

Northern Planning Committee

Agenda

Date:	Wednesday, 23rd November, 2011
Time:	2.00 pm
Venue:	Heritage Centre, Roe Street, Macclesfield SK11 6UT

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 6)

To approve the Minutes of the meeting held on 2nd November 2011 as a correct record.

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Gaynor Hawthornthwaite

Tel: 01270 686467

E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/2658M - Hybrid Planning Application: outline application for development of 10 affordable homes together with associated access works and private car parking. Full application for the reconfiguration of access to and retention of the overflow car parking area for Chelford Agricultural Market - Land to the West of Former Irlams Depot, Knutsford Road, Chelford (Pages 7 - 26)**

To consider the above planning application.

6. **11/3199M - Extension to Time Limit on Planning Permission 07/0430P (Erection of a Continuing Care Retirement Community) - Territorial Army Ypres Barracks, Chester Road, Macclesfield (Pages 27 - 36)**

To consider the above planning application.

7. **11/3347M - Demolition of Existing Mill and Erection of Development Comprising 36 Apartments - Park Green Mill, Park Green, Macclesfield SK11 7NA (Pages 37 - 50)**

To consider the above planning application.

8. **11/3350M - Conservation Area Consent for Demolition of Existing Mill and Erection of Development Comprising 36 Apartments - Park Green Mill, Park Green, Macclesfield SK11 7NA (Pages 51 - 54)**

To consider the above planning application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 2nd November, 2011 at Heritage Centre, Roe Street,
Macclesfield SK11 6UT

PRESENT

Councillor B Moran (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, G Boston, B Burkhill, A Harewood, P Hoyland, O Hunter,
L Jeuda and L Roberts

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N Turpin (Principal Planning Officer), Mr P Wakefield (Senior Planning Officer), Mr N Jones (Principal Development Officer), Mr B Vas (Cheshire East Rural Housing Enabler) and Ms S Orrell (Principal Planning Officer)

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Louise Brown, Hilda Gaddum and Peter Raynes.

55 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor O Hunter declared a personal and prejudicial interest in respect of application number 11/2091M on the grounds that she is a Board Member of the Cheshire Peaks and Plains Housing Trust.

It was noted that Members had received correspondence from members of the public and Ward Councillors in respect of application 11/2424M - Erection of a Building for use as a Builder's Merchant following Demolition of an Existing Building for AGHOCO 1045 LTD - Queens Avenue, Macclesfield SK10 2BN.

56 MINUTES OF THE MEETING**RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman.

57 PUBLIC SPEAKING**RESOLVED**

That the public speaking procedure be noted.

58 11/2424M - ERECTION OF A BUILDING FOR USE AS A BUILDER'S MERCHANT FOLLOWING DEMOLITION OF AN EXISTING BUILDING FOR AGHOCO 1045 LTD - QUEENS AVENUE, MACCLESFIELD SK10 2BN

Consideration was given to the above application.

(Mr K Smith, on behalf of Macclesfield Civic Society; Ms J Rushton, on behalf of Queens Avenue Residents and Christopher Kendall, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be APPROVED subject to

(a) a Section 106 Agreement to secure:

- A commuted sum of £5,906.67 towards public open space/amenity improvements.
- A contribution to improve weight limit signage on Queens Avenue

(b) the following conditions:

1. Commencement of development (3 years).
2. Development in accord with revised plans.
3. No external storage – unless previously approved with the LPA.
4. Provision of car parking.
5. Details of materials to be submitted.
6. Tree Protection.
7. Tree pruning/felling specification.
8. Service/drainage layout.
9. Landscaping – submission of details.
10. Landscaping (implementation).
11. Decontamination of land.
12. Cycle parking.
13. The opening hours of the Builders Merchants should be:

Monday to Friday	07.30 hours to 17.30 hours
Saturdays	07.30 hours to 12.00 hours
Sundays & Bank Holidays	No operations on site

14. No deliveries shall enter or leave the site nor shall any customers be allowed to enter the site before 7.30 am on any day.
15. No HGV (heavy good vehicle(s)) shall enter or leave the site before 8.00 am on any day.
16. Materials which may produce dust and/or require mechanical handling to be sited in positions as far away as possible from the nearest residential properties.

And the additional conditions:

17. To provide informative signage for HGVs within site.
18. That the site maintains suitable foraging material for bats.

(The meeting adjourned at 11.30 am and reconvened at 11.40 am)

59 11/2091M - FULL APPLICATION FOR 14 AFFORDABLE DWELLINGS TO SERVE LOCAL HOUSING NEED - FOR CHESHIRE PEAKS AND PLAINS HOUSING TRUST - LAND OFF MARTHALL LANE, MARTHALL LANE, OLLERTON WA16 8RP

(Having declared a personal and prejudicial interest in this application, Councillor O Hunter withdrew from the meeting during consideration of this item)

Consideration was given to the above application.

(Councillor G Walton, the Ward Councillor; Councillor R Weston, a Parish Councillor; Mr N Hanlon, an objector; Mr B Coutts, a supporter and Mr N Bennett, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be APPROVED subject to:

- (a) completion of Section 106 to secure:
 - Dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Ollerton with Marthall and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Cheshire Peaks and Plains Housing Trust and the Parish Council).
 - Commuted sum of £42,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Ollerton

(b) The following conditions:

1. Commencement of development (3 years).
2. Development in accord with approved plans.
3. Submission of samples of building materials.
4. Obscure glazing requirement.
5. Landscaping – submission of details.
6. Landscaping (implementation).
7. Landscaping to include details of boundary treatment.
8. Removal of permitted development rights.
9. Tree retention.
10. Tree protection.
11. Drainage details.
12. Phase 1 contaminated land survey.
13. Safeguarding breeding birds.
14. Enhancement for breeding birds/bats.

And the Additional Conditions:

15. Construction method statement to include the hours of construction

(The meeting adjourned at 12.45 pm and reconvened at 2.00 pm)

60 **11/3105M - DEMOLITION OF EXISTING SINGLE STOREY EXTENSION, ERECTION OF NEW TWO STOREY AND SINGLE STOREY EXTENSION FORMING NEW ENTRANCE INCLUDING LIFT, MINOR PROCEDURES SUITE, 3 CONSULTING ROOMS AND EXTENDED PHARMACY, RECONFIGURING OF CAR PARK AND MINOR ALTERATIONS TO EXISTING BUILDING TO INCORPORATE NEW WINDOW OPENINGS AND BUILDING SERVICES FOR JAVED SHEIKH - KENMORE MEDICAL CENTRE, 60 ALDERLEY ROAD, WILMSLOW SK9 1PA**

Consideration was given to the above application.

(Councillor W Fitzgerald, the Ward Councillor; Mr A Blain, a supporter, Mr T Wells, an objector and Dr J Sheikh, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be APPROVED subject to

(a) a Section 106 Agreement to secure:

- Provision of a green travel plan
- Monitoring costs

(b) the following conditions:

1. Tree retention.
2. Tree protection.
3. Development in accord with revised plans (unnumbered).
4. Materials to match existing.
5. Commencement of development (3 years).
6. Construction specification/method statement.
7. Rainwater goods.
8. No lighting.
9. Protection from noise during construction (hours of construction).
10. Pile Driving.
11. Obscure glazing requirement.
12. Works to be in accordance with revised arboricultural statement.

61 11/1803M - ERECTION OF DWELLING FOR MR AND MRS HODGSON - WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE WA16 7DB

Consideration was given to the above application.

(Councillor D Bailey, a Parish Councillor; Ms H Gilks, an objector; and Ms A Heine, the agent attended the meeting and spoke in respect of the application).

(A representation from Councillor J Macrae, the Ward Councillor who was unable to attend the meeting, was read out by Peter Hooley).

RESOLVED

That the application be APPROVED subject to

(a) the prior completion of a Section 106 agreement to secure

- The demolition/removal of Ivy Cottage.
- The cessation of the residential use of the plot.

(b) the following conditions:

1. Development in accord with approved plans.
2. Removal of permitted development rights.
3. Agricultural occupancy.
4. Extent of domestic curtilage to be defined.

The meeting commenced at 10.00 am and concluded at 3.30 pm

Councillor B Moran (Chairman)

Application No: 11/2658M

Location: LAND TO THE WEST OF FORMER IRLAMS DEPOT, KNUTSFORD ROAD, CHELFORD

Proposal: Hybrid Planning Application: outline application for development of 10 affordable homes together with associated access works and private car parking. Full application for the reconfiguration of access to and retention of the overflow car parking area for Chelford Agricultural Market

Applicant: EDDIE STOBART GROUP LTD

Expiry Date: 10-Nov-2011

Date Report Prepared: 11th November 2011

SUMMARY RECOMMENDATION

Approve subject to conditions & the prior completion of a S106 legal agreement

MAIN ISSUES

- Whether the principle of affordable housing in this location is acceptable
- Whether the need for affordable housing has been proven
- Whether the proposal constitutes inappropriate development in the Green Belt and if so, whether there are any very special circumstances
- The design and appearance of the proposal and its impact on the character, appearance and openness of the area
- The impact of the proposal on the amenity of nearby residents
- Whether the reconfigured access arrangements are suitable
- Whether the overflow car parking area to Chelford Agricultural Market should be retained
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on protected species

REASON FOR REPORT

This is an application for 10 affordable dwellings in the Green Belt, and as such meets the criteria outlined in the Council's constitution for it to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of land, the majority of which has previously been used as an overflow car parking area for Chelford Market. The application site covers an area

of 1.77 hectares. The site is accessed from Knutsford Road via a strip of land which is between Chelford Farm Supplies and Dixon Court. The car park area comprises some hardstanding and grassed areas. An 'L' shaped area of land falls to the south of the bowling green, which contains trees, hedgerows and scrub vegetation. Stobarts depot lies to the east of the site. This comprises industrial, warehouse and office buildings and is surrounded by hardstanding. Chelford Heath lies to the south of the site, which is a dense woodland. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This is a hybrid application. Outline planning consent is sort for the erection of 10 affordable homes together with associated access works and private car parking. All matters are to be reserved for this part of the application except for the means of access, which would be from Knutsford Road, and this incorporates improvements to the access to the existing market car park.. An indicative layout has been submitted which shows a mix of properties which would include 4 x 2 bedroom terraced properties, 5 x 3 bedroom properties (3 detached and one pair of semi-detached properties) and 1 x 4 bedroom detached property. No details have been provided with regard to who would manage the affordable dwellings. The applicants agent proposes that this is a matter for further discussion but could comprise a combination of products aimed at satisfying the requirements of households with varying income profiles, some of whom may be better suited toward assisted forms of home ownership than others.

Full planning permission is sort for the reconfiguration of the access to and retention of the overflow car parking area for Chelford Agricultural Market.

RELEVANT HISTORY

10/3239M - Re-development of depot for residential development (maximum 50 dwellings) – Application was considered by the Strategic Planning Board on 08.12.10 and approved subject to conditions and a S106 Agreement with the following Heads of Terms: -

- The Employment element as proposed under application 10/3267M shall be substantially complete within 3 years of the commencement of the residential scheme unless another scheme is approved in writing with the Local Planning Authority
- 30% affordable housing split between 50% for social rent and 50% for intermediate ownership but with flexibility to vary the proportions of tenure in line with guidance from the Homes & Communities Agency and the Council's Strategic Housing Manager current when layout details are submitted for reserved approval.
- Provision of a Puffin Crossing on Knutsford Road (A537)
- Provision of public footpath, linking the existing bridle path to Knutsford Road
- Education contribution of £68,750 towards extending Chelford CE Primary School, to accommodate additional school children generated by the development
- Commuted sum of £187,000 in lieu of Public Open Space /off site play & amenity facilities/recreation and outdoor sport
- Financial contribution towards community facilities £30,000

10/3267M - B1 Employment development (maximum 603 sq m) – Awaiting determination.

03/1642P - Use of car park by private vehicles unconnected with the market (certificate of lawfulness for a proposed use or development) - Land to rear of former Dixon Arms, Knutsford Road, Chelford– Positive Certificate Issued – 30.03.04

Although not related to this application site, the following application details for Chelford Agricultural Market should be noted: -

10/3448M - Outline planning application for the erection of a mixed use development comprising residential, community and employment uses set in high quality landscaping and attractive new public realm at Chelford Agricultural Centre, Dixon Drive, Chelford –

Application was considered by the Strategic Planning Board on 08.12.10 and approved subject to conditions and a S106 Agreement with the following Heads of Terms: -

- 30% Affordable Housing units be 50% social rent, 50% intermediate tenure.
- commuted sum required for provision of Outdoor Space is £322 000; the figure required for Recreation / Outdoor Sport is £82 000 Both the above commuted sums would be used to make improvements, additions and enhancements to the following facilities (subject to consultation with the public) at: - the Mere Court open space and play area, Amenity Open Space on Dixon Drive, Chelford Village Hall (open space and children's play area), provision of a footpath link from Chelford Village Hall to Chelford Village.
- Contribution towards a community facility-£48 160 (subject to RPI). This would be used (subject to consultation with the public) at: -Astle Court Community Room, the Scout Hut, Chelford School (community uses only), and within the major housing areas.
- £16,300 towards the following: - an investigation for the removal of traffic regulation orders, footpath improvements along Dixon Drive, the removal of the no through road for vehicles along Dixon Drive and junction improvements at the Knutsford Road junction with Station Road and Dixon Drive.
- A developer contribution will be required towards additional school places at Chelford CE Primary School at a cost of £118 250.

POLICIES

Regional Spatial Strategy

- DP1 Spatial principles applicable to development management
- DP2 Criteria to promote sustainable communities
- DP4 Sequential approach to making the best use of existing resources
- DP5 Objective to reduce need to Travel and increase accessibility
- DP7 Criteria to promote environmental quality
- DP8 Mainstreaming Rural Issues
- DP9 Objective to reduce emissions and adapt to climate change
- RDF1 Hierarchy of spatial priorities
- RDF2 Spatial priority for development in rural areas
- RDF4 Maintaining the general extent of the Region's Green Belt
- L2 Understanding Housing Markets
- L4 Criteria on targets for regional housing provision
- L5 Affordable housing provision
- RT2 Strategies for managing travel demand and regional parking standards

- RT9 Provision of high quality pedestrian and cycle facilities
- EM1 Objectives for protecting the Region's environmental assets

Local Plan Policy

- NE11 Protection and enhancement of nature conservation interests
- BE1 Design principles for new developments
- GC1 Control over new buildings in the Green Belt
- H1 Housing phasing policy
- H2 High quality living environment in housing developments
- H5 Criteria for the development of windfall housing sites
- H8 Provision of affordable housing
- H9 Affordable Housing
- H13 Protecting Residential Areas
- T2 Integrated Transport Policy
- DC1 High quality design for new build
- DC3 Protection of the amenities of nearby residential properties
- DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
- DC8 Requirements to provide and maintain landscape schemes for new development
- DC9 Tree protection
- DC35 Materials and Finishes
- DC37 Landscaping
- DC38 Guidelines for space, light and privacy for housing developments
- DC40 Children's Play Provision and Amenity Space

Other Material Considerations

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPS3 Housing
- PPS4 Planning for Sustainable Development
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- SPG Planning Obligations (Macclesfield Borough Council)
- Interim Statement on Affordable Housing (Cheshire East Council)
- Ministerial Statement – Planning for Growth (March 2011)
- Draft National Planning Policy Framework (July 2011)

PUBLICITY

This application has been advertised by means of a Press Advertisement, Site Notice and neighbour notification letters, with the last date for comments on 10th November 2011.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no objections to the application. This access was to be upgraded as part of the residential permission granted for the residential development on the Chelford Depot site. Given that this proposal only includes consideration of a further 10 units, the Strategic Highways Engineer would not insist that the upgrades to the access are made as part of this application. However, the problem of pedestrians crossing Chelford

Road is still an issue due to the high volume of traffic and the lack of gaps in the flow. Additionally, all of the local amenities are on the opposite side of the road such as shops, schools etc.. In these circumstances, there is a need for the pedestrian crossing that was agreed for the adjacent Stobart site to come forward as part of this development.

United Utilities raise no objections, subject to conditions.

The **Environment Agency** raise no objections, subject to conditions and informatives relating to the requirement for a surface water drainage scheme following the Flood Risk Assessment which was submitted to accompany the application. The scheme shall also include: -

- details of exceedence event up to a 1 in 100 year including climate change allowance
- and, details of how the scheme shall be maintained and managed after completion

The **Environmental Health Officer** has assessed the application in relation to noise, air quality and contaminated land.

Application 10/3239M was considered with respect to noise and air quality concerns. Whilst this application is for an additional 10 housing units, it has been considered appropriate, to consider the proposed developments on a combined basis with respects to environmental noise and local air quality concerns. It is therefore recommended that the conditions with respect to application 10/3239M are attached to any approval associated with this application.

This site has a history of industrial use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application recommends that there is contamination present which may require remedial measures and further investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

The **Green Space Parks Officer** comments that In the absence of on site provision the proposed development would be required to make a commuted sum payment for offsite provision of public open space.

The **Housing Strategy and Needs Manager** raises no objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

VIEWS OF THE PARISH COUNCIL

Chelford Parish Council does not support the proposed development of 10 affordable homes on this site of Green Belt land. The applicant has consulted with Chelford Parish Council but there has been no public consultation with Chelford residents. The Parish Council feels that such a consultation should be done as they have unexpectedly received, strongly felt objections to increased numbers of affordable houses in the village over the forty affordable houses already with outline planning permission as part of mixed developments on the Stobart's and Marshall's sites.

Both the Parish Council and residents recognise the need for 'affordable housing' but also for the requirement for 'market sale' homes that are within the reach of young local families. Indeed, of those Chelford residents who answered the question in the Rural Housing Needs

Survey 2008 (RHNS), 64% were in favour of a *small* development affordable housing. It is highly unlikely that 50 affordable houses would be considered by residents as a 'small development'.

The Parish Council has already supported proposals for 40 affordable houses as 30% of two mixed housing developments on the brown field site of the former Irlams Cold Storage site and the current Agricultural Market site to the north of Knutsford Road (A537).

The Parish Council accepts the figures quoted from the RHNS 2008, of 35 current households wishing to set up homes within the village and a further 21 households "wishing to return". However, when asked in the RHNS what type of housing was required by these households more than half wanted to "buy on the open market" whilst the other half needed rental or subsidised ownership (split 50:50). Hence, using these data from the RHNS, the Parish Council calculate the requirement for 'affordable housing' in Chelford is about 33, which is more than covered by the 40 already approved for development.

The Parish Council recognises that these 40 houses are unlikely to come to fruition in the next couple of years and that therefore, it is persuasive to consider this proposal positively to supply affordable housing more quickly. The Parish Council also understand that current policy only allows development of Green Belt under exceptional circumstances, e.g. to fill an essential local need for affordable housing.

However, the Parish Council guards robustly the surrounding Green Belt and does not believe that this development qualifies for exceptional circumstances as the village's need for affordable housing is already fulfilled. Indeed, it sets a dangerous precedent for using the other Green Belt parts of the site for building more affordable housing way beyond the village's needs.

The Parish Council in commissioning their own Housing Development Strategy and in response to the other planning applications has consistently advocated mixed developments of market sale housing 'pepper potted' with affordable housing. The Parish Council would propose that the whole site is viewed holistically to fulfil all the needs of the village. The Parish Council intend to work with Cheshire East Council to produce a Village Plan to deliver our community's future development appropriate to residents needs and in a reasonable time frame.

The Chelford Parish Plan clearly demonstrates a strong and long held local concern that a pedestrian crossing is needed in the centre of the village across the busy Knutsford Road. This concern has been recognised by the provision of such a crossing as part of the Section 106 agreement for the development on the Cold Storage site. The Parish Council would argue that the proposal for 10 family homes would necessitate the crossing being installed for this development for the safety of young children crossing the road to local village shops, pre-school and the primary school.

The Parish Council also understand from discussions with Marshalls that much of the land for this proposed development is part of the market overflow car park leased to Chelford Agricultural Market. The loss of this car parking on busy market days would increase the congestion on residential roads in the village. Furthermore, there are already problems with market traffic and parking on residential roads (Elmstead Road, Dixon Drive and Robin Lane)

and to put more houses where they are likely to suffer similar disturbance seems unreasonable.

The Parish Council has no objection to the reconfiguration of access to and retention of the overflow car parking for Chelford Agriculture Market. This support is given provided that such a proposal does not change the designation of the land as Green Belt land and still allows its original use as an overspill car park for the market.

OTHER REPRESENTATIONS

A total of 5 letters of representation have been received at the time of report preparation, objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of objection are summarised below: -

- The proposal will result in an increase in traffic and parking especially on market days.
- The access is poor and the development will cause traffic chaos.
- Crossing the road outside the site is dangerous. It will be worse if these plans are approved.
- There is a lack of infrastructure in Chelford for the development.
- The proposal will result in an increase in noise
- There will be an adverse impact on wildlife, including birds and badgers
- There is already outline planning permission for 40 affordable houses in the village on brown field land. No more are required.
- This is a Green Belt area and must not be used for commercial gain.
- If all the applications are granted in Chelford, it will become overcrowded.

In addition, a letter has been received from Frank Marshalls, who run Chelford Agricultural Centre. The writer states that Frank Marshalls are the lessees of the area shown on the submitted plans. Five of the proposed dwellings and the gardens are within the area which they are lessees. The land edged in red is occupied as an overflow vehicle park for Chelford Market. Macclesfield Borough Council granted consent for this use in 1976, specifically to serve the Cattle Market. This was a departure from policy as the majority of the area lies within the Green Belt. Permission was granted to alleviate parking problems for residents. It was not intended for use by other than those attending the market. Frank Marshalls do not see the reason for applying for retention of the overflow car parking area, other than to widen its user. If approved, a condition should be imposed restricting its use to its existing use i.e. vehicles of those attending Chelford Market.

If the application for outline planning permission is approved, this would mean that renewal of the part of the land which is leased by Frank Marshalls (the subject of 5 houses and gardens) would be unlikely. This would reduce the area available for overflow vehicle parking on busy market days, and potentially return disruption and inconvenience to residences in the vicinity of the market.

It is likely that the residents of the 10 new dwellings will be disturbed by vehicles and pedestrian traffic on market days.

The Rural Exception Policy for Affordable Housing in the Green Belt is intended for circumstances where there is no alternative brown field land available. This does not apply in

this case as the resolutions for grant of planning permission on the former Irlam (now Stobart) Depot and on the Chelford Market site include provision of affordable housing what is required in Chelford, so Frank Marshalls question of need.

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application including a Planning Statement,

Arboricultural Assessment, Affordable Housing Statement, Design & Access Statement, Ecological Assessment, Air Quality Assessment, Noise Assessment, Site Investigation Report, Landscape and Visual Assessment, and Flood Risk Assessment. Full copies of these documents are available to view on the application file.

The Planning and Affordable Housing Statements concludes that:

- The proposal is in accordance with national, regional and local plan policies and other material considerations such as the IPSAH (Interim Planning Statement: Affordable Housing) and RHNSA (Rural Housing Needs Study Assessment).
- There is a considerable volume of evidence from a variety of sources which identifies a need for between 50 and 60 affordable dwellings in Chelford.
- The Rural Housing Needs Study Assessment identifies 35 households who are likely to require affordable housing in Chelford Parish over the next 5 years, in addition to 21 households who had to move away from Chelford in the last years due to the absence of affordable housing and who wish to return.
- The application site would address a significant proportion of the existing and future identified housing need within Chelford that would still need to be addressed if both the Depot and Cattle Market sites were redeveloped for housing in the short term.
- 10 affordable dwellings would be provided. 3 no. would be provided for social rent and 7 would be provided for immediate rent or sale.
- The occupancy would be restricted to persons with a local connection who either currently reside in the area, but had to move away because of lack of suitable affordable housing, or are employed in or have an offer of employment in the area.
- Through the involvement of a Registered Social Landlord a range of sub-market or new build homebuy (shared ownership) dwellings could be provided as well as shared equity or 'discounted housing for sale' dwellings whereby a purchaser acquires a fixed percentage interest in a dwelling.
- The development is "appropriate" development within the Green Belt as defined in PPG2.
- The site is in close proximity to local shops, services and public transport facilities, its development for affordable housing is appropriate and should be "prioritised" as advised by the Council's Interim Affordable Housing Policy Statement.
- The engineering works associated with the reconfiguration of the access to the market car park/circulation aisle, which will be retained following implementation of the housing scheme, will have no material impact on the openness of the Green Belt or purposes of including land within the Green Belt.
- The limited loss of existing trees/hedgerows would be mitigated by replacement landscape planting within the application site and would not adversely affect the inherent character of the surrounding landscape.

- A number of technical / environmental assessments have been undertaken relating to matters of noise, flood risk, ecology, arboriculture and ground conditions, which demonstrate that there is no significant constraint to the implementation of the development proposed.

OFFICER APPRAISAL

Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the five purposes listed within the paragraph. This includes “limited affordable housing for local community needs under development plan policies according to PPG3”. Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes including “limited affordable housing for local community needs in accordance with policies H8 – H10”. Policy H10 specifically referred to affordable housing in rural areas and included a list of 4 criteria to be met before permission would be granted for affordable housing in rural areas. However, policy H10 is not a saved policy and cannot therefore be referred to in the determination of applications for rural affordable housing. The reason why the policy was not saved is because it was considered that it was similar to paragraph 30 of PPS3 and the issue is also now covered by the Council’s Interim Planning Statement on Affordable Housing. Paragraph 30 of PPS3 states

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

From this it is evident that national policy offers general support for the principle of limited rural affordable housing on small sites provided that it is to meet a local community need in perpetuity.

In addition, section 7 of the Interim Statement on Affordable Housing states that:

“Generally planning policies do not allow for new housing development in the open countryside outside of villages with settlement boundary lines. However in certain circumstances planning permission may be granted for small schemes of affordable housing where;

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary
- There is an identified need for affordable housing in that village or locality
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity
- The development is in accordance with other local plan policies”

However, national and local policy in the form of PPS1, PPS3, PPS4, PPS7 and policies H5 and T2 seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This is also acknowledged within the Affordable Housing Statement, where it identifies that priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport.

This site has been assessed against these policies with the use of the PPS3 Housing Self Assessment Checklist, and with regard to the accessibility criteria specified within the North West Sustainability Checklist. The application site is considered to be in a sustainable brownfield location, with good access provided by bus, and the train station which is on the Manchester to Crewe railway line. Chelford has a small range of services such as a grocers shop, butchers, post office, a pub, a primary school, and a garage. The site is therefore considered to be in a sustainable location.

It is considered that the provision of affordable housing on the scale proposed by this application would help to sustain the existing rural community of Chelford as it would provide additional affordable housing for those with a connection with the village enabling them to remain within, or return to the village, as the case may be.

Assessment of Need

As the application is put forward as a rural exceptions site there is a necessity for there to be proven housing need for the proposed development.

The Housing Strategy and Needs Manager has commented on the application. They note that a rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes, which included Chelford.

A rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes, this included Chelford. The survey was conducted by sending out a questionnaire to all the households in the survey area and there was a return rate of 41% in the Chelford parish. The rural housing needs survey for Chelford identified that there were 35 hidden households (households which have at least 1 adult in the household who wished to form a separate household). The preferred tenure of these hidden households was mixed with, 8 wanting rented, 12 wanting subsidised ownership, 3 wanting residential care and 20 wanting open market housing. 25 of the 35 hidden households disclosed their incomes in the survey and only 6 of these 25 had an income in excess of £25,000 so those households would be unlikely to be able to buy on the open market.

The survey also established that there are 21 people who moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return. This rural housing needs survey has identified there are a total of 56 persons with a direct local connection who could possibly be occupiers of affordable housing in Chelford.

In addition to the Rural Housing Needs survey the SHMA 2010 identifies an affordable housing need for the Knutsford Rural area which Chelford comes under for the purposes of the SHMA 2010. There is an annual need for 31 new affordable units each year between 2009/10 and 2013/14. This is made up of a requirement for 12 x 1 beds, 4 x 2 beds, 3 x 3 beds, 6 x 4/5 beds and 5 x 1 or 2 bed older persons accommodation per year.

There have been some recent planning approvals for sites in the Knutsford Rural sub-area which have an element of affordable housing on them: -

- 10/3448M – Chelford Agricultural Centre, Chelford – 26 units (this is 30% of the total units at the site) – approved subject to the signing of a legal agreement
- 10/3239M – Chelford Cold Storage, Chelford – 18 units (this is 30% of the total units at the site) – approved subject to the signing of a legal agreement
- 10/0436M – Woodside Farm, Over Peover, 15 units
- 11/2091M – Marthall Lane, Ollerton – 14 units

If the other two Chelford sites and this application progressed there would be a total of 44 affordable units provided in Chelford, this would still leave a shortfall requirement of 12 affordable units for Chelford.

For the Knutsford Rural area overall if all these sites were developed there would be provision of 73 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14, as the SHMA has identified a need for 155 units between 2009/10 and 2013/14 this would still leave a shortfall requirement of 82 new affordable units in the Knutsford Rural area.

Due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objection to the application. This is provided that the scheme meets the requirements of the Affordable Housing Interim Planning Statement for a Rural Exception site and that due to it being in a Designated Protected Area any shared ownership units should have the purchase of additional equity in the units restricted to a maximum of 80% ownership.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

Planning Policy also states that “on housing sites where an element of affordable housing is to be provided and the applicant is a registered social landlord planning permission will normally be granted subject to a condition restricting the occupation of the houses to persons who meet the objectives of the registered social landlord”. It also states that “where the applicant is not a registered social landlord planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure

arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers.

It is therefore, the Housing Strategy and Needs Manager preferred option that any rented affordable properties are transferred to an RSL to own and manage.

Occupancy will generally be restricted to a person resident or working in the relevant locality, or who has other strong links with the locality. The locality to which the occupancy criteria are to be applied will need to be agreed with the Council prior to determination of the relevant planning application. Generally this is taken as the Parish or adjoining Parishes. Finally, to ensure an adequate supply of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the geographical area immediately surrounding the application site, widening in agreed geographical stages.

Green Belt

As stated above, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, as outlined above, it is considered that a need has been demonstrated for the proposed 10 affordable dwellings in Chelford and it is not considered that a residential development of that number would be out of scale with the village. The principle of the proposal is therefore considered acceptable in the Green Belt and compliant with Local Plan policy GC1. However, it is still necessary to consider whether there is any other harm to the Green Belt arising from the proposal, including harm to openness.

The area of the site proposed for housing currently comprises an area which consists of grass and vegetation and trees and hedgerows therefore the provision of 10 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that the houses will have a visual impact. However, the development would lie to the rear of an existing residential building (Dixon Court) and would be screened to the south and east by the existing Stobarts depot (future housing site if 10/3239M is built out) and by woodland to the north and west, the overall impact upon openness and visual amenity is considered to be adequately limited. However, the scale parameters put forward suggest a potential maximum height of 10.5 metres. This is considered unnecessarily high and will impact unduly on openness of the Green Belt. It is therefore recommended that the height of the dwellings be conditioned to scale parameters between 7.5 and 9 metres in height.

Character and Design

The plans submitted with the application are indicative only. Matters such as the appearance, landscaping, layout and scale of the site have all been reserved for subsequent approval. In addition to the principle of the development, the access arrangements should be considered as part of this application.

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires

new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

As stated above the existing development adjacent to the site is mixed in nature, comprising a mixture of residential (at Dixons Court) and commercial at the Stobarts depot and Chelford Farm Supplies). It is considered in this context that it should be possible to design a scheme which satisfies the policy requirements highlighted above. The indicative layout would confirm this and helps to illustrate that a decent landscaped setting can also be provided.

The scale parameters for the development have been set out in the Design and Access Statement as follows: -

Min / max height	Min / Max length	Min / Max width
8.5 / 10.5 (metres)	5 / 11 (metres)	5 / 10 (metres)

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

As layout is not to be considered at this stage, it is not necessary to consider the relationships in any great detail. The bowling green and car park which serves Dixon Court provides an acceptable space distance between the existing development and proposed site, and it is noted that the submitted indicative layout confirms broadly that satisfactory amenity can be provided within the site itself, whilst allowing for parking provision and garden areas.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the access to the development would be from the existing access which currently serves the bowling green and the overspill parking from Chelford Market.

This access was to be upgraded as part of the residential permission granted for the residential development on the Chelford Depot site. Given that this proposal is for only a further 10 units, the Highways Engineer does not consider that the upgrades to the access are made as part of this application.

However, the problem of pedestrians crossing Chelford Road is still an issue due to the high volume of traffic and the lack of gaps in the flow. Additionally, all of the local amenities which would serve the dwellings i.e shops, the school, etc. are on the opposite side of the road. In

these circumstances, the Strategic Highways Engineer would see a need for the pedestrian crossing that was agreed for the adjacent Eddie Stobart site to come forward as part of this development.

The applicant has confirmed that they are agreeable to delivering the pedestrian crossing across Knutsford Road.

It should be noted the indicative plan illustrate that it should be possible to achieve 200% parking provision within the site, which would meet the parking standard requirement.

The traffic associated with development will not cause congestion issues as the level of generation is low and can be easily catered for on the local highway network. The pedestrian crossing will deliver a substantial benefit for residents to aid them crossing the busy Knutsford Road.

The Strategic Highways Manager is satisfied that the access arrangements are acceptable. No significant highway safety issues are therefore raised.

Market Car Park Area

The application for full planning permission relates to the reconfiguration of the access to and retention of the market car park. These works comprise the construction of a priority junction off the access road which shall serve the proposed housing development and the realignment of the vehicular access track in the north west corner of the car park. These works are considered to constitute an engineering operation and hence inclusion within this planning application. It is considered that these works will have a minimal impact on the area, as it only involves a revision to the alignment of the entrance to the car park and slight alteration to the layout of the vehicular circulation aisles.

Application 6792P (which was approved in 1976) provided a car park in association with the nearby livestock market, however there is no condition on the planning permission to restrict the use of the car park to use in connection with the market. There is also no condition to limit the days or hours of use, to restrict the number of cars that can be parked on the site, or to otherwise limit the users of the car park. In 2003, James Irlam and Sons Limited (who occupied the adjacent haulage depot) wished to use a section of the land adjacent to their site for car parking by their employees.

As the site has an implemented planning permission for use as a car park, which is unrestricted by condition, it was resolved that the site could lawfully be used for the parking of cars belonging to employees of James Irlam, unless a change of use from a car park in connection with a cattle market to a use by private vehicles unconnected with the market use constitutes a material change of use requiring planning permission. It was formalised that the use of the car park for car parking in connection with the market does not materially differ from use of the car park for car parking unconnected with the market, and therefore it was concluded that no material change of use had occurred and the proposal did not constitute development.

It is similarly concluded with regard to this application that no change of use of the car park area is sort and permission should solely be granted for the engineering operation connected with the works to the access tracks and reconfigured access.

Trees / Landscaping

An Arboricultural Statement has been submitted with the application. The Council's Arboricultural Officer notes that the development proposals will necessitate the loss of a small number of low value trees and hedges which will only have a modest impact on the amenity of the area as a whole.

The principal relating to the removal of the identified trees and hedges was agreed as part of the development proposals associated with the adjacent Stobarts depot site (considered under application 10/3239M). The higher value trees and hedge can be retained and protected. A specimen landscape scheme should be seen as a net gain and mitigation for the tree and hedge loss. A condition should be attached to any permission granted which requires all arboricultural works to be carried out in accordance with the submitted Arboricultural Statement and Tree Protection Drawing.

The Landscape Officer raises no objections to the proposal. Full hard and soft landscape details would be required at the reserved matters stage.

Ecology

The Nature Conservation Officer has commented on the application. It is noted that an ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer does not anticipate there being any significant ecological or protected species issues associated with the proposed development. However, it is recommended that conditions are attached, should planning permission be granted to protect breeding birds and provide features into the scheme suitable for use by breeding birds.

In addition, The Nature Conservation Officer recommends that a condition is attached for any proposed lighting scheme to be submitted and agreed with the LPA. This is to ensure there is no disturbance of wildlife as a result of excessive lighting.

The indicative layout plan indicates the provision of a native species hedge. It is recommended that a suitable condition is attached to ensure that this proposal is carried over to any future reserved matters application.

Whilst there will be some loss of some trees and hedgerow, it is considered that suitable conditions can help to mitigate for this loss, as well as conditions to safeguard breeding birds and to ensure that additional provision is made for breeding birds. This will ensure an acceptable impact upon nature conservation interests and compliance with relevant local plan policies.

Leisure Provision

The proposed development triggers the requirements for the provision of POS and Recreation / Outdoor Sport as identified in the SPG on S106 Planning Agreements. In the absence of on

site provision the developer would be required to make a commuted sum payment for offsite provision.

The provision of public open space, recreational and community facilities are as important to rural communities as those in urban areas. They provide essential opportunities for all ages. This commuted sum would be used to make additions, alterations and improvements to the existing facility at Mere Court.

The Green Space Parks Officer requests a commuted sum payment of £30 000 to be used to make additions, enhancement and improvements to the facilities at Mere Court. The proposed development clearly triggers the requirement for POS as identified in the SPG on s106 (planning) Agreements and as such, in lieu of on site POS, a commuted sum payment will be required to provide off site facilities. The development site does not propose, nor would it be suitable for the provision of opens space facilities and therefore, the Green Space Parks Officer agrees that a commuted sum payment is appropriate.

The commuted sum payment for public open space would be £30 000. The sum for recreation and outdoor sport would be £10 000, but in the case of 100% affordable developments, this requirement would be waived.

Redevelopment Benefits

The scheme would provide a number of benefits to Chelford. 10 new affordable houses would be provided for key workers. The redevelopment would result in the decontamination of the land, would provide Public Open Space improvements and would provide landscaping within the proposals.

OTHER MATERIAL CONSIDERATIONS

The Council's Environmental Health Officer has assessed the application in relation to noise, air quality and contaminated land and considers that the mitigation measures are feasible. It is therefore recommended that the conditions with respect to application 10/3239M are attached to any approval associated with this application.

The contaminated land report submitted in support of the application recommends that there is contamination present, which may require remedial measures and further investigations to be required. Should permission be granted, a condition should be attached which requires the submission of a Phase II investigation and any remediation works carried out as necessary.

United Utilities raise no objections to the proposal, subject to conditions relating to the drainage details.

The Environment Agency raise no objections to the proposals, subject to conditions and informatives relating to the requirement for a surface water drainage scheme.

The comments provided by neighbours, Frank Marshall's and the Chelford Parish Council in relation to land use, impact on amenity and traffic are noted. It is considered that the majority of issues are covered in the report above. In addition, the following should be noted: -

The proposal should not result in a loss of available parking to the market. The land which is proposed for the residential development would be situated on land not currently used for car parking. It is currently overgrown. The additional vehicular activity resulting from the additional houses would be insignificant and the Strategic Highways Engineer raises no objections. The applicants have agreed to provide a pedestrian crossing on Knutsford Road, which will provide substantial highway safety benefits.

The proposal for the housing will have an impact on the character of the area, replacing a previously undeveloped area of scrub land with 10 houses. However, as highlighted in the report above, the site is central to the village and benefits from good screening. It is therefore, concluded that the development will not adversely affect the character of the area.

It should be noted that, as the scheme is in outline form with all matters apart from access reserved for future consideration, there will be an opportunity to consider the layout, scale, appearance and landscape issues at the time of the reserved matters application.

Heads of Terms

Should Members be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Chelford and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough
- commuted sum of £30 000 to be paid to the Council to make additions, alterations and improvements to the existing facility at Mere Court.
- provision of a Puffin Crossing on Knutsford Road (A537)

Levy (CIL) Regulations

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

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

The provision of affordable housing would help to sustain the existing rural community of Chelford as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be.

The commuted sum to be paid to the Council to make additions, additions, alterations and improvements to the existing facility at Mere Court, which is in need of substantial works will ensure it provides opportunities for all parts of the community including the new residents.

The Pedestrian Crossing is necessary, fair and reasonable to link the development with Chelford Village, and provide inclusive design, in accordance with National Planning Policy.

On this basis the provision of the commuted sum and affordable housing is necessary, directly related to the development and is fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments received from residents and the Parish Council are duly noted, and it is understood that many of the objections relate more to the specific site, loss of parking available for Chelford Market, rather than the principle of affordable dwellings in Chelford, and concerns about the total number of dwellings (and especially the rationale behind the number of affordable dwellings) which would be provided should all three sites (Chelford Market, Stobarts depot and this proposal) be delivered. However, the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 10 dwellings in Chelford on this green belt site is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least this number of dwellings, even in the event that the other two sites at Chelford Market (application 10/3448M) and Stobarts depot (10/3239M) come forward.

It is considered that the proposal falls within one of the acceptable categories for development within the Green Belt, and that the harm to openness and visual amenity is kept to an acceptable limit.

The scheme is in outline form with all matters apart from access reserved for future consideration. The parameters advanced are considered to be acceptable, subject to a reduction in maximum height to 9 metres, and the indicative plan illustrates that the proposal would not result in any significant adverse impact on the amenity of nearby residents at Dixon Court. There would be minimal impact on protected species and an acceptable interface with the highway. The proposed reconfiguration of the access and the works to the car park area are considered acceptable and it is considered that no permission is necessary to retain the car park for area for Chelford Agricultural Market.

There are no other material planning considerations that would warrant the refusal of the application which for the reasons outlined within the report, is considered acceptable subject to conditions and the prior completion of a S106 legal agreement.

Application for Outline Planning

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

1. Commencement of development
2. Submission of reserved matters
3. Compliance with parameter details

4. Details to be submitted -layout
5. Full details approved as part of outline consent - Access
6. Ground levels to be submitted
7. Landscaping (implementation)
8. Removal of permitted development rights
9. Construction of access
10. Submission of construction method statement
11. Refuse storage facilities to be approved
12. Protection of breeding birds
13. Provision of bird boxes
14. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
15. Details of lighting to be approved
16. Submission of further acoustic assessment showing acoustic mitigation as part of Reserved Matters application
17. Submission of acoustic report including a revised assessment of noise levels at the North East corner
18. Submission of specifications of acoustic glazing ventilation systems
19. Hours of construction/noise generative works
20. Submission of a surface water drainage scheme based on sustainable drainage principles and the FRA
21. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
22. Maximum scale of dwellings
23. Contaminated land



Application No: 11/3199M

Location: TERRITORIAL ARMY YPRES BARRACKS, CHESTER ROAD, MACCLESFIELD

Proposal: Extension to Time Limit on Planning Permission 07/0430P (Erection Of A Continuing Care Retirement Community)

Applicant: Achillean Group Ltd

Expiry Date: 22-Nov-2011

Date Report Prepared: 10 November 2011

REASON FOR REPORT

This is an application for a major development which according to the Constitution needs to be determined by Northern Planning Committee.

SUMMARY RECOMMENDATION Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

Whether there has been a significant change in circumstances or policy since the original grant of permission.

Are there any other material changes in either policy or circumstances that would justify a decision other than approval?

The Heads of terms for the S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The site is irregular in shape and lies to the south of Chester Road. It extends to some 3.6 Hectares and sits approximately 2.5m below the road level of Chester Road. It can be split into two distinct parcels, the previously developed land comprising of the area of the former Territorial army barracks and compound, which has been demolished since the original application was approved; and the area of mounded woodland to the south of the former barracks compound. The previously developed part of the site is intended to be the focus of the residential development currently proposed, whilst the mounded area of woodland/unmaintained open space to the rear is intended to be an ecological/amenity area.

The wider area is mixed in character, with residential land uses predominating. Chester Road is a main arterial route into the town centre. Fieldbank Road is a road which provides a rear access to the hospital and is extensively used as an alternative access for the hospital..

DETAILS OF PROPOSAL

This application seeks to extend the time limit for implementation of the extant planning permission which was granted after the completion of a s106 Agreement on 18 September 2008 for the development of a continuing care community on the site of the former Territorial Army Barracks. The design and layout of the proposal remain as previously approved.

The development would comprise 49 care apartments, staff and communal accommodation and basement car parking within the main care building to the rear of the site, 38 care mews cottages and 27 care apartments located in two 'L' shaped blocks to the Chester Road frontage and to the inner access road.

The development will be served via a new access road which will take access via a new arm of the existing Chester Road / Fieldbank Road signal controlled crossing and parking will be provided within a basement parking area and a number of surface level parking areas.

Various ancillary facilities, such as a shop, fitness suite, library and restaurant will be provided within the main building and the scheme also involves amendments to the existing open space to the west / south of the site. The existing footway / cycleway between Chester Road and Westbury Drive / All Hallows School will be retained although the applicant proposes to amend it slightly and provide a connection to it from the proposed new access road.

The Extra Care 'model' has developed to allow older people to live independently with their own front door within a community but where 24 hour care is available should it be required. A basic package of domiciliary care is provided to all residents with additional care available on a pay per use basis so that as residents' needs change and a more intensive programme of care is required, once living within the Continuing Care Retirement Community residents can then access all the care services without the upheaval of moving. It is key to the concept that once within the community, a resident would not need to move from their home within the community to another unit within the facility to access greater levels of care since all units within the development have the same facilities.

RELEVANT HISTORY

07/0430P Erection Of A Continuing Care Retirement Community (Class C2) Comprising 49no. Care Apartments Within The Main Building, 38no. Care Mews Cottages And 27no. Care Apartments Within 3 Storey Buildings With Formation Of New Access, Car Parking And Associated Landscaping. - Approved 18 September 2008 subject to S106 Agreement

09/3213M - Erection Of A Residential Development With Associated Landscaping, Access And Car Parking Arrangements As Well As Landscape Alterations To The Wider Area Of Existing Open Space – Resolved to approve subject to S106 Agreement (unsigned to date)

POLICIES

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L1 (Community Provision)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Local Plan Policy

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
RT1 (Protection of Open Space)
T2 (Transport)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC36 (Road layouts and Circulation)
DC37 (landscaping)
DC38 (Space, Light and Privacy)
DC40 (Open Space standards)
DC57 Residential Institutions;
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing; PPS4: Planning for Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive, the Conservation (Natural Habitats &c.) Regulations 1994.

Ministerial Statement March 2011 – Planning for Growth

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Raises no objection. There have been no changes in circumstances on the highway network that would justify reaching a different conclusion to that previously.

Housing Strategy Manager - supports the application. Does not consider there to be need for affordable housing given the overall function of the site akin to a care home.

Environmental Health: No objection subject to conditions.

Environment Agency: Have considered the updated Flood Risk Assessment submitted with the application. Raise no objections subject to conditions.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

The application is supported by a Planning Statement, Operational and Need Assessment, Tree Assessment, updated Flood Risk and Drainage Assessment and an updated Ecological Appraisal. These documents can be viewed online.

The planning statement states in support of the application that:

The proposal has been prepared in the context of current local, regional and national planning policy guidance, and accompanying background material.

The ageing population indicates a strong and continuing demand for extra care accommodation.

The proposal will provide residential accommodation together with a significant level of care including domiciliary and personal care as required by individual residents across the development. Nursing care will also be available as will:

- Mobility assistance;
- Help with bathroom usage;
- Assistance with eating;
- Assistance with taking medicines;
- Laundry and ironing;

- Cleaning.

In this case, the level of care to be provided in the purpose built accommodation means that the development sits within the definition of a C2 Use Class, Residential Institution.

OFFICER APPRAISAL

This is an application for an extension of time of an existing permission that was extant when the application was originally submitted. The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will by definition have been judged acceptable in principle at an earlier date. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances may have significantly changed, either in development plan policy terms or in terms of national policy or other material considerations.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

There are not considered to be fundamental changes in policy, changes in circumstances or other important material considerations since the original application was determined in 2008.

IMPACT UPON PROTECTED SPECIES AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

Ecological surveys and assessment reports were provided in respect of the 2008 application. These were updated as part of this application and have found no protected species on site. This is considered to be acceptable to the Nature Conservation Officer.

RENEWABLE ENERGY AND IMPACT UPON CLIMATE CHANGE

Since the application was originally granted planning permission in 2008, the Regional Spatial Strategy for the North West has been adopted as part of the Development Plan. Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources.

This is considered to be a material change in the policy framework since the scheme was originally granted permission. The applicant has not submitted any supporting information that the proposal will meet this policy. A condition is therefore necessary to ensure compliance with the policy framework.

PROPOSED HEADS OF TERMS

The proposed heads of terms for the section 106 agreement are as follows (and are identical to the S106 Agreement attached to the original planning permission on this site) -

- (1) Amenity Open space: to provide public access and a long term landscape and habitat management plan dealing with wildlife and protected species, management of the existing open space, establishment and management of the new amenity spaces, public access issues, a table of maintenance operations and timings and cost implications for the developer
- (1) Use of the site for care accommodation: to be based upon Bayerton operational model document accompanying the application dated April 2007; approval of an operational plan prior to occupation dealing with facilities management, shared space and services, tenure and tenure mix including priority to local residents, care assessment, care delivery; initial and subsequent sales, rental units, care provision, care assessment, shared space and services and age restriction and continuity of care management

COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS

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

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

In terms of the amenity open space it is necessary and serves an important planning purpose that the area is properly maintained as amenity space in future.

It is considered in respect of the delivery of the extra care provision as put forward, that the requirements stipulated are necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of development proposed.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Greater Flexibility Guidelines issued by the Government recognises that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority.

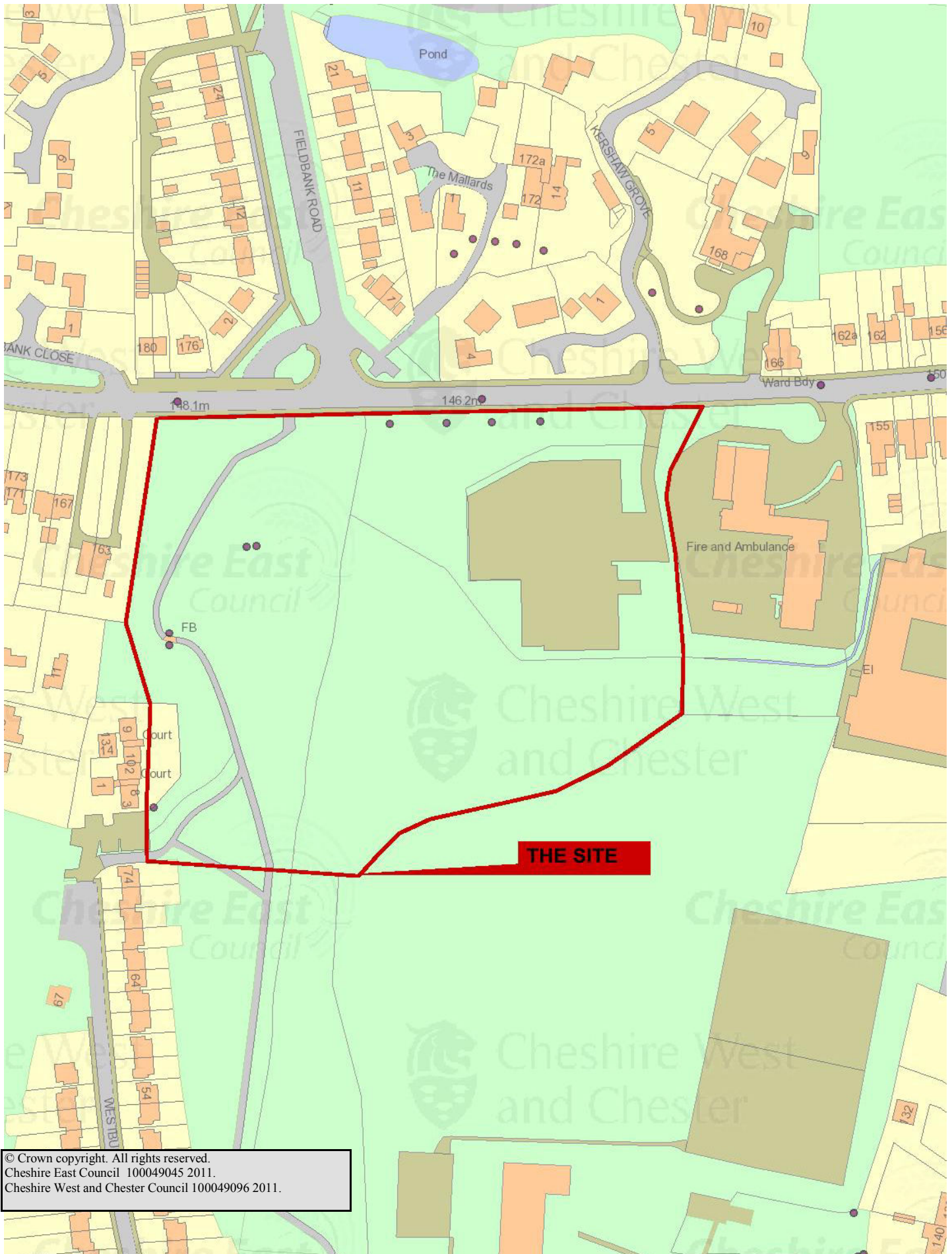
In this case it is considered that the application stands alone and there are no material changes in policy either at development plan level or at national government level or any other material consideration which would justify refusal of permission to renew the planning permission. The minor changes in the policy framework concerning renewable energy that have changed since the original decision was made can be addressed via planning condition

Application for Extension to Time Limit

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

1. Provision of car parking
2. Landscaping - submission of details
3. Tree retention
4. Submission of samples of building materials
5. Submission of landscaping scheme
6. Tree protection
7. Development in accord with revised plans (unnumbered)
8. Commencement of development (3 years)
9. Landscaping (implementation)
10. Drainage and surfacing of hardstanding areas
11. Pedestrian visibility within car parks etc
12. Landscaping to include details of boundary treatment
13. Construction of junction/highways
14. Construction of highways - submission of details
15. Submission of landscape/woodland management plan
16. Submission of landscape management plan
17. Protection from noise during construction (hours of construction)
18. Protection of highway from mud and debris
19. Submission of construction method statement
20. scheme for wetland
21. breeding birds
22. Pedestrian access ramp to be constructed
23. Upgrading cycleway/footway
24. The residential units shall be provided for care accommodation only in accordance with Class C2
25. Details of ground levels to be submitted
26. signal controlled junction to be provided
27. existing footway to be widened
28. Provision of cycle parking facilities

