, however this is a key component of a supportable scheme. Agricultural buildings surrounding farms are set out on a grid pattern around square or rectangular courtyard areas, the scheme will appear alien in the landscape.
- CGIs should have viewed wider context rather than individual properties.

12 letters of representation received to original scheme:

Support x 1

- Express support, concerns over the state of the site and the impact it is having on the conservation area. It has been derelict for several years and has become a blot on the landscape.
- Need new housing in Mobberley, and it will improve the area at the same time.
- Unknown future if the current application is not approved.

Objection x 11

- Housing not agricultural in appearance
- Huge impact on the countryside
- The design falls short of complying with the NPPF
- Inappropriate infill development affecting the character of the area and visual amenity.
- Appearance of a suburban 'executive' housing estate
- Buildings should be converted and extended like other local equestrian facilities
- Too many units without encroaching into the Green Belt
- Will the houses only be for the Plymouth Brethren or the general public
- Speed survey is not accurate of only 35mph
- Looks like a 1980s development
- Should be a more modern and efficient style of home
- Disappointing that there is no affordable housing on the site
- Not in keeping with the street scene
- Should be 2 bed starter homes only
- Wildlife habitat will be lost
- Primary school is already oversubscribed
- Does not integrate into the surroundings
- Not enough light and space between properties
- Will set a precedent for further overdevelopment of the Green Belt
- Should be reopened as a riding school
- Out of character
- Fewer, more traditional homes would be more in keeping

OFFICER APPRAISAL

Green Belt

The site is located within the Green Belt. The site is previously developed land and has a large amount of built development on the site including significant areas of hardstanding. The proposed development includes the clearance and redevelopment of the site for the

construction of 11 dwellings.

Within the Green Belt new development is restricted, and only certain types of development are considered to be not inappropriate. Paragraph 149 of the NPPF sets out exceptions to inappropriate development and the types of built development which are acceptable within the Green Belt. The most relevant exception to this application is:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

*- not have a greater impact on the openness of the Green Belt than the existing development;
or*

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

This is reflected in part in policy PG3 of the CELPS, however PG3 is not entirely consistent with the NPPF policy above, as it requires an assessment of the impact of the proposal upon the purposes of Green Belt, which the NPPF policy does not, and also does not include any reference to the lower test of not causing substantial harm to the openness of the Green Belt where the proposal meets an identified affordable housing need. Given this lack of consistency with the NPPF, the weight afforded to policy PG 3 of the CELPS is reduced.

Paragraph 149(g) of the NPPF is therefore the appropriate Green Belt policy test for the application. In this case no affordable housing is proposed, therefore the relevant test is whether the proposed development has a greater impact on the openness of the Green Belt than the existing development.

The majority of the existing built development is located to the northeast and southwest of the site, with maneges, and hardstanding across the majority of the site. The proposed development is focused in these areas. Plots 6, 7 and 8 are located where there is no substantial built development, however the area is developed due to hardstanding of the former maneges. The amount of hard surfacing will be reduced significantly with the introduction of gardens across the site and green space to the north of the site. A series of amendments throughout the course of the application have reduced the hardstanding, especially reducing the amount of hardstanding on private driveways. The most recent set of amendments has removed single storey links between dwellings and garages, further breaking up the built development on the site and increasing views through the site and increasing openness, albeit in a minor way.

The amount of built development across the site will be reduced significantly with a reduction in volume and floor area. With a 19.6% reduction in built volume across the site, a 38% reduction in footprint, a 9.7% reduction in floor area and a 56.6% reduction in hardstanding and manege. Notwithstanding these reductions, the amount of built development in the form of buildings, is spread across the site to a much greater extent, particularly to the southeast. In addition to this it has to be noted that the existing very large arena has a fairly modest ridge height of around 7m, and an eaves height of 4m. The proposed dwellings have a ridge height of between 7.7 and 8.7m and an eaves height of around 5m, so there is an increase in overall

height across the site of up to 1.7m. However, it is considered that whilst there is an increase in height and spread of development across the site, the reductions in volume, footprint, floor area and hardstanding represent an overall benefit to the openness of the Green Belt. Therefore, the proposal meets the test in the NPPF at paragraph 149(g) and the proposal does not represent inappropriate development within the Green Belt.

