

7. FULL APPLICATION – CONSTRUCTION OF 9 RESIDENTIAL UNITS (USE CLASS C3), COMPRISING 2 NO. 1-BEDROOM FLATS; 2 NO. 2-BEDROOM DWELLINGS AND 2 NO. 3-BEDROOM DWELLINGS FOR AFFORDABLE RENT AND 3 NO. 3-BEDROOM DWELLINGS FOR SHARED OWNERSHIP, ASSOCIATED CAR PARKING, CREATION OF NEW ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND OFF CHURCH LANE, RAINOW (NP/CEC/0919/1002, AM)

APPLICANT: EQUITY HOUSING GROUP

Summary

- The application is for the erection of nine affordable houses on the site along with a new access, landscaping and associated works.
- We have assessed the application against our development management policies and having taken into account all issues raised in consultation responses and representations.
- We conclude that the principle of affordable housing on this site has not been established and that the development would harm the National Park and recommend refusal of the application for those reasons.

Site and Surroundings

1. The application site is a field extending to approximately 0.21Ha (0.5 acre) located on the northern edge of Rainow just beyond the Robin Hood Pub. The site is outside but adjacent to the designated Rainow Conservation Area which runs along the south west and part of the south-east boundary of the site.
2. The level of the field slopes downwards from the level of Church Lane (B5470) which is to the south-west of the site towards the level of Smithy Lane which is to the north-east of the site. The field is bounded by stone walling and post and wire fencing with a number of mature Sycamore on the boundary with Smithy Lane as the land banks down more steeply at the boundary. There are also a number of individual trees within the north-eastern part of the site. These trees are currently subject to a tree protection order (TPO).
3. The site is within the Southwest Peak Landscape Character Area and Slopes and Valleys Woodland landscape character type for the purposes of the Authority's Landscape Character Assessment.
4. There is no existing vehicular access to the field which historically has been accessed from the adjacent grounds of the Robin Hood public house. A public footpath runs along the north-east boundary of the site with another footpath running northwards through the adjacent fields. A public footpath also runs to the south of the site on the far side of Church Lane from the Old Chapel and southwards up over adjacent fields.
5. The nearest neighbouring properties are the surrounding residential properties including Chapel House, The Old Chapel, Yearns Low Cottage and Byways. The Robin Hood Pub is also located to the south west of the site with the pub car park and garden in-between.

Proposal

6. The erection of 9 residential dwellings on the site along with creation of new access off Church Lane, landscaping and associated works. The proposed dwellings are intended to be affordable to meet eligible local need with 6 of the proposed dwellings for affordable

rent and 3 for shared ownership. The development would be managed by the applicant Equity Housing Group Ltd which is a registered provider of social housing.

7. The proposed development would occupy the majority of the existing field and would comprise.
8. 2 one bedroom flats for rent with floor spaces of 50m² and 56m² respectively.
9. 2 two bedroom dwellings for rent each with a floor space of 72m².
10. 2 three bedroom dwellings for rent each with a floor space of 86m².
11. 3 three bedroom dwellings for shared ownership each with a floor space of 86m²
12. The flats and two bedroom dwellings would front onto Church Lane with the new access created to the south. The three bedroom dwellings would be to the rear of the site but with the principal elevations facing towards Smithy Lane.
13. A total of 18 off-street parking spaces would be provided. Bin and cycle storage would be within timber clad flat roof outbuildings within the curtilage of each dwelling.
14. In general terms the proposed dwellings would have gable forms with pitched roofs. The external surfaces of the buildings would be clad with natural stone and fibre cement roof slate with reconstituted window heads and cills and cream coloured uPVC windows and doors.
15. The access road would be surfaced in tarmac with grey block paving to the parking areas and buff concrete paving to footpaths. The gardens of the properties would be bounded by 1.8m high close boarded timber fencing.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The submitted application does not demonstrate that the development would meet eligible local needs for affordable housing and therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, Development Management Policy DMH1 and the National Planning Policy Framework.**
- 2. By virtue of its scale, density, layout, materials and detailed design the proposed development would fail to reflect or respect the character of the local area and would harm the character and appearance of the area, the setting of the designated Rainow Conservation Area and the landscape character of the National Park contrary to Core Strategy policies GSP1, GSP3, L1 and L3, Development Management Policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.**
- 3. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact upon trees on site and local biodiversity The proposal development is therefore contrary to Core Strategy policy GSP1 and L2, development management policies DMC11 and DMC13 and the National Planning Policy Framework.**

4. **Insufficient information has been submitted with the application to demonstrate that the development would achieve the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy Policy CC1 the Authority's adopted Supplementary Planning Document 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**

Key Issues

16. Whether the proposed development is acceptable in principle.
17. The impact of the proposed development upon the valued characteristics of the National Park.
18. The impact of the proposed development upon amenity and highway safety.

