

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 1st July, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1DX</b>

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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 and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes** (Pages 1 - 4)

To approve the minutes of the meeting held on 10 June 2009.

4. **Public Speaking**

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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](mailto: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 Committee.

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

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

5. **09/0802M-Erection of Three Storey Extension for B1 Office Purposes and Provision of Additional Decked Car Parking Accommodation, Wycliffe House, Water Lane, Wilmslow for Orbit Investments (Properties) LTD** (Pages 5 - 14)

To consider the above application.

6. **09/1292W-Proposed Four Classroom Extension and Ancillary Accommodation following Demolition of Existing Building, Gorsey Bank County Primary School, Altrincham Road, Styal, Wilmslow for Mr Peter Davies, Cheshire East Council** (Pages 15 - 22)

To consider the above application.

7. **09/0842M-Replacement Dwelling, Broad Heath House, Slade Lane, Over Alderley, Macclesfield for Mr and Mrs Wren** (Pages 23 - 32)

To consider the above application.

8. **09/1160M-Demolition of Existing Buildings and Construction of New Foodstore with Associated Parking and Servicing Facilities, Land at, Brook Street, Knutsford for Aldi Stores** (Pages 33 - 38)

To consider the above application.

9. **Bryancliffe, Wilmslow Park South, Wilmslow – Judicial Review of decision to grant planning permission** (Pages 39 - 44)

To consider a report notifying Members of the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 10th June, 2009 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillor