

Northern Planning Committee

Agenda

Date:	Wednesday, 20th May, 2009
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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 apologies for absence.

2. **Code of Conduct-Declarations of Interest/Pre-Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 29 April 2009.

4. **Public Speaking**

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

Contact: Sarah Baxter

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E-Mail: sarah.baxter@cheshireeast.gov.uk

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committees/Board.

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 Committees/Board and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **08/2642P New Detached Two and a Half Storey Office and Three No Maisonettes, 40- 42, Charlotte Street, Macclesfield, Cheshire for Mr Auty** (Pages 7 - 14)

To consider the above application.

6. **09/0256P Renew Consent to Retain Dwelling (Mobile Home) Resubmission of 08/2046P, White Peak Alpaca Farm, Paddock Hill Lane, Mobberley, Knutsford, Cheshire for Mr Hodgson** (Pages 15 - 26)

To consider the above application.

7. **08/2670P Outline Application for 2 No Blocks of 3 No Terrace Cottages (6 No Residential Units In Total), Dale Street Mill, Dale Street, Macclesfield, Cheshire for Mrs Slater** (Pages 27 - 36)

To consider the above application.

8. **09/0888M Demolition of Office Building and Erection of 5 Townhouses (Re-Submission), 48, Hobson Street, Macclesfield, Cheshire for Mr Wootton** (Pages 37 - 44)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 29th April, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor R West (Chairman)
Councillor M Hardy (Vice-Chairman)

Councillors G Barton, J Crockatt, H Davenport, Mrs E Gilliland,
Mrs T Jackson, W Livesley, J Narraway, D Neilson, Mrs L Smetham,
D Stockton, Mrs D Thompson and Mrs C Tomlinson

OFFICERS PRESENT

Mrs N Folan (Planning Solicitor), Mr D Garratt (Development Control
Manager) and Ms B Wilders (Principal Planning Officer)

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Miss C M Andrew.

6 CODE OF CONDUCT-DECLARATIONS OF INTEREST/PRE-DETERMINATION

(During this item Councillor G Barton arrived to the meeting).

Councillor B Livesley declared a personal interest in application 08/2642P-40-42 Charlotte Street, Macclesfield by virtue of the fact that his family used to own land surrounding the development and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor R E West declared a personal and prejudicial interest in application 09/0293M-East Cottage, Narrow Lane, Poynton, Macclesfield, Cheshire by virtue of the fact that the applicant was his son and in accordance with the Code of Conduct he left the meeting prior to consideration of the application.

Councillor R J Narraway declared a personal interest in application 09/0037P-Tudor Lodge, 88, Robin Lane, Sutton, Macclesfield, Cheshire by virtue of the fact that he is a private landlord and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

7 MINUTES

RESOLVED

That the minutes of the meeting held on Wednesday 8 April 2009 be approved as a correct record and signed by the Chairman.

8 PUBLIC SPEAKING

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

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

- Members who are not Members of the Northern Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

RESOLVED

That the public speaking procedure be noted.

9 08/2642P-NEW DETACHED TWO AND A HALF STOREY OFFICE AND THREE NO MAISONNETTES, 40-42 CHARLOTTE STREET, MACCLESFIELD, CHESHIRE FOR MR R AUTY

(During consideration of the application Councillors J B Crockatt, Mrs E N Gilliland, M Hardy, Mrs T Jackson, R J Narraway, D Neilson, Mrs D Thomson, Mrs E C Tomlinson and R E West by virtue of the fact that they knew one of the objectors speaking against the application as she was a former Macclesfield Borough Councillor and in accordance with the Code of Conduct she remained in the meeting during consideration of the application).

Consideration was given to the above application.

(Mrs Barker and Ms Whitle, both objectors attended the meeting and spoke in respect of the application).

RESOLVED

Deferred for a site visit in order to assess the impact of the development on the locality.

10 09/0293M-REAR FIRST FLOOR BATHROOM EXTENSION AND REFURBISHMENT/UPGRADE OF REAR FLAT ROOF/PATIO AND ELEVATIONS, EAST COTTAGE, NARROW LANE, POYNTON, MACCLESFIELD, CHESHIRE FOR MR M WEST

(Prior to consideration of the application Councillor R E West vacated the Chair and Councillor M Hardy took the Chair).

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

- 1.A03FP - Commencement of development (3 years)
- 2.A01AP - Development in accord with approved plans
3. A06EX - Materials as application

11 09/0087P-DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 DWELLINGS, 41, BULKELEY ROAD, HANDFORTH, WILMSLOW, CHESHIRE FOR MR P WATSON

Consideration was given to the above application.

(The Ward Councillor P P Whiteley and Mr Dowd, the agent representing an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. A03OP - Time limit for submission of reserved matters
2. A06OP - Commencement of development
3. A01OP - Submission of reserved matters
4. A02OP - Implementation of reserved matters
5. A02HA - Construction of access
6. A06HA - Pedestrian visibility at access in accordance plans to be approved
7. A07HA - No gates - new access
8. A26HA - Prevention of surface water flowing onto highways
9. A30HA - Protection of highway from mud and debris
10. A32HA - Submission of construction method statement
11. A10OP - Details to be submitted
12. A06NC - Protection for breeding birds
13. A08OP - Ground levels to be submitted with reserved matters application
14. A17MC - Decontamination of land
15. A04NC - Details of drainage
16. Newt protection and mitigation strategy
17. No fish in pond
18. Bat enhancement
19. Replacement tree
20. 10 year management plan for habitat works

In addition further conditions were included relating to the development in accordance with the amended layout, ii) no pile driving; iii) landscaping, iv) garages to be retained for parking and v) reserved matters to include a scheme to ensure the public safety re: the proposed pond.

12 09/0037P-CHANGE OF USE OF 88 ROBIN LANE FROM A PRIVATE RESIDENCE AND BED AND BREAKFAST ACCOMMODATION TO A PRIVATE RESIDENCE AND HOUSE IN MULTIPLE OCCUPATION WITH 5 BEDROOMS, TUDOR LODGE, 88, ROBIN LANE, SUTTON, MACCLESFIELD, CHESHIRE FOR HOUSEMATES (MACCLESFIELD) LTD

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02HA - Construction of access
4. A03HA - Vehicular visibility at access (dimensions)
5. A07HA - No gates - new access
6. A01HP - Provision of car parking
7. A04HP - Provision of cycle parking
8. A26HA - Prevention of surface water flowing onto highways
9. A07HP - Drainage and surfacing of hardstanding areas
10. A10HP - Driveway surfacing - single access drive
11. A12LS - Landscaping to include details of boundary treatment
12. A11EX - Details to be approved
13. Provision/retention of turning facility
14. Restriction on bedroom numbers

In addition there was an amendment to condition 8 (?) and the revised layout of the car parking area.

13 09/0465M-CONSERVATION AREA CONSENT- DEMOLITION OF EXISTING DWELLING, THE HILL COTTAGE, PARKFIELD ROAD, KNUTSFORD, CHESHIRE FOR MR J CLARKE

(The application was taken after application 09/0457M).

Consideration was given to the above application.

RESOLVED

That the application be delegated to the Head of Planning and Policy for approval subject to there being no additional representations raising new issues received prior to the expiry of the publicity period on 13 May 2009 and the receipt of any further representations and subject to the following conditions:-

1. A03CA - Standard Time Limit

2. A02CA - Demolition as precursor of redevelopment

14 09/0457M-REPLACEMENT DWELLING, THE HILL COTTAGE, PARKFIELD ROAD, KNUTSFORD, CHESHIRE FOR MR J CLARKE

Consideration was given to the above application.

(The Ward Councillor Ms O Hunter, Mr Guthrie the agent for Hill Flats and Mr Gowan, the agent for the applicant and attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Head of Planning and Policy for approval subject to there being no additional representations raising new issues received prior to the expiry of the publicity period on 13 May 2009 and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A10EX - Rainwater goods
5. A13EX - Specification of bonding of brickwork
6. A17EX - Specification of window design / style
7. A19EX - Garage doors
8. A20EX - Submission of details of windows
9. A22EX - Roofing material
10. A01GR - Removal of permitted development rights
11. A22GR - Protection from noise during construction (hours of construction)
12. A02HA - Construction of access
13. A03HA - Vehicular visibility at access (dimensions)
14. A26HA - Prevention of surface water flowing onto highways
15. A30HA - Protection of highway from mud and debris
16. A32HA - Submission of construction method statement
17. A01HP - Provision of car parking
18. A06HP - Use of garage / carport
19. A01LS - Landscaping - submission of details
20. A04LS - Landscaping (implementation)
21. A01TR - Tree retention
22. A02TR - Tree protection
23. Details of treatments for external woodwork
24. Turning facility

25. Bat Activity Survey

26. Supervision of removal of features by qualified bat worker

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor R West (Chairman)

Application No: 08/2642P

Location: 40- 42, CHARLOTTE STREET, MACCLESFIELD, CHESHIRE

Proposal: NEW DETACHED TWO AND A HALF STOREY OFFICE AND THREE No MAISONETTES

For MR R AUTY

Registered 11-Mar-2009

Policy Item No

Grid Reference 391904 373443

Date Report Prepared: 8th May 2009

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Impact upon the character of the existing street scene
- Impact upon residential amenity
- Impact upon highways safety

REASON FOR REPORT

This application was registered prior to Vesting Day on 01.04.09 and therefore has been brought to Committee in line with the former Macclesfield Borough Council's Constitution.

This application was deferred from the Northern Planning Committee on 29th April 2009 for a Members' site visit on the 15th May 2009.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a two and half storey building with Financial and Professional Services (A2 use class) at ground floor and three maisonettes on the first and second floors.

DESCRIPTION OF SITE AND CONTEXT

The plot of land in question is a vacant brownfield site measuring approx 190 square metres. The site is positioned between two retail properties and is designated within the Local Plan as a Secondary Shopping Area. The site is currently leased by the applicant for private off-street parking.

The majority of properties around the site are retail. However the site does share a close relationship with 38a Charlotte Street, a residential property, which is sited south of the application site directly behind Number 38 Charlotte Street.

RELEVANT HISTORY

No recent planning history

POLICIES

The North West of England Regional Spatial Strategy to 2021:

DP2, DP3, DP5, DP6, DP7, W5, L2, L4

Macclesfield Borough Local Plan

BE1, H1, H2, H5, H6, MTC4, MTC19, DC1- DC6, DC38, DC41,DC63

CONSULTATIONS

Highways: Raise no objections subject to conditions relating to the provision of cycle storage, visibility splays and access to be constructed in accordance with the approved plans.

Environmental Health: Do not object but recommend that an hour's of construction work condition is imposed in order to minimise noise and disturbance to residents of nearby dwellings.

Environmental Health (Contaminated Land): Raise no objections, but advise a condition requesting a Phase 1 Contaminated Land survey is imposed.

OTHER REPRESENTATIONS

Two letter of objection have been received and in brief the following concerns are raised:-

- The impact of the proposal upon a lounge window at 38a Charlotte Street. The window already has very little light due to its courtyard position and the fact it is surrounded by other buildings. The proposal will remove the little light which gets to this window and will have a significant impact upon the tenant's life and enjoyment;
- The proposed building will block light to a first floor side window at 38 Charlotte Street and will block the view of an existing advertisement positioned on the side elevation.
- Concerns have been raised with regard to disruption during the construction stages, impact in terms of noise, traffic congestion and impact upon residential amenity and surrounding business

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement has been submitted which accompanies the proposed plans. The statement sets out the context of the proposal. A Flood Risk Assessment has also been submitted. Both are available for public view on the Council's online planning system.

OFFICER APPRAISAL

Principal of Development

The principle of development at this site should be assessed against the following determining factors;

- The principle of an A2 (Financial and Professional Services) and C3 use (Residential Use) within a Secondary Shopping Area
- The impact upon the character of the existing street scene
- Impact upon residential amenity
- Impact upon parking and highways safety
-

Policy

As a Brownfield site located within a Secondary Shopping Area, the principle of providing a unit for Financial and Professional Service at ground floor as well as residential accommodation above is considered to be acceptable within this locality. Both uses are encouraged within Policies MTC4 and MTC19 of the Macclesfield Local Plan which seek to ensure the vitality and viability of the Town Centre.

A report on the supply of housing was approved by the Environment Policy Development Committee and the Cabinet of MBC, which effectively replaced the previous SPG on Restricting the Supply of Housing with the new guidance “PPS3 Housing and Saved Policies Advice Note”.

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council’s saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, which is within easy walking distance of public transport links and to services. The scheme will achieve high quality housing in a town centre location. In short, it satisfies the relevant locational criteria.

Design

The proposed building’s design reflects that of the neighbouring properties. Covering the width of the plot (but not abutting the neighbouring properties), the development will provide an infill to a row of commercial development along Charlotte Street. The building’s position within the plot, fenestration and ‘rhythm’ reflects that of the area. Whilst higher than its immediate neighbours, there is nothing necessarily wrong or harmful with that.

There is no definitive character to the properties within this particular area of town and the ridge heights along the street vary with a two-storey building directly to the south of the site and a single-storey building to the north.

The proposed building would be two storey with a third floor in the roof space. It would have an overall height of some 8.8m. In order to accommodate usable floor space at second floor, the eaves of the building are slightly higher than those of the surrounding buildings measuring approx 6.7m. To accommodate the floor in the roof, the building's elevation includes an additional area of facing brickwork above the first floor windows.

On plan, the design is unusual, however the proposed building is similar in design to a property located on the south western corner of the Pickford Street and Sunderland Street junction which currently accommodates William Hill betting shop and is considered to be acceptable in appearance.

The fenestration details on the proposed building have been designed with a cill and lintels. Stone details are also proposed to surround the vehicular access and entrance door on the front elevations.

Towards the rear of the property the applicant proposes a balcony to allow access to the three maisonettes.

The applicant proposes to construct the building using brick and slate. However, limited information has been provided with regard to specifications. In order to ensure the appearance of the proposed building, a condition relating to materials should be imposed.

Taking into consideration the variety of buildings styles with the surrounding area it is considered that the proposed development will not have an adverse impact upon the character of the existing street scene and will be generally in character with the surrounding area.

Residential Amenity

38a Charlotte Street is a residential unit which is located to the south of the site directly behind 38 Charlotte Street. The property is a former retail unit which was given planning permission in 2001 to be converted into residential accommodation (ref 01/0855P). This use has been implemented.

On the rear elevation of 38a there is primary window at ground floor which provides the only source of light to a lounge. The light to this room is already substandard due to close proximity of 38 Charlotte Street which is positioned only 3m from the rear elevation of 38 Charlotte Street as well as the close proximity of a 2m high boundary wall which runs along the southern boundary. The property is all-but surrounded by properties on all sides and benefits from only a limited level of light to this window through gap on the along the southern boundary of the site.

Neighbours have expressed concerns over the proposal's impact upon this window.

It is accepted that the introduction of a large three storey building on this site will reduce the light to this window. However, as described above, the level of amenity currently enjoyed by this window is very short of what might normally be desirable. Furthermore, Members should consider the dwelling's unusual juxtaposition with town centre commercial buildings. In these circumstances it is not unusual to find dwellings with poor outlooks or amenity levels. Such situations are often a consequence of making the most

effective use of the existing building stock. In this circumstance it would be inappropriate to give this factor significant weight.

A further consideration is the potential for overlooking. Initial plans proposed an external stairway on the rear elevation and a balcony which, due to their siting, would allow people coming and going to overlook the lounge window. Revised plans relocating the staircase to the opposite side of the building and reducing the area of balcony have been received. Due to the position of the existing boundary wall it is considered that these amendments are now sufficient to overcome concerns regarding privacy levels.

Further objections have been received regarding the impact of the proposal upon a side window at 38 Charlotte Street. This window serves a commercial property. Given this fact, it is not considered to be a sensitive use and therefore the development is unlikely to have a harmful impact.

Highways

An opening is proposed at ground floor in order allow vehicular access to the rear of the property to service the proposed flat and commercial premises. There is however very limited turning facility and car parking provision.

The applicant states that there will be no formal parking provided on site for either the future occupants of the dwelling or future employees.

The site is, however, located within a town centre location in easy walking distance of local amenities as well as public transport. There is a public car park directly opposite the site and the proposal will not be dissimilar to other properties within the area that are devoid of private parking provision. To encourage sustainable development the applicant has indicated secure cycle storage at ground floor.

Taking into consideration the individual merits of the site it is considered that the proposed development will not have a harmful impact upon highway safety and therefore complies with Council policies and relevant advice.

