



Northern Planning Committee

Updates

Date: Wednesday, 17th June, 2015
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the Committee agenda.

Planning Updates (Pages 1 - 14)

Please contact Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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NORTHERN PLANNING COMMITTEE – 17 JUNE 2015

UPDATE TO AGENDA

APPLICATION NO: 15/0283M

LOCATION Lode Hill, Altrincham Road, Styal

UPDATE PREPARED 15 June 2015

APPLICANTS SUBMISSION

Following the publication of the original report, the applicant's agent has requested a correction within the ecology section of the report in relation to comments made regarding the loss of an ornamental pond. Prior to the drafting of the report additional information was submitted regarding the airport safeguarding issues that would arise from the creation of a pond.

Additionally the applicant's agent does not consider that the requirement for financial contributions of £21,000 for public open space and recreation/outdoor sports facilities is necessary to make the development acceptable and is fair and reasonable related in scale and kind to the development. She considers that given the nature of the development which includes the provision of associated recreation facilities and open space that to require a financial contribution would not meet the tests referred to in the NPPG.

CONSULTATION RESPONSES

Flood Risk Manager – some queries regarding the submitted FRA. Additional information has been received from the applicant in response to these queries. Any further update on this issue will be reported directly to Committee.

REPRESENTATIONS

It was noted within the original report that further neighbour notification was to take place following the receipt of additional information and revised plans. Unfortunately due to an administrative error, further neighbour letters were not sent out. However, neighbours nearest to the application site are aware that additional information has been submitted and some additional comments have been received as outlined below.

The additional neighbour letters were being sent out as a matter of courtesy due to the level of local interest in the proposal. There is no statutory requirement for such notification to occur, it is at the discretion of the Council. In this case the revisions that have been made to the proposal are of benefit

to nearby neighbours and are relatively minor in the context of the wider scheme, though the positive impact of the changes are considered significant. As such, it is not considered that additional neighbour notification is necessary in this instance.

Subsequent to the publication of the original report, 5 additional representations have been received. The points raised are summarised below:

- Hotel development would generate a far greater volume of traffic than existing business on site
- Even in high season the number of cars parked on the site falls substantially short of the maximum capacity and numbers stated
- Altrincham Road has high volumes of traffic and parking at the weekends in particular
- Question whether a traffic survey has been carried out
- Impact of construction traffic
- Impact on great crested newts

OFFICER APPRAISAL

Ecology

Following the receipt of additional information, the Council's Nature Conservation Officer is willing to accept the creation of a wetland scape instead of a new pond, given airport safeguarding objections to a new pond. This matter could be controlled by condition.

The concern raised regarding great crested newts in the additional representation is noted but for the reasons set out within the original report, the impact of the proposal on great crested newts is considered to be acceptable.

Highways

The majority of additional representations received to date have focused on highways issues associated with the proposal. The representations have questioned the conclusion of the Council's highways officer. The additional representations received have been forwarded to the Council's highways officer who has advised that notwithstanding the level of the existing use, a 35 bed hotel would not produce traffic generation that is of concern in this location. As such, as outlined within the original report, subject to appropriate conditions to control the extent of the use, no objections are raised to the proposal on highways grounds.

POS

The comments received from the applicant's agent in relation to this issue are noted. Comments are still awaited from the Council's Greenspace Officer on the issue and an update will be provided at Committee.

RECOMMENDATION

The original recommendation of **REFUSAL** remains.

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NORTHERN PLANNING COMMITTEE – 17 June 2015

UPDATE TO AGENDA

APPLICATION NO.

14/5471M

LOCATION

County Offices, Chapel Lane, Wilmslow

UPDATE PREPARED

15 June 2015

APPLICANTS SUBMISSION

The applicant has submitted a letter summarising a proposed joint parking management strategy following a site meeting with Wilmslow Health Centre and Wilmslow United Reform Church.

The letter was provided for information only, as only the car park management within the application site can be dealt with through the current planning application. This is dealt with by one of the proposed conditions.

KEY ISSUES

Ecology

The application is supported by a protected species survey report. The nature conservation officer makes the following comments.

