

# Northern Planning Committee

## Agenda

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**Date:** Wednesday 6th April 2016  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee 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.

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.

### **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 disclosable pecuniary and non-pecuniary 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 10<sup>th</sup> February as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **15/5536M - Land Adjacent to Belong Care Home, 103 Kennedy Avenue, Macclesfield SK10 3DE: To provide a new 30 space surface car park for Mr Nigel Franklin, Belong Construction Ltd (Pages 7 - 14)**

To consider the above application.

6. **15/4137M - The Grange, South Park Drive, Poynton, Cheshire SK12 1BS: Demolition of detached dwelling house and associated buildings, and erection of eight family dwelling houses and associated works. Amendments to previous application reference 13/1165M for Hillcrest Homes Ltd (Pages 15 - 30)**

To consider the above application.

7. **14/4339M - The Queens Arms, Leek Road, Bosley SK11 0NX: Construction of 5 no. housing units for social housing (re-submission 14/1355M) for Neil Findlay, Punch Taverns PLC (Pages 31 - 44)**

To consider the above application.

8. **15/5620M - 13 Sheard Hall Avenue, Disley, Stockport, Cheshire SK12 2DE: Outline Application for a Residential Property with Primary Access off Sheardhall Avenue with All Other Matters Reserved for Mrs Heather Renshaw (Pages 45 - 52)**

To consider the above application.

9. **16/0216M - Pownall Park Tennis Club, Carrwood Road, Wilmslow, SK9 5DN: Floodlights installed at tennis club to enable all year round use of the courts up to 10pm Monday to Sunday for Mr Paul Eaton (Pages 53 - 62)**

To consider the above application.

10. **15/5858M - Cheshire County Council, County Offices, Chapel Lane, Wilmslow, Cheshire, SK9 1PU: Variation of condition 2 on approval of 14/5471M Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 57 assisted living apartments integrated with communal wellbeing and support facilities and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road for Pegasus Life (Pages 63 - 72)**

To consider the above application.

11. **14/4029C - Land Off Holmes Chapel Road, Holmes Chapel Road, Congleton CW12 4SN: Change of use of agricultural land off Holmes Chapel Road, for school recreational use for David Hermitt (Pages 73 - 80)**

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 10th February, 2016 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor G M Walton (Chairman)  
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, T Fox, S Gardiner, M Hardy, A Harewood,  
G Hayes, O Hunter, L Jeuda and N Mannion

**OFFICERS**

Nicky Folan (Planning Solicitor)  
Peter Hooley (Planning and Enforcement Manager)  
Neil Jones (Principal Development Officer – Highways)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**92 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S Gardner and  
J Macrae.

**93 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness Councillor G Hayes declared that in respect of  
application number 15/3472M, he knew the agent and with regard to  
application number 15/2412M he knew the applicant.

Councillor T Fox declared that as she considered that she had pre-  
determined application number 15/3472M she would, therefore, withdraw  
from the meeting and take no part in the discussions or voting on this  
application.

Councillor A Kolker declared a non-pecuniary personal interest on  
application number 15/4791C on the grounds that a relative lives in a  
nearby property.

**94 MINUTES OF THE MEETING**

That the minutes of the meeting held on 13<sup>th</sup> January 2016 be approved as  
a correct record and signed by the Chairman.

**95 PUBLIC SPEAKING**

That the public speaking procedure be noted.

- 96 **15/2412M - THE WHARF, BUXTON ROAD, MACCLESFIELD SK10 1LZ: DEMOLITION OF MOT TESTING CENTRE AND GARAGE AND RE-DEVELOPMENT FOR USE CLASS C2 RESIDENTIAL ACCOMMODATION WITH CARE COMPRISING 64 APARTMENTS FOR PERSONS AGED 60 AND OVER WITH COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE FOR MRS PENNY SMITH, GLADMAN CARE HOMES LTD**

The Committee considered a report and written update regarding the above application.

(Councillor M Warren (Ward Member) and Mr T Bell (Objector) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report the application be REFUSED for the following reasons:

The proposed development by virtue of its size and design, in particular its height and massing, will have an unacceptable impact on the Macclesfield Canal Conservation Area of which the site forms a part, and the adjoining Buxton Road Conservation Area. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area. The development would therefore not accord with Macclesfield Borough Local Plan policies BE1, BE2, BE3, BE6, the National Planning Policy Framework or the Macclesfield Canal Conservation Area Appraisal.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

- 97 **15/4791C - BIG STONE COTTAGES, MIDDLEWICH ROAD, CRANAGE, CW4 8HG: DEMOLITION OF EXISTING RESIDENTIAL BUILDING AND ANCILLARY BUILDINGS, REMOVAL OF TREES, REPLACEMENT OF EXISTING HOUSE, AND DEVELOPMENT OF THREE NEW HOUSES, HIGHWAYS ACCESS , LANDSCAPING AND INFRASTRUCTURE FOR MR MIKE COHEN**

The Committee considered a report regarding the above application.

(Councillor A Kolker (Ward Member) and Mr P Yates (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to a Section 106 Agreement to secure £68,640 towards off-site affordable housing provision

And the following conditions:

1. Time (3 years)
2. Plans
3. Prior approval of facing and roofing materials
4. Prior approval of a piling method statement
5. Prior approval of a dust mitigation scheme
6. Approval of a contamination report prior to occupation
7. Foul and surface water shall be drained on separate systems
8. Prior approval of a surface water drainage scheme
9. Landscaping – Details
10. Landscaping – Implementation
11. Boundary treatment
12. Bat mitigation - Implementation
13. Electromagnetic screening measures
14. Construction Management Plan
15. Removal of Permitted Development Rights on Plot 3 – Class A and B (rear elevation) and Class E

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chairman (or in his absence the Vice Chairman) of the Northern Planning Committee and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**98 15/3472M - 180A, WILMSLOW ROAD, HANDFORTH SK9 3LF: CONVERSION TO CREATE 12 NO. APARTMENTS, THE ERECTION OF A TWO STOREY REAR EXTENSION, REPAIRS AND REBUILDING PART OF THE CHAPEL, REPLACEMENT WINDOWS AND DOORS, ASSOCIATED CAR PARKING ALONG WITH THE REMOVAL OF LISTED TREES FOLLOWING THE WITHDRAWAL OF PREVIOUS PLANNING APPLICATION 15/1865M FOR MR A HARRISON**

*Prior to consideration of this application, as stated in her declaration, Councillor T Fox left the meeting and did not return*

The Committee considered a report regarding the above application.

(Mr J Ashall (The Applicant's Agent) attended the meeting and spoke in respect of the application)

**RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to a Section 106 Agreement to secure:

- £10,000 for off-site provision of Public Open Space
- £1,500 for Recreation Outdoor Sport
- £6000 for Road Traffic Order on Spath Lane

And the following conditions:

1. Development in accord with approved plans
2. Building materials as detailed
3. Landscaping/tree replacement - details to be submitted
4. Landscaping/tree replacement - approved details to be implemented
5. Protection of breeding birds
6. Rainwater goods - material and colour as specified
7. Specification of window design / style - fabricated in timber & painted or opaque stained
8. Roof lights set flush
9. The windows shall be installed in accordance with the details submitted (1386/D/001 Rev A)
10. Roof ridges - to be finished as specified
11. Gates to be set back from footway/carriageway
12. Car parking spaces and bicycle parking to be provided prior to first occupation
13. Works to be carried out in total accordance with the submitted acoustic report
14. Provision of electric vehicle charging points
15. Roof materials
16. Parking spaces
17. Individual parking space allocated to each apartment

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.05 am and concluded at 11.40 am

Councillor G M Walton (Chairman)

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Application No: 15/5536M

Location: LAND ADJACENT TO BELONG CARE HOME, 103 KENNEDY AVENUE, MACCLESFIELD, SK10 3DE

Proposal: To provide a new 30 space surface car park

Applicant: Mr Nigel Franklin, Belong Construction Ltd

Expiry Date: 05-Feb-2016

**REASON FOR REPORT:**

This application has been called in to be determined by Northern Planning Committee by Cllr Hardy as there is significant public interest in the proposed development.

**SUMMARY:**

Numerous letters of representation have been submitted in support of the proposed development and are summarised below. The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops. The open space is considered to be in of significant importance in contrast to the tightly packed housing areas within the locality of the area.

The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off set the loss of the existing open space.

**SUMMARY RECOMMENDATION:****REFUSE****PROPOSAL:**

Full planning permission is sought for the installation of a 30 space car park associated with the neighbouring Belong Care Home. The footprint of the car park would occupy approximately 900m<sup>2</sup> of existing open space, as designated by the Macclesfield Borough Local Plan 2004.

### **SITE DESCRIPTION:**

The application site is a roughly rectangular shaped piece of land located to the north of Kennedy Avenue. The site comprises a sloping grassed area. The surrounding area is residential in character, with some retail units to the west.

The site falls within the Macclesfield Settlement Zone Line and is designated as existing open space as per the adopted local plan.

### **RELEVANT HISTORY:**

None relevant.

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework (2012)

#### **Development Plan:**

The Development Plan for this area is the Macclesfield Borough Local Plan 2004. The relevant policies are listed below:

BE1 – Design Guidance  
RT1 – Protection of Open Spaces  
RT7 – Cycleways, Bridleways and Footpaths  
T1 – General Transportation Policy  
DC 1 – 6 – Design and Amenity  
DC 8 – 10 – Landscaping and Tree Protection

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP.1 – Presumption in Favour of Sustainable Development  
SD.1 - Sustainable Development in Cheshire East  
SD.2 - Sustainable Development Principles  
SE.1 - Design

### **CONSULTATIONS:**

**Highways:** No comments received at the time of report preparation.

**Environmental Health:** No objection subject to a construction hours of operation informative.

**Public Rights of Way:** object to the proposal as there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

**Environmental Planning (Landscape):** no objection

**Parks Development Manager:** object to the proposal as summarised below;

1. The loss of the existing Public Open Space (POS) would be contrary to council policy
2. Even with the replacement open space proposal, there would be a net loss of open space, in terms of both quality and quantity, which would be contrary to policy
3. The loss of the POS would be unacceptable

**Heritage and Design (Forestry):** no objection

**United Utilities:** no objection subject to a surface water condition

### **TOWN/PARISH COUNCIL:**

**Macclesfield Town Council:** *“the application is unreservedly supported by this committee and this committee recommends that the support for the application, as evidenced by the residents’ petition, should be noted by Cheshire East Council’s Planning Department.”*

### **REPRESENTATIONS:**

A large number of letters of representation were received from local residents and are summarised below:

Letters in support:

- Existing parking problems
- Insufficient car parking provision in the area
- Congestion on Kennedy Avenue would be relieved
- Kennedy Avenue is currently dangerous due to traffic
- Improved road safety

Letters of objection:

- There is more than enough parking provision in the area
- The parking at the neighbouring shops is under used
- Loss of amenity
- Loss of open space
- Concern over levels and boundary treatment

A letter of support has been received by David Rutley, MP for Macclesfield

### **APPRAISAL:**

#### **Principle of Development**

Policy RT1 (Protection of Open Space) states that *“areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building*

*footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open spaces is not harmed."*

The proposal is for the installation of a new 30 space car park that would be located on existing open space. The land in question is identified on the Macclesfield Local Plan proposals map as Existing Open Space and is therefore subject to Policy RT1 which states that areas of open space as shown on the proposals map will be protected from development. The relevant policies contained within the adopted local plan protect incidental open space too small to be shown on the proposals map. The land is also identified within the CEC Open Space Assessment [OSA] as Open Space. The OSA forms part of the background evidence for and informs the emerging local plan and has been used in the formation of the Green Space Strategy [GSS]. Disposal of the open space or any part of the open space would be contrary to current [and emerging] policy.

Disposal of open space may be considered if a substantial case can be made for the benefits of the change of use and/or a package of mitigation measure can be shown to provide a replacement facility of similar or enhanced size/quality/ benefit.

Open space is provided for the benefit of the whole community and the Local Authority's view is that a change in allocation should not be at the expense of the majority.

The application site sits alongside Kennedy Avenue and forms part of a larger area of open space which in turn forms part of a network of green space on both sides of Kennedy Avenue. The land in question is considered to be a linking corridor (or green corridor) and is considered to be of particular importance in the current policies (and the GSS).

The application site is considered to be an important green space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be in stark contrast to the tightly packed housing areas within the locality of the area. The collection of open spaces on both sides of Kennedy Avenue form a spacious green 'breathing space'. The elevated nature of the open space and its wide views and surveillance area mean it feels secure and comfortable to be in, or alongside. The application site is also elevated above the floor level of the neighbouring Belong Care home and above the central residents' garden and social area. The open space forms a visual amenity to those within the care home and garden. A mitigation strategy has been proposed and comprises converting the car park to the rear of the nearby shops into open space to offset the open space that would be covered by the proposed car park.

The existing car park to the rear of the shops provides parking for the shop operators and the residents above the shops. It also provides access to the rear of the shops for deliveries and emergencies. Sufficient access for emergency and service vehicles would need to be retained. It is a well used car park and has benefitted from some improvements over recent years. It is set below the level of Kennedy Ave and visibility into the parking is limited from Kennedy Avenue. It is currently hard surfaced. The car park to the rear of the shops is currently well used and closure would displace those residents and shop operators currently using it, with no replacement facility proposed.

The support of the local residents is noted however it is considered that the existing open space makes a substantial contribution to the local environment, public realm, footpath system and local

community as well as residents of the neighbouring care home. The application site comprises a pleasant green open space and it is considered that the replacement open space would be restricted in size, be of lower quality than the lost open space. It would be of lower value, in both quantity and quality.

The proposed development is contrary to Policy RT1 and it is not considered that the proposed mitigation would off set the loss of the existing open space. As such the application is recommended for refusal.

### **Amenity**

As noted above, it is considered that the cumulative impact of the loss of the existing open space would have a significant impact on the residential amenities of the local residents in the area. The development would therefore be contrary to Policy DC3 (Amenity) of the adopted local plan.

### **Design**

The design of the proposed car park is suitable to the use it will serve and there are no issues with the design.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies DC1 (Design) of the adopted Local Plan.

### **Access and Parking**

The proposed extension would not mean any increase in bedrooms therefore there will be no impact on access or parking.

The proposed development is in accordance with the Cheshire East Local Plan Submission Version parking standards and it is not considered that the extension will have a detrimental impact on highway safety.

### **Planning Balance & Conclusions**

The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off-set the loss of the existing open space.

The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be of significant importance in contrast to the tightly packed housing areas within the locality of the area.

The proposal is therefore found to be unsustainable in the social, environmental and economic sense. The application is in contrary to the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is refused.

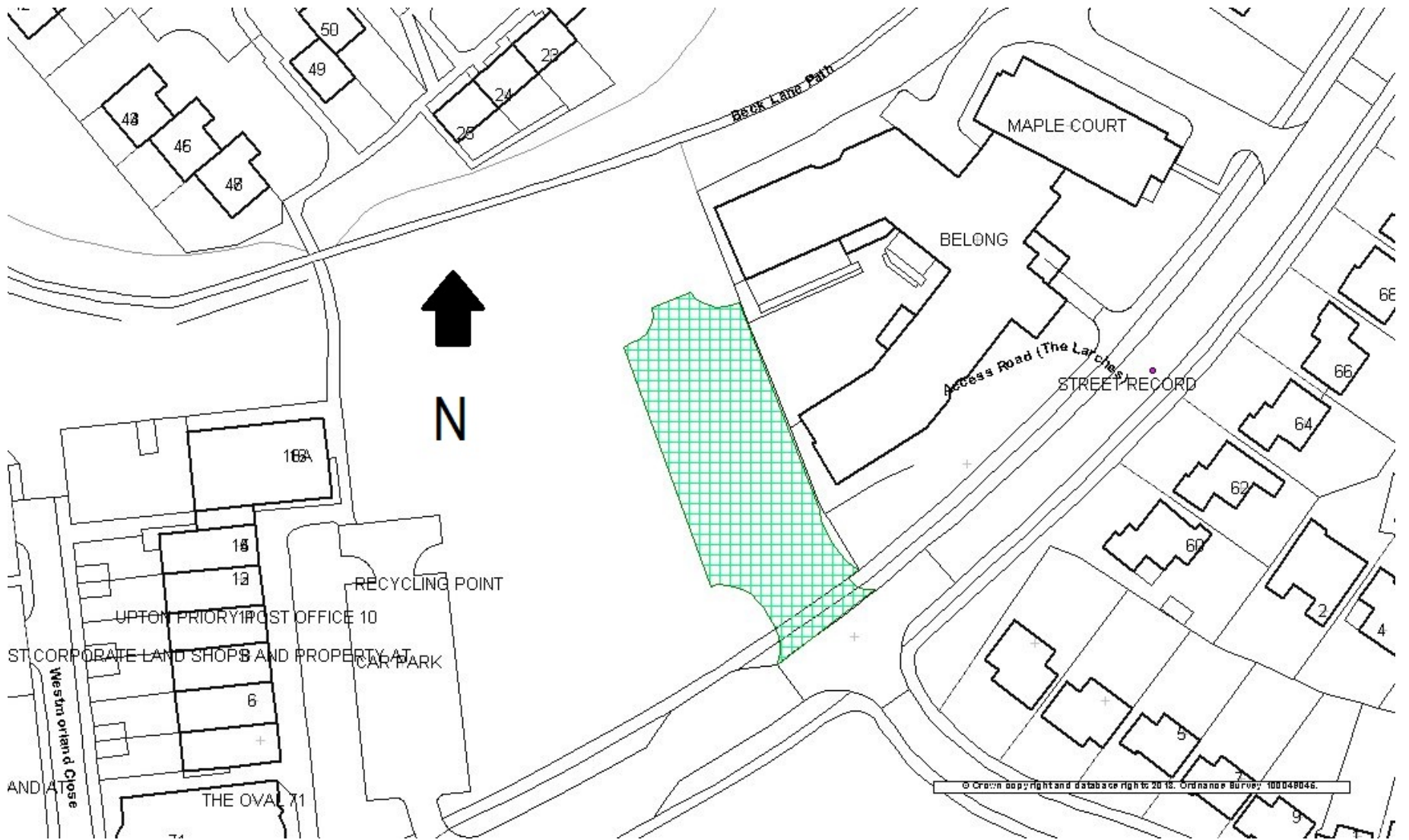
**REFUSE for the following reason:**

The Local Planning Authority considers that the proposed development is unacceptable by reason of its location on an area of protected open space. The application site is an important green space that forms part of a network of green space alongside Kennedy Avenue. No suitable mitigation measure has been demonstrated to off set the loss of the open space and as such the proposed development would have a negative impact on the character of the area and the amenity of the surrounding residential area. As a result the development would be contrary to RT1 (Protection of Open Space) of the Macclesfield Borough Local Plan 2004 and the Council's Open Space Assessment and Green Space Strategy and the NPPF.

\* \* \* \* \*

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.**



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Application No: 15/4137M

Location: THE GRANGE, SOUTH PARK DRIVE, POYNTON, CHESHIRE, SK12 1BS

Proposal: Demolition of detached dwelling house and associated buildings, and erection of eight family dwelling houses and associated works. Amendments to previous application reference 13/1165M

Applicant: Hillcrest Homes Ltd

Expiry Date: 05-Nov-2015

**SUMMARY:** The Planning Inspectorate considered the previous application to be of a suitable density for the Low density area, and it is considered that the proposed amendments to the siting along with the proposed landscape and boundary mitigation proposed is suitable to address the amenity issues which arose from the previous application and appeal.

It is therefore considered that the demolition of the existing dwelling and associated outbuildings and the erection of 8 detached dwellings is acceptable and would not be harmful to either the character of the low density housing area or the amenity of nearby residential occupiers. The access and parking arrangements are acceptable. Whilst the proposal would result in the loss of a some trees and existing landscaping on the site, on balance it is considered that the proposed development can be implemented without having a detrimental effect on retained individual specimen trees or the wider woodland aspect. There would be no adverse impact on protected species, and there are no ecological objections to the proposal. Whilst the comments of Poynton Town Council and of local residents have been carefully considered, for the reasons outlined within the report, the proposal is considered to be acceptable and compliant with Development Plan policies.

The application is therefore recommended for approval subject to conditions and the completion of a s106 legal agreement.

**RECOMMENDATION: APPROVE Subject to S106 Agreement and conditions**

#### **PROPOSAL:**

Planning permission is sought for the demolition of the existing buildings on the site and the erection of 8 detached dwellings. A single, amended access point to be shared by the dwellings would be formed off South Park Drive.

The application follows application reference 13/1165M, which was refusal by Northern Planning Committee and dismissal at appeal for a similar scale of development.

### **SITE DESCRIPTION:**

The application site is located to the south of South Park Drive in Poynton. Vehicular access is taken from South Park Drive. It presently contains a large, detached dwelling and various ancillary outbuildings set within a site area of 2.79 hectares. A large lake is located to the rear of the dwelling. Existing residential properties are located to the east, south and west of the site with Poynton Park to the north. Princess Incline, a public right of way and an area of protected woodland is also located to the south of the site. The site contains a large number of mature trees and mature landscaping, some of which are protected by TPOs.

The site is allocated as a predominantly residential area and a low density housing area on the Macclesfield Borough Local Plan.

### **RELEVANT HISTORY:**

13/1165M - Demolition of detached dwelling house and associated buildings, and erection of eight family dwelling houses and associated works – Refused 6<sup>th</sup> June 2013 and Dismissed at appeal 15<sup>th</sup> August 2014

13/0148M - The proposed development comprises of 8 No. family dwellings, to replace a large family house and associated outhouses. Withdrawn 07.03.13.

11/3085M - The demolition of a detached dwelling and associated buildings and the erection of 10 dwellings. Withdrawn 06.10.11.

05/2011P - SINGLE STOREY SIDE LINK EXTENSION TO FORM HOBBY ROOM, SINGLE STOREY REAR EXTENSION AND CANOPY OVER SIDE ENTRANCE. Approved 04.10.05.

72478P - ERECTION OF BUILDING FOR GARAGING OF VINTAGE/CLASSIC CARS AND STORAGE OF GARDEN MAINTENANCE AND POND MAINTENANCE EQUIPMENT. Approved 21.12.92.

51952P - PORCH CONSERVATORY FACILITIES FOR SWIMMING POOL AND EXTENSION TO WORKSHOP. Approved 25.02.88.

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

National Planning Policy Framework (NPPF)

#### **Local Plan Policy**

*Macclesfield Borough Local Plan 2004.*

NE11 Nature Conservation

BE1 Design Guidance

H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H12 Low Density Housing Areas  
H13 Protecting Residential Areas  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping Scheme  
DC9 Tree Protection  
DC38 Space, Light and Privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development or Redevelopment  
DC46 Demolition

*Cheshire East Council Local Plan Submission Version 2014*

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SC4 – Residential Mix  
SE1 – Design  
CO1 – Sustainable Travel and Transport

### **Other Material Planning Considerations**

Poynton Supplementary Planning Document.

Macclesfield Borough Council SPG on S106 agreements.

### **CONSULTATIONS:**

**Highways** – This is a full planning application for the demolition of a detached dwelling on South Park Drive in Poynton and its replacement with eight detached dwellings, with associated parking and new access taken from South Park Drive.

There are no material highway implications associated with this development proposal, the proposals for access are satisfactory and I am satisfied that there is sufficient space within the site to provide off street parking provision for each dwelling in accordance with CEC minimum parking standards.

Accordingly, the Strategic Infrastructure Manager has no objection in relation to the planning application.

### **Informative**

*Prior to first development the developer will enter into and sign a Section 184 Agreement under the highways Act 1980 to provide a new vehicular crossing over the adopted footpath/verge in accordance with Cheshire East Council specification.*

The developer should contact: [CEHNorth@cheshireeasthighways.org](mailto:CEHNorth@cheshireeasthighways.org)

**Environment Agency** – No comments to make

**Environmental Health** – No objections, subject to the imposition of conditions regarding noise, hours of construction, pile driving, dust control and contaminated land, and electric charging points

**United Utilities** – No objections, subject to conditions for foul water and surface water drainage

**Manchester Airport** – No objections

## PARISH/TOWN COUNCIL REPRESENTATION

**Poynton Parish Council** - Recommend refusal. Breach of Policy H12 of the Macclesfield Borough Local Plan (low density housing areas). Contrary to statements by the developer, the site for development cannot be regarded as previously developed (brownfield) land. The definition excludes "land in built-up areas such as private residential gardens.....which, although it may feature path, pavilions and other buildings, has not been previously developed" (Planning Policy Statement 3 - Housing (PPS 3)).

MBC Standard Conditions and Reasons for Refusal - RO1LP - Contrary to provisions in the Macclesfield Borough Local Plan;

RO1TR and RO2TR - Loss of protected trees and threat to protected trees respectively;

RO1NC - Threat to the habitat of protected species, namely badgers, bats, newts and herons.

RO2RD - Loss of privacy, on the basis of overlooking - the area for development is several feet higher than the surrounding properties;

RO3RD - Cramped development;

RO7RD - Development unneighbourly. Members also were also concerned about the overall impact this development would have on the character of the area, and its effect on the lake, a historic feature connected to a larger body of water, Poynton Pool, and the potential noise and other forms of pollution. In addition, Cheshire East are requested to ask their Archaeology Service to assess the impact this development would have on the lake, an artificial feature more than 200 years old, which once formed part of the garden of Poynton Towers. (NC)

- The property development in no way addresses the previous concerns addressed by the Inspector in 2014
- Our extreme concerns about the development
- The concern expressed by local residents at the lack of accuracy of the plans

## OTHER REPRESENTATIONS

To date, representations from 7 different addresses have been received in relation to the application objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of concern raised are listed below:

- Adverse impact on the residential amenity of nearby residents
- Adverse impact on the low density housing area
- Contrary to policies contained in the Local Plan
- Accept that improvements have been made in recent application, however still have concerns
- Concern about narrowness of access road, lack of passing places, driveway lengths and parking spaces, and if suitable for emergency services/bin wagons
- Concerns over potential loss of protected tree (Monkey Puzzle Tree)
- Objections raised to statements within the application in relation to discussion had between the applicant/agent and neighbouring properties regarding future applications
- Noise generation from increased number of dwellings and associated traffic
- Existing high standard of privacy not maintained
- No objection in principle but feel that 8 houses is too many
- Over development of the site – which now includes building into the lake to ensure separation distances are met
- Gardens are much smaller than others in the low density area
- Ecology report dated July 2015, fails to acknowledge badger setts and Japanese Knotweed
- Plot 6 is to be built on an area designated as 'woodland and trees to be retained in the ecological survey
- Object to the description of 'family homes' when properties overhang the water, and have terraces
- Loss of protected trees and impact on those to be retained
- Concern about use of motorised boats and jet skis on the lake
- Overdevelopment of the plot
- Proposal will unduly impact on the ecology of the site
- Potential to pollute Poynton Pool as lake is a feeder pool
- Concern about opening up of the footpath around the site
- Increased congestion
- Impact on off site trees
- Would set a precedent for infilling other gardens in the area or development on protected woodland
- Landscaping is an integral part of the development and should be submitted prior to a decision being made
- Supporting documents give misleading information
- Not a brownfield site as is suggested
- Concern about flooding due to culvert nearby and potential for blockage
- Application states that there are no habitable windows to the eastern boundary – this is incorrect House Type A(H) on Plots 5 and 6 are media rooms
- Moving the property on plot 6 8mtrs further away will still dominate the outlook and appear overbearing on the neighbours at 11 Millstone Close
- Plot 6 will be constructed on top of a badger sett
- Development will not benefit anyone in the local area other than the developer and landowner
- How will the woodland management plan be managed in practice?
- Development will exacerbate the current flooding issue in the area during heavy rainfall

Letters from 2 addresses of no objection/concerns have also been received

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is located within a low density housing area within predominantly residential area. As such the principle of new housing can be acceptable subject to compliance with relevant policies and in particular, Local Plan policy H12 which relates to low density housing areas.

### **Low Density Housing Area**

Local Plan policy H12 states that within low density housing areas, new housing development will not normally be permitted unless the following criteria are met:

- The proposal should be sympathetic to the character of the established residential area, particularly taking account of the physical scale and form of new houses and vehicular access
- The plot width and space between the sides of housing should be commensurate with the surrounding area
- The existing low density should not be exceeded in any particular area
- Existing high standards of space, light and privacy should be maintained
- Existing tree and ground cover of public amenity value should be retained

In addition, in respect of Poynton Park, along South Park Drive the existing frontage building line should be maintained. Within this particular low density housing area, there is no specific requirement for minimum plot sizes.

The previous application reference number 13/1165M was refused by the Committee for two reasons, one of the reasons was in relation to the character and appearance of the local area by means of housing density, and was considered to be contrary to Policy H12.

However, the Inspector considered this reason for refusal within the appeal decision and concluded that,

*'the area is characterised by low density development comprising of a variety of dwellings mostly located in fairly large gardens. The appeal proposal reflects this character with only eight houses being arranged across the developable part of the site. All these are located in sizable gardens with five of the properties adjoining the lake. Although the proposed density of development may be slightly higher than the surrounding area, and certain of the new houses closer together than the existing, I (the Inspector) do not consider that this is likely to be particularly noticeable. The retention, and reinforcement, of the trees and vegetation along the South Park Drive frontage and the set-back of the proposed dwellings to the building line of adjacent houses would ensure that the sylvan appearance of this part of the drive is retained.'*

*I (the inspector) conclude, therefore, on the first main issue that the proposal would be in keeping with the character and appearance of the local area. As a result the scheme accords with the objectives of Policy H12...which aims, amongst a range of matters, to ensure that development respects local character, existing density, and the building line along South Park Drive.'*

Therefore, given that the proposal is for the same level of development as the previous application, it is considered that as discussed by the Inspector at the last appeal whilst the development may be of a slightly higher density than the existing, this would still be in keeping with the character and appearance of the local area and therefore accords with the objectives of Policy H12.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

### **Amenity**

As discussed, Local Plan policy H12 requires existing high standards of space, light and privacy to be maintained. Additionally Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

Policy DC41 also deals with infill housing and redevelopment. Policy H12 sets standard for low density housing areas, but the general policy for redevelopment of sites is also applicable. The policy sets the following criteria:

1. In areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard;
2. The proposal should not result in overlooking of existing private gardens;
3. The proposal should not lead to excessive overshadowing of existing habitable rooms;
4. The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose;
5. The proposal should not result in excessive amounts of new traffic into a quiet area or on unsuitable roads. Within the site the location and amount of vehicle space should not lead to annoyance or intrusion to neighbouring properties;
6. The proposal should normally enjoy open outlook onto a highway or open space from one elevation. Tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic
- 7 Car parking should be provided in accordance with the standards set out in appendix 10 (no longer relevant)
- 8 Vehicular and pedestrian access should be safe, particularly by the adequate provision of visibility splays.

The Appeal decision for 13/1165M considered the amenity impact of the proposed development on neighbouring amenity, in line with the second reason for refusal. The Inspector concluded that the development would not lead to significant levels of overlooking or noise and disturbance, but raised concerns with the proximity of the 3 proposed dwellings on the eastern boundary and the impact that the proposed development would have on the outlook of the neighbours properties No.6 and 11 Millstone Close and Tower Gardens. The Inspector noted that Plots 5 and 6 were sited close to boundaries with the neighbouring properties and in turn the siting, scale and height of the proposed dwellings would have a dominant immediate outlook from the three existing dwellings.

As the layout and level of dwelling is the similar to the appeal layout it is considered that the conclusions of the Inspector should be given significant weight.

The proposed development as amended would see the dwellings on Plots 5 & 6 moved a minimum of 14m away from the boundary with No.6 and 11 Millstone Close. This compares to approximately 6 metres on the previous application. The plans also show the access road moved further away from the boundary with landscaping and an acoustic fence proposed between the proposed dwellings and the neighbouring properties. Interfacing standards have been met and exceeded between the proposed dwelling and existing dwellings. It is therefore considered that with the addition of conditions to ensure the proposed boundary treatment and planting is implemented as proposed the proposed development is acceptable and now addresses the concerns raised by the Inspector in the previous application.

The property on Plot 4 will similarly be set back 13.5m away from the boundary with Tower Gardens. The proposed dwelling will meet the interference distances and it is considered the scale, siting and height of the dwelling is now improved to ensure the outlook from the neighbouring property is not such that it would warrant refusal of the permission.

The Inspector considered that the development positioned adjacent to the western boundary did not have the same visual impact on the neighbouring properties due the existing two storeys outbuilding on the site which are to be removed as part of the development. The proposed dwelling will be sited further away from the boundary with the neighbouring properties and therefore it was concluded that the development would not have an increased impact on neighbouring amenity over and above the existing situation.

Environmental Protection have proposed conditions noise, hours of construction, pile driving, dust control and contaminated land, and electric charging points. It is considered reasonable to conditions these issues to ensure the amenity of the neighbouring properties is safeguarded.

All the proposed dwellings appear to have a suitable level of private amenity space suitable for the size of the properties.

It is therefore considered that the relationship between the proposed houses is considered to be acceptable and compliant with Local Plan policies DC3, DC38, DC41 and H12.

### **Affordable housing**

As the application site area exceeds 0.4 hectares, in line with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for affordable housing to be provided in association with the development. In this case given the scale and nature of the dwellings proposed, it is considered more appropriate for a commuted sum to be provided in lieu of on site provision. It is concluded that £150,000 would be the minimum amount required to feasibly provide 2 affordable housing units in the locality.

Whilst normally provision of affordable housing would be sought on site, regard should be had low density housing policies that apply to the site. To comply with policy H12 of the Local Plan, the developer is required to meet higher standards in terms of the low density housing provided. Insisting on affordable housing provision on site would conflict with these objectives

and would require a higher density of housing to be provided when considering redevelopment in low density housing areas. The Council's policy does allow in principle for off-site contributions. This is considered to be an application where it the most appropriate solution.

The applicant has agreed a £150,000 contribution towards affordable housing provision, which would need to be secured through the completion of a s106 legal agreement.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Landscape and Trees**

The Council's Tree Officer has considered the proposal and notes that the alterations and amendments to the initial submission now allow for the retention of the two protected trees (T1 & T2) to be retained, and protected in accordance with current best practice BS5837:2012.

The trees and shrubs highlighted for removal were agreed as part of the previous application. Any impact in Arboricultural terms within the immediate area and the wider landscape is not considered to be significant.

The revised Arboricultural detail (Ref 11\_2015\_TGP\_BS) objectively covers most of the issues but does not contain tree protection details. This can be addressed by condition along with method statement's for both the removal of the existing driveway within the RPA of retained trees and implementation of hard standing areas within RPA's.

It is therefore considered that with the addition of conditions for Tree Protection measures the proposal is acceptable.

Further, the increased landscape buffer will be strengthened with new substantial laurel hedges on raised bund, drawing 10118(PL)150D illustrates the cross sections through the increased landscape screening, however the illustrative appearance of this plan can only be considered as indicative and therefore a further conditions for detailed landscaping will also be included.

#### **Flooding/Drainage**

Both the Environment Agency and United Utilities have been consulted on the application and no objection have been raised subject to conditions for surface water and foul water drainage.

Whilst comments made in representation relating to flooding have been considered, given that no objections have been raised by the Environment Agency, it is considered that subject to the imposition of the suggested conditions, there are no sustainable grounds to reject the proposal on the basis of flooding.

## Public Open Space and Recreation/Outdoor Sport Provision

Due to the size of the site area there is also a requirement for public open space and recreation/outdoor sports provision in association with the development. As no provision is proposed on site, the leisure services department advised in the previous application that a commuted sum of £28,000 is required. The commuted sum would be used for the nearby Poynton Pool/Park and Princes Incline.

The applicant has agreed to meet the required commuted sum, which would need to be secured through the completion of a s106 legal agreement.

## Ecology

The Council's Ecology Officer has considered the proposal and has made the following comments on the submitted information.

### Badgers

Two badger setts have been recorded within the application site. The main sett will not be directly affected by the proposals. There is however a second smaller sett located in close proximity to one of the proposed residential units. In order to avoid any disturbance of badgers using this sett the applicant is proposing to temporarily close this site for the duration of the construction phase. This work would be undertaken under the terms of a Natural England license. Badgers were observed drinking from the swimming pool on site and so the provision of an alternative source of drinking water for badgers is also proposed. The Council's Ecologist advises that the proposed badger mitigation is acceptable.

### Breeding Birds

If planning consent is granted it is recommended that conditions be attached to safeguard breeding birds and ensure some additional provision is made for roosting bats and nesting birds as part of the proposals.

### Invasive species

Two non-native invasive plant species are present on site. If planning consent is granted it is recommended that a condition be attached requiring the submission and implementation of a method statement for the eradication of these species.

### Reedbed

The submitted phase one habitat survey has identified a Reedbed in the margins of the on-site lake. Reedbed is a Biodiversity Action Plan Priority habitat and hence a material consideration. The reedbed appears to be retained as part of the proposed development.

## Design

The proposed dwellings are contemporary in style and would be constructed from a mixture of painted render, timber panels, glass and timber/powder coated aluminium doors and windows. Given the nature and location of the site and given the mixture of property types and styles in the locality, no objections are raised to the design proposed.

## **Archaeology**

The Town Council and objectors raised a query regarding the archaeological potential of the site and the impact of the development on the lake. The Council's Archaeology Service has been consulted on the previous application. Whilst it is acknowledged that the lake lies approximately 170m to the south west of the site of the former Poynton Hall, given the distance of the lake from the hall, the lack of any structures within the development on the earliest available mapping, and the extent of disturbance from previous development, it is not considered that the proposal would have any archaeological implications.

## **Highways**

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

## **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Holmes Chapel for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Other Matters**

With regard to other issues raised in objection, the applicant's have confirmed that the site would not be opened up to the public but that the land to the rear of the dwellings and the lake would be for the use of occupiers of the development only. It is proposed that a woodland management company be set up with each dwelling signing up to this to ensure the future maintenance of the woodland and communal areas. Additionally it is not proposed to use the lake for motorised boats or jet skis etc it is considered unreasonable to include a planning condition to restrict the use of the lake. It is not considered that the development would set a precedent for the infilling of other gardens in the area as each case would be assessed on its merits. Similarly it is not considered that the proposal would result in an increase in crime as the proposal is for a private development which would if anything, provide more surveillance of the area. Whilst it is agreed that the site is not a brownfield site, as it lies within a predominantly residential area, there is no objection in principle to its development for housing providing that the impact on the character of the area is considered acceptable.

## **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of a commuted sum payment in lieu of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 8 family houses, the occupiers of which will use local facilities as there is no public open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

### **PLANNING BALANCE AND CONCLUSION**

The Planning Inspectorate considered the previous application to be of a suitable density for the Low density area, and it is considered that the proposed amendments to the siting along with the proposed landscape and boundary mitigation proposed is suitable to address the amenity issues which arose from the previous application and appeal.

It is therefore considered that the demolition of the existing dwelling and associated outbuildings and the erection of 8 detached dwellings is acceptable and would not be harmful to either the character of the low density housing area or the amenity of nearby residential occupiers. The access and parking arrangements are acceptable. Whilst the proposal would result in the loss of a some trees and existing landscaping on the site, on balance it is considered that the proposed development can be implemented without having a detrimental effect on retained individual specimen trees or the wider woodland aspect. There would be no adverse impact on protected species, and there are no ecological objections to the proposal. Whilst the comments of Poynton Town Council and of local residents have been carefully considered, for the reasons outlined within the report, the proposal is considered to be acceptable and compliant with Development Plan policies.

The application is therefore recommended for approval subject to conditions and the completion of a s106 legal agreement.

### **RECOMMENDATIONS**

**APPROVE Subject to Section 106 agreement and conditions:**

## **HEADS OF TERMS**

The completion of a s106 legal agreement is required. This includes the following Heads of Terms:

- The payment of £150,000 in lieu of on site provision of affordable housing
- £28,000 for off-site provision of Public Open Space and Recreation Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Poynton Pool/Park and Princes Incline.

## **CONDITIONS**

1. **Standard**
2. **Approved plans**
3. **Materials to be submitted**
4. **Landscaping plan**
5. **Landscaping (implementation)**
6. **Boundary treatment**
7. **Tree Prtections**
8. **All arboricultural works shall be carried out in accordance with Christians Environmental Site Report and Appraisal Plans ref 11\_2015\_TGP\_BS Rev B received by the Local Authority on the 25<sup>th</sup> November 2015**
9. **Surface water drainage**
10. **Foul water drainage**
11. **Ecological mitigation as proposed**
12. **Breeding birds**
13. **Bat and bird boxes**
14. **Invasive species method statement**
15. **noise,**
16. **hours of construction,**
17. **pile driving,**
18. **dust control**
19. **contaminated land,**
20. **electric charging points**



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Application No: 14/4339M

Location: THE QUEENS ARMS, LEEK ROAD, BOSLEY, SK11 0NX

Proposal: Construction of 5 no. housing units for social housing (re-submission 14/1355M)

Applicant: Neil Findlay, Punch Taverns PLC

Expiry Date: 13-Nov-2014

**SUMMARY:** The application site lies with an area designated as Countryside beyond the Green Belt as determined by the Macclesfield Borough Council Local Plan.

Within such locations, there is a presumption against development unless the development falls into one of a number of categories as detailed in Local Plan Policy GC5 and GC6. The proposed development does not fall within any of the listed categories as such, it constitutes a 'departure' from the development plan and therefore there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of affordable housing and a minor boost to the local economy.

The negatives for the site are the generally unsustainable location and will have some impact on the setting of the listed building in the countryside.

However it is not considered that the negative impacts caused in terms of environmental sustainability on the Countryside, and fairly unsustainable location outweigh the positive benefits identified, in allowing social housing in area of need, and increasing the Housing Land Supply.

No issues with regards to neighbouring amenity, landscape, trees, highways or ecology, would be created.

As such, the development is recommended for approval.

**RECOMMENDATION: APPROVE Subject to Section 106 Agreement and conditions**

**PROPOSAL:**

The proposal is for the construction of 5 no. 2 bedroom terraced properties, one building, within the former car parking area associated with The Queen's Arms, Bosley. The proposal includes 100% social housing.

**SITE DESCRIPTION:**

The application site comprises an informal car parking area for the Queens Arms Public House adjacent to the existing beer garden area with open fields to the rear. The site is screened from the road by a row of trees.

The application site is situated within Bosley which is a settlement designated as being Countryside beyond the Green Belt and an Area of Special County Value. The application site lies within a cluster of Listed Buildings, including the Grade II\* Listed Saint Mary's Church on the opposite side of the road, and the Grade II listed The Queens Arms Public House.

**RELEVANT HISTORY:**

14/4347M - Construction of single 4 bedroom house on disused car park - Refused 2<sup>nd</sup> September 2015

14/1355M - Construction of 5 terraced mews properties and associated gardens and parking on redundant car park – Withdrawn May 2014

49990P - PROPOSED CAR PARK (20 SPACES) – Approved August 1987

**NATIONAL & LOCAL POLICY**

**National Policy**

National Planning Policy Framework (NPPF)

**Local Plan Policy**

*Macclesfield Borough Local Plan 2004.*

The site is located within the designated Countryside Beyond the Green Belt. The relevant policies in the assessment of the application are:

BE1 (Design Guidance)

DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC3 (Protection of the Amenities of Neighbouring Properties)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Space, Light and Housing Guidelines for Residential Developments)  
NE11 (Nature Conservation)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Developments)  
H3 (Making the Best Use of Land)  
H5 (Windfall Housing Sites)  
H9 (Affordable Housing)  
GC5, GC6 (Countryside Beyond the Green Belt)

### *Cheshire East Council Local Plan Submission Version 2014*

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SC4 – Residential Mix  
SE1 – Design  
CO1 – Sustainable Travel and Transport

### **CONSULTATIONS:**

**Highways** – The Head of Strategic Infrastructure (previously Strategic Highways Manager) had no objection to the original application 14/1355M and has no objection to this resubmission.

**Environmental Health** – No objection, subject to conditions for Contaminated Land, Hours of construction, piling works and dust

**United Utilities** – No objections

**Canal and River Trust** – No Comments to make

### **PARISH/TOWN COUNCIL REPRESENTATION**

Bosley Parish Council have viewed and discussed the plans submitted for the above application and the following comments were made:

- Some of the detail in the Design & Access Statement (D&A statement) is not accurate and is grossly misleading; particularly the relative distances to towns, facilities (shops & schools) & access to public transport. The report states that there is street lighting, which there isn't, the only lighting is from the public house itself and does not provide

light to see across the main road, or beyond the retained car park. Walking to local services is mentioned, but this would not be feasible for the vast majority of services; as the nearest town is Macclesfield (5 miles away - NOT 5 km!) and the nearest Train Station is 8.5 km. One service which is closer than the applicant has noted, is the Primary School about 100m away!

- The Planning Statement also seems to refer to “5 x 3 bed Cottages” whereas the application is for “5 x 2 bed Terraced Houses” – too much cutting & pasting has gone on here and a great deal of the info seems to be a straight copy of the original application 14/1355M.
- The Design & Access Statement also seems to include a sentence which seems totally out of place for this development, page 4 “*The barn already had service connections; these will be split for the two units*” ?!
- The site of the proposal may be within the curtilage of a current property, but Bosley village sits within the area of "Countryside beyond the Green Belt" and as such these new dwellings would not satisfy policy **GC5** in this instance. Even though the application is for “Social Renting”, the application does not refer to any s.106 agreement or reference to affordable shared ownership.
- A Housing Needs Survey should be procured before any Social Renting Housing development is approved. The last survey was a few years ago and showed need for 16 units. This supply has recently been fulfilled by the current development at Boars Leigh, Fold Lane, Bosley. Bosley Parish Council believe there is not sufficient need for a housing development in our small village without further proof of need. 5 houses is a relatively large development – for a village of only 180 houses),
- The D&A statement also indicates that the development would use the mains sewerage system for foul water. Bosley is not served by mains sewerage and any new housing would need a sizeable wastewater treatment facility on site; no area has been set aside for this important facility. Consultation response from United Utilities confirms this “**Drainage Comments** - *Our records show that there are no known public sewers in the vicinity of the proposed development.*”
- Surface water is to be dealt with by "Soakaway", but this is already a regular problem in the vicinity; the main road directly at the entrance to this site floods every time there is significant rainfall - any additional soakaway from houses and hardstanding would only increase this constant problem. The CEC Highways dept. have been contacted regarding this flooding issue on several occasions of the past few years and no permanent solution has been found.
- The application states that the car park is "disused" and was last used 15/9/14. The attached photos taken on 5/10/14 clearly show several cars parked there. There is also anecdotal evidence from villagers who parked on the car park for a Charity Auction on 29/9/14. The car park is regularly used & closing this car park would mean any extra cars for the public house would be parked on the main A523 (an unlit road with only a 40mph limit). The number of cars can often exceed the other car park capacity of 14 for such things as School Concerts, Village Fete, Church Events (the parish church is directly opposite) & the Christmas Band Concert.
- There is a severe lack of amenity space within this development. The private gardens to the rear of each property would not even be big enough for a bicycle shed and patio table. Space for children to play in their own gardens would be very limited. There is no facility for shared outdoor amenity space and the nearest play area is 1Km away at Lakeside. It is also noted that an allocation of 2 car parking spaces per property has been designed. As most rural residents will have 2 cars per family, this leaves no

space for visitor parking. Visitors would be forced to park on the main A523 - causing obstruction to the general traffic flow and adding to those using the pub & already parked on the road.

- The visual character of the proposed housing development does not fit well within the area of this site. Adjacent properties include 3 listed buildings, farm and farm cottages dating back over 200 years and overall this area of the village is of great historical value in it's appearance (policy **DC2**). These proposed properties would be incongruous in the local landscape especially as the proposal indicates the removal of a significant number of mature and semi-mature trees. To the rear of the properties their appearance would be most pronounced and would be clearly visible from the footpaths around Bosley Reservoir. Policies **NE1 & NE2** refer to our landscape character.
- As the development sits on a raised site above the road and other properties, it's elevated position and subsequent high roofline would be obtrusive to the neighbours and would need to be restricted to balance with other properties on the opposite side of the public house. This amendment would help retain the farm cottage appearance of the locality. Policy **DC3** should be considered.
- The Council feel that this development, along with additional planning applications recently approved, would prove unsustainable for the infrastructure of our small village (e.g. school places/ public transport/ amenity space). We have to be careful that rapid growth is not detrimental to the overall rural aspect of Bosley.

Bosley Parish Council would recommend that the Planning Officer **REFUSES** permission for this application.

### OTHER REPRESENTATIONS

Letters of objection have been received by 4 residences. The main issues raised are;

- Concern raised over consultations
- Any development on the site would have an adverse impact on the village
- Concerns over the future development of the site
- Car park is not redundant and is used by the church, generally by the village, car dealer, the pub, marquees
- Loss of car park would be the loss of an amenity afforded to the town
- Impact on ecology
- Highways safety impact
- Drainage in the area is poor
- Visual impact on The Old Vicarage
- Agent has twin tracked the applications to enable one approval on the site
- Plans are not sympathetic to the area
- The current sewage system is insufficient to cope with additional usage
- Inconsistencies within the Design and Access Statement in regards to the sustainability of the site
- There is no mains sewerage, no mains gas and no street lights. Incorrect distances are quoted to neighbouring towns and amenities.

- Has a need for social housing been proven?
- Has the current proposal been considered within the Bosley Pariah Plan?
- Site is on elevated land and therefore will be higher than surrounding properties
- Already enough housing proposals in the Bosley area

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Countryside beyond the Green Belt in the adopted Macclesfield Borough Local Plan (2004). Policies GC5, and GC6 are particularly relevant. Policy GC5 gives a presumption against development unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Policy GC6 gives further details of development that will be allowed and indicates that new dwellings are acceptable if they are required for a person engaged full time in agriculture, forestry or other rural enterprise appropriately located in the countryside, and a location in the countryside is essential for the efficient working of the enterprise etc.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Open Countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

In the absence of a 5-year housing land supply, the Local Planning Authority cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

In order to assess whether or not residential development of this site would be sustainable, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. This suggests that new developments should meet the following:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m),
- bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

It is considered that Bosley is limited in terms of public services and facilities that are available. With the exception of a pub, village hall, church and primary school the nearest facilities are located in either Macclesfield or Congleton Town Centres. Public transport options are limited to a bus service, which runs between the neighbouring Market Towns of Leek, Macclesfield, Congleton and Buxton.

It is evident therefore that essential facilities are not readily accessible and therefore the site is clearly less sustainable than a town centre location. It is considered that the proposals meet only a few of the above criteria.

As a result the site is considered to lie within an unsustainable location.

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to

support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **SOCIAL SUSTAINABILITY**

#### **Amenity**

The application site is situated over 90m away from the closest residential property and would lie 17m away from the adjacent public house, however would lie adjacent to the public house beer garden. It is considered unlikely that the proposed development would have detrimental impact on neighbouring amenity.

The proposed site plan appears to show a suitable level of private amenity space afforded to each property and overall a commensurate degree of space, light and privacy would remain to the neighbouring properties and the development would comply with policies DC3, DC38.

Environmental Protection have requested conditions for Contaminated Land, Hours of construction, piling works and dust and it is considered that all except the Hours of Construction condition are reasonable. Construction Hours are covered under a separate legislation and therefore this will form an informative to any approval.

#### **Affordable housing**

The site is located in Bosley so the affordable housing need for the Parish has been considered.

For the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013 Bosley is located in the Macclesfield Rural sub-area. The SHMA Update 2013 shows that for this sub-area there is a requirement for 59 new affordable units per year between 2013/14 – 2017/18, made up of a need for 9 x 1 bed, 6 x 2 bed, 23 x 3 bed, 11 x 4+ bed and 2 x 1 bed & 8 x 2 bed older persons accommodation.

A rural housing needs survey was carried out in 2013 for the Bosley Parish. The survey was conducted by sending out a questionnaire to all the households in the Bosley Parish. 169 questionnaires were sent out to households in the Parish and 75 were returned, giving a return rate of 44%. The survey established that there were 8 hidden households in Bosley, and that there are 3 people who left the Bosley Parish and would wish to return if there was cheaper housing available. The Bosley Rural Housing Needs Survey 2013 has identified that there is a need for at least 11 new affordable homes in the Bosley Parish.

In addition to this information taken from the SHMA Update 2013 and the Rural Housing Needs Survey Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 3 applicants who have selected Bosley as their first choice. These applicants have indicated they need 2 x 1 beds, 2 x 2 beds and 1 x 3 bed. A potential reason for the low number of applicants who have selected Bosley as their first choice would be that there are a low number of existing social/affordable rented properties in Bosley.

Taking account of the above there is need for affordable housing in the Bosley Parish and the Macclesfield Rural sub-area from the SHMA.

The Interim Planning Statement on Affordable Housing (IPS) states in section 3 states: -

Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The village of Bosley has a population of below 3,000 and as such the threshold highlighted above will apply and 30% affordable housing will be required on this site. In line with the IPS the affordable housing should be 65% rented and 35% intermediate tenure, which for this development would equate to 3 rented and 2 intermediate.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

-

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape and Trees**

The development site is contained by a hedge and trees to the front and sides with a relatively open view of the countryside to the rear. The Councils Tree Officer has considered the proposal and notes the development footprint including the detailed courtyard parking requires the removal of a number of low value trees which form part of the A523 road frontage.

None of those identified for removal are considered worthy of formal protection, with the more significant specimens located off site able to be protected in accordance with current best practice BS5837:2012.

Furthermore, post development the plans show an adequate space has been established to mitigate any issues of social proximity and nuisance. Subject to a condition for a Tree Protection measures the development is considered to be acceptable.

### **Ecology**

The Council's Ecology Officer has considered the proposal and he does not anticipate there being any significant ecological issues associated with the proposed development.

### **Design**

The proposal site is to the south east of one grade II Listed Building (The Queens Arms Public House) and one grade II\* listed buildings (Saint Mary's Church) and represents new build along this main road, which introduces a new built form in this predominantly rural setting.

The proposed dwellings will be sited to the rear of the site with a parking courtyard to the front of the site, still set back from the road frontage with landscaping as a buffer. The proposed building is of a traditional design which is keeping with the surrounding dwelling.

This proposed development will affect the openness of the setting of the listed building however this proposal represents a better visual impact than previous schemes and is not out of character with other property in the area.

With the additional of several controlling conditions in relation to materials to be used it is considered that the harm to the setting of the listed building is limited and the development although will have some increased impact on the character and appearance of the streetscene will not unduly harm the setting or character of the area to warrant refusal.

### **Strategic Highways**

The Strategic Highways Officer has considered the proposal and have raised no objections to the proposal on grounds of access or parking. It is therefore considered to be suitable for the proposed development.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **PLANNING BALANCE AND CONCLUSION**

The application site lies within an area designated as Countryside beyond the Green Belt as determined by the Macclesfield Borough Council Local Plan.

Within such locations, there is a presumption against development unless the development falls into one of a number of categories as detailed in Local Plan Policy GC5 and GC6. The proposed development does not fall within any of the listed categories as such, it constitutes a 'departure' from the development plan and therefore there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of affordable housing and a minor boost to the local economy.

The negatives for the site are the generally unsustainable location and will have some impact on the setting of the listed building in the countryside.

However it is not considered that the negative impacts caused in terms of environmental sustainability on the Countryside, and fairly unsustainable location do not outweigh the positive benefits identified, in allowing social housing in area of need, and increasing the Housing Land Supply.

No issues with regards to neighbouring amenity, landscape, trees, highways or ecology, would be created.

As such, the development is recommended for approval.

### **RECOMMENDATIONS**

**APPROVE Subject to Section 106 agreement and conditions:**

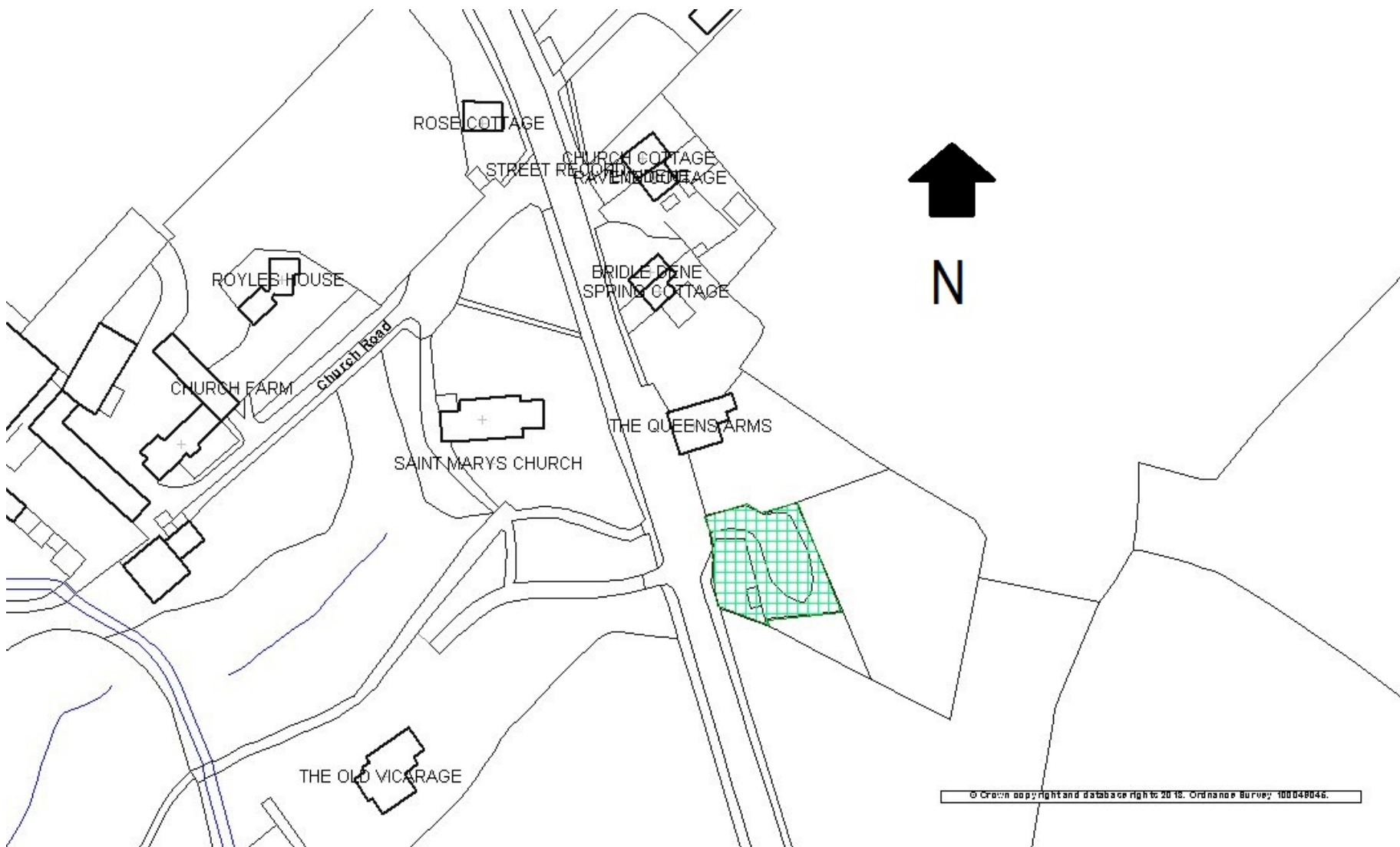
**Heads of Terms**

**Secure 100% affordable units**

- **requires them to transfer any rented affordable units to a Registered Provider**
- **provide details of when the affordable housing is required**

- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A10EX - Rainwater goods
5. A17EX - Specification of window design / style
6. A19EX - Garage doors
7. A20EX - Submission of details of windows
8. A23GR - Pile Driving details to be submitted
9. Phase 1 contaminated land survey to be submitted
10. Scheme to control dust to be submitted



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Application No: 15/5620M

Location: 13, SHEARD HALL AVENUE, DISLEY, STOCKPORT, CHESHIRE, SK12 2DE

Proposal: Outline Application for a Residential Property with Primary Access off Sheardhall Avenue with All Other Matters Reserved

Applicant: Mrs Heather Renshaw

Expiry Date: 04-Feb-2016

**Date Report Prepared: 24 February 2016**

#### **SUMMARY**

This application seeks outline planning consent for the construction of a new dwelling in the area to the east of 13 Sheard Hall Avenue. All matters are to be reserved for a future application.

It is considered that the principle of a new dwelling in the proposed location, allocated as Predominantly Residential in the Macclesfield Borough Local Plan, is acceptable. The proposed development could be implemented without any significant impacts on the neighbouring amenity and an access onto the main highway could be achieved without any highway safety issues. The site is sustainable and so the application is recommended for approval.

**RECOMMENDATION: Approve, subject to conditions**

#### **REASON FOR REPORT**

This application has been called in to committee at the request of Cllr Harold Davenport based on concerns that the site lies within the Green Belt.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site consists of a vacant plot of land, adjacent to the applicant's property at number 13 Sheard Hall Avenue. The area of land lies between the curtilage of number 13 and an agricultural field allocated as Green Belt in the Macclesfield Borough Local Plan. The area has been mown and, although it has been fenced off from the rest of 13, appears to have been used as an extension of the garden of this property. The site is allocated as Predominantly Residential in the Local Plan.

The surrounding properties consist of a mix of two storey and dormer style bungalows.

## **DETAILS OF PROPOSAL**

Outline planning permission is sought for the construction of a new dwelling adjacent to number 13 Sheard Hall Avenue. All matters are proposed to be reserved for a subsequent Reserved Matters application. Whilst an indicative site plan has been submitted with the application, these matters are to be reserved to be assessed under any future Reserved Matters application.

## **RELEVANT HISTORY**

64667            DEMOLITION OF EXISTING KITCHEN ERECTION OF TWO STOREY  
                     EXTENSION TO DWELLINGHOUSE

Approved 1990

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

BE1    (Design principles for new developments)  
DC1    (High quality design for new build)  
DC2    (Design quality for extensions and alterations)  
DC3    (Protection of the amenities of nearby residential properties)  
DC6    (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8    (Landscaping)  
DC9    (Tree Protection)  
DC38   (Guidelines for space, light and privacy for housing development)  
DC41   (Infill Housing Development or Redevelopment)  
H1      (Phasing Policy)  
H2      (Environmental Quality in Housing Developments)  
H5      (Windfall Housing)  
H13    (Protecting residential areas)

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

Other Material Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

### **National Policy:**

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

Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

### CONSULTATIONS (External to Planning)

**Forestry:** no objections

**Environmental Protection:** no objections subject to conditions related to: hours of operation, pile driving and an informative regarding contaminated land.

**Highways:** no objections to the amended site plan

**Nature Conservation:** no objections

### VIEWS OF THE PARISH / TOWN COUNCIL

**Disley Parish Council:** *Disley Parish Council objects to this application for the following reasons:*

- *The application is in the green belt and would set an unwelcome precedent for Disley.*
- *The application conflicts with the emerging neighbourhood plan for future development in Disley*
- *It is inappropriate development and contrary to green belt policy for the Disley area.*
- *The proposed development is on garden land which has covenants against any building and contains major sewers from the estate.*
- *The green belt boundary on the GIS mapping system is shown in the wrong place and includes land purchased at a later date by the residents and not the original green belt boundary shown when the properties were built.*
- *The original land owner retains the access to the site and adjoining field.*

### OTHER REPRESENTATIONS

Representations from 16no. different properties have been received. A summary of these can be viewed below:

- The area is within the Green Belt and the proposal would set a precedent.
- The land is not wholly owned by the applicant.
- The proposal would result in the loss of mature trees.
- No room for vehicular parking as it is at the head of the cul-de-sac.
- The turning circle is already congested with parked cars; a further residence will make turning and parking more problematic.
- Concerns that the dwelling will not be in-keeping with the other dwellings.
- Concerns over the Northern Lapwing population that nest in the field adjacent to the application site. Northern Lapwings are a 'near threatened' species
- The proposed driveway appears to encroach over the land owned by number 11 Sheard Hall Avenue.
- The proposal would affect the outlook from several properties.
- Builder's lorries will cause a hazard to children who play on the road.
- The development would put pressure on the already congested road network.
- The site is in a prominent location and would be visible from miles around.
- Conflicts with Disley PC Neighbourhood Plan.

- The site is at a higher level than 50 Heysbank to the rear and will result in a loss of light and loss of privacy.

Other issues have been raised which are not relevant to the planning application such as covenants and sewer positions.

### **OFFICER APPRAISAL**

#### **Key Issues**

- Principle of development,
- Impact on the character of the area,
- Impact on the amenity of neighbouring properties,
- Impact upon Nature Conservation interests,
- Highway safety implications

#### **Principle of Development**

The application site lies within a predominantly residential area and the principle of a new dwelling is therefore acceptable, subject to design, impact on neighbour amenity, nature conservation and highways issues which are examined broadly below, however the details of these would be considered under a subsequent Reserved Matters application.