- 29. Disposal of foul and surface waters to be approved before commencement
- 30. All finished floor levels shall be set at 144.35 metres above Ordnance Datum
- 31. renewable energy
- 32. Lighting scheme for access roads
- 33. waste audit
- 34. Surface water drainage
- 35. details of drains
- 36. No gates or other means of obstruction shall be erected across the access road
- 37. Details of access road to be submitted
- 38. existing bus stops to be upgraded
- 39. Details of retaining wall to be submitted
- 40. Oil storage
- 41. shower/changing provision



This page is intentionally left blank

Application No: 11/3347M

Location: PARK GREEN MILL, PARK GREEN, MACCLESFIELD, CHESHIRE, SK11 7NA

Proposal: Demolition of Existing Mill and Erection of Development Comprising 36 Apartments

Applicant: PH Property Holdings Limited

Expiry Date: 23-Nov-2011

Date Report Prepared 11 November 2011

SUMMARY RECOMMENDATION

Approve subject to conditions and a S106 Agreement

MAIN ISSUES

- The planning history of the site
- Compliance with regeneration policies for Park Green
- Impact on the Conservation Area
- Design
- Impact on amenity
- Impact on highway safety/parking
- Impact on the River Bollin, flood risk and ecology

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for 36 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site lies in the Park Green Conservation Area and covers roughly 0.19ha. The site is located at the southern end of the town centre and currently consists of industrial buildings.. The site lies to the south of Brook Street and to the north of Park Green. Maydews Passage lies to the west and The River Bollin is located to the east of the site. The neighbouring buildings are made up of a variety of architectural styles and uses, which include retail, warehouses and residential.

DETAILS OF PROPOSAL

The proposal is the demolition of all the Park Green Works between the River Bollin and Maydews Passage (with the exception of 42 Park Green which is to be retained) and the

construction of a new 3 storey building fronting Park Green, continuing alongside the River Bollin through to Brook Street. This would contain 36 apartments.

RELEVANT HISTORY

This scheme is similar to that approved under application 08/2361P. It should be noted that an application for Conservation Area Consent for the demolition of Park Green Mill can be found under application 11/3350M on this agenda.

10/3545M - Extension of time to full planning permission 06/0236P mixed use development comprising 87 no apartments and 1077sq m business floorspace with associated car parking, access and servicing arrangements (Full Planning) – undetermined

10/3614M - Extension of time for permission 06/0234P - part demolition of non-listed buildings for redevelopment (Conservation Area Consent) – undetermined

10/3615M - Extension of time for permission 06/0235P - demolition of extension and porch on Georgian Mill with external and internal alterations including windows, replacement roof and removal of internal partitions and staircases (Listed Building Consent) - undetermined

08/2361P - Demolition of existing mill. Erection of mixed use development comprising 31 apartments and office floor space at Park Green Mill – Approved (Subject to S106) 14.05.09

08/2359P - Change of use of former mill to office use (B1). Erection of replacement office development and formation of a new River Bollin walkway / cycleway at Georgian and Waterside Mill – Was awaiting the signing of S106 Agreement before issuing Decision Notice, however, Georgian Mill destroyed in a fire in June 2011.

08/2357P - Demolition of Waterside Mill and Georgian Mill – Conservation Area Consent – was to be issued on completion of 08/2359P.

08/2356P - Demolish extension and porch. Internal and external alterations including windows, replacement roof and removal of internal partitions and staircase (Listed Building Consent) – was to be issued on completion of 08/2359P.

06/0234P - Part demolition of non-listed buildings for redevelopment (Conservation Area Consent) - Approved 26.09.07.

06/0236P - Mixed use development comprising 87 no. apartments and 1077 sq. m. business floorspace with associated car parking, access and service arrangements (Full Planning) – Approved 26.09.07

06/0237P - Formation of 61 no affordable apartments with associated parking at Jack Lee Mill, Knight Street, Macclesfield - Approved 26.09.07.

There have been numerous applications on the site prior to 2006, which relate to the industrial use of the site, but none of direct relevance to this current scheme.

POLICIES

Regional Spatial Strategy

Relevant Policies consist of Regional Spatial Strategy Policies EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets), DP1 (spatial Principles), DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP6 (Marry Opportunity and Need), DP7 (Promote Environmental Quality), and EM5 (Integrated Water Management).

Local Plan Policy

Macclesfield Borough Local Plan Policies NE9-11 (Protection of River Corridors, Conservation of River Bollin) and (Nature Conservation), BE1-5 (Design and Conservation Area), BE21 (Site of Archaeological Importance), BE23 (Development affecting Archaeological Importance), BE24 (Development of Archaeological Sites), RT5 (Open Space Standards), RT7 (Cycleways, Bridleways and Footpaths), H1 and H2 (Housing Phasing and Environmental Quality in Housing Developments), H5 (Windfall Housing Sites), H6 (Town Centre Housing), H8 (Provision of Affordable Housing in Urban Areas), H9 (Occupation of Affordable Housing), E11 and E14 (Mixed Use Areas and Infill Housing), T3-T5 (Improve access for Pedestrians and Extension of the River Bollin Walk), MTC18 (George Street Mill Area), MTC19 (Housing), MTC27 (River Bollin), IMP1 and IMP4 (Implementation Policy and Environmental Improvements in Town Centres), DC1 (New Build), DC3 (Amenity), DC5 (Measure to Improve Natural Surveillance and Reduce Risk of Crime), DC6 (Circulation and Access), DC8 (Landscape), DC17-18 (Water Resources), DC20 (Contamination of Watercourses), DC35 (Materials), DC37 (Landscaping), DC38 (Space, Light and Privacy), DC40 (Children's Play Provision and Amenity Space), and DC63 (Contaminated Land). In addition, the Supplementary Planning Guidance documents Restricting the Supply of Housing and Section 106 Agreements are of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

PPS5: Planning for the Historic Environment was published in March 2010. The schemes, which were submitted under 06/0236P and 08/2361P were accompanied by a comprehensive Design Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

Other Material Considerations

Within this assessment due regard should also been afforded to the Ministerial statement on Planning for Growth (March 2011), which notes that, "The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy." The statement confirms that the Secretary of State will "attach significant weight to the need to secure economic growth and employment." Similarly, regard should also be had to the Draft National Planning Policy Framework, which reiterates the presumption in favour of sustainable development.

CONSULTATIONS (External to Planning)

Strategic Highways Manager: Formal comments are awaited, however it is not anticipated that there will be a highways objection taking into account the previous comments on similar applications on this site.

Environmental Health: The Environmental Health Officer raises no objections subject to conditions which relate to the hours of use and an hours restriction to control the hours of any piling/foundation works. As the development site lies within 500m of the A523 London Road Air Quality Management Area (AQMA), an Air Quality Assessment is required. The assessment will need to consider the impact of the development on the AQMA. The Contaminated Land Officer raises no objections to the proposal subject to conditions and remediation if required. The application area has a history of use as Cotton Mills and therefore, the land maybe contaminated.

The **Public Rights of Way Officer** has confirmed that the development does not appear to affect the public right of way.

The **Cheshire Archaeology Planning Advisory Service Officer** states that comments were made on an earlier version of these proposals to the former Macclesfield Borough Council in a letter dated 2nd December 2008. The advice that was previously forwarded stated that the scheme of archaeological mitigation remains appropriate. It should be noted that since 2008, PPG16: Archaeology and Planning (DoE 1990) has been replaced by PPS5: Planning for this Historic Environment (2010), but this does not affect the validity of the previous advice. The previously submitted archaeological assessment identified Park Green Mill as a 19th Century dye works and recommended that the site should be subject to an archaeological watching brief during any redevelopment in order to identify and record traces of the dye tanks and associated features. This can be dealt with by condition.

English Heritage recommends that the application be determined in accordance with national and local policy guidance and the specialist advice of the Conservation Officer.

Macclesfield Civic Society are conscious that there is an extant planning permission for a similar scheme on the site. This part of Macclesfield is of considerable architectural and historic interest as evidenced by the number of Listed Buildings and the Conservation Area designation. The recent destruction of Frost's Mill has brought renewed emphasis to the importance of the area and the urgent need for reconstruction and enhancement. The clearance of these buildings does present an important opportunity for such enhancement as well as regeneration. It is considered that the residential redevelopment does represent an appropriate land use for the site, though the incorporation of a mixed use element such as offices/B1 use, or live/work units could well have been equally appropriate given the context of the extant scheme. The majority of the scheme as submitted has considerable merit and is not opposed in principle by the Civic Society. However, the Society does make a number of comments in relation to access/parking and circulation, and scale/design/landscape and townscape impact. In addition, the Society welcomes the retention of No.42, presumably in an office use. The Society is concerned about the new frontage to Park Green in terms of its height in relation to no.42 and its design. The introduction of a modern and somewhat austere façade for a residential building and having a flat roofed construction appears at odds

with the character and appearance of this part of the Conservation Area and adjacent Listed Buildings. It is recommended that this aspect of the scheme be re-examined as the Society would maintain a strong objection to this part of the current proposals. The riverside elevation appears acceptable in terms of its scale and height though the fenestration pattern appears over repetitive (the Maydew's Passage elevation avoids this effect). The opening up of the riverside is welcomed and would complement the residential character of Allen Street on the east bank. No doubt the local planning authority will consider the potential for overlooking of dwellings and occupiers of Allen Street by the upper floor apartments on the riverside elevation. The materials vocabulary for the scheme appears appropriate subject to approval of material samples by the local planning authority. The Society welcomes the use of brick and slate as the main elements of the scheme.

The **Housing Strategy Manager** raises no objections to the proposal. Park Green Mill is linked to the Jack Lee Mill development (06/0237P), which secured 61 affordable units. The Jack Lee Mill development has been completed and therefore, there would be no affordable housing requirement for this site at present.

Comments of the **Green Space Parks Officer** are awaited.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

None received at time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application. These include a Design and Access Statement, a Transport Statement, A Flood Risk Assessment, an Ecological Report, an Environmental Noise Study and a Geo Environmental Report. These are available for inspection on the planning file. Effectively, the Design and Access Statement confirms that the application is for the demolition of Park Green Mill and erection of 36 apartments with associated car parking.

This scheme is based on the extant approved scheme approved for Park Green Mill in 2008, with the exception of the following modifications:

- Reallocation of waste bins to suit current CE requirements.
- An amendment to the buildings position.
- Revision of the external landscaping and parking.
- The addition of 5 apartments.

OFFICER APPRAISAL

Principle of Development

There have been previous approvals for the development of Park Green Mill over the last 5 years, where the principle of redeveloping the site for housing has been established.