History

2018: NP/CEC/1118/1125: Planning permission refused for the erection of 9 affordable dwellings. We refused planning permission for a similar development on this site for four reasons:

- The application did not demonstrate that the development would meet eligible local needs for affordable housing.
- The development did not reflect or respect the character of the local area and would harm the character and appearance of the area, the setting of the designated Rainow Conservation Area and the landscape.
- Insufficient evidence had been submitted to demonstrate safe access could be achieved.
- Insufficient evidence had been submitted to demonstrate required standards of carbon reductions and water efficiency.

2017: ENQ 29936: Pre-application advice in regard to the erection of 4 dwellings on the site.

The response from the officer set out the policy principle for new housing that policies allow in principle for new housing to meet eligible local need but that there is no provision for new build market dwellings. Therefore an application for new building market housing would not be supported.

The site could potentially be developed for affordable housing and we provided information in regard to the relevant policies and the Affordable Housing Supplementary Planning Guidance. Also advised that the development would need to come forward by or on behalf of a registered social landlord and be based upon an up-to-date housing need survey.

Consultations

19. Officer note: the public consultation period does not finish until after the deadline for finalising this report. The meeting will be updated about any additional consultation responses or representations that have been received.
20. Highway Authority: Request further information in regard to the access and turning area.

The Highway Authority say that the submitted plans do not appear to be accurate or take into account the gradient of Church Lane and that the refuse vehicle turning area is too tight and provides no room for driver error. Amended plans have been submitted by the

applicant and we have re-consulted the Highway Authority. The meeting will be updated about any further response from the Highway Authority.

21. Cheshire East Council (Contaminated Land): No response to date.

No objections were made on the previous application subject to conditions requiring ground investigations and risk assessment to be carried out along with remediation and strategy and verification report if necessary.

22. Cheshire East Council (Rights of Way): No objection subject to condition.

Recommends a planning condition to require the developer to provide new residents with information about local walking and cycling routes with key routes signposted.

Also recommends that a footnote is added to any planning permission ensure that the developer is aware of their obligation in regard to the footpath adjacent to the site.

23. Parish Council: The Parish Council say that they are disappointed that their previous concerns have not been addressed and make the following comments.

- Concern that there are too many properties on the site and that their proximity to neighbouring properties will lead to a lack of privacy for existing residents. Also concerned regarding the amenity space for properties 1 and 2.
- Concern that there is insufficient parking and will result in potential for parking to overspill onto the main road leading to safety implications. Pressure for parking spaces may be further exacerbated as residents are likely to be working in rural activities requiring off road / specialist vehicles in addition to a private car.
- Concern about visibility and safety of the proposed access onto the main road. Request the developer provide appropriate safety measures on the main road such as warning signs to reinforce the 30mph speed restriction.
- Concern about future development on land forming part of the public house which is covered by the Community Asset registration.
- Request sensitive screening be provided and maintained between the development and the public house.
- Request assurance that the proposed arboricultural plan will be adhered to and the existing trees on the property boundary, particularly along Smithy Lane will not be reduced or removed.
- Request that planning conditions ensure that the homes remain affordable in perpetuity for local people. The Parish Council requests sight of, and the ability to input to, the proposed eligibility criteria.
- Request assurance that all services will be adequate in particular sewerage and drainage.
- Materials should be sympathetic to the area and appropriate for a National Park and conservation area.

24. Environment Agency: Makes no formal comment.

25. Historic England: Makes no formal comment.

26. PDNPA Archaeology: Advise that no sources indicate that the site has anything other than low archaeological interest and potential, therefore no comment on the application.
27. PDNPA Conservation Officer: Raises serious concerns about the proposed development:
28. *“The proposed site is not included within the Rainow Conservation Area (CA) but is adjacent to it on two sides. The CA was designated at a time when CA boundaries were drawn very tightly: as and when this CA is reviewed by the Authority, there will be a strong argument for the inclusion of this site within the CA. Any development on this site will have the potential to impact on the historic character and appearance of the CA and on its setting, and will be visible in views into the CA from the north-east, views out of the CA from Chapel Brow/Church Lane and views within/across this end of the CA. The application provides no consideration of these impacts, nor of any potential harm to the significance of the CA (which is a designated heritage asset) which could result. This assessment is required in order to inform any consideration of the proposals. Inadequate information has been provided, therefore.*
29. *The proposals represent an over-development of this site, with the layout and form of development not in keeping with the historic character of the built form within the CA. On entering the site, and potentially visible from the north-east/south-east, the rear elevations of the properties, with fully glazed triple doors and non-traditional raised timber decking face onto the public domain. The form of these rear elevations is non-traditional and out-of-keeping with the local vernacular. If the 1.8m stone boundary walls are sufficiently high to obscure the rear elevations (as appears to be the shown in Proposed Section A-A on the Proposed Context Elevations drawing) then these will be the dominant feature, presenting a largely blank face to the public domain: this is not in keeping with the traditional form of the CA, where properties historically face the road – meaning that their active frontages are visible from the public domain.*
30. *The design and detailing to the proposed houses is not in keeping with the traditional vernacular of the CA and the area more widely:*
31. *As stated in the Authority’s Design Guide (paras 2.9, 2.10), traditional buildings within the National Park are characterised by their robustness, simplicity and horizontal emphasis. The horizontal form harmonises with the landscape and detailing is simple, with a minimum of decoration. Particular note should be taken of Section 3 of the Design Guide (New development – designing in sympathy) when considering new developments in the Park. As this section states, “In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours...buildings with a vertical emphasis seem to shoot up from the ground and rarely fit harmoniously into the landscape”.*
32. *Apartments 3 and 4 are non-traditional in form, with a strong vertical emphasis to the north-west and southeast elevations and non-traditional, wide gabled elevations with triple doors to one, a central door and over fenestration to another. A number of the houses also have a strong vertical emphasis and over-wide gables. Fully glazed, triple doors to the rear of each property are also non-traditional, inverting the traditional solid to void ratio in some cases. Bargeboards and timber fascias are non-traditional features and not part of the local vernacular – these should be avoided. Porches and canopies have been added to some non-listed buildings within the CA, but these are also non-*