The Cheshire East Local Plan and NPPF place great emphasis on the redevelopment of brownfield or previously developed sites and an efficient use of land. Policy SE2 of the CELPS states that the Council will encourage the redevelopment/re-use of previously developed land and buildings.

This site is currently redundant and has been for many years, the buildings on the site are beginning to degrade, especially the double arena which has been in a poor state of repair for many years. A previous use for the site was put forward as a place of worship, however this was refused and dismissed on appeal on Green Belt due to the amount of hardstanding proposed, the size of the hall and on locational sustainability grounds, due to the large congregations that would be accessing the site on a very regular basis. Due to the loss of the main large building on site, a significant reduction in hardstanding and amount of activity residential development would bring, it is considered that this scheme is beneficial in comparison to the previously refused place of worship scheme.

It is considered that residential development which involves minimal traffic flow and at a low density is an appropriate use for a previously developed site such as this. It is considered that the site density is appropriate for this rural Green Belt location.

The proposal is not considered to have a greater impact on openness than the current situation and is therefore acceptable in principle in terms of Green Belt impact, and is in accordance with paragraph 149 of the NPPF.

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;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

The CELPS 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 11 dwellings in the Open Countryside therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 (3.3) dwellings to be provided as affordable homes.

With the above in mind, there is a Vacant Building Credit to be taken into account.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

The existing floor space is 2,923sqm and the proposed floor space is 2,620sqm This is a reduction in floorspace and therefore having regard to the Vacant Building Credit to be applied, there is no affordable housing requirement for the proposed development.

Housing Mix

The application proposes a housing mix of 2x 3 bed, 3x 4 bed and 6 x 5 bed homes. The Cheshire East Housing SPD adopted in July 2022 requires that there should be a mix of housing on sites of 10 or more homes, and that developments should maintain an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposed development in this case has a mix of market dwellings with 3, 4 and 5 beds. No 1 and 2 bed dwellings are proposed, which clearly reduces the housing mix on the site. However, the scheme does provide family homes on the edge of a village with a range of services, and most importantly provides housing on a brownfield site which is considered to be an efficient and sustainable form of development. There is no obligation to provide affordable housing in this location due to vacant building policy, and therefore a market only scheme is acceptable. It is considered that for the size of the development with 11 units, the mix is acceptable and broadly accords with policy SC 4 of the CELPS.

Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Underperformance against either of these can result in relevant policies concerning the supply of housing being considered out of date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East, which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 11 dwellings is expected to generate:

2 - Primary children (11 x 0.19)

2 - Secondary children (11 x 0.15)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Education Service acknowledges that this is an existing concern, however the 2 secondary age children expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would be required:

$2 \times £17,959 \times 0.91 = £32,685$ (Secondary)

Therefore, in order for the proposal to be acceptable in terms of education provision and to be able to deliver sustainable development, a financial contribution of £32,685 is required.

Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and streetscene. These policies are supported by the Cheshire East Design Guide SPD.

Draft policies GEN1 (Design principles), HOU1 (Housing mix), HOU6 (Accessibility and wheelchair housing standards), HOU12 (Housing density) and HOU14 (small and medium sized sites) of the SADPD are also a material consideration.

The proposed layout was originally put forward through pre-application discussions and has evolved throughout the application process. A number of elements of the scheme have been amended.

The layout of the scheme is a cul-de-sac with a courtyard arrangement for plots 8, 9, 10 and 11. There are units to the east of the site arranged around a square turning head to be more agrarian in character which was amended from an oval shaped termination point to a more traditional rectangular courtyard. Each property has an individual driveway and garage with ample car parking. The properties around the courtyard are arranged with driveways coming off it with some landscaping. The properties from plots 1-7 are arranged either side of the access road with plots 4,5 and 6 at the end of the cul-de-sac.

A number of amendments have been made to the housetypes to include a greater level of detail on the rear elevations of the properties. The majority of the properties have rear elevations facing the countryside, and the rear elevations of the housetypes were considered to be suburban in character lacking attention to detail given to the front elevations, however in this context the rear elevations of the properties are equally as important due to views into the site from the countryside beyond.

Plot 1 (house type A1) has not been amended and is considered to have a good level of design detailing especially being a corner turner with no blank elevations. The design is appropriate, high quality and has an agrarian theme due to the fenestration and detailing.

For plots 2 and 3 (house type B), a greater level of brick detailing has been provided on the rear along with a slightly higher rear gable which has more traditional proportions.

Plot 4 (house type H) is one of the most prominent when viewed from outside of the site looking in, therefore it is important that the elevations include appropriate details to complement the rural context of the dwelling. The house type has been substituted to a type with a detached garage, this breaks up the building and will increase openness by removing the link, and makes the dwelling less suburban in appearance. This design includes timber cladding detail on the rear elevation, providing a higher quality of overall design.

Plot 5 (house type K) has been amended to strengthen the agrarian character of the design on the rear elevation which is evident on the front elevation. The front elevation has been amended to recess the integral double garage so this is not the dominant feature of the front elevation. The rear elevation lacked detail, and now has a feature gable with a change in material detailing.

Plot 6 (house type H) The house type has been substituted to a type with a detached garage, this breaks up the building and will increase openness by removing the link, and makes the dwelling less suburban in appearance. This design includes timber cladding detail on the rear elevation, providing a higher quality of overall design.

Plot 7 (house type J) this house type has been substituted to provide a detached garage which was requested to break up the built development. However, in changing the house type some positive previous amendments have been lost, particularly the loss of the timber cladding which gave the housetype a more agrarian character. This housetype is now very suburban in

character and is lacking detail on the rear elevation which faces the countryside beyond the site. The area of hardstanding for the driveway has been reduced.

Plot 8 (house type A2) has not been amended and is set in a position stepped forward of plot 7. The garage for plot 8 is set forward of the front elevation, and forms part of the courtyard area. The design has a high level of detail and is considered to be of a good quality. It has appropriate proportions especially on the front elevation which has barn style fenestration.

Plot 9 (house type F1) has been amended to link to plot 10 by the garage to strengthen the courtyard character.

Plot 10 (house type G) has been reduced from a 4 bed dwelling to a 3 bed, however the property does have a generous dressing room and with some internal alterations could become a bedroom. This property has also been linked to plot 9 by the garage to strengthen the courtyard character. This property now has a pedestrian link to Newton Hall Lane, which is welcomed, however does not provide the active frontage along Newton Hall Lane which was requested through the application process. The gable of plot 10 does however contain doors at ground floor level and false window at first floor level, therefore the gable facing Newton Hall Lane is not completely blank.

Plot 11 (house type F2) has been amended from a 4 bed to a 3 bed, this design is considered to have character that complements the agrarian theme running through the development on the front and rear elevations. The plot now has a pedestrian access off Newton Hall Lane which was requested, however the positioning of the dwelling has not been amended, so the rear of the property continues to face Newton Hall Lane and does not provide the active frontage onto the lane, this amendment reduces the amount of private garden space for future occupiers.

Overall, the amendments have improved the quality of the design of the development, the rear elevations of a number of the plots have been improved through modest alterations improving the character and tying into the overall theme of the development, albeit this detail was lost on housetype J on plot 7. The level of design detail of the house types in general is good with brick detailing, the inclusion of chimneys and roof details in particular.

The layout is considered to be improved from the original submission, there have been amendments to soften the landscape scheme especially with the amount of hardstanding and the hardsurfacing treatments. However certain amendments requested that could have improved the relationship between the scheme and Newton Hall Lane have not been fully executed, and the loss of the garage serving plot 8 which has a very prominent position on the service road has remained in situ.

To ensure that the quality of the design remains acceptable the submission of materials details, hard and soft landscaping details, window reveals, windows, doors and rainwater goods details, wet roof verges, boundary treatments, and the removal of permitted development rights for extensions and alterations and fences, walls and gates will be necessary in order to manage the development effectively into the future, due to the sensitive rural location.

A number of objections to the scheme have commented on design and its suburban character typical of a modern housing estate. Notwithstanding these comments it is considered that the amendments made do address some of the issues raised, and the housetypes are of a quality

design with attention to detail. The layout does maintain a more suburban feel even though there is a courtyard as part of the design. However, it is considered that on balance, the design is acceptable and broadly accords with the design policies listed above.

Heritage

Policy SE7 of the CELPS refers to the Historic Environment. The objective of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment. Emerging SADPD policies HER1 (Heritage assets) is also a material consideration.

The application site is located close to the Mobberley Conservation Area (CA) boundary. Given the size of the proposed development the Conservation Officer considers that it could affect the setting of the CA. The setting of a CA can be defined as the surroundings in which the CA is experienced.

The Conservation Officer has commented on the amended scheme and considers that the layout does not appear to have changed nor has the impression of a mini urban estate appearance. The proposed development appears too urban in character dominated by the highway with a small estate like appearance. This is alien to rural locality the Conservation Officer considers that the character and appearance and linked to that, it would undermine local distinctiveness which is an important policy consideration within the development plan and added that it is close to the CA boundary and would create a distinctively different character to the buffer area.

The Conservation Officer considers that the scheme does not provide a sense of place within the rural context as it does not enhance the quality, distinctiveness and character of this rural location and is not sensitive in terms of its proximity to the CA, a designated heritage asset. Additionally, it would harm the setting of the CA. Overall the locality would be compromised by the urban style of development.

Following the receipt of the original comments from the Conservation Officer, a series of amendments were made which have improved the design, particularly of the housetypes, and to the landscape scheme including the road layout which have made the layout more appropriate in the rural area.

It is considered that due to the position of the proposal, which is 65m from the Conservation Area and the improvements made to the scheme that any harm to the heritage asset would be on lower end of less than substantial.

With regard to Oak House, the Conservation has commented that this is a non-designated heritage asset and that the building's current environment of the equestrian setting is appropriate in the rural area. It is not considered that the proposed development will harm the setting or the fabric of the non-designated heritage asset. It secures the future viability of the building being included in the proposed development.

It is considered that whilst the design could be said to have suburban influences, efforts have been made to give the properties a more rural design and appearance, the proposal is therefore, on balance, considered to be broadly acceptable with regard to the heritage assets

and would not cause harm to a degree to warrant refusal of the application on these grounds, therefore the proposal is not at odds with policy SE 7 of the CELPS.

Open Space and Outdoor Recreation

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards. Saved Policy RT5 of the MBLP also refers to minimum standards for open space provision. Saved Policy DC40 of the MBLP sets out children's play and amenity open space provision requirements. Being a major development, the provision of Public Open Space [play and amenity] and Recreation and Outdoor Sport is required in line with Policy SE6 of CELPS.

An area of open space has been provided on site which will include the planting of fruit trees. Due to the size of the development, it is not possible to provide the required amount of public open space on site.

All of the units on site have sizeable private amenity space, and due to the location of the site all residents will use cars or public transport for their journeys to amenities as the nearest children's play area is 2 miles away and the second nearest is 3 miles away. Contributions towards these relatively distant existing facilities are arguably not fair and reasonably related in scale and kind to the development. Therefore, in this instance it is not considered to be appropriate to request commuted sums for off-site play.

However, with regard to recreational open space, all outdoor sports facilities are expected to be provided off site for a development of this scale. All acceptable travel distances/analysis for outdoor sport are much greater. The nearest formal sports facility is the Jim Evison Playing Fields located approximately 2.25 miles away and is considered to be a reasonable travel distance. Therefore a recreation and outdoor sport contribution is required at a rate of £1,000 per dwelling, as set out in Appendix 4 of the Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements.

Trees

Policy SE5 of the CELPS relates to trees, hedgerows and woodland. The main objective of the policy is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area. Saved Policy DC9 of the MBLP and emerging Policy ENV6 of the SADPD are largely reflective of this policy.

The application is supported by an Arboricultural Implications Assessment and Arboricultural Method Statement that identifies five individual trees, eight groups of trees and eight hedgerows within the site. Trees within the site are currently not protected by a Tree Preservation Order and do not lie within a designated Conservation Area.

The proposal will require the removal of a low (C) category linear group of Ash, Whitebeam and Hawthorn (G4) and (part of a moderate (B) category mixed Group (G3) to accommodate Plots 6 and 10 and removal or part removal of four hedgerows (H3, H4, H5, H7 and H8) to accommodate the improved access and Plots 6 and 7. The hedgerows are internal to the site and are therefore not deemed 'Important' under the Hedgerow Regulations.

One individual dead tree (T2) and a group of two Sycamore and one Ash (G6) are proposed for removal by virtue of their poor condition, irrespective of the development proposals.

The proposed removals will likely have a slight adverse impact within the immediate vicinity, but negligible on the wider landscape and public visual amenity.

Draft landscaping proposals have been submitted with provision for replacement planting within proposed front gardens, site boundaries and the area of open space to the north.

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience, and support biodiversity.

The planning application provides an opportunity to incorporate new planting in accordance with this policy to demonstrate adequate mitigation has been provided. It is recommended that if planning permission is granted a condition should be attached which requires the submission of a detailed landscape scheme which includes the incorporation of native large canopy trees along the site boundaries and within the area of open space to meet the above objectives.

Landscape

The objective of Policy SE4 (Landscape) of the CELPS is to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Saved Policies DC8 and DC37 of the MBLP set out what landscaping & landscaping schemes should achieve. Emerging Policy ENV5 of the SADPD sets out what should be included in landscaping plans

The Landscape Officer commented on the original scheme and the findings of the submitted Landscape and Visual Appraisal (LVA). The LVA has been based on the Guidelines for Landscape and Visual Impact Assessment Third Edition, Landscape Institute, and Institute of Environmental Management and Assessment (GLVIA 3), however the landscape officer had some concerns regarding its validity. The LVA appears to underplay some of the landscape and visual effects on identified landscape and visual receptors; provides no assessment on the visual effects on residential receptors; provides no assessment of the landscape effects on LCA 7b. Ringway (although an assessment of LCT 7. Lower Wooded Farmland is provided), provides no named details on the Chartered Landscape Architect; does not clearly define the reasoning behind the parameters of the study area; does not include photography /visualisations; and does not include an assessment of construction or cumulative effects.

Therefore, the landscape officer had some reservations about its conclusion, particularly that the scheme would *“generate beneficial levels of landscape and visual effect and...be beneficial to the perceived openness of the Green Belt”* and that these would further increase as the landscape proposals establish.

Notwithstanding the above, the landscape officer did not anticipate that the proposals would result in residual adverse effects on landscape and visual receptors once the landscape proposals become more mature over time and does not object to the scheme.

Following the receipt of these comments, Barnes Walker the landscape architects who produced the LVA have provided a technical note in response to the landscape officer's comments. A number of amendments have now been made to the landscaping of the site following landscape officer and planning officer comments which are as follows:

- Orchard/fruit trees have been included within the open space
- The hardstanding has been reduced to the entrance arm by adjusting the alignment of the road as it turns into the site.
- Driveways have been reduced to plots 4-7 with the incorporation of additional landscaping.
- The end courtyard is now framed by hedgerow.
- Tree planting and hedges along the re-aligned road have now been adjusted and the arc of the hedge now sits directly opposite the driveways to plots 2&3.
- Cobbled/sett edge provided at the main access drive to reduce the amount of tarmac.

It is considered that the amendments to the landscape scheme are an improvement and will green and soften the site. No significant landscape issues are therefore raised and the proposal is considered to comply with the landscape policies of the local plan referred to above.

Ecology

Policy SE3 of the CELPS refers to Biodiversity and Geodiversity and seeks to protect and enhance these considerations. Saved Policy NE11 of the MBLP is largely reflective of these requirements. Emerging Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation

Barn Owl

Evidence of past usage of the barns by barn owls has been recorded at this site. In the absence of mitigation the proposed development would result in the loss of an occasionally used roost. Occasionally used roosts can be important for this species. The applicant has proposed to install a barn owl box on site to compensate for the loss of the existing roost.

Conditions are required to ensure barn owls are appropriately safeguarded during the works and to ensure that an adequate level of compensatory roosting opportunities are provided.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the building known as Building 4 (B4). The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of B4 on site in the absence of mitigation is likely to have a low impact on bats at the local level.

The submitted report recommends the installation of a bat on one of the new buildings as a means of compensating for the loss of the roost.

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 have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations. A licence under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

Overriding public Interest

The proposals would provide 11 dwellings on the edge of the village of Mobberley, it would see the efficient re-use of an existing brownfield site which is currently not being used. It is considered therefore this is in the wider public interest for the project to go ahead to provide housing on a brownfield site.

Alternatives

The alternative would be for the project for the project to not go ahead, the site is Previously Developed Land within the Green Belt where future pressures could exist on the site for development. Therefore it is considered that alternatives may become available in the future, the site will be under pressure to be developed.

Mitigation

A suitable scheme of mitigation has been put forward as part of the proposals and it is considered that the proposal would not have an adverse impact on protected species. The scheme for mitigation will be conditioned as part of the decision.

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

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition is therefore recommended which requires the submission of an ecological enhancement strategy.

The proposal therefore accords with policy SE3 of the Cheshire East Local Plan, NE11 of the MBLP.

Highways

Policy CO1 of the CELPS and saved Policy DC6 of the MBLP consider matters of highway safety. Emerging SADPD Policy INF3 considers highways safety and access.

Access and Internal Layout

The access position to the site is unchanged and has a 5.5m carriageway width with 6m corner radii, and it is indicated that footways will be provided on both sides of the access. A speed survey was undertaken to determine the 85%ile speeds on the approach to the access, these were found to be 38mph in both directions.

Visibility splays of 2.4m x 92m have been provided in accordance with the required Stopping Sight Distance for the vehicle speeds.

Each of the dwellings has sufficient off-street parking provided and meets CEC minimum parking standards.

Accessibility

There is an existing footway on the development side of Newton Hall Lane that the internal road layout will link into. A bus service is available on Knutsford Road to the south of the site, this is hourly service between Altrincham and Macclesfield.

Locational Sustainability

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities.

This proposal is on the edge of Mobberley, a Local Service Centre. Mobberley has a small number of shops a school and is well connected through public transport with bus routes and a rail station.

The site itself is more remote, located along Newton Hall Lane. The sustainability of the site is of concern, as it is acknowledged that residents would have to travel by car to reach most services including play areas, shops and the local school there is a footpath which runs from the village to the site, so pedestrian access to the site is possible. The nearest bus stop is approximately 600m from the site. Access to this does being within a reasonable distance and having regular bus services means that access to other services is possible.

The reasonable distance for a bus stop is considered to be 500m in CELPS policy SD2, and whilst this is exceeded, it is still within walking distance. The nearest PROW is Mobberley FP41 which is 230m away and meets the criteria in policy SD2 which requires a PROW within 500m. The railway station is 3.9km away which is over the appropriate distance of 2km.

Amenity open space is proposed on site, which helps the sustainability of the site.

Children's playground, outdoor sports, public parks all exceed the distances required by policy SD2.

The services and amenities vary in distance from the site. However, the majority of local services such as post office, cash machines, supermarket, school, doctors' surgery etc, are located within Mobberley village centre which is 2.7km away. There is a post box 260m from the site.

The site is considered to be locationally unsustainable when applying policy SD2, meaning that the future occupiers of the site would be mostly reliant on the use of a car to satisfy most of their day-to-day needs. However, the fact that the bus service is regular and within 600m means that access to other services further afield and within Mobberley are accessible without total reliance on the private car. This combined with the size of the development of 11 units, and the fact that the proposal is redeveloping a brownfield site it is considered that on balance the development is acceptable having regard to sustainability.

Development Impact

The development of 11 units has a low peak traffic generation and will not result in any traffic impact concerns, the former use as a riding school would also have produced traffic generation from the site so this would not all be new traffic on the network.

Public Right of Way

The property is adjacent to public footpath Mobberley No. 41 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way. The PROW team did not raise any objections to the previous application at the site for the site to be redeveloped as the site does not encroach onto the PROW. This proposal does have the same red line the previous application, therefore an informative will be added to the decision to make developers aware of their obligations.

Summary

The provision of 11 residential dwellings on the site does not raise and highway concerns as a replacement of the previous riding school that was occupying the site.

There are no highway objections raised.

Living conditions

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances. There is also guidance on separation distances within the Cheshire East Council Design Guide SPD. Saved policies DC13 & DC14 of the MBLP relate to noise pollution and Policy DC63 of the MBLP relates to contaminated land. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Emerging policies HOU10 (Amenity), HOU11 (Residential Standards), ENV12 (Air quality), ENV13 (Aircraft noise), ENV14 (Light pollution) and ENV15 (New development and existing uses), of the SADPD are largely reflective of these policies and/or expand upon a number of the amenity considerations.