Flood Risk

The site is identified by the Environment Agency as within Flood Zone 2 of the River Bollin. However, given the nature of the development, the proposal is identified as 'less vulnerable'. The applicant has submitted a Flood Risk Assessment which is considered to adequately assess the flood risk and surface water management and mitigation. Due to the nature, design and location of the proposal the development is considered to satisfy the Environment Agencies Standard Advice.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This is an appropriate development for this location. The commercial ground floor uses with residential above are compatible with adopted policy for the area. The building's design and scale are considered to be appropriate and sufficiently respectful of the area in general. Furthermore, the lack of on site parking within the development is not a reason to justify refusal. The site is very well located where occupiers and visitors will have access to a wide variety of transport modes.

The principal concern relates to the development's impact on the amenity enjoyed in the adjacent flat. The amount of light to occupants within this property is however, already substandard. As such it is considered to be commensurate with other residential properties

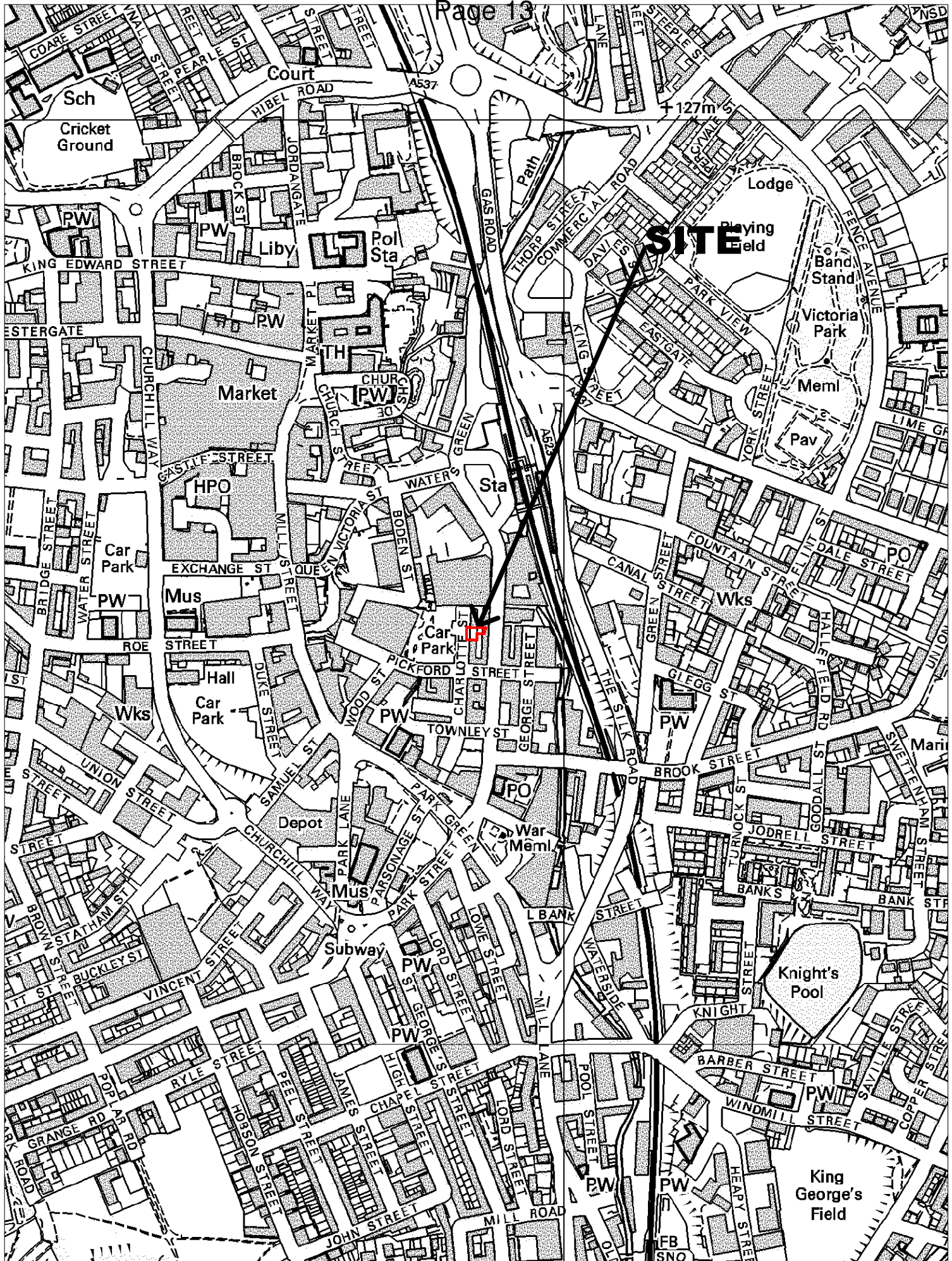
located within the Shopping Area and in some respects is to be expected due to its location.

Sited within a sustainable town centre location the redevelopment of the vacant brownfield site it is considered that the proposed development will introduce and acceptable A2 use as well as three residential units to the area.

Designated within a Secondary Shopping Area, planning policies place a strong emphasis on encouraging the vitality and viability of the town centre. Not only will the proposal provide an economic benefit to the existing area but will be a good re-use of a vacant site which will provide a positive contribution to the visual appearance of the surrounding area.

Given the individual merits of the site and the location of the development, it is considered that the wider benefits of the proposal outweigh the harm to residential amenity for the occupants of 38a Charlotte Street.

This application is therefore recommended for approval subject to conditions.



40- 42, CHARLOTTE STREET, MACCLESFIELD, CHESHIRE

NRG: 391,900 : 373,430

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Scale 1:1250

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A04NC - Details of drainage
2. A13GR - Business hours (including Sundays)
3. A20GR - Hours of deliveries
4. A30HA - Protection of highway from mud and debris
5. A32HA - Submission of construction method statement
6. A03FP - Commencement of development (3 years)
7. A02AP - Detail on plan overridden by condition
8. A02EX - Submission of samples of building materials
9. A22GR - Protection from noise during construction (hours of construction)
10. A02HA - Construction of access
11. A04HP - Provision of cycle parking
12. Contaminated Land
13. Cycle Storage

Application No: 09/0256P

Location: WHITE PEAK ALPACA FARM, PADDOCK HILL LANE,
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB

Proposal: RENEW CONSENT TO RETAIN DWELLING (MOBILE HOME)
RESUBMISSION OF 08/2046P

For MR A HODGSON

Registered 17-Mar-2009

Policy Item No

Grid Reference 381954 379733

Date Report Prepared: 8 May 2009

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- The impact upon the visual amenity of the area
- Continued justification for the dwelling

REASON FOR REPORT

The application is referred to Committee as it involves development for the erection of an agricultural workers dwelling. The application was referred to Committee under the former Macclesfield Borough Council delegation arrangements.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an extended mobile home clad with Western Red Cedar timber and mineral felt roof slates and forms part of the wider agricultural holding of White Peak Alpaca Farm. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to retain the existing temporary agricultural workers dwelling (originally granted for a 3 year period until 28 September 2008) on the site indefinitely.

RELEVANT HISTORY

08/2046P – Renewal of 05/2623P to allow retention of mobile home for occupation by an agricultural worker – Refused 24.10.2008

05/2623P – Mobile home (reserved matters) - Approved 16.12.2005

05/1853P – Mobile home for agricultural worker (outline) - Approved 28.09.2005

POLICIES

Regional Spatial Strategy

DP1 and RDF4

Local Plan Policy

BE1, GC1, DC1, DC3, DC6 and DC23

CONSULTATIONS (External to Planning)

Mobberley Parish Council – Note that the application has caused considerable controversy within the village, and they make the following points:

- Alpaca farm is clearly part of rural scene.
- No planning notices seen, but witnessed evidence of lobbying by near neighbours.
- Ideal solution would be to reconstruct Ivy Cottage, but accept this is prohibitively expensive due to condition, lack of services etc.
- Consider that permission should be granted for a further 3-5 years, by which time it is hoped the future of Ivy Cottage is more certain.
- Whole site should be kept under observation.

OTHER REPRESENTATIONS

One letter of support has been received from a user of local footpaths noting the pleasure the Alpacas give to passers-by, and the applicants have improved the paths which is an advantage to all. Allegations in distributed letters are untrue.