There have been several comments from neighbours and the Parish Council stating that the application site is located within the Green Belt. The Green Belt boundary is defined by the Development Plan and the Proposals Map. As mentioned above the site is not located within the Green Belt but is adjacent to the boundary separating the area designated as Green Belt and the area designated as predominantly residential; it actually lies within the area designated as Predominantly Residential. This has been confirmed by our Spatial Planning team and is the same historic boundary that was included in the 1985 and 1997 Local Plans. For the purposes of this application therefore, the assessment will be made for a predominantly residential site, not Green Belt.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Visual Impact**

The surrounding properties are predominantly two storey with some dormer bungalow style properties. Sheard Hall Road is a cul-de-sac with number 13 at the head. Unlike most cul-de-sacs the properties form a linear development on either side of the road with no properties positioned at the head facing back down the road. The ground level drops from the south to the north with the application site at a lower level than the properties on the opposite side of the road to the north and at a higher level than the properties to the rear to the south.

The design and access statement states that either a single or two storey property could be built and due to the surrounding development it is not considered that either type would be out of keeping. The proposed site is a plot of very similar size to neighbouring residential plots. The width and depth of the proposed plot is clearly comparable with others in the immediate

vicinity of the site and is clearly capable of accommodating a single dwelling comparable to those in the immediate vicinity of the site.

The details regarding the design of the development including its scale and siting would be considered at the Reserved Matters stage and so cannot be assessed as part of this Outline application.

### **Amenity**

The objections have been carefully considered. The site layout plan submitted is indicative only but it is considered that due to the size of the plot, any future Reserved Matters application would be able to ensure that sufficient distances to neighbouring property would be able to be achieved to ensure that the development would accord with local plan policies DC3, DC13, DC38, DC41 and that a commensurate degree of space, light and privacy would be able to be achieved between all neighbouring property. The distance between the rear of the proposed dwelling and the rear of number 50 Hayesbank is approximately 19m, however this is commensurate with the other development in the area and if required a greater distance could be achieved during the Reserved Matters application.

### **Sustainability**

The development is considered to lie within a sustainable location in accordance with the NPPF. The site lies some 800m away from the centre of the village of Disley, which provides a variety of shops, a church, a school, railway station, and public houses.

### **Highways**

A number of comments have been received with concerns over the impact a new dwelling would have on highway safety in the area. The amended plan indicates a shared driveway access to serve the existing and new property off the turning head in Sheard Hall Avenue.

There is adequate width for a shared access to be provided for two properties, therefore there are no objections raised. One additional dwelling would not cause a significant impact to highway safety in the area.

### **Ecology**

A number of comments were received regarding the impact of the development on the Lapwing population on the adjacent field to the site. Lapwings as a priority species are a material consideration for planning. Whilst there is no reason to doubt that lapwings are breeding in the large open field to the east of the application site, the application site itself is too small and enclosed to offer suitable habitat for this species. Whilst there may potentially be some disturbance associated with the construction phase of the development this is likely to be minor and relatively short lived and must be viewed in the context of the existing level of disturbance associated with the existing residential properties.

## **Other Matters**

Following concerns from neighbours regarding the land ownership of the site an amended certificate of ownership has been submitted which states that all of the land is not owned by the applicant, and a 'notice to owner' form was submitted to the owner of Disley Hall Farm. An amended site plan was also submitted.

It has been mentioned that the development would not be in accordance with the neighbourhood plan for Disley. It must be noted that the neighbourhood plan is at a very early stage and so no weight is given to it.

## **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. The size of the plot is considered to be sufficient to ensure that the siting and scale of the development would not adversely impact on neighbouring amenity. This would be considered under any future Reserved Matters application. However, it is only for a single dwelling and therefore the impact is limited.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, It is only for a single dwelling and therefore the impact is limited.

## **PLANNING BALANCE**

Whilst the objections are noted, the principle of the development is considered to be acceptable. The Strategic Infrastructure Manager raises no objections on highway safety grounds. All other matters regarding the siting, scale, appearance and landscaping of the site would be considered at the Reserved Matters stage.

The issue of the Green Belt boundary has been fully reviewed and it is concluded that the decision must be based on the boundary as defined by the Proposals Map of the Macclesfield Borough Local Plan. As such the principle of a new house in a residential area is acceptable, subject to conditions.

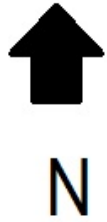
Bearing all the above points in mind, it is considered that the proposed accords with all relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

## Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A01AP - Development in accord with approved plans
4. A03OP - Time limit for submission of reserved matters
5. A06OP - Commencement of development
6. A23GR - Pile Driving details to be submitted
7. A19MC - Refuse storage facilities to be approved
8. A32HA - Submission of construction method statement



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Application No: 16/0216M

Location: Pownall Park Tennis Club, CARRWOOD ROAD, WILMSLOW, SK9 5DN

Proposal: Floodlights installed at tennis club to enable all year round use of the courts. The hours of operation of the floodlights shall be limited to 10am to 9pm Monday to Saturday and 10am to 6pm Sundays or Public Holidays

Applicant: Mr Paul Eaton

Expiry Date: 17-Mar-2016

### **SUMMARY**

It is considered that the design of the proposed flood lights is acceptable as is the relationship with the street-scene and the impact on the character and appearance of the area. The potentially extended use into the evenings during certain times of the year is considered not to cause any additional highways safety issues. The proposed would not result in any significant ecological impacts. The key issue to consider has been the impact of the proposed flood-lighting on neighbouring residential amenity.

Pownall Park Tennis Club proposed to operate floodlighting until 10.00pm Monday to Sunday. Such operations seven days a week until 10.00pm were considered excessive at this location. The applicant therefore agreed to amend the proposed hours to bring it in line with the Rugby Club as suggested by Environmental Protection. The proposed hours are now deemed acceptable.

Concerns identified in the previous refused applications are considered to have been overcome. The proposed is considered to accord with all relevant development plan policies and all other material considerations. Therefore, bearing the above aspects in mind, it is recommended the application be approved, subject to conditions.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is Pownall Park Tennis Club, Carrwood Road, Wilmslow. The site contains 3 tennis courts which are located on an elevated plot. The tennis club is situated to

the north west of Wilmslow. The Lawn Tennis Club (LTC) was originally set up in 1934. The LTC has approximately 235 members with just under half of the members being juniors.

The site is bordered by residential properties to the north and east which are located along Carrwood Road, Pownall Hall School is located to the south west and a pond is located to the west. There is a clubhouse located to the south east of the site. The site is a designated Existing Open Space with the land directly to the north and east being designated as Predominantly Residential Area of Wilmslow, as defined in the Local Plan. The site is a wooded area and surrounded by a Tree Preservation Order.

Carrwood Road is an unadopted road. There are currently 6 on-street parking spaces on the unadopted road which are owned by the LTA. These 6 spaces are to be retained.

### **DESCRIPTION OF PROPOSAL**

The application seeks full planning permission for: ' Floodlights installed at tennis club to enable all year round use of the courts up to 10pm Monday to Sunday'. The proposal is for 12 floodlights. Each floodlight will be 6.95m high.

### **RELEVANT HISTORY**

96/1832P FLOODLIGHTING TO 3 TENNIS COURTS. Refused 13/02/1997

96/0245P NEW TENNIS CLUBHOUSE. Refused 03/04/1996

96/0244P FLOODLIGHTING TO 3 TENNIS COURTS. Refused 03/04/1996

42550P EXTENSION TO CLUBHOUSE. Approved 26/09/1985

35890P PROPOSED CLUBHOUSE EXTENSION AND FLOOD LIGHTING OF TENNIS COURTS. Refused 19/01/1984

28347P EXTENSION TO EXISTING COURTS AND RE-ERECTION OF NETTING. NEW RETAINING WALL AND PRACTICE AREA. Approved with conditions 18/11/1981

### **POLICY**

Macclesfield Borough Local Plan – Saved Policies

BE1 (Design Guidance)  
RT1 (Open Space)  
H13 (Protecting Residential Area)  
DC1 (New Build)  
DC3 (Amenity)  
DC9 Tree protection  
DC6 (Circulation and Access)  
DC64 (Floodlighting)  
NE11 (Nature Conservation)

## **Other Material Considerations**

National Planning Policy Guidance  
National Planning Policy Framework  
CE Local Plan Strategy – Proposed Changes Version(March 2016)

SPG (Floodlighting for Sporting Activities)

(ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011

Sport England Design Guidance Note: Artificial Sports Lighting – Updated Guidance for 2012

## **CONSULTATIONS**

Environmental Health - No objection subject to conditions relating to hours of operation, intensity of illumination, priority of court use and the lights shall not be switched on at any time they are not required to illuminate the court.

Head of Strategic Infrastructure - No objections

Wilmslow Town Council - No Objection

## **OTHER REPRESENTATIONS**

8 letters of representation have been received in total, 7 objecting to the proposals and 1 supporting the application from the Vice President of the tennis club.

The planning comments raised are summarised below:

### **Support**

- A survey of 63 responses from members resulted in a 97% support in the installation of floodlights

### **Objections**

- Inadequate parking
- Highways safety issues
- Traffic generation
- Access
- Light Pollution
- Noise
- Loss of amenity/privacy
- The floodlights would appear higher due to the raised ground levels
- Concerns over guests leaving and lighting
- Children playing unsupervised
- The use of private driveways as a turning point
- Double parking of cars
- Poor road conditions on un-adopted road
- The private informal arrangement with Pownall Hall School still causes an issue due to the use of Carrwood Road and the car park regularly exceeds the additional number of spaces

- Concerns over biodiversity/geological conservation
- Plan does not include the extension at number 49 Carrwood Road or extra windows

Concerns have also been raised about the extent of notification of the planning application. It is confirmed that all adjoining neighbours have been consulted, and a site notice has been posted, which meets the statutory publicity requirements.

An objection has also been raised regarding a breach of a covenant. Covenants are a civil matter and is not a material planning consideration in this case.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The principle of providing floodlighting for recreational facilities can be acceptable, subject the following considerations:

- Landscape character
- Residential amenity
- Historical or wildlife features
- Highway safety
- Intensification of use the site

#### **Character and appearance of the area**

There is a belt of woodland between the proposed floodlights and Carrwood Road, which is the nearest public vantage point to the application site. It is also noted that there are street-lamps and telegraph poles within the vicinity of the application site, and if glimpses of the floodlights or the glow of the lighting can be achieved then they will be seen in the context of these existing structures. It is therefore considered that the design, size, scale and materials of the proposed flood-lights is acceptable and that the proposed development will have an acceptable relationship with the street-scene and an acceptable impact on the character and appearance of the area. The proposed is considered to adhere to policies BE1, DC3, DC64 and H13.

#### **Residential Amenity**

The Environmental Protection Team has been consulted on the application, assessing the impact upon residential amenity in terms of light spillage and noise. Environmental Protection have concluded that when the floodlights are on their presence will be visible (there will be some 'sky glow') as the site is on an elevated position at Carrwood Road.

The two dwellings that are closest to the proposal are number 49 Carrwood Road which is located 16.2m from the closest floodlight and number 56 Carrwood Road is located 37.9m away from the closest floodlight. Due to the distance from these properties Environmental Protection advise that the impact upon the living conditions of these neighbours will be acceptable. Between the dwellings and the floodlights lie trees and bushes which helps reduce any amenity issues even further.

Additional artificial illumination by way of lighting is provided by street lamps along the entrance road to Pownall Hall School. This lighting scheme adds to the background artificial

lighting at Carrwood Road as tree canopies conceal the light source (light bulbs) but the absence of low level shrubs results in light being visible at ground level illuminating the Pownall Hall School entrance road.

To the north of the site at the junction of Carrwood Road and Kings Road, Wilmslow Rugby Club operates. The club has a floodlighting scheme in place. The hours of operation permitted under 14/5158M are:

10.00 to 21.00 hours on Monday to Friday,  
10.00 to 21.00 on Saturday and  
10.00 to 18.00 on Sundays or Public Holidays.

Therefore, at Carrwood Road, current background artificial lighting is provided by existing street lights on Carrwood Road and Pownall Hall School and to the north an established floodlighting scheme is in operation at Wilmslow Rugby Club.

Pownall Park Tennis Club wishes to operate until 10.00pm Monday to Sunday. Such operations seven days a week until 10.00pm are considered to be excessive at this location.

The above hours of operation imposed on Wilmslow Rugby Club are established and have not given rise to illumination or noise complaints. For this reason, Environmental Protection recommends that the same hours of operation are imposed upon the use of the proposed floodlighting scheme at Pownall Park Tennis Club.

The applicant has submitted an Outdoor Tennis Lighting Design scheme in support of their application by Luminance Pro Lighting Systems, Project Code: 3626a, date: 25/09/15.

The submitted information has been assessed against the Institution of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' (ILP) re reduction of obtrusive light. This is the standard used in this application and the standards used for Sport England ('Design Guidance Note: Artificial Sports Lighting – Updated Guidance for 2012').

The Lighting scheme report has used E2 (Rural) to describe the lighting environment at this location: 'low district brightness' examples are village or relatively dark outer suburban locations. This descriptor is acceptable and agreed to describe the lighting environment of this area.

For an E2 Environmental Zone, light intrusion into windows pre-curfew is 5 lux and post-curfew 1 lux (pre-curfew is normally defined as the period before 23:00).

The lighting scheme report details that for the various residential sensitive receptors on Carrwood Road that the illumination design guidance for 'light intrusion' pre-curfew 5 lux to prevent the light being obtrusive to sensitive residential receptors is NOT exceeded at any elevation. The maximum lux level predicted at a point on the façade of one of the properties was 1.46, which is at the lower end of the recommended E2 scale.

In addition, no account has been taken of any existing foliage; thus the wooded area in which the tennis courts are located may afford additional protection providing illumination attenuation. During evening visits to the area in February 2016 to assess the application,

Environmental Protection noted that the vegetation was very dense and provided effective screening of the tennis courts from Carrwood Road – even at this time of year.

Following the above advice from Environmental Protection, the applicant has agreed to amend the proposed hours of to:

10.00 to 21.00 hours on Monday to Friday,

10.00 to 21.00 on Saturday and

10.00 to 18.00 on Sundays or Public Holidays.

This is now in line with the Rugby Club hours of operation for floodlights, which is slightly further along Carrwood Road, and the new proposed hours will minimise any amenity issues.

As mentioned above, applications were refused in the past for floodlights on this site. The reason for refusal has been taken into consideration and positive amendments have been made with the current application. For example the previous proposed height of the floodlights was 12m, whereas the new proposed height is approx. 6.95m high and the hours of operation of the floodlights was to be up to 10pm, whereas the new proposed hours of operation which are in line with the Rugby Club (up to 9pm) are an improvement.

As regards impact of the proposed development on the amenities of the surrounding residential properties, the key issues to consider (in accordance with policies DC3 and D64 of the Local Plan, para 17 of the NPPF and the ILP document Guidance Notes for the Reduction of Obtrusive Light GN01:2011) are light spillage, noise, increased use of facilities, privacy, traffic, presence of the masts/lamps and hours of usage. It has been concluded above that the proposed floodlights are considered to have an acceptable impact on the character and appearance of the area.

### **Noise**

During evening visits to the area in February 2016, it was noted by Environmental Protection that the existing noise climate at this location is subject to intermittent aircraft noise from ground operations, arrivals and departures to Manchester International Airport and distant road traffic noise. Intermittent aircraft noise and distant road traffic noise may potentially mask noise from the use of the tennis courts.

Pownall Park Tennis Club is an established activity at this location; currently the tennis club use is greater during the summer months where natural brighter evenings extend its use. It would therefore be expected that during brighter nights, when the club is in operation that the sensitive residential receptors would also be utilising their garden areas to a greater degree than during the winter: colder, darker months. The use of the club during the summer, brighter later nights has not given rise to any noise complaints. Conversely in the winter darker months, residents are less likely to fully utilise garden areas for entertainment purposes, therefore are less likely to be disturbed by extended tennis play.

A British Standard assessment has been completed and the applicants have considered and assessed the influence of vehicle doors and boots being shut and the use of tennis courts. Both noise sources have been measured and calculated as per the standard, which results in a 'rating of low impact'. No significant noise issues are raised.

### **Highways**

As noted above, the Strategic Highways Manager raises no objections and therefore it is considered that there are no highway safety issues arising from the application. The proposed development complies with policy DC6 and DC64.

Pownall Park Tennis Club is an established activity at this location. The application is for floodlights which will serve 3 existing tennis courts. It is noted there are local concerns over the existing parking and future parking issues. However as the application is solely for floodlights and the number of people at any one time playing tennis is not going to change, it is deemed there are no highways implications associated with this application.

It is noted the applicant has confirmed there are 6 on-site parking spaces and the 6 spaces are to be retained. The applicant has since confirmed the 6 spaces are all located on the private unadopted road. The applicant has confirmed due to the road being unadopted the LTA own the part of the road directly outside the site to the middle of the road. With this information in mind Highways were re-consulted and their comments have not changed.

The Vice President of the LTA has confirmed they have an arrangement with the school next to the tennis club. The arrangement enables members to use the school parking area out of normal school hours during the week and at weekends. This alleviates the use of the unadopted road outside the tennis club (Carrwood road).

### **Trees**

As noted above, the Arboricultural Officer does not object to the proposed development.

Pownall Park Tennis Club is surrounded by a tree preservation order. The application is supported by an Arboricultural Statement submitted by Cheshire Woodlands Arboricultural Consultancy (Ref CW/7919-AS) dated 19th October 2015.

No trees require removal to facilitate the proposed floodlights with only minor pruning proposed to both clear and maintain the existing perimeter fencing and establish clearance for light attenuation.

The proposed lighting columns and associated supply cables are all installed within the existing tennis court hard surfacing. There are incursions with RPA's but unacceptable damage is not considered likely given present ground conditions and the construction depth of the tennis courts. The Arboricultural Statement addresses the issues in terms of implementation with installation to be directly supervised by an on site Arboriculturalist working within the guidance of current best practice BS5837:2012 and NJUG. Tree protection details have not been provided but this can be addressed by condition, to ensure the continued well being of the trees in the interests of the amenity of the locality.

### **Ecological impact**

The Nature Conservation Officer does not object to the proposed development, considering that there would be no significant ecological impact. The proposed development accords with policies NE11 and DC64.

## **PLANNING BALANCE & CONCLUSIONS**

All representations have been taken into consideration. In summary, it is considered that the design of the proposed flood lights is acceptable as is the relationship with the street-scene and the impact on the character and appearance of the area. The potentially extended use into the evenings during certain times of the year is considered not to cause any additional highways safety issues. The proposed would not result in any significant ecological impacts. The key issue to consider has been the impact of the proposed flood-lighting on neighbouring residential amenity.

Pownall Park Tennis Club proposed to operate floodlighting until 10.00pm Monday to Sunday. Such operations seven days a week until 10.00pm were considered excessive at this location. The applicant therefore agreed to amend the proposed hours to bring it in line with the Rugby Club as suggested by Environmental Protection. The proposed hours are now deemed acceptable.

Concerns identified in the previous refused applications are considered to have been overcome. The proposed is considered to accord with all relevant development plan policies and all other material considerations. Therefore, bearing all the above aspects in mind, it is recommended the application be approved, subject to conditions.

### **Recommendation: Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A02TR - Tree protection
5. Carried out in accordance with Cheshire Woodlands Arboricultural Statement
6. The hours of operation of the floodlighting
7. Intensity of illumination of the lights
8. luminaire intensity shall not exceed that recommended for zone E2
9. Court 1 to be used first
10. lights shall not be switched on at anytime they are not required to illuminate a court for playing purposes or for maintenance/repair purposes
11. NPPF
12. CONSTRUCTION HOURS OF OPERATION – Noise Generative Works



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Application No: 15/5858M

Location: Cheshire County Council, County Offices, Chapel Lane, Wilmslow, Cheshire, SK9 1PU

Proposal: Variation of condition 2 on approval of 14/5471M Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 57 assisted living apartments integrated with communal wellbeing and support facilities and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road

Applicant: Pegasus Life

Expiry Date: 01-Mar-2016

**SUMMARY:**

The site is identified as a housing allocation in the Macclesfield Borough Local Plan, where there is a presumption in favour of sustainable development.

The application seeks approval for changes to the approved scheme, which are minor in themselves but taken together amount to a material change to the external appearance of the development. These changes are in-keeping with the character of the locality.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight. Contributions towards off-site provision of open space will also be secured, which is a further benefit of the proposal. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity satisfying the environmental sustainability role.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. The proposal is a sustainable form of development, and a recommendation of approval is therefore made subject to conditions and a s106 agreement.

**RECOMMENDATION:**

Approve subject to a prior legal agreement and conditions

## PROPOSAL

The application seeks permission to vary condition 2 of the planning permission by replacing the approved plans with revised versions. The changes requested are:

### Plans

- Revised ground floor layout;
- Layouts of balconies rationalised, apartment areas amended accordingly;
- Projection of chimneys from the face of brick facades reduced from 2 bricks to 1 brick deep.
- A list of revised plans is supplied. It is also requested that landscaping details are added to the list of approved plans.

### Elevations

- Reduction of height of the chimneys;
- Raise of external finish levels by 150mm (roof ridge level and parapet level remain unchanged);
- Rationalisation of layouts of windows (including the addition of transoms) and balconies;
- The addition of two windows on first and second floors and increase in size of one on the third floor on the North elevation of the East block;
- Change of external service doors on the North elevation of the East block;
- Change of tile facade cladding to dark red brick;
- Change of coping material to GRC; and
- Change of window frames and metalwork finish from "champagne" to dark grey.

## SITE DESCRIPTION

The application site is now under construction. It previously comprised 2 former Council office buildings. One was an attractive 3 to 3.5 storey Victorian building and the other is a two-storey flat roof 1960/70s building. The remainder of the site comprised a car park and grassed area with substantial tree cover protected by Tree Preservation Order. The site is allocated for Housing in the Macclesfield Borough Local Plan, and is surrounded by a Predominantly Residential Area.

## RELEVANT HISTORY

14/5471M Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 57 assisted living apartments integrated with communal wellbeing and support facilities and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road Granted subject to s106 29/7/2015

15/3865D Discharge of condition 10 (drainage) on approved 14/5471M Approved 29/2/2016

15/3920D Discharge of conditions 17 & 22 on approval 14/5471M Approved 5/2/2016

16/0062M Non-Material Amendment to 14/5471M Current

16/0572D Discharge of conditions 18 (environmental management plan), 19 (remediation strategy) and 21 (method statement) on approval 14/5471M Approved 4/3/2016

16/0827D Discharge of condition 7 on approval 14/5471M Current

16/1114D Discharge of condition 13 on application 14/5471M Current

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 14 and 19.

### **Development Plan:**

The Development Plan for this area is the adopted Macclesfield Borough Local Plan 2004, which allocates the site as a housing site within the Settlement Zone Line.

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments

H4 Housing sites in urban areas

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC40 Children's Play Provision and Amenity Space

T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG3 Green Belt

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
56-68 Requiring good design

### **CONSULTATIONS:**

**Highways:** No objections

**Environmental Protection:** No objections

**Wilmslow Town Council:** No objections

**Environment Agency:** No comments

**Housing:** No objections

**Tree Officer:** No objections

### **REPRESENTATIONS:**

At the time of report writing no objections had been received to the application.

Representations have been received from Wilmslow Health centre, making comments regarding the boundary treatment and possible closure of their access to Bedells Lane.

### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

#### **Principle of Development**

The site is an allocated housing site within the Settlement Zone Line as designated in the adopted Macclesfield Borough Local Plan 2004, where there is the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **APPRAISAL**

The key issues are:

- Impact upon amenity of neighbouring property
- Impact upon nature conservation interests
- Protected trees
- Impact upon character of the area
- Highway safety

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / character**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

It is considered that the revised proposals do not detract from the design of the approved scheme, which was the subject of amendment and reduction in height to meet design objectives and assessments.

### **Residential Amenity**

No additional issues arise in respect of the revised plans.

### **Highways**

No additional issues arise in respect of the revised plans.

### **Trees**

No additional issues arise in respect of the revised plans.

### **Nature Conservation**

No additional issues arise in respect of the revised plans.

## **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

With regard to the economic role of sustainable development, the proposed development will make a contribution towards job creation in the locality through its construction and subsequent management.

## **SOCIAL SUSTAINABILITY**

The development was assessed to have a positive impact in terms of the provision of housing to meet particular needs in the locality and improvement of open space provision. These aspects have not changed as a result of the amended plans.

## **RESPONSE TO REPRESENTATION**

The issues of boundary treatment and access between the development car park and the health centre will be considered in the forthcoming application(s) to discharge condition 5 and 9 of the planning permission, which are prior to occupation conditions. Issues relating to the joint parking strategy for the car parks within the triangular road system were examined in the previous report and are covered by planning conditions.

## **Conclusion – The Planning Balance**

The site is within the Settlement Zone Line of Macclesfield, where there is a presumption in favour of sustainable development.

The revisions to the approved plans are acceptable in design terms. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity satisfying the environmental sustainability role.

### Heads of terms

A section 106 legal agreement has been entered into for the development, requiring a contribution towards off-site open space improvements.