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the submitted survey. The roost is considered to be of substantial nature conservation value. No evidence of other bat species using the building was recorded during the additional surveys that have recently been carried out. In addition no evidence of roosting bats was identified during the survey work of the trees to be removed.

In the absence of mitigation the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roost. The nature conservation officer advises that the loss of the roost would have a 'High' severity of impact on the local scale and a 'Moderate' impact on the species concerned at the regional scale.

To mitigate for the risk of killing or injuring bats during the construction phase the submitted report recommends to the timing and supervision of the works. The provision of a bat loft area is also proposed to compensate for the loss of the existing roost.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

Alternatives

There are no known alternatives other than leaving the building in its current condition. This is unlikely given that the building forms part of a wider site which has been allocated for housing development for a number of years.

Overriding public Interest

The site will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. The proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, in a very accessible location.

Mitigation

The submitted report recommends the erection of a replacement bat loft within the site as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable to address the loss of the

roost within the existing building and is likely to maintain the favourable conservation status of the species of bat concerned.

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

An additional condition is recommended to ensure the provision of the bat mitigation.

CONCLUSION

As in the original report, the application is recommended for approval subject to the completion of a s106 agreement, the conditions listed in the original report, and the additional condition below.

Additional conditions

16. Development to be carried out in accordance with the Mitigation and Enhancement Strategy in the submitted Ecological Assessment dated November 2014.

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NORTHERN PLANNING COMMITTEE – 17 June 2015

UPDATE TO AGENDA

APPLICATION NO.

14/3183M

LOCATION

Horseshoe Farm, Horseshoe Lane, Alderley Edge

UPDATE PREPARED

15 June 2015

KEY ISSUES

Ecology

The application is supported by an updated protected species survey report. The nature conservation officer makes the following comments.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the property. The usage of the building by bats is likely to be limited to single / small numbers of animals using the buildings for relatively short periods of time during the year. There is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and a new integral bat roost within the new building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the

planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

Alternatives

There are no known alternatives other than leaving the building in its current condition, which is considered to be unlikely having regard to the condition, form and location of the building.

Overriding public Interest

The site will provide economic benefits through local employment opportunities and additional spending in Alderley Edge and Wilmslow. In addition to these economic benefits, the development would provide accommodation for an existing thriving local business on a site that they have established for their own business purposes; the site is very accessible and is within walking distance of Alderley Edge village centre; there is no other harm identified to other matters of public interest that cannot be appropriately mitigated, and; the overall quantum of development is similar to that which could be provided in converting the existing farmhouse to office accommodation.

Mitigation

The submitted report recommends the installation of bat boxes on the nearby trees and a new integral bat roost within the new building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

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

An additional condition is recommended to ensure the provision of the bat mitigation.

CONCLUSION

As in the original report, the application is recommended for approval subject to the conditions listed in the original report, and the additional condition below.

Additional conditions

11. Development to be carried out in accordance with the bat mitigation recommendation made by the submitted Extended Phase 1 Habitat Survey & Dusk Emergence Results report prepared The Tyrer Partnership dated 4th June 2015.

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NORTHERN PLANNING COMMITTEE – 17 JUNE 2015

UPDATE TO AGENDA

APPLICATION NO: 15/1581M

LOCATION Cypress House, South Acre Drive, Handforth

UPDATE PREPARED 12 June 2015

APPLICANT'S SUBMISSION

In order to address some concerns raised by local residents regarding design/impact on the area, the applicant has made some minor changes to the external appearance of the dwellings in an attempt to make them more in keeping with the older dwellings within close proximity to the site. Thus, contrasting dark brick panels have been removed from between the ground and first floor windows and a soldier course of brick has been inserted above the ground floor windows.

FLOOD RISK

Consultation comments have now been received from the Council's Flood Risk Team, concluding that there are no flood risk issues arising from the proposal, subject to conditions. To ensure correct wording of conditions, the flood risk team is liaising with United Utilities. The conditions details will be clarified before the Committee meeting on 17 June. A verbal up-date will be provided on this matter.

VIABILITY/HEADS OF TERMS

The applicant has submitted a viability report. This is currently being examined by Officers. A verbal up-date will be provided on this matter.

RECOMMENDATION

The original recommendation remains.

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