traditional features, which undermine the robust simplicity of the local vernacular and are details which should not be replicated in the new development.

33. *1.8m high timber fencing is proposed as a boundary treatment between the properties. This is non-traditional within the CA, the wider area and the National Park as a whole. In this prominent location on the edge of the countryside, 1.8m timber fences will be alien features which would have a negative impact on the historic character and appearance of the CA.*
34. PDNPA Ecology: No response has been received to date.
35. Our ecologist objected to the previous application on the grounds that whilst the ecological appraisal has carried out a survey, there is no assessment and mitigation/compensation for loss. Loss without providing compensatory planting would be contrary to policy. This information is required before the application can be positively determined.
36. We are awaiting a response on the current application and this will be updated in time for the meeting.
37. PDNPA Tree Officer: Objects on the grounds of insufficient information.
38. The current information submitted in relation to trees is not sufficient to assess the impact on the trees on site and adjacent to the site. These trees are protected by an area Tree Preservation Order (TPO).
39. Tree related information for a development such as this should at this stage include information detailed in annex B, table B.1 of BS5837:2012 (Trees in relation to design, demolition and construction).
40. The submitted information does not clearly identify the individual root protection areas of trees and the arboricultural impact assessment is ambiguous in relation to which trees in which construction will be occurring within the root protection areas. Existing and proposed finished levels are also not clearly identifiable and more information is required on replacement and new tree planting.
41. PDNPA Landscape: Objects to the proposed development for the following reasons:
42. There is insufficient information to understand the potential landscape and visual effects of the scheme. A Landscape & Visual Impact Assessment is required to be submitted with the application. This should consider effects on landscape character, the setting of the conservation area and the setting of the village and potential views of the scheme.
43. The scheme constitutes significant over development 9 units on a 0.21 ha site equates to approx. 43 units / ha.
44. There would be a loss of woodland on site and managing and enhancing woodlands is a priority for this Landscape Character Type.
45. There would be potential conflict with landscape character and the setting of the village.
46. The relationship of the proposed housing to the street is poor. Combined bin / cycle store looks to be inadequate.
47. PDNPA Policy: No response to date.

48. PDNPA Transport: Makes the following comment.
49. The size of the development does not warrant the production of a Green Travel Plan, however we would welcome a commitment from the applicant to provide each tenant with an up-to-date sustainable travel pack, highlighting local public transport provision and any routes for walking and cycling in the local area.
50. It is important that a safe direct route is available to access village services. Alternative walking routes to and from the site must be maintained and remain attractive to use once the development is completed.
51. The number and size of proposed car parking spaces is in accordance with our parking standards.
52. We support the provision of bespoke cycle parking for each property.
53. The levels of peak-hour traffic generation are unlikely to negatively impact on the surrounding highway network.

Representations

54. We have received a total of 4 letters of representation at the date this report was written. All the letters object to the proposed development. The material planning reasons given in objection to the application are summarised below:
 - The proposed dwellings are not sympathetic in design to the surrounding architecture. The majority of Rainow's most notable properties are sited along the main road and it is this existing architecture that creates the character of the village.
 - The proposed materials are inappropriate and should be replaced with local stone for the walls and roofs with timber windows and doors.
 - The application must be clearer about what type of stone walling is proposed. This should be drystone walling designed to reduce visibility of the development.
 - This site is located straight after entering the National Park and is inappropriate.
 - The proposed housing density is too high for the site.
 - The development will harm Smithy Lane by introducing a modern development elevated above the level of the lane. The development will be prominent especially in the winter months where there will be no screening.
 - The proposed dwellings situated nearer the roadside to both Church Lane and Smithy Lane at the front and the rear of the plot will directly overlook Years Low Cottage, Church Lane and Byways on Smithy Lane.
 - The application refers to the 2019 Rainow Housing Needs Survey and states that none of the sites are considered to be suitable. The parish includes land with planning permission for 24 apartments and 18 town houses and this should meet some of the need highlighted in the survey.
 - It is not appropriate to use figures from the 2019 Rainow Housing Needs Survey as a large portion of Rainow is not in the Peak District National Park.

- No information provided on environmental impact and how the development will achieve the highest possible standards of carbon reductions and water efficiency.
- The access is around a blind bend and there is a danger of serious injury from large vehicles travelling south not being able to stop in time if a vehicle (or several vehicles) are stationary waiting to turn into the site.
- Vehicles often travel over the 30mph limit heading south into the village. A speed survey should be carried out to determine the actual speed of traffic at this point.
- The proposed access is too narrow for the volume of cars and trips the development would generate. This would lead to people parking on the main road to avoid the issue and increased congestion.
- The ecological survey does not fully appreciate what animal and plant species may return in the long term should the land left to re-establish.
- Light and noise pollution on Smithy Lane is likely to have a negative impact upon local bat populations and nearby neighbouring properties.
- The development may have a detrimental impact upon tourism and harm local businesses such as the Robin Hood pub.
- The proposed footpath to Smithy Lane would encourage further parking on Smithy Lane and would encourage construction companies to park plant and vehicles during construction.
- Lack of information provided about sewage and surface water.
- Inaccuracies in submitted drawings and supporting information.

Main Policies

55. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, CC1, HC1 and T1
56. Relevant Development Management policies: DMC1, DMC3, DMC4, DMC5, DMC8, DMC11, DMC12, DMC13, DMC15, DMH1, DMH2, DMH3, DMH11, DMT3, DMT5 and DMT8

National Planning Policy Framework

57. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
58. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

59. Paragraph 172 of the NPPF states that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.’
60. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to delivery affordable housing to meet the needs of local communities.
61. Paragraph 78 and 79 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.
62. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
63. Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
64. Paragraph 193 of the NPPF says 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.
65. Paragraph 194 of the NPPF says 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.
66. Paragraph 195 of the NPPF says where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
67. Paragraph 196 of the NPPF says 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.

Core Strategy Policies

68. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
69. Policies GSP3 sets out development management principles and says that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
70. Further detailed policy on appropriate design for new housing is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.
71. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
72. The approach to housing and conservation in the NPPF is consistent with the Authority's development strategy (Policy DS1) which says new residential development within the National Park should normally be sited within named settlements, and Policy HC1. C which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which new housing can be granted planning permission in the National Park.
73. Policy HC1. A says that new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
74. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

75. Policy L3 states that development must conserve and where appropriate enhance or reveal the significance heritage assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest.
76. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency. CC1. B says that development must be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.

Development Management Policies

77. Policy DMH1 says that new affordable housing will be permitted in or on the edge of a Core Strategy policy DS1 settlement provided that there is a proven need for the dwellings and any new build housing is within established size thresholds. Policies DMH2 and DMH3 set out detailed requirements for first occupants to satisfy a local connection and arrangements for second and subsequent occupants and the occupancy cascade. DMH11 states the requirements for planning obligations to secure affordable housing in perpetuity.
78. Paragraph 6.42 of the supporting text to policy DMH1 says that when a settlement is split by the National Park boundary, the identification of the most appropriate exception site will be a matter for the Authority, the community, the constituent authority concerned and the developer. Where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
79. Policies DMC1, DMC3 and DMC5 require development to conserve and enhance the landscape and cultural heritage of the National Park and provide detailed criteria to assess development proposals including the requirement for landscape assessment and heritage assessment where appropriate. Policy DMC8 provides detailed policy where development is within or would affect the setting of a conservation area. Design and landscaping must be of a high standard and in accordance with adopted design guidance.
80. Policies DMC11 and DMC12 require development to conserve or enhance nature conservation interests including sites, features or species of wildlife, geological or geomorphological importance and require adequate information to be submitted to allow an assessment of impacts. DMC13 requires development to conserve or enhance trees and woodland and tree surveys and mitigation where appropriate. DMC15 requires assessment and mitigation for contaminated and / or unstable land where appropriate.
81. Policies DMT3, DMT5 and DMT8 set out detailed requirements for access criteria, for development affecting public rights of way and residential off-street parking.