Eleven further letters of representation have also been received from local residents and users of local footpaths objecting to the proposal on the following grounds:

- Current building is not a mobile home and is 50% larger than originally approved.
- Swimming pool at odds with the temporary nature of the building.
- Out of keeping / detrimental to visual amenity.
- Shop (with associated signage), and commercial machinery in operation inside the barn. A substantial access road also constructed through the site.

- Applicants also own a permanent house at Ivy Cottage on Clay Lane, which also overlooks their land.
- Proposal will set a precedent.
- A generator could be used to provide electricity to Ivy Cottage, as is the case at the neighbouring property, The Yews.
- Provision exists to connect to an existing septic tank if required.
- Accounts not publicly available – Is the shop a significant contributor to the overall profits?
- Applicants only own 8 acres and borrow / rent the remainder. This could be withdrawn at any time.
- Many of the herd graze out of sight of the dwelling.
- Inability to afford repairs to Ivy Cottage not a consideration attached to policy DC23.
- British Alpaca Society state that stocking ratio for Alpacas is 4-5 per acre. The land is therefore overstocked.
- The site cannot produce its own haylage / hay due to extent of grazing. This is an additional cost to the business.
- From the net profit of £26,225 (2008) wages for Mr & Mrs Hodgson (1.5 workers) are taken, as well as other part time workers often seen on the land as well as reinvestment into the business. Average farm workers wages are £18,000.

APPLICANT'S SUPPORTING INFORMATION

A supporting statement has been submitted on the applicant's behalf outlining the following information:

- Business returned a net profit in 2008 of £26,225, a marginal increase on the 2007 figure.
- The applicants draw their wages from the net profit, which is sufficient to pay an agricultural wage with money left over to reinvest in the business.
- Day to day needs are relatively modest due to no off-site housing costs / rent or commuting expenses to find.
- The shop in the barn is ancillary to the business, and principally operates to retail wool and wool products produced on the premises.
- In 2008 accounts, shop takings were £11,854, whilst Alpaca sales were £44,900. Profit from the shop's first year of trading was £1,580 due to purchases of £10,274 to set up the shop.
- The business is profitable, and is sufficient to cover private drawings of the applicants.
- The business has probably reached its potential for the size of the holding and labour input and is expected to continue at this level or slightly higher for the foreseeable future.
- UK Alpaca business is in an expansion, which is likely to last for many years to come.
- Submitted figures from 'Alpaca Seller' website indicate that in most categories of Alpaca, prices have fallen, but turnover is greater so sales remain buoyant.

- The main product of White Peak Alpacas is breeding stock, but income is also generated from sale of animals as pets and wool and woollen products.
- White Peak Alpacas is well located, Cheshire is very accessible and there are very few Alpaca breeders in the North West area.
- Mrs Hodgson has a one-third share in Ivy Cottage, which is considered to be uninhabitable, and the current owners are safeguarding it in its current position until they can decide what to do with it.
- The property has no services (running water, electricity, drainage, cess pool, septic tank, or damp proof membrane).
- In its current condition it has been valued at £70,000.
- This cannot be considered a realistic alternative, as the profits from White Peak Alpacas could not sustain the cost of renovation.

OFFICER APPRAISAL

Principle of Development

Paragraph 1 of Annex A to PPS7 notes that “one of the few circumstances in which isolated residential development may be justified [in the countryside] is when accommodation is required to enable agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work.” The principle of the development was accepted on the site for a temporary period of three years following the approval of 05/1853P and 05/2623P in 2005. The key issue to consider in the determination of this application is whether there is sufficient justification to allow a permanent dwelling on the site.

Several of the letters of objection make reference to the fact that the dwelling is not a true mobile home and that it is 50% larger than the dwelling previously allowed for a temporary period. However, this is not considered to be material to the current application, which seeks to retain the dwelling that now exists on the site indefinitely.

The dwelling is now approximately 50% larger than that which was granted temporary approval in 2005. The extension provides a hydrotherapy / swimming pool and additional seating area. Despite this use, the overall scale of dwelling remains relatively modest, it includes an office area for the business, and overall is considered to be commensurate with the functional requirement of the enterprise.

Green Belt / Justification

Policy DC23 of the Macclesfield Borough Local Plan reflects the advice in PPS7 with its listing of the following criteria that should be met in order for planning permission to be granted for a permanent agricultural dwelling:

- There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit (functional test).

- The unit and agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (financial test).
- The need cannot be met by another dwelling on the unit.
- There are no buildings available for conversion.
- The need cannot be met by any other existing accommodation in the area, and
- The dwelling should be appropriately located and wherever possible should be sited within and designed in relation to a nearby group of dwellings or a farm complex.

Functional test

The outline permission in 2005 established a functional requirement for an agricultural worker's dwelling within the site. At this time the applicant had a herd of approximately 50 Alpacas. There are currently 85 Alpacas with 35 Crias (offspring) expected in the next month. The applicants state that they own 10 acres of land, which includes 2 acres that was left to Mrs Hodgson with Ivy Cottage. They rent another 10 acres of nearby land on a grazing agreement, which has no fixed term, and a further 7 acres is rented from a neighbour in return for maintaining the hedges. In total they have access to 27 acres, which would meet the British Alpaca Society's stocking ration of four to five Alpacas per acre. Of course, the land holding could be reduced at any time to approximately 10 acres, which would result in a requirement to reduce the herd to between 40 and 50 Alpacas to avoid overgrazing.

At the time of the original outline permission the Council sought the advice of Reading Agricultural Consultants, who noted that with 50 Alpacas there was a requirement for one full time and one part time worker. Reading also made reference to Inspectors being consistently persuaded that even relatively small numbers of animals satisfy the functional test for a dwelling. This is reinforced by the appeal example submitted by the applicant at the time of the previous application (08/2046P) to retain the dwelling indefinitely, which allowed a (temporary) dwelling on a holding comprising 11 Alpacas.

It is understood that there are features of Alpaca enterprises that distinguishes them from most other large livestock enterprises, such as the lengthy breeding season and the disproportionately high value of offspring in relation to the numbers produced. The comments received in representation refer to comments by a member of the British Alpaca Society, stating that although it is preferable to live on site, it would be possible to run a successful breeding business without doing so. These comments are acknowledged; however, for the reasons noted above, it is considered that there is a genuine requirement for a dwelling at the site to allow the proper functioning of the enterprise.

Financial test

Members should be aware that detailed accounts for the year ended 31 August 2008 have been submitted with the application. These have not been available for public view as a result of a request from the applicants, which has resulted in objections from third parties claiming that they should be available and open to scrutiny as they have been submitted to address a specific policy requirement. The key points are discussed below.

Paragraph 8 of Annexe A to PPS7 states that “new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable.” PPS7 and policy DC23 of the Local Plan require the unit and agricultural activity concerned to have been established for at least three years and have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Submitted financial information indicates that the net profit in 2006 was £19,774, in 2007 it was £26,185 and in 2008 it was £26,225.

These figures would indicate that the business has been in profit since 2006 at a minimum, and evidence submitted with outline application in 2005 suggests that it has been in profit since 2004. However, it should be noted that the profit figures do not include any wage costs. The applicant has also confirmed that any reinvestment in the business will also come from this total net profit.

The submitted profit and loss breakdown does not indicate any expenses for land rental. The supporting statement implies that the land they do not own is the subject of other agreements, possibly goodwill arrangements, rather than financial. It has to be considered that this situation could change at any time, thereby either significantly increasing outgoings or requiring a reduction in total stock. Furthermore, the shop that has been set up, which operates for 6 hours every Saturday and Sunday, brought in £11,854 of income, but due to initial set up costs, resulted in a profit of only £1,580. In subsequent years if this level of income is maintained for the shop, and in the absence of set up costs, it may well contribute approximately one-third of the total net income. Members should also be aware the shop does not have the benefit of planning permission, and whilst it is acknowledged that ancillary farm shops often do not require planning consent, this matter is currently under investigation.

Given the factors excluded from the net profit, the figure is very modest, and it is evident that the business has operated for a number of years on relatively low levels of profitability. However, it is not contrary to policy DC23 or the requirements of PPS7 for the enterprise to operate merely on a subsistence basis. The question remains though, whether the current levels of profitability will ensure that the business remains sufficiently financially sound in the medium to long term? Or whether subsistence living would suit future owners / occupiers of the land holding / enterprise?