Environmental Health have been consulted on the application and have raised no objections in terms of air quality, noise or contaminated land. It is not considered that the proposed development will have a detrimental impact on the amenity of local residents. The closest immediate neighbour to the site is Oak House which is within the application site itself and forms part of the scheme. Due to the nature of the proposed use for residential it is not considered that the proposal will cause harm by way of overlooking, loss of privacy or loss of light to surrounding properties. The properties are set within substantial plots, and there are no issues regarding amenity or separation distances within the site.

Air Quality

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Therefore, a condition relating to a travel information pack to be provided to occupants is recommended. Electric vehicle charging is now covered by building regulations.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

ID Geoenvironmental Ltd report 5188-G-R001, Geoenvironmental Appraisal, dated July 2021 was submitted in support of the application. The report has identified a number of pollutant linkages and remediation is required at the site. The report has provided remedial options for the site which should be developed into a Remediation Strategy for the site. This should also take into account the requirements of the Council's Developer's Guide.

The proposal is acceptable within regard to contaminated land subject to conditions.

Flood Risk

Policy SE13 of the CELPS relates to Flood Risk and Water Management. The crux of this policy is to ensure development integrate measures for sustainable water management to reduce flood risk. Emerging policies ENV16 (Surface water management and flood risk) and ENV17 (Protecting water resources) are largely reflective of these policies.

The proposed development is in Flood Zone 1 which has a low probability of flooding from rivers and sea. The application is accompanied by a Flood Risk Assessment and drainage statement. The LLFA have raised no objections to the proposal subject to conditions and United Utilities have raised no objections subject to a condition. Therefore, it is not considered that the proposal will exacerbate or be at risk of flooding in the future subject to suitable drainage techniques being implemented on site.

HEADS OF TERMS

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Education - $2 \times £17,959 \times 0.91 = £32,685$ (Secondary)
- Recreational Open Space $£1,000 \times 11 = £11,000$ towards the Jim Evison Playing Fields.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance, the financial contributions as set out are based on formulae within the Macclesfield Borough Council – Supplementary Planning Guidance on s106 (Planning) Agreements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

REPRESENTATIONS

A number of representations have been received objecting to the proposed development, the representations focus on the principle of development, the design of the development and highways impact. These matters have been addressed in the main body of the report.

CONCLUSIONS

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed development represents an appropriate redevelopment of a brownfield site. The proposals do not increase the amount of development on the site and the development will be beneficial in-part to openness through a reduction in built development across the site and the general greening of the area through substantial private gardens and an area of open space which is currently covered by hardstanding and buildings.

A number of design improvements have been made throughout the course of the application, which have been beneficial and the design is considered to be acceptable on balance. The location of the site is some distance from many facilities, but is considered to be adequately sustainable, due to the proximity of a nearby bus stop.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for residential development is an acceptable form of development.

On balance, the proposal is considered to be acceptable and broadly accords with the Development Plan and National Planning Policy Framework.

Therefore the proposal is recommended for approval subject to conditions and a section 106 agreement.

RECOMMENDATION

APPROVE subject to S106 agreement and the following conditions

1. Time Limit
2. Approved Plans
3. Submission of Materials
4. No dry roof verges
5. Window reveals
6. Details of windows, doors and rainwater goods
7. Details of boundary treatments
8. Removal of permitted development rights for extensions, alterations and fences, walls and gates.
9. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment (AIA) /Arboricultural Method Statement (AMS) (Mulberry Ref TRE/MRSNHL/Rev A dated 14/9/21).

10. Landscaping submission full landscaping scheme including boundary treatments and detail native large canopy trees.
11. Landscaping implementation
12. Breeding bird exclusion zone
13. Prior to the commencement of development a barn owl compensation strategy is to be submitted to and agreed with the Local Planning Authority.
14. The proposed development to proceed in accordance with the recommendation made by section 5.3 of the submitted Phase 1 Habitat Survey & Bat Surveys report (Rachel Hacking Ecology, June 2021)
15. Prior to the use of any building materials in the new development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.
16. Submission of Landscape Management Plan
17. Travel Information Pack details to be submitted
18. No development (other than agreed demolition and site clearance works) shall commence until a Remediation Strategy is submitted to, and approved in writing, by the LPA.
19. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report.
20. Detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes to be submitted
21. Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA before any development (excluding demolition and site clearance) shall take place
22. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. HYD638_MOBBERLEY.RIDING.SCHOOL_FRA, Dated 17/09/2021)