Assessment

Principle of proposed development

82. The Authority's housing policy maintains the long established principle that it is not appropriate to build new housing within the National Park solely to meet the market demand to live within its sought after environment.
83. The NPPF directly refers to the National Parks Circular which makes clear that the Government considers it inappropriate to set housing targets within the National Parks and instead that policies should seek to delivery affordable housing to meet the needs of local communities. Paragraph 78 and 79 of the NPPF re-inforce this approach together saying that planning authorities should seek to promote sustainable affordable housing in rural areas and that permission for isolated new housing in the countryside should only be granted where there are special circumstances.
84. Therefore, there is no conflict between policies in the NPPF and our policies which state that new housing will not be permitted unless there are exceptional circumstances such as where new build housing would be located within a named settlement and would address eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity in accordance with policies HC1, DMH1, DMH2, DMH3 and DMH11.
85. The parish of Rainow is located on the edge of the National Park and is split by the National Park boundary. The supporting text to policy DMH1 at para 6.42 is therefore relevant. This says that the identification of the most appropriate site will be a matter for the Authority, the community, the constituent authority concerned and the developer.
86. The supporting text goes on to say that where the majority of residents are outside the National Park but the larger geographical area of the Parish lies inside the National Park it will not necessarily mean there is greater scope for development in the National Park. However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village, there is no objection in principle to a development of housing inside the National Park. This applies even if most of the population live outside the National Park, provided that all alternatives have been assessed.
87. By area the majority of the land within the Rainow Parish is located within the National park but the majority of the population live outside of the National Park primarily within the housing on the west side of Church Lane.
88. A housing need survey for Rainow has been carried out by Cheshire East Council with the report published in July 2019. The survey identifies that there are a total of 38 potential new households in need of affordable housing in the parish. The report does not break down the size and types of dwellings required or tenures but does state that the majority of need is for houses.
89. The housing need survey does not identify whether the respondents to the survey live in or outside of the National Park and therefore it is not possible to conclude how many of the 38 households identified originate from within the National Park or not.
90. The application proposes a total of 9 units. No evidence has been submitted with the application to demonstrate that the proposed development would only be meeting need arising within the National Park. Given that the majority of residents within the parish live outside of the National Park it is reasonable to conclude that the majority of the households identified by the housing need survey are outside of the National Park.

91. Where a settlement such as Rainow is split by the National Park boundary the supporting text to development plan policy DMH1 allows, in principle, for sites within the National Park to meet need arising from the part of the settlement outside of the National Park. However, in these circumstances the emerging policy expects the Authority, the community, the constituent authority and the developer to go through a process of identifying the most appropriate exception site (within or outside of the National Park). This is to ensure that the site within the National Park is only chosen if there is no suitable site outside.
92. Officers have recommended that the applicant undergo this process as part of pre-application discussions but unfortunately this has not taken place. It is acknowledged that consultation has been carried out by the applicant with the local community with some consideration of sites in the settlement as a whole. However, there has not been any collaborative process to identify and objectively assess appropriate sites. There is therefore no convincing evidence that the proposed site is the most suitable to provide affordable housing for Rainow.
93. Notwithstanding the issue of the principle of the proposed development a number of issues are raised by the Parish Council and in representations. Even if the principle of development on this site is accepted it is necessary to consider the impact of the development upon the valued characteristics of the National Park and whether the development is acceptable in all other respects.

Design, landscape and visual impact

94. Significant concerns have been raised by our Conservation, Landscape and Tree Officer along with the Parish Council and representations in regard to the impact of the proposed development. A number of concerns are in regard to the number of proposed dwellings, layout and design and the impact upon landscape character, trees and the Conservation Area.
95. The site is located within the South-west Peak and the Slopes & valleys with woodland landscape character type. This is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. Blocks of woodland are a characteristics feature of this landscape, together with patches of acid grassland and bracken on steeper slopes and higher ground. This is an area of traditional dispersed settlement with probable ancient origins. Views to lower ground are framed by woodlands and valley sides.
96. The site is located outside of but adjacent to the designated Rainow Conservation Area which is linear in form following the main road from the Rising Sun pub up past the site and including the converted chapel, the burial ground and chapel house. The site is prominent from within the Conservation Area when passing on Church Lane and is also seen in the context the Conservation Area from a number of viewpoints including from Smithy Lane, from the pub garden and from the public footpaths to the north east and south of the site.
97. It is clear that development on this site has the potential to impact upon the setting of the Conservation Area and upon the landscape character of the area. Our Conservation and Landscape Officers advise that insufficient information has been submitted with the application to enable the Authority to properly assess the impact of the development upon the setting of the Conservation Area and upon landscape character.
98. The application is not supported by a landscape and visual impact assessment nor a heritage statement to assess these impacts. Nevertheless, on the basis of an

assessment of the submitted plans and the site and surroundings we have significant concerns about the density, scale and design of the proposed dwellings.