Notwithstanding the functional and financial tests, the other requirements of policy DC23 include ensuring that: the need cannot be met by another dwelling on the site; there are no other buildings available for conversion; the

dwelling is appropriately located, and; the need cannot be met by other accommodation in the area.

One of the applicants does own a third share of a property (Ivy Cottage) on land adjacent to the application site. The two other owners live abroad in Australia. The property is in a poor condition with no services (running water, electricity, drainage, cess pool, septic tank, or damp proof membrane). It was occupied up until approximately 2 years ago by two elderly gentlemen, and has been valued at approximately £70,000. The applicant's agent has advised that a structural report has been carried out on the property, which confirms that it is beyond economic repair. A copy of this report is currently awaited from the applicant's agent.

With the intention of avoiding possible abuse of the system, paragraph 5 of Annex A to PPS7 advises local authorities to "investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farm land concerned. Such a sale could constitute a lack of agricultural need." It is understood that Ivy Cottage was left to Mrs Hodgson's mother (who lives adjacent to Ivy Cottage at The Yews) on instruction to pass it onto Mrs Hodgson. Mrs Hodgson in turn had it registered in the name of herself and Mr. Hodgson's two sisters as they were more likely to have the means to do something with it. Details are awaited from the land registry in an attempt to confirm the details and timing of these events. The site of Ivy Cottage lies beyond the area identified in the application as being under the applicant's control, however, it is immediately adjacent to the Alpaca Farm, and appears appropriately located to meet the need for the dwelling arising from the existing agricultural activity associated with White Peak Alpacas. Any additional information received on Ivy Cottage will be reported to Members in an update.

Design / Character and appearance

The dwelling is an extended mobile home, set on concrete blocks, vertically clad in Western Red Cedar down to ground level, which gives the building a more permanent appearance to that of a traditional mobile home. The relatively compact external appearance of the structure is similar to a log cabin.

The building is not prominent from public vantage points and is significantly screened from Paddock Hill by an existing agricultural building. Any glimpses that might be achieved will show the building within the context of this existing timber clad agricultural building. The proposed dwelling is therefore not considered to have any significant impact upon the character of this Green Belt area. No additional landscaping is considered to be necessary.

Highways

The Highways Authority raised no objections to the previous applications on this site subject to conditions relating to parking and visibility at the access, which have been provided. No significant highway safety issues are therefore raised.

Other considerations

Due to the existing relationship with neighbouring properties, no significant residential amenity issues are raised by the proposal.

With regard to the comments received in representation relating to the shop, machinery and road way, these matters are the subject of a current enforcement investigation, and do not form part of this current proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

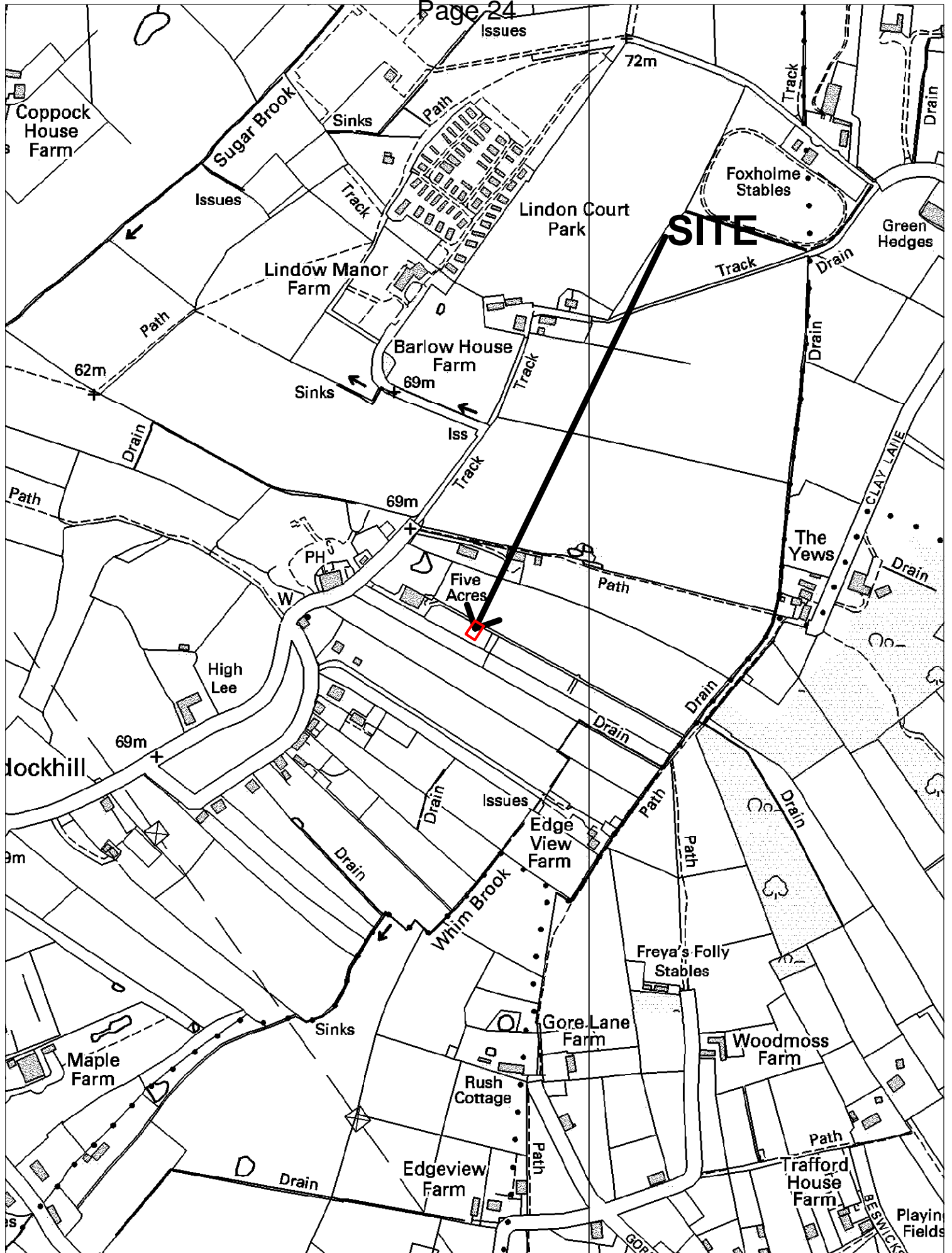
There is considered to be a functional need for a dwelling to exist at the site to enable the proper functioning of the Alpaca enterprise. However, the relatively low levels of profitability, the limited extent of land under the ownership of the applicants and the informal arrangements for additional grazing land all raise some concern regarding the prospect of the business remaining financial sound in the medium to long term.

However, it is the existence of the existing dwelling at Ivy Cottage, although in a poor state of repair, which casts most doubt over whether the current proposal complies with the requirements of policy DC23. Ivy Cottage would be capable of conversion/rebuilding, and if this dwelling became unavailable through the applicant's own actions (by registering the property in two additional names) then potentially this is such a situation that paragraph 5 of Annex A to PPS7 seeks to avoid. Ivy Cottage is set in a quiet rural location within the Green Belt and despite its' rather run down state, must have considerable development potential due to its positioning.

It is acknowledged that the applicants have clearly committed themselves to the Alpaca business over recent years, investing considerable time and money in the process. A refusal of planning permission would ultimately leave them with an uncertain future. But it is the uncertainty surrounding the other dwelling at Ivy Cottage, and the circumstances of its changing ownership that has raised the concerns outlined above. Indeed the applicants could apply to site their mobile home on the site of Ivy Cottage in the event of its demolition. As a replacement dwelling in the Green Belt, such development is, in principle, acceptable.

Consequently, having regard to the limited information that is currently available regarding Ivy Cottage, which is an existing dwelling that would arguably meet the requirements of the enterprise equally well as the proposed

mobile home, it is not considered to be appropriate to grant planning permission at this time, and a recommendation of refusal is therefore made.



WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB

NGR : 381,870 : 379,760

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Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R01LP - Contrary to Local Plan policies
2. R04LP - Contrary to Green Belt / Open Countryside policies

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Application No: 08/2670P

Location: DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE, SK10 1NH

Proposal: OUTLINE APPLICATION FOR 2 NO BLOCKS OF 3 NO TERRACE COTTAGES (6 NO RESIDENTIAL UNITS IN TOTAL)

For MRS M SLATER

Registered 20-Jan-2009

Policy Item No

Grid Reference 392298 373498

Date Report Prepared: 08.05.09

SUMMARY RECOMMENDATION: Refuse on the grounds that the development would result in the demolition of a building which is on the Council's 'Local List' of historically important buildings.

MAIN ISSUES:

- Impact on the character and appearance of the area;
- Loss of a locally important building
- Impact upon highway safety;
- Impact upon residential amenity

This application was registered prior to 01.04.09 and therefore needs to be determined under Macclesfield Borough Council's criteria for assessing planning applications. Due to the number of dwellings, the application is required to be determined by a committee. The application was considered at the Northern Planning Committee on 08.04.09. Members deferred the application for a site visit which was undertaken on 24.04.09.

DESCRIPTION OF SITE AND CONTEXT

The site is located on Dale Street, which is a relatively quiet back street which runs parallel to Buxton Road in Macclesfield. The site is visible from Fountain Street to the south. The site measures approximately 0.1 hectares. The site is presently occupied by Dale Street Mill, which is a two storey mill building which dates back to the nineteenth/early twentieth century.

The site is within a predominantly residential area.

DETAILS OF PROPOSAL

This application seeks permission to demolish the existing building which is on the 'Local List' of historically important buildings and replace it with 2 blocks of 3 no. two storey dwellings. The proposed dwellings are generally sympathetic to the character of the surrounding dwellings in terms of their design and scale. Each unit would comprise a living kitchen, sitting room, and

wc on the ground floor, with 3 no. bedrooms and a bathroom on the first floor. Each dwelling would have a private garden to the rear.

The building has been designed to minimise the impact on the dwellings to each side (no. 12 and no. 28). The dwellings fronting Dale Street would not satisfy front to front distances as contained within the local plan. However, the pattern of development would generally be commensurate with that of the area.

The elevations would be faced in brick with slate roofs.

A total of 10 parking spaces would be included within the site with the access taken off Dale Street. A parking space for no. 12 Dale St is shown within the development.

RELEVANT HISTORY

08/2042P - Outline application for 2no. block of 3no. terrace cottages (6no. residential units in total on 0.106 hectares) - Withdrawn

POLICIES

Regional Spatial Strategy

DP1, DP5, DP6, DP7

Local Plan Policy

NE11, BE1, BE20, H1-H3, H13, DC1-DC6, DC8

CONSULTATIONS (External to Planning)

Highways –

No highway objection in principle to the outline scheme, but points are raised in respect of the layout which will need to be addressed.

Environmental Health – The Head of Environmental Health supports this application as it removes an industrial use from a predominantly residential area. If an industrial use was resurrected on the site then such use would have high potential to cause environmental problems to residents of neighbouring dwellings such as noise, dust and odour nuisance. The construction of dwellings on the application site would therefore harmonise with the adjoining land uses.

In order to minimise noise and disturbance associated with the demolition and construction work on the site to residents within the locality an hours of working during construction condition is recommended.

In addition, the **Head of Environmental Health** notes that the application area has a history of use as a Chemical Works and Textile Works and therefore the land may be contaminated. The application is for new residential

properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the planning application indicates that there is significant potential for contamination to exist and recommends a phase 2 site investigation be carried out. The Phase 2 report recommends that remedial measures are carried out and reported. If contaminants are found then a remediation statement will be required, followed by a site Completion Report which details the conclusions and actions taken at each stage.

The Historic Environment Officer comments that the mill and its associated structures will be demolished as part of the proposed redevelopment of the site. In order to ensure this aspect of Macclesfield's Industrial Archaeology is recorded prior to demolition and determine the history of this site it is advised that a full Level 2 survey, as defined in English Heritage's *Understanding Historic Buildings: a guide to good practice*, (2006) would be appropriate in this instance.

United Utilities – raise no objections to the proposal. United Utilities comment that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Manchester Airport - raise no aerodrome safeguarding objection to the proposal.

The Ministry of Defence - raise no safeguarding objections to this application.

OTHER REPRESENTATIONS

A letter has been received from a resident whose property adjoins Dale Street Mill. The neighbour is concerned about what damage may occur to the side of the property; if pile driving is necessary; the start/finishing times of any works on site; and, that access to their property will be maintained at all times.

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted with the application: -

- A Design and Access Statement
- A Bat Survey Report
- An Environmental Desk top study

They are available for Member's information on the application file.

OFFICER APPRAISAL

Principle of Development

The main issues to consider in determining this application are:

- 1) Design and impact on the character and appearance of the area, including the street-scene.
- 2) The loss of a locally important building
- 3) Impact on the amenity of neighbouring properties
- 4) Highways safety
- 5) Landscaping and nature conservation
- 6) The desirability of maximising the use of previously developed land.

Policy

The site lies within a Predominantly Residential Area on the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle. The application needs to be assessed against Local Plan Policy BE1 (Design Guidance), BE20 (Locally Important Buildings), H2, (Environmental Quality in Housing Developments), H13 (Protecting Residential Areas), and Development Control Policies DC1, DC3, and DC38, which relate to the standard of design, amenity and space standards. Policy DC6 relates to circulation and access. Policy DC8 relates to landscape issues.

Policy BE20 relates to Locally Important buildings. These are buildings of historic interest which do not enjoy the full protection of statutory listing. Development which would normally affect their architectural or historic character will only be allowed if the Council is satisfied that the building is beyond reasonable repair. Dale Street Mill is on this local list.

A report on the supply of housing has been approved by the Environment Policy Development Committee and the Cabinet of MBC, which effectively replaced the former SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)

3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

Highways

The Highways Engineer raises no objections to the proposal subject to a revised layout plan which resolves the following issues: -

The parking bays on the access road are of insufficient length to allow them to be used effectively. This could lead to vehicles being parked on the highway, or having to reverse out onto the highway. The disabled space would be located below a tree which would impair accessibility for both able bodied and disabled people. Whilst not a highway issue the footpath inside the site is not practical. If vehicles were parking in the bay residents could not readily access/egress the footpath which would pose difficulty particularly when it comes to taking a bin in and out. The junction with Dale Street would need to be improved to demonstrate that two cars can utilize the access safely. The footpath either side of the access should be extended into the bellmouth to at least 2 metres past the identified rumble strip, to match the width of those within the existing adopted highway. The visibility splay is considered to be acceptable. In relation to parking standards the applicant is proposing 9 spaces when in fact the current standards are 2 spaces per dwelling equating to 12 overall. 9 spaces is however 1.5 spaces per dwelling reflecting the standards for communal parking. In light of the fact the applicant is also providing cycle parking facilities and the development is located in a sustainable location the parking provision is acceptable. If the development is approved then the junction will need to be constructed to highway standards, which will form part of a Section 106 and 278 agreements.

Design

The properties within the area are a mixture of traditional terraced properties and semi detached of differing styles and sizes. It is considered that the immediate area around the site does not have a particular distinctive character or appearance. Some of the dwellings on Buxton Road have access to garages and gardens on Dale Street.

The plot is currently occupied by a disused mill which fronts the back edge of the highway. The front wall is rendered. The new dwellings would be sited approximately 1.8 metres back from the pavement. The design is traditional with arched headers over the windows and each dwelling would have a chimney. The height is in scale with the properties either side. It is considered that the overall design of the proposed in respect of style, size, scale and bulk is in keeping with the properties within the area and, as such, is sympathetic to the street-scene.

Amenity

The properties immediately adjacent to the application site – Nos. 7 and 9 (opposite) and Nos. 12 and 28 Dale Street (either side) are ones that have been closely considered in respect of the potential impact of the proposed on residential amenity. The dwellings across the road would be approximately 13 metres away which is considered to fall below the space between dwellings standards contained within the Local Plan. However, it is considered that as the relationship is similar to the existing and that the distance is broadly commensurate with the pattern of development on Dale Street, that this relationship is acceptable. The impact on nos. 12 and 28 is undoubtedly better than the existing relationship.

There would be some overlooking of rear gardens from the units to the rear of the site, however, this would generally be an improvement over the existing relationship if the building were brought back into use.