This scheme is similar to the schemes approved under applications 06/0236P and 08/2361P, however there have been various alterations made to the scheme which primarily relate to the

reallocation of waste bins, an amendment to the position of the building (moving approximately 1m away from the River Bollin), revisions to the landscape and parking area and the addition of 5 no. apartments.

Policy

The principle of demolishing the existing buildings on the site and the erection of a new development comprising 31 apartments has previously been accepted. The most critical policies are those contained in the Housing and Macclesfield Town Centre Chapters of the Local Plan.

The site forms part of the George Street Mixed Use Regeneration Area¹. Policy MTC18 states: -

‘The Borough Council will encourage the revitalisation of the area principally by the re-use of existing buildings for employment (B2) and offices (B1) together with enhancement of the River Bollin corridor. Reason: George Street is an old industrial area on the edge of the town centre. In order to secure the retention of the old buildings a mix of new uses may be permitted. The juxtaposition of the River Bollin and the textile mills is part of the character of the area. The Borough Council proposes to enhance the Bollin corridor as part of the wider improvements of the river.’

When the scheme was considered in 2006, it formed part of a larger development which incorporated the revitalisation of Georgian Mill, Waterside Mill and Jack Lee Mill. It was questioned whether the mix of uses was appropriate given the primary proposed use of the 2006 schemes being residential.

It is accepted that policy MTC18 states that the regeneration of the area will be principally achieved by the reuse of buildings for employment (B2) and offices although it does not specifically preclude housing as an appropriate use. It is considered that the site is unsuited to industrial uses, while it is considered there are adequate opportunities for offices in designated Regeneration Areas and Mixed Use Areas elsewhere in the town centre. When interpreting the policy with regard to this site previously, it was considered that any concerns relating to the residential use would be outweighed by the fact that the scheme would revitalise the area and enhance the river corridor, which are also referred to in the text.

Policies H5 and H6 and various other policies in the Local Plan (notably in the Development Control chapter) set out criteria for considering residential development. These are referred to at appropriate stages in the report.

Policy H8 requires that on all developments of 25 or more dwellings the council will negotiate for 25% of units to be affordable. This figure was increased to 30% on all developments of 15 or more dwellings, by way of the introduction of the Interim Policy Statement on Affordable Housing. On this site, no affordable houses are proposed due to the reason that the affordable housing requirement has been provided at Jack Lee Mill nearby. Taking the two sites together, the overall level of affordable provision would be in excess of that required by policy.

¹ Despite its name, the site does not lie in the Park Green Mixed Use Regeneration Area (Policy MTC14), which is situated further to the west between Park Lane and Park Street.

The density of the scheme is undoubtedly high, however, in areas with good access to services, such as town centres, PPS3 encourages higher concentrations than the normal standard of 30-50 dwellings per hectare. Therefore, an objection to the proposed density is not raised subject to other planning criteria, including the quality of the design, not being adversely compromised.

In the wider context, policies EM1, DP1, DP5, DP6, DP7, and EM5 of the Regional Spatial Strategy are relevant.

Design

The character of the area is essentially made up of tightly packed buildings, with few public open spaces. Most of the buildings are built tight to the back of pavement. Privacy distances should be achieved wherever possible, however, it is appreciated that this is challenging in areas such as Park Green. There are a mixture of two and three storey commercial and residential uses in the locality. These buildings are interspersed with traditional industrial buildings which are five and six storeys in nature. The area falls within a Flood Risk Area, and this has an impact on the design of any future development of the site. The applicants have discussed the flood risk issues with the Environment Agency and it has been determined that the 1 in 100 year flood level effectively rules out any new accommodation at existing site levels of Park Green. This has had to be factored in to the proposed design.

This property lies within the Park Green Conservation Area as such there is a need to preserve or enhance the character and appearance of the area as stated in PPS5, and Macclesfield Borough Local Plan Policies BE1-BE4. Policy HE1 from PPS5, promotes the reuse of existing heritage assets to mitigate the effects on climate change. Although this proposal is not in line with that objective, it is considered that the buildings would not be suitable for conversion to a residential use, and the location is not conducive to commercial uses due to poor access for service vehicles. Although the character of this area of the conservation area will be altered by this development this is justified by the benefits of bringing the site into productive use.

This application seeks to make amendments to the extant permission 08/2361P. The main difference being an increase in height of the new build adjoining number 42 Park Green, which will increase the vertical section of this part of the new build. While it is regrettable that the flow of this connection has been changed, it is considered that the change in materials and design is sufficient to give visual separation between old and new.

The principle views of the site are generally limited. The present view from the Silk Road is of backs of buildings, sheds and neglected yards. An opportunity exists to significantly improve the views from Brook Street and those from along the river corridor.

The existing buildings on site are of no architectural merit and make a negative contribution to the conservation area.

The approach to the design of the building has been to form principle blocks of accommodation in traditionally designed and proportioned structure, which are linked by contemporary insertions, which are punctuated by contemporary expression of the entrances.

As stated above, the flood level dictates that no new accommodation can be located at existing floor level. Therefore, the lowest accommodation is just above the flood level and any space below is used for car parking and areas around are built up to ensure that level access is provided for disabled. This also provides several benefits as it reduced the open site area given over to parking, a proportion of the parking is covered, the main points of entry are level, conventional lifts can access all floors, and the arrangement can be more secure and safer for users.

The design seeks to emulate the traditional mill form, which is appropriate in scale and size to the existing mills and warehouses in Macclesfield. The building incorporates larger opening, entrances, bays and contemporary insertions. The fenestration (doors and windows) establish a vertical rhythm along the elevations and the windows are the same size and proportion as the nearby Georgian Mill. The windows would incorporate the traditional twelve and sixteen pane frames traditionally found in mill buildings.

The main apartment block along the river will be three storeys in height with a further level of accommodation in the roof. The building would incorporate 8 no. apartments on the ground floor, 12no. on the first and second floors and 4 on the third floor. This would form an acceptable relationship with buildings on Brook Street and Allen Street. The building will be considerably lower than the parapet of Chapel Mill, which will continue to be read as the dominant feature of the Conservation Area.

The wing of the building which fronts Park Green is three storeys high, however, this element incorporates a flat roof with a parapet roof design, which achieves in a degree of subservience, and allows the wing to turn the corner relieving an otherwise monolithic appearance at the corner. The design of the elevation along Park Lane is more contemporary. The external finish of the building would be predominantly brick with a slate roof. There will be areas of render and some aluminium cladding. These materials are considered to be acceptable.

The scheme includes a footpath 1.2m wide on the eastern side of the building along the river. This is to enable access to residents only and does not constitute part of the River Bollin walk. There will be no public access to the footpath. Separate provision for the River Bollin Walkway has been made on the opposite side of the river.

Archaeology

The site is within an Area Of Archaeological Potential (Policies BE23 and BE24) and the comments of the Cheshire Archaeology Planning Advisory Service Officer regarding this issue should be noted and a condition requiring an archaeological watching brief during any redevelopment in order to identify and record traces of the dye tanks and associated features should be attached, should permission be granted.

Amenity

One of the benefits associated with the scheme is the improvement to residential amenity with the removal of industrial uses. The redevelopment also provides an opportunity to remove any contamination of land. Nonetheless, it remains important that the proposed development does not harm the amenities of existing residents. Those closest to the site live on Brook

Street and Allen Street. The rear of the terrace on Allen Street would face the proposed building running parallel to the Bollin and the minimum gap would be 19m. The distance standards in Policy DC38 need to be adjusted to take account of the fact that the top storey would be incorporated within the roof and the existing houses are at a higher level roughly equivalent to one storey. The proposed development would still be 6m short of the standard at its closest point, but taking account of the benefits associated with the removal of the unneighbourly uses, the general enhancement of the environment and the need to retain the tight urban grain in the development, it is not considered that an objection is warranted. No objections have been received from Allen Street residents.

Highways

The starting point for assessing the Transport Assessment is the potential traffic generation of the existing uses. The narrow streets serving the site are clearly unsuited to HGVs. The proposals seek to improve and enlarge Maydews Passage (the access road which provides a throughroute from Park Green to Brook Street). This will provide a suitable access for vehicles and pedestrians and improve access for neighbouring properties. The access will be widened to provide passing for two cars and incorporate a pedestrian walkway. This is seen to be an improvement over the previously approved scheme(s). The junction with Park Green will be closed off to vehicular traffic and improve its use for residents. No formal comments have been received from the Strategic Highways Engineer, however, it is not envisaged that an objection will be raised to the development.

Trees

The existing mill footprint occupies the majority of the site edged red, with the only trees associated with the proposed development located within the river bed of the adjacent River Bollin. These are considered to be poor, low value specimens whom the Environment Agency will probably insist on removal to prevent any possible flooding problems. There are no arboricultural reasons to prevent the development proceeding.

Ecology

The Nature Conservation Officer raises no objections to the proposals. The surrounding urban environment offers limited foraging opportunities and the buildings have limited potential to support roosting bats.

Two non-native invasive species have been recorded on site and it would be beneficial for these to be eradicated as part of the development. If planning consent is granted a condition is recommended to ensure that the non-native invasive plant species are eradicated.

Housing

PPS3 states that an element of affordable housing should be provided on sites which exceed 15 units and the Interim Planning Statement on Affordable Housing states that Cheshire East will seek the provision of 30% affordable housing on all sites over 15 units, however, this site is linked to the Jack Lee Mill site which has recently completed, which delivered 61 units of affordable housing.

The S106 Agreement dated 14th May 2009 relating to the extant planning permission for Park Green Mill restricted development of this site until Jack Lee Mill had commenced, and restricted no more than 10 units on Park Green Mill to being occupied until 30 of the units at Jack Lee Mill were complete and no more than 20 of the residential units on Park Green Mill being occupied until all the units at Jack Lee Mill were completed.

Since the development at Jack Lee Mill has now been completed, there would be no affordable housing requirement for this site at present. However, the number of units on this site have increased from 31 to 36, and if there was a subsequent increase on any further phases of development on the sites that are linked together (i.e. Georgian Mill or Waterside Mill) which resulted in the 61 units provided at the Jack Lee Mill site being less than 30% of the overall development on the sites, then further affordable housing would be necessary to make up the 30% requirement.

IMPACT ON THE RIVER BOLLIN

The relationship with the river is fundamental to the success of the scheme. It has helped shape the industrial heritage of the area, but partly as a result, it has been enclosed by development, and in the case to the south of the site, it has been culverted. It has been the long stated objective of the former Macclesfield Borough Council to improve the environment of the river and open it up for public access with the creation of a continuous walkway through the town. These are requirements of Local Plan Policy MTC27. A walk /cycleway has been secured under the previous applications for the developments at Park Green along the river's entire length through the site (160m). Policies NE9, NE10, RT7, T3 and MTC18 also encourage such a feature. The applicant's have confirmed that they accept the inclusion of the part of the River Bollin Walk which would be to the east of the site on the opposite side of the river, and this should be incorporated into a Section 106 Agreement.

Much of the site is a designated Flood Risk Area and this has affected the design mainly by locating parking at ground level with accommodation on the storeys above. This would help conceal some of the parked vehicles and has been achieved in a manner, which does not adversely affect the overall composition of the scheme to any significant degree. Formal comments are awaited from the Environment Agency, however, the development follows discussion between the applicant and the Environment Agency and it is understood that no objection will be raised in relation to the Flood Risk Assessment.

OPEN SPACE

Apart from the route adjacent to the Bollin, there would be minimal private or public amenity space. Local Plan policy DC39 indicates that dwellings should normally possess a rear garden. Unlike in the majority of the Borough, the provision of domestic gardens would not be entirely in keeping with such an urban setting and private amenity space has not always been required in connection with residential mill conversions, or, on town centre sites. This places a greater burden on recreational facilities in the area and the applicants would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and would be based on guidance in the Section 106 SPG.

Other material considerations

The comments made by consultees have been addressed in the report above and suitable conditions can be attached in relation to environmental health and archaeological requirements. The comments of Macclesfield Civic Society are noted. The majority of the queries raised by the Civic Society are addressed above. In addition, the following observations are made with regard to their comments: -

- “The surface treatment should be such as to keep vehicle speeds low with appropriate “calming measures” incorporated.”

This will be considered by the Strategic Highways Engineer and his advice considered as appropriate.

- The metal street name sign for “Maydew’s Passage” should be incorporated into the development at the Brook street end boundary wall.

This idea will be considered by the Conservation Officer, and his advice considered as appropriate.

The comments of the Environmental Health Officer in relation to Air Quality Management have been forwarded to the applicant and the applicants are seeking to address this matter. Further details on this matter will be provided either in an update report, or at the committee meeting.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the development will deliver environmental and conservation benefits and the size of the replacement building is considered to be acceptable. This scheme complies with Policy MTC18 for regenerating the area. The proposal represents a comparatively minor alteration to earlier planning permissions and there is no change in circumstances or policy that would warrant a refusal of planning permission.

SUBJECT TO

Comments from the Strategic Highways Engineer, Green Space Parks Officer, and Environment Agency.

HEADS OF TERMS

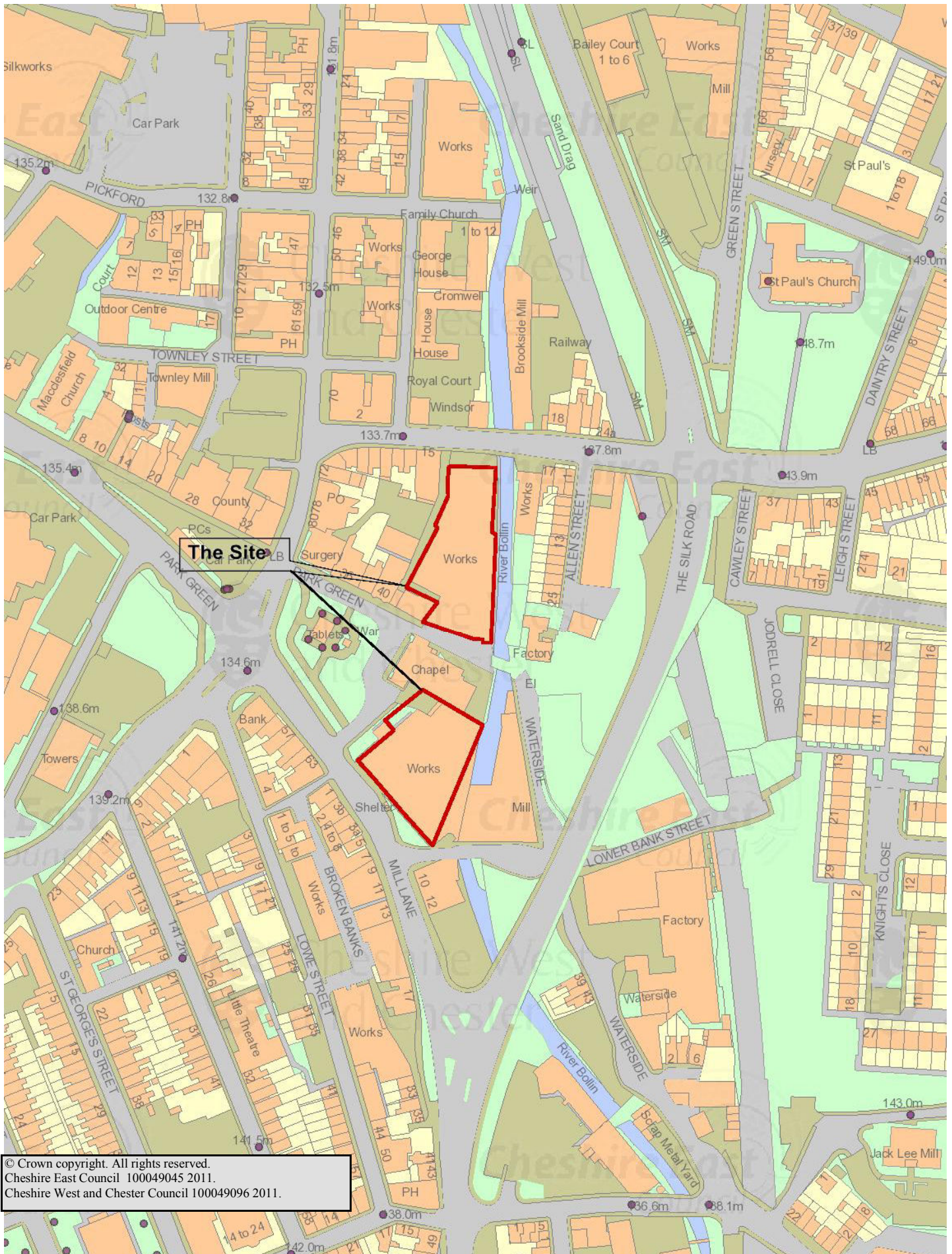
The Section 106 agreement would need to contain requirements for the following: -

- Ensuring provision of a new walk/cycleway adjacent to the River Bollin within an agreed timescale.
- Commuted payments towards sport and recreational facilities in the town.

Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Sample panel of brickwork to be made available
5. Details to be approved
6. Rainwater goods
7. Archaeological watching brief
8. Submission of landscaping scheme
9. Landscaping (implementation)
10. Protection from noise during construction (limit on hours of construction works)
11. Removal of Japanese Knotweed
12. Protection of breeding birds
13. Artificial bat roosts to be agreed
14. Details of any pile driving to be approved and hours of operation
15. Decontamination of land
16. Approval of details of surface water drainage



This page is intentionally left blank

Application No: 11/3350M

Location: PARK GREEN MILL, PARK GREEN, MACCLESFIELD, CHESHIRE, SK11 7NA

Proposal: Conservation Area Consent For Demolition Of Existing Mill and Erection Of Development Comprising 36 Apartments

Applicant: PH Property Holdings Limited

Expiry Date: 19-Oct-2011

Date Report Prepared 14th November 2011

SUMMARY RECOMMENDATION	Approve subject to conditions
-------------------------------	-------------------------------

MAIN ISSUES

- Impact on the character of the area
- Impact on the Park Green Conservation Area

REASON FOR REPORT

This application seeks Conservation Area Consent for the demolition of all buildings on the site described in the report for application 11/3347M which is on the agenda. This application is before the Committee at the discretion of the Head of Planning and Housing.

DESCRIPTION OF SITE AND CONTEXT

The application site lies in the Park Green Conservation Area and covers roughly 0.19ha. The site is located at the southern end of the town centre and currently consists of industrial buildings. The site lies to the south of Brook Street and to the north of Park Green. Maydews Passage lies to the west and The River Bollin is located to the east of the site. The neighbouring buildings are made up of a variety of architectural styles and uses, which include retail, warehouses and residential.

DETAILS OF PROPOSAL

The proposal is the demolition of all the Park Green Works between the River Bollin and Maydews Passage (with the exception of 42 Park Green which is to be retained). The site consists of an assorted collection of 20th Century industrial buildings, which detract from the character and appearance of the Conservation Area.

The application is linked to planning application ref.11/3347M which proposes the construction of a new 3 storey building, which would contain 36 apartments fronting Park Green, continuing alongside the River Bollin through to Brook Street.

RELEVANT HISTORY

See report for application 11/3347M.

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies EM1 and DP7

Local Plan Policy

Macclesfield Borough Local Plan Policies BE2, BE3 and BE4.

Other Material Considerations

National Planning Guidance in the form of: -

PPS5: Planning for the Historic Environment was published in March 2010. The scheme, which was submitted under 06/0236P was accompanied by a comprehensive Design Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

Macclesfield Civic Society have commented on the application. The comments mainly relate to the application for the redevelopment of the site, however, the following points are considered worth highlighting as being relevant to the application for demolition: -

This part of Macclesfield is of considerable architectural and historic interest as evidenced by the number of Listed Buildings and the Conservation Area designation. The recent destruction of Frost's Mill has brought renewed emphasis to the importance of the area and the urgent need for reconstruction and enhancement.

The former Park Green Mill premises occupy an important site adjacent to the River Bollin, a number of important Listed Buildings and the Peace Garden. No.42 Park Green apart the existing buildings on the site are of varied quality and in the main are utilitarian in character, albeit perhaps capable of re-use but without the necessary enhancement of the conservation area. The clearance of these buildings does present an important opportunity for such enhancement as well as regeneration.

VIEWS OF THE PARISH / TOWN COUNCIL

N/A

OTHER REPRESENTATIONS

No representations had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

See report for application 11/3347M.

OFFICER APPRAISAL

It is considered that the key issue to be addressed in relation to this application is whether any of the buildings that are to be demolished make a positive contribution to the character or appearance of the area such that they should be retained.

This site benefits from previous approvals for demolition of the buildings on site and permission has been granted for previous redevelopment of the site for housing. (06/0234P – Conservation Area for demolition of unlisted structure of Park Green Mill/works).

The buildings on site (mainly sheds and neglected yards) are of no architectural merit and make a negative contribution to the conservation area and there is no objection to their removal from the site.

The Conservation Officer raises no objections to the proposed demolition of the buildings given the wider benefits offered by the proposed redevelopment of the site.

The National Guidance in PPS5 states that Conservation Area Consent should only normally be granted if an acceptable scheme of replacement exists. This is to prevent the creation of derelict sites. In the event that planning application 11/3347M were to be refused, it would be appropriate to change the recommendation on this application to one of refusal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

There are no objections to the demolition of all the buildings on the site subject to the scheme for the replacement building being considered to be acceptable. This proposal complies with both National and Local Plan policies relating to Conservation Area Consent. The proposal represents a comparatively minor alteration to earlier applications for Conservation Area Consent and there is no change in circumstances or policy that would warrant a refusal of planning permission.

Application for Conservation Area Consent

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development
2. Demolition as precursor of redevelopment