99. The built development within Rainow historically developed along the main road with single properties, short terraces or in small groups of buildings either facing or gable on to the road. Most development is located close to the edge of the road with the land behind largely undeveloped. There are few places within the Conservation Area with development on both sides of the road. The exception to this settlement pattern is the large amount of modern development within the housing estates on the west side of the main road outside of the National Park. The density and layout of these properties do not make a positive contribution to the historic settlement pattern and are not included within the Conservation Area.
100. The area of the application site is 0.21 Ha and therefore the proposed 9 dwellings would represent a development density of 42.9 dwellings per hectare. This density is significantly greater than the historic development along the main road and is more similar to that within the suburban housing estates on the west side of the village.
101. The number of proposed dwellings and layout would also not be reflective of the historic settlement pattern. The proposal is not for an individual or small group of properties and only three of the proposed dwellings would face onto the main road with the majority facing towards Smithy Lane albeit from a set-back and elevated position behind the existing mature trees.
102. These dwellings would not have any clear visual or functional relationship with Smithy Lane and would be prominent in local views especially during the winter months. Within the site all of the proposed dwellings would present their rear elevations onto the access road and the proposed 1.8m stone walls would create a blank and oppressive character.
103. The proposed development would therefore not reflect or respect the historic pattern of development within the National Park which is valued within the landscape and forms an essential part of the Conservation Area which is a designated heritage asset. The scale and density of the proposed development and the layout of houses would more closely reflect that of the housing estates on the west side of the village and would appear as an incongruous addition from and in the context of the Conservation Area and in the wider landscape.
104. The design and detailing of the proposed dwellings also does not reflect or respect the traditional vernacular within the Conservation Area and is not in accordance with the Authority's design guide.
105. The majority of the proposed dwellings are non-traditional in form and have a strong vertical emphasis with over wide gables and a significant number of window and door openings and glazed triple windows to the rear. The apartment block's main roof is ridged the opposite way to the local tradition with the ridge running along the shorter dimension of the plan. Furthermore, the south-west facing gable of apartment 1 is treated as a principle elevation with central door and five surrounding windows which resulting in an overtly suburban appearance which would be alien in the context of surrounding buildings and a prominent feature. A number of the proposed houses also have a strong vertical emphasis and wide gables.
106. The detailed design and materials of the proposed dwellings is also inappropriate with concrete roof slates proposed along with cream coloured uPVC windows and doors, rainwater goods, fascias, soffits and barge boards. These proposed materials and detailing are not reflective of buildings within the Conservation Area which is characterised by the use of natural stone and slate with timber windows and doors and

simple gutters on brackets. The proposed 1.8m close boarded timber fencing would also not reflect stone boundary walls in the area and the proposed flat roofed timber bin and cycle store would not be an appropriate design.

107. The proposed detailed design and materials of the development would compound the fact that development would have a suburban appearance and would appear incongruous in scale, form and materials to surrounding built development.
108. Concern is raised in regard to the impact of the proposed development upon trees on the site and that the proposed development would result in the loss of woodland which would have a harmful impact upon landscape character. A tree survey has been carried out and submitted with the application.
109. The Slopes & valleys with woodland landscape character type is a pastoral landscape with a varied undulating topography of steel slopes, low ridges and incised valleys. The Authority's adopted landscape character assessment identifies that blocks of woodland are a characteristics feature of this landscape.
110. Around the boundary of the site there are a number of mature and young mature trees. The trees along Smithy Lane and within and adjacent to the adjacent former church car park are subject to a tree protection order (TPO). There were a number of tree groups in the northern half of the site but these were removed by the land owner last year after the previous planning application was submitted.
111. Concern has been raised by our Landscape Officer and in representations that the impact of the proposed development upon trees on site would have a harmful impact upon landscape character as the development would remove an establishing block of woodland on the site which makes a positive contribution to the landscape character of the area and this edge of the settlement.
112. This block of woodland was removed before this application was submitted. However, there would be an opportunity to re-instate an area of woodland on this part of the site as part of any development and this could achieve enhancements in accordance with our conservation policies. This would not be possible as part of the proposed development because the whole area would be developed. This adds to conclusions that the scale of the proposed development has too great an impact upon the character of the local area and the wider landscape.
113. In regard to the remaining trees on site and adjacent to the site which are now subject to a TPO our Tree Officer has raised concerns about the level of information submitted in regard to tree protection and mitigation. The information provided is not sufficient to allow an assessment of potential impacts upon the TPO trees and therefore the application is contrary to development management policy DMC13.
114. We have previously discussed the concerns raised in regard to scale, character and design with the agent and have advised that if the principle of developing this site can be established then a smaller scheme which reflects the built character of Rainow and restores / reinforces and manages the woodland within the northern part of the site would be likely to be more acceptable.
115. Due to the scale, density, layout and design of the proposed development we conclude that the proposed development would have an adverse impact upon the character of the area, the setting of the Conservation Area and landscape character and insufficient information has been submitted in regard to trees contrary to Core Strategy policies GSP1, GSP3, L1 and L3, development management policies DMC1, DMC3, DMC5 and

DMC13, our adopted design guide Supplementary Planning Guidance and the National Planning Policy Framework.

Impact upon ecology

116. A draft ecological report has been submitted with the application following a phase 1 walkover survey carried out in September 2018. The survey included inspection for bats, birds, reptiles and badgers along with habitat. There are no designated sites within 1km of the site and therefore Officers conclude that given the nature of the development and distance to designated sites that the proposal would not result in any significant adverse effect upon designated sites.
117. The vegetation survey identified improved grass land, tall ruderal, scattered trees and woodland habitat types on the site. The bat survey included inspection of trees on site and concludes that these trees are of negligible roost potential for bats and low potential for foraging and commuting bats. The site is considered to have negligible potential to support reptiles and moderate potential for nesting and breeding birds which are likely to utilise the woodland and grassland on site as nesting and breeding habitat. No badger setts were found on the site.
118. Overall the report concludes that the site is of low to moderate ecological value with the habitats present of negligible / site ecological value. The development of the site could result in loss of nesting habitat and disturbance of bird nests if vegetation clearance works are undertaken during the bird-nesting season and loss of badger foraging habitat. The report refers to potential impact to roosting habitat however it is not clear if this reference is relevant because the report refers to an existing building on the site, which is not the case.
119. The report makes various recommendations including to minimise lighting levels, to ensure that vegetation clearance takes place outside of the bird nesting season (March – October), installation of bat boxes, hedgehog homes, protection of hedgerows and trees to be retained and appropriate native planting.
120. Our ecologist has been consulted and we are awaiting a response. The previous application was supported by the same ecological report and at that time our ecologist raised concerns that there had been no assessment of the impact of the woodland as habitat or proposals for mitigation or compensation for the loss. There were also concerns that the report does identify that the woodland provides moderate potential as habitat for nesting and breeding birds and acknowledges that the development could result in the loss of this habitat.
121. The report proposes that any landscape planting aims for a majority of native species as an enhancement. There is however also no assessment of what additional planting would be feasible given the number of proposed properties and layout and whether this would compensate for the woodland that would be lost.
122. Within the National Park great weight must be given to the conservation of biodiversity and policy L2 says that development must conserve and enhance any features of biodiversity importance. Similarly paragraph 170 of the NPPF says that planning decisions should enhance the natural environment by protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for, then planning permission should be refused.

123. The woodland on the site has been removed and therefore the development would not have a direct impact upon this. Since the woodland was felled the land has recovered somewhat and there is still therefore potential for nesting and breeding birds to use the site. There are concerns about the impact of the development and it could be possible to avoid this impact with a reduced scheme which retained and restored part of the site as woodland.

Highway Safety

124. A number of concerns are raised in regard to parking and highway safety. A transport statement has been submitted with the application. There are local facilities in a close walking distance including the local school, pub and church and the development would be located close to local bus stops which link to Macclesfield. We accept that the site is on the edge of the village and agree that the site is in a sustainable location in terms of transport in the context of Rainow.
125. The access to the site would be onto Church Lane which at this point has a 30mph speed limit. The transport statement demonstrates that appropriate visibility splays can be achieved in both directions and that refuse and delivery vehicles will be able to access and leave the site in a forward gear.
126. Concern has been raised in representations in regard vehicles waiting on the highway to turn right into the site. In this circumstance the vehicle would approach from the east and the concern is that following vehicles would have limited visibility of the waiting vehicle due to the road geometry which bends away and where visibility is limited by walling and the access to the converted Chapel.
127. Photographs submitted with representations indicate that visibility would be limited by these factors for vehicles approaching from the east and it is not clear how much visibility drivers of following vehicles would have to react to and safely stop behind a vehicle waiting to turn right into the site.
128. We have consulted the Highway Authority who raise concerns about this issue and requested amended plans to take into account the gradient of the road (that drops down into Rainow from the east) and plans to accurately show the roadside wall that affects visibility for approaching vehicles.
129. Having visited the site we do have concerns that following vehicles may not have sufficient visibility to safely stop in this circumstance. This is due to the geometry of the road and also due to the fact that the road is dropping down into Rainow at this point from the point where the speed limit drops from 50 mph to 30 mph. Vehicles therefore may not have sufficient visibility to safely react and stop, especially heavier vehicles or vehicles less able to brake on a bend safely such as motorcycles.
130. It is noted that there are no recorded accidents on the highway here as evidenced by the transport statement, however there is no existing access here into the site and therefore the fact that has not been any recorded accidents does not rule out the possibility that the proposed access could create a new safety issue.
131. At the time of writing the agent has submitted amended plans in response to the Highway Authority. We are awaiting a further response from the Highway Authority which is expected in time for the meeting and members will be updated. As submitted it has not been demonstrated that the proposed development would be served by safe access and it is considered that the proposals could result in a highway safety issue in the circumstance of vehicles waiting to turn right into the site due to the lack of visibility. The

proposal is therefore considered to be contrary to development management policy DMT3.

132. The proposed development would meet minimum standards for the provision of off-street parking for the dwellings in accordance with the National Park parking standards. Officers consider that the level of proposed parking is sufficient and that the development would be unlikely to result in additional on-street parking.

Other issues

133. Concerns have been raised that the development would harm the privacy and residential amenity of neighbouring properties. Given the position of proposed dwellings on the site the closest neighbouring properties would be Byways on Smithy Lane and Years Low Cottage and The Old Chapel on Church Lane.
134. The Old Chapel is orientated away from the site and in an elevated position approximately 23m from the corner of the closest proposed dwelling. Given the distance and orientation of the existing property and the proposed nearest dwelling Officers are satisfied that the occupants of the Old Chapel would not suffer any significant loss of privacy or amenity.
135. Years Low Cottage would be located, broadly speaking, on the same level as the proposed dwelling and approximately 15m from the nearest proposed dwelling. Years Low Cottage is however located further south than the site and therefore the two properties would not face directly towards each other, rather at an angle greater than 45 degrees. Given this and the intervening highway it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.
136. Finally, Byways is located lower than the application site on the far side of Smithy Lane, approximately 25m from the nearest proposed dwelling. The front windows of the proposed dwellings would face north west rather than west towards Byways and given this relationship, the distance between the properties and intervening mature trees which are subject to TPO and are to be retained it is not considered that occupants of either dwelling would suffer any significant loss of privacy or amenity.
137. We are therefore satisfied that the proposal would not harm the amenity of neighbouring properties in accordance with the development plan and the Authority's detailed design guidance insofar as it relates to amenity. The proposal would not directly impact upon the adjacent footpaths or require their closure or alteration.
138. The proposed development would share its south eastern boundary with the pub and concern has been raised that noise from the pub could lead to complaints which could potentially curtail the activities of the pub and its long term viability. Officers consider that there is sufficient distance that noise would not be a significant impact and could be adequately mitigated by appropriate boundary treatment and planting.
139. The site is within Flood Zone 1 and therefore subject to agreement of satisfactory drainage there are no concerns that the proposal would be at risk of flooding or increase the risk of flooding elsewhere. The development would connect to mains sewage which is appropriate.
140. The Environmental Protection Officer has not responded to consultation on this application but did respond to the previous scheme and said that the proposed residential use is vulnerable to ground contamination and while the Borough Council's records indicate no former contaminative use, given the sensitivity of the end use a precautionary approach is appropriate and that a risk assessment and ground

investigation needs to be carried out with remediation (if required). Therefore, if permission was granted planning conditions would be recommended to secure this.

141. Our Senior Archaeologist advises that the site does not have any known archaeological interest and is likely to have low archaeological significance and therefore there are no concerns that the development would be harmful in this regard.
142. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources. The development again does not propose any energy or water saving measures as part of the design. The incorporation of such elements is a policy requirement as part of local efforts to mitigate the impact of climate change in accordance with the adopted policy.
143. Therefore, the failure of the scheme to address these issues is disappointing and the scheme does not comply with the policy in this regard.

Conclusion

144. We have several concerns about the principle of the proposed development on this site and the scale, density, layout and design of the proposed development, impact upon landscape character and the setting of the Conservation Area, biodiversity, trees on site and highway safety.
145. The submitted application does not demonstrate that the development would meet eligible local needs for affordable housing and therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, development management policy DMH1 and the National Planning Policy Framework.
146. By virtue of its scale, density, layout, materials and detailed design the proposed development would fail to reflect or respect the character of the local area and would harm the character and appearance of the area, the setting of the designated Rainow Conservation Area and the landscape character of the National Park contrary to Core Strategy policies GSP1, GSP3, L1 and L3, development management policies DMC1, DMC3, DMC5, DMC8 and DMC13 and the National Planning Policy Framework.
147. Insufficient information has been submitted to demonstrate that the development can be carried in a manner which avoids or mitigates the impact upon trees on site and local biodiversity. The proposed development is therefore contrary to Core Strategy policy GSP1 and L2, development management policies DMC11 and DMC13 and the National Planning Policy Framework.
148. Insufficient information has been submitted with the application to demonstrate that the development would be served by safe access. It is considered likely that the development could lead to highway safety issues in relation to vehicles waiting to turn right into the site. The proposed development is therefore contrary to development management policy DMT3 and the National Planning Policy Framework.
149. We have taken into account all material considerations raised and therefore conclude that the proposed development is contrary to the Development Plan and that there are no material considerations that indicate a different decision should be taken.
150. Accordingly, the application is recommended for refusal.

Human Rights

151. Any human rights issues have been considered and addressed in the preparation of this report.
152. List of Background Papers (not previously published)
153. Nil
154. Report Author – Adam Maxwell, Senior Planner