Ecology

The Nature Conservation Officer raises no objections to the proposal. The submitted survey is acceptable and no evidence of protected species other than breeding birds was recorded. Whilst the presence of bats appears unlikely a condition is recommended to safeguard any small numbers or individual animals that may use the building. A condition is also requested to protect any birds which may be nesting in the site between 1 March and 31 August.

OTHER MATERIAL CONSIDERATIONS

As the building is on the list of locally important buildings it is necessary to consider whether the building is beyond reasonable repair. A Structural Report has been submitted which concludes that the property is in a poor condition and it has been poorly maintained for a considerable number of years. The design of the structure is flawed, the roof has failed in part and the main roof beams have deflected to an unacceptable degree. The first floor structure has settled and is seriously distorted. It is the Agents surveyors' view that the building is unstable and it is likely to deteriorate further in time and is beyond sensible structural repair. The Council's Structural Engineer has carried out an external visual inspection of the property and in general concurs with the engineer's report. Due to the failures and movement within

the structure it is the Structural Engineers view that considerable sections of all external walls would have to be demolished along with complete replacement of the roof and first floor of the building if it were to be considered for conversion.

At the time of the committee meeting on 08.04.09 the formal comments of the Conservation Officer were awaited. The Conservation Officer has now commented on the proposal due to it being on the 'Local' List of historically important buildings. The structural reports on this building suggest that it would be difficult to retain the original fabric without considerable expense; this however should not be the prime consideration when considering the reuse of this building.

It is the "local distinctiveness" of the building that is important to maintain in considering any proposals for change. While there may well be structural problems with the building that should not in itself exclude the refurbishment and reuse of this structure. The building has long been established in the street scene, the proposal to demolish and construct modern terraced cottages would remove a vital historical link to Macclesfield's past. This building has enough features of local architectural and historic merit to justify its retention as a characterful and interesting element (rows of windows on the South West for example) of the industrial past of this area. The Council should be sympathetic to the concept of retention of "local distinctiveness". As such the Conservation Officer strongly advises that this proposal to demolish this building be rethought and amended to retain elements of the industrial past. If any demolition of the building were to be considered then an Archaeological study would need to be carried out.

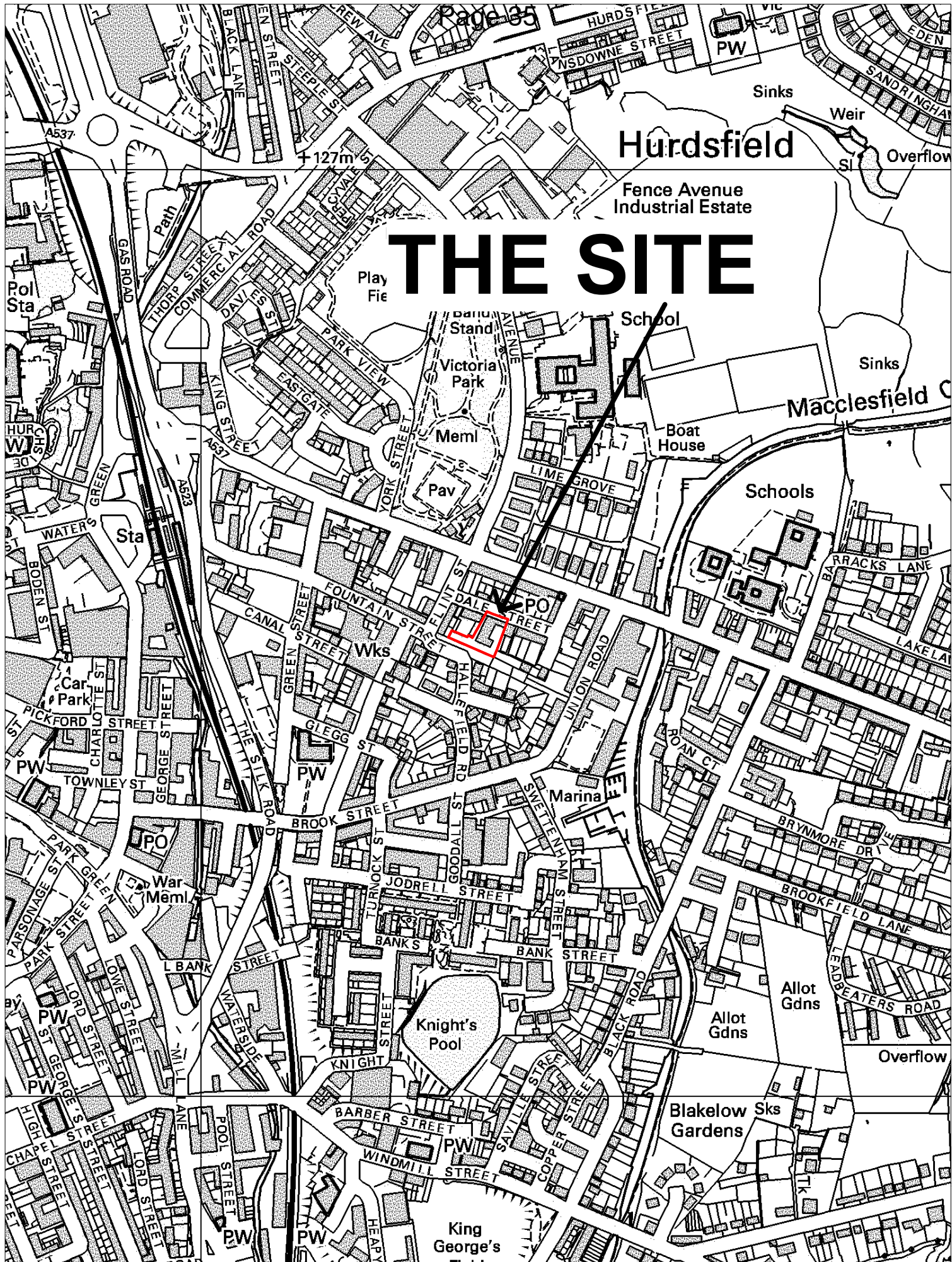
CONCLUSIONS AND REASON(S) FOR THE DECISION

On the basis that the building is on the list of locally important buildings, it is considered that it is necessary for the applicant to substantiate the claim that the building is beyond reasonable repair. It is considered that there is considerable merit in the Conservation Officers argument to retain a substantial portion of this historic building. Any scheme to retain the building would necessitate consideration of how the access/egress would work.

That is not to say that the site cannot be re-used. The submitted reports identify the building's rear portion as exhibiting the most severe structural issues. In this context, officers consider that it would be possible to devise a scheme which would incorporate the retention of part of the building. For example, the narrow eastern part of the building (which fronts Dale Street) could be demolished in order to provide a new access adjacent to no. 28 Dale Street and the rear part of the building could also be demolished. These are the less important parts in terms of their 'local distinctiveness'. This would retain the part of the structure which is considered to be the most capable of restoration and architecturally interesting. It may then be possible to devise a scheme to include the retention/re-use of the largest part of the building, development land to the rear of the site together with an 'in-out' service arrangement. An indicative proposal of this nature has been discussed with

the applicants' agent. However, at the time of report's preparation the applicant wishes the scheme to progress as originally submitted.

Officers are aware of buildings of far worse condition which have been saved and converted. There would appear to be options which would result in a good proportion of the historic building being converted and the financing of this would be aided by the new dwellings. In the absence of proper justification for the building's complete demolition, a recommendation of refusal is made.



08/2670P DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE, SK10 1NH

NGR: 392,300m - 373,490m

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Application for **Outline Planning**

RECOMMENDATION : Refuse for the following reasons

1. The Council is not satisfied that the existing building is beyond reasonable repair

Application No: 09/0888M

Location: 48, Hobson Street, Macclesfield, Cheshire, SK11 8BD

Proposal: Demolition Of Office Building And Erection Of 5 Townhouses (Re-Submission)

For MR ANDREW WOOTTON

Registered 24-Apr-2009

Policy Item No

Grid Reference 391684 372880

Date Report Prepared: 20.04.09

SUMMARY RECOMMENDATION: Approve subject to conditions and receipt of outstanding consultations and representations.

MAIN ISSUES

- Impact on the character and appearance of the area;
- Design
- Impact upon highway safety;
- Impact upon residential amenity

REASON FOR REPORT

The application was 'called-in' to committee by the Councillor Gaddum due to neighbours' concerns in relation to the impact on neighbouring properties, the impact on the neighbouring conservation area and the likely increase in parking in that area.

DESCRIPTION OF SITE AND CONTEXT

The site is a rectangular parcel of land located on the corner of Hobson Street and Cholmondeley Street. The eastern side of Cholmondeley Street (adjacent to, but outside the application site) is within the High Street Conservation Area. The site is presently occupied by a 2-storey building which was previously used as an office. To the south of the site are three prefabricated garages which front Hobson Street.

The immediate neighbourhood is characterized by residential development, which includes terraced properties and semi detached dwellings.

DETAILS OF PROPOSAL

This application seeks permission to erect 5no. three bedroom townhouses in a 2 and a half storey terraced block. The scheme represents a scaled down submission following an application for 5 dwellings which was withdrawn on 16.09.08 (08/1813P). Each unit would comprise an entrance hall, kitchen/lounge and wc on the ground floor with 2no. bedrooms and a bathroom on the first floor and a bedroom within the roofspace. The fifth unit would effectively have the appearance of a squat 3 storey dwelling.

The front of the dwellings face Cholmondeley Street. It has been designed in affect as a run of four dwellings with a taller one on the corner, fronting Hobson Street. This has been

designed with reference to the house on the corner of Cholmondeley Street and Peel Street. The elevations would be faced in red brick with a slate roof.

There would be no off street parking provided with the development. Access would be provided to the rear of the properties for bin access to plots 2-5. Plot 1 would have access to the side of the dwelling onto Cholmondeley Street.

RELEVANT HISTORY

08/1813P - Demolition of existing two storey office building and erection of five town houses – Withdrawn 16.09.08

POLICIES

Regional Spatial Strategy

DP1, DP5, DP6, DP7, L2, L4

Local Plan Policy

NE11, BE1, BE3, BE7, H1-H3, H13, DC1-DC3, DC6, DC8, DC38.

CONSIDERATIONS (External to Planning)

Highways:

Comments are awaited from the Highways Engineer.

Environmental Health:

The Contaminated Land Officer notes that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A Phase 1 contaminated land report to assess the actual/potential contamination risks at the site should be submitted. If the Phase 1 report recommends that a phase 2 investigation is required then the results of this will also be submitted. If contaminants are found then a remediation statement will be required, followed by a site Completion Report which details the conclusions and actions taken at each stage.

OTHER REPRESENTATIONS

No letters have been received to date.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement has been submitted to accompany the application which considers issues such as use, layout, scale, landscape, appearance and access. The report is available on the application file and concludes that the scheme has been altered following discussions with the Council's Officers in relation to the planning policies contained within the Macclesfield Borough Local Plan. The scheme's footprint has been reduced in depth so altering the ridge height of the proposal. The proposal is now in keeping with the existing street scene and will compliment the High Street Conservation Area. Using the design of windows and boundary treatments, the proposal would have little or no impact on residential amenity and would respect and enhance the visual amenity and character of the area. The site is a highly sustainable location within a predominantly residential area. The proposal will make good use of a previously developed piece of land and help meet the council's requirements of additional housing in sustainable locations.

A Highways Statement has also been submitted which considers the impact on parking within the local area. A parking survey has been carried out.

OFFICER APPRAISAL

Principal of Development

The determining issues are whether the 5no. dwellings would have an adverse impact on the character and appearance of the area, the potential impact on local residents, the impact on trees, the impact on the housing policy, the desirability of maximising the use of previously developed land and impact on parking and highway safety.

Policy

The site lies within a Predominantly Residential Area on the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle. The application needs to be assessed against Local Plan Policy BE1 (Design Guidance), BE3 (Conservation Areas), BE7 (High Street Conservation Area), H1, (Housing Phasing), H2, (Environmental Quality in Housing Developments), H3 (Making Best Use of Land), H13 (Protecting Residential Areas), and Development Control Policies DC1, DC3, and DC38, which relate to the standard of design, amenity and space standards. Policy DC6 relates to circulation and access. Policy DC8 relates to landscape and tree issues.

The scheme would provide accommodation to meet the needs of the Borough's population in accordance with the Borough's Housing Strategy.

A report on the supply of housing has been approved by the Environment Policy Development Committee and the Cabinet of MBC, which effectively replaced the previous SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)

5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

Highways

Comments are awaited from the Highways Engineer.

Design

The site lies within a residential area of a mixture of traditional terraced properties, semi detached dwellings and a four storey apartment block. The predominant walling material is brick, however there are some rendered frontages to properties.

This property does not lie within a Conservation Area nor is it Listed; however it does lie adjacent to the High Street Conservation Area. The applicant entered into pre-application discussions with the Conservation Officer and advice has been taken on board. The building would be sympathetic in design terms to the terraced properties contained within the Conservation Area. The unit on the corner of Cholmondeley Street and Hobson Street would be effectively 3 storeys in height and it is considered that this would provide visual interest to the corner.

This proposal has addressed some of the concerns were expressed in relation to the original application regarding the appearance and scale of the proposed development have now been addressed. The dwellings would be set back approximately 2.3 metres back from the pavement. It is considered that the general massing and proportions of the development would be similar to the other terraced properties in the close vicinity of the site.

The western elevation which fronts Hobson Street would have blanked off windows to provide visual interest and avoid a large blank wall. The southern elevation (facing the rear of no. 54 Hobson Street) would have roof lights in the roof and angled first floor bay windows.

The overall design makes use of traditional elements of brick, and slate pitched roofs. Chimneys, stone lintels and brick arches above windows would also be included for visual appeal.

Amenity

The dwellings to all sides of the application site have been closely considered in respect of the impact of the proposal on the amenity of neighbouring properties.

The proposed development includes the demolition of existing buildings on site. The existing building is constructed adjacent to the pavement on Cholmondeley Street, where as the proposed dwellings would be set back approximately 2.3 metres from the pavement. The building on the corner would however be taller at this point. Overall, it is considered that the amenity of the occupants of no. 44 Hobson Street (in respect of space,

light and privacy) would either be improved or at least maintained at existing levels. In regards to the impact on properties to the north (on Cholmondeley Street), the proposed dwellings would result in being approx. 11m from the front of the existing dwellings (no.2 and 4). The distance between the side elevation of Plot 5 on no. 63 Hobson Street would be approximately 16 metres. Although the distances above do not meet the desired distance standards for new build, it is noted that the general relationship between properties front-to-front on Cholmondeley Street and Hobson Street (and within the area) ranges between approx. 9 metres and 16 metres. Hence, the proposed development ensures that a commensurate degree of space, light and privacy between these properties is achieved, which accords with policy DC38. There would be a degree of overlooking from Plots 1 to 3, over the rear gardens on no. 54 and 56 Hobson Street.

Bearing the above points in mind it is considered on balance that the impact on neighbour amenity would be acceptable given the space distance, orientation of the properties, and overall relationships.

Ecology

The Nature Conservation officer raises no objections to the proposals as it is not anticipated that there would be any significant ecological impacts associated with the proposed development.

There are two trees to the rear of the application site and it is initially considered that that they are of low amenity value, however comments from the Arboricultural Officer will be requested prior to the Committee meeting.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The demolition of the existing office and the erection of five terraced town houses is an efficient use of this brownfield site. The removal of two out of three of the prefabricated garages adjacent to no. 54 Hobson Street would make a positive contribution to the general amenity of the area. The dwellings are located in a sustainable location and contribute to the housing needs of the Borough. It is considered that the design is in keeping with the area and that the proposed scheme would make a positive contribution to the views into and out of the Conservation Area and the street-scene in general. The levels of amenity that would be achieved are considered to be acceptable. Overall, the benefits of the proposed development are considered to outweigh any negative aspects and a recommendation of approval is offered, subject to comments from consultees (e.g. the Highways Engineer) and any representations from neighbours. It is noted that the last date for comments from neighbours/consultees is after the date of the Northern Planning Committee meeting. It is therefore recommended that any decision reached by the committee be subject to any further new issues raised by neighbours/consultees between the committee meeting and last date for comments. In the event that no further issues are raised in comments that are received, then it is recommended that the committees decision be delegated to the Head of Planning and Policy.



MACCLESFIELD

09/0888M 48, HOBSON STREET, MACCLESFIELD, CHESHIRE

N.G.R. - 391,690 - 372,880

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A17EX - Specification of window design / style
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during construction (hours of construction)
8. A23GR - Pile Driving
9. Contaminated land report