### Community Infrastructure Levy (CIL) Regulations

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

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

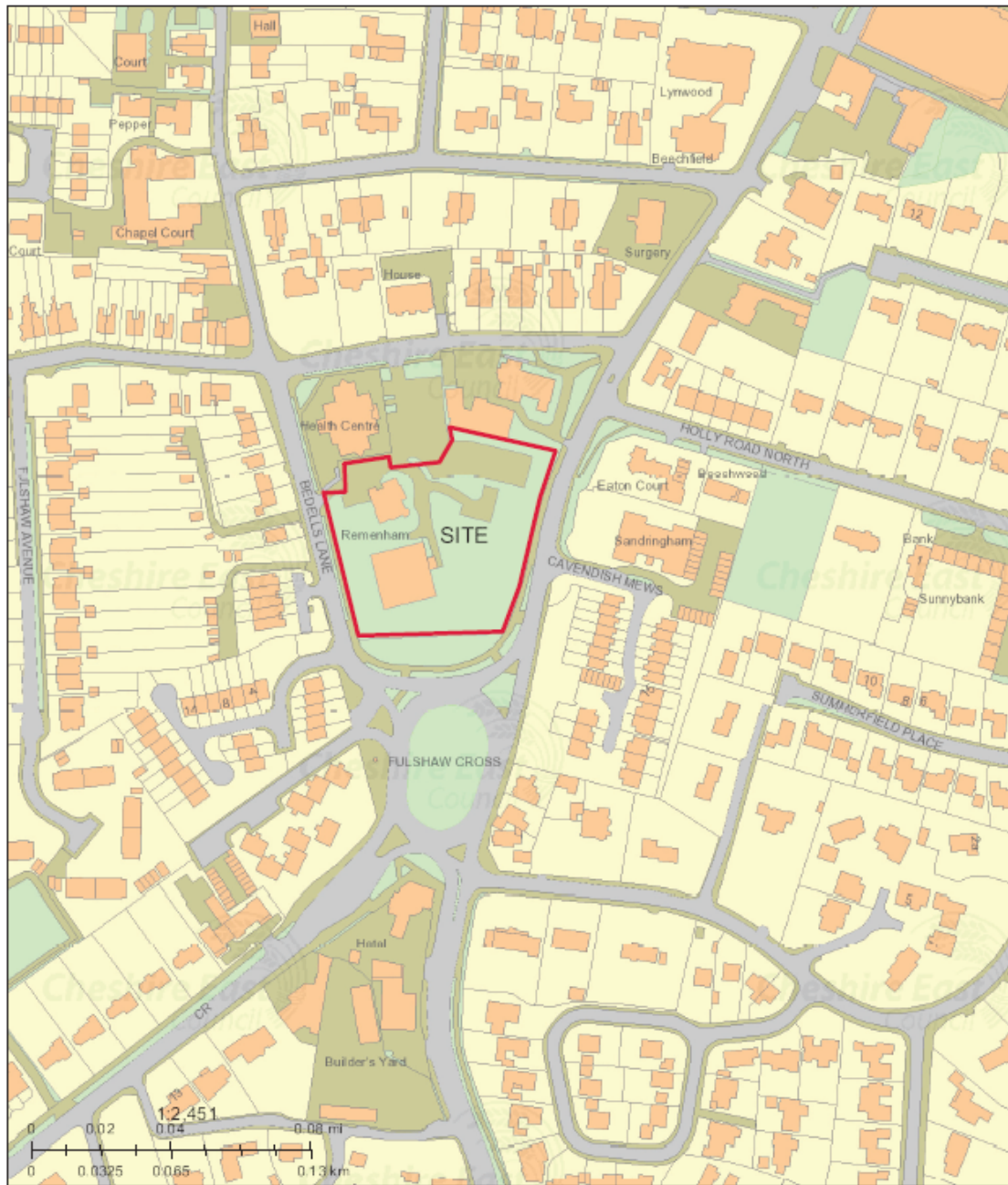
The commuted sum in lieu of public open space is necessary, fair and reasonable, as the proposed development will provide 57 extra care units of accommodation. The occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

## **RECOMMENDATION**

Approve subject to a prior section 106 agreement (deed of variation) to tie in the revised scheme to the existing legal agreement, and the following conditions:

15/5858M



March 21, 2016



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1. A01AP - Development in accord with approved plans
2. A02EX - Submission of samples of building materials
3. A02FP - Commencement of development
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A06NC - Protection for breeding birds
7. A12LS - Landscaping to include details of boundary treatment
8. A16LS - Submission of landscape/woodland management plan
9. NS1 - Measures to ensure that Bedells Lane access is exit only, that Alderley Road is not used by non-residents / visitors, and a parking enforcement regime to be submitted
- 10.NS1\_1 - Surface water drainage details to be in accordance with agreed details under application 16/3865D
- 11.NS1\_2 - Communal facilities not to be open to non-residents
- 12.Provision of car parking prior to occupation
- 13.Submission of operational plan
- 14.Access method statement to be complied with in accordance with details agreed under application 15/3920D
- 15.Development to be carried out in accordance with the submitted arboricultural report
- 16.Travel plan required
- 17.Development to be carried out in accordance with Ecological report
- 18.Dust emissions scheme in accordance with details agreed under application 15/3920D
- 19.Environmental Management Plan to be complied with details agreed under application 16/0572D
- 20.Remediation strategy to comply with details agreed under application 16/0572D
- 21.Scheme for storage of refuse and recyclable materials to be agreed and complied with
- 22.Site construction method statement to be complied with in accordance with details agreed under application 16/0572D



Application No: 14/4029C

Location: LAND OFF HOLMES CHAPEL ROAD, HOLMES CHAPEL ROAD,  
CONGLETON, CW12 4SN

Proposal: Change of use of agricultural land off Holmes Chapel Road, for school  
recreational use

Applicant: David Hermitt

Expiry Date: 30-Oct-2014

**SUMMARY:**

The use of the land for the purposes of school recreation is acceptable in principle and would serve as a social benefit by increasing recreational and educational opportunities.

In the absence of any proposed buildings, structures, surfacing or other operational development, the impact on the character and appearance of the area and the landscape would be negligible. Existing landscaping would be retained and there would be no material impact on species protected by law.

Whilst the proposal would result in the loss of the best and most versatile agricultural land, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle.

The proposals would not lead to an intensification of vehicle movements and the existing parking arrangements and access would adequately support the change of use of the land. The proposal would not be unduly detrimental to neighbouring residential amenity given that the use is complimentary to the existing High School where there are already playing fields.

The proposal is therefore found to be sustainable in the social, environmental and economic sense. The application is in accordance with the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is approved subject to conditions.

**RECOMMENDATION:**

APPROVE subject to conditions

## **PROPOSAL**

This application seeks planning permission for a change of use of agricultural land for recreational use for Congleton High School. The proposal would not involve any fixed surface structures or operational development and is seeking permission for change of use only so that it can be used for recreational purposes and educational purposes.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to a site measuring 3.9 hectares located close to the junction of Sandy Lane with Holmes Chapel Road within the Parish of Somerford. The Loach brook itself forms the western boundary, beyond which is the site of the open space and landscape features/ponds which were part of the Loachbrook Farm housing unit development granted planning permission on appeal. This is an ongoing development site being constructed by Bovis Homes.

The site comprises 100% Best and Most versatile agricultural land.

The land is generally level with a gentle fall towards Loach Brook. A group of mature trees on a mounded landscape feature, previously a Scheduled Ancient Monument are prominent within the Loachbrook farm site adjoining when viewed from the Holmes Chapel Road frontage, which are covered by Tree Preservation Order. Hedgerows are prominent boundary features around the site with some hedgerow trees. Beyond the site to the south west lies Sandy Lane which has a pastoral landscape.

The site is within the Open Countryside, as designated in the adopted Congleton Borough Local Plan First Review (2005).

## **RELEVANT HISTORY**

14/0134C - Development of land for up to 70 dwellings and associated works – Allowed at appeal - 17-Mar-2015

14/2685C - Outline application for development of land for up to 70 dwellings and associated works (resubmission) – Refused 28-Oct-2014

14/5675C - Outline planning permission for 70 dwellings and associated works (resubmission of 14/0134C) - 10-Aug-2015

15/4963C - Reserved Matters application for Appearance, Landscaping, Layout and Scale following outline approval 14/5675C for 70 dwellings and associated works – Currently under consideration

## **POLICIES**

### **Local Plan policy**

PS8 - Open Countryside  
GR1 - New Development  
GR2 - Design  
GR6 - Amenity and Health  
RC4 - Countryside Recreational Facilities  
NR2 - Wildlife and Nature Conservation

### **National policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG5 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE3 – Biodiversity and Geodiversity

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** – No objection.

**Environmental Protection** - No comments received

**Environment Agency** - No objection

## **VIEWS OF THE SOMERFORD PARISH COUNCIL:**

No objection - This is a far better alternative to the planning application (currently under appeal) 14/0134C previously. The high school is under great pressure from the current approval of development in Somerford so this will aid to alleviate potential issues. A condition must be adhered to for restrictions of use as not always acted upon currently on site for residents opposite.

## **OTHER REPRESENTATIONS:**

5 representations have been received making the following comments:

- Sport and outdoor activities benefit physical and mental health and are of social benefit to the community
- Large green recreational areas are needed

- Will allow future expansion of Congleton High School
- Need to prevent Congleton merging with Somerford
- Strict conditions need to be in place to prevent future development or the building of sheds, shelters, amenity blocks, large fences , flood lights
- Site needs to be secured to prevent vehicles from accessing the site
- Loss of agricultural land should be for green proposals such as this and not residential
- If sports facilities were to be put on this land it would cause light and noise pollution
- Will encourage wildlife
- Better access than scheme for housing development on the site

### **OFFICER APPRAISAL**

#### **Principle of Development**

Development for the purposes of outdoor sport, recreation and other uses of land which preserve the openness of the countryside and maintain its local character are permitted under Policy PS8 (Open Countryside) of the Local Plan.

Policy RC4 (Countryside Recreational Facilities) of the Local Plan makes provision for countryside recreational facilities provided that;

- The proposal would not unacceptably affect the amenities and character of the surrounding area;
- any permanent buildings and car parking should blend into the surrounding landscape;
- sufficient car parking is available within the site;
- satisfactory access to the site can be achieved from a public highway;
- the proposal can be integrated within existing areas of open space and the Public Rights of Way network;
- the proposal will not detrimentally impact areas of nature conservation or landscape value and the proposal accords with all other Local Plan policies

Thus, the principle of changing the use of the land to recreational purposes is acceptable subject to compliance with other relevant local plan policies, including its impact upon the character of the area, highway safety, neighbouring amenity and ecology.

#### **Loss of Agricultural Land**

The whole of the appeal site, some 3.9 ha, is best and most versatile agricultural land which is recognised as a national resource that should be safeguarded. Whilst this proposal would result in the loss of the land for agricultural purposes, the principle of its loss has already been accepted when planning permission was granted for the residential development of the site under planning ref: 14/0134C which was allowed at appeal.

In determining the appeal the inspector concluded that 'much of Cheshire East comprises best and most versatile agricultural land and the use of such land will be necessary if an adequate supply of housing land is to be provided'. Whilst this proposal is not for housing, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle as already discussed. Thus, the weight to be attributed to the loss of the land for agricultural purposes is considered to be neutral.

### **Character and Appearance**

The proposal does not include the provision of any buildings, fixed surface structures or hard landscaping and as such, there is no operational development proposed as part of this application. The existing parking arrangements at the school would be utilised with no need for additional parking. As such, the key issue is whether the change of use of the land would undermine its character and appearance.

The use of the land for Congleton High School would alter its appearance insofar as it would no longer be used for the purposes of agriculture. However, the land would remain open and the existing landscape features would be retained. Whilst the applicant mentions that some planting would be supplemented, no details have been provided. However, the proposal would not significantly alter the character and appearance of the site or the wider area and as such, is acceptable in this regard.

The proposal accords with the provisions of GR2 and RC4 of the Congleton Borough Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Residential Amenity**

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

There are a number of residential properties positioned to the north of the site on the opposite side of Holmes Chapel Road. The absence of any built development and change to parking or access would not cause any issues in terms of neighbouring residential amenity.

With regards to environmental disturbance or pollution, which includes noise, the use is complimentary to the existing High School where there are already playing fields. The use will not attract large volumes of visitors where it could be considered to be an intensive form of development and a level of noise should be expected, however, this would not be excessive. Consequently, the proposal would not be unduly detrimental to neighbouring amenity by way of noise pollution.

Having regard to above the application would not be unduly detrimental to neighbouring residential amenity and is in accordance with the provisions of Local Plan Policy GR6 (Amenity and Health).

### **Highways**

Given that this proposal would serve to extend the existing recreational grounds associated with Congleton High School, the land would be accessed internally through the existing school grounds. Further, the existing parking arrangements would be utilised. It is not anticipated that the proposed extension of the school grounds would place an undue strain on existing parking provision or increase vehicular movements to and from the site. The Head of Strategic Infrastructure (Highways – HSI) supports this view. As such, the existing access and parking would be capable of supporting the proposals and is considered to accord with Local Plan Policies GR9 (Accessibility, Servicing and Parking Provision) and RC4 (Countryside Recreational Facilities).

### **Ecology**

The application is not accompanied by protected species surveys, however, the site itself does not appear to contain any ponds and there are none present on the OS plans. Owing to the absence of any building works and the retention of existing vegetation and planting, it is not anticipated there being any impacts on protected species. The application is in accordance with the provisions of Local Plan policies NR2 (Wildlife and Nature Conservation) and RC4 (Countryside Recreational Facilities). The proposal would also accord with Policy SE3 of the Cheshire East Local Plan Strategy – Submission Version.

### **Planning Balance & Conclusions**

The use of the land for the purposes of school recreation is acceptable in principle and would serve as a social benefit by increasing recreational and educational opportunities.

In the absence of any proposed buildings, structures, surfacing or other operational development, the impact on the character and appearance of the area and the landscape would be negligible. Existing landscaping would be retained and there would be no material impact on species protected by law.

Whilst the proposal would result in the loss of the best and most versatile agricultural land, the fact that no operational development is proposed means that if the land was required for agricultural purposes at a future date, it could be utilised. Also, it is important to note that such uses of land in the open countryside are accepted in principle.

The proposals would not lead to an intensification of vehicle movements and the existing parking arrangements and access would adequately support the change of use of the land. The proposal would not be unduly detrimental to neighbouring residential amenity given that the use is complimentary to the existing High School where there are already playing fields.

The proposal is therefore found to be sustainable in the social, environmental and economic sense. The application is in accordance with the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is approved subject to conditions.

**APPROVE subject to the following conditions;**

- 1. Standard time limit (3 years)**
- 2. Accordance with submitted plans**
- 4. External lighting to be submitted and approved**

\* \* \* \* \*

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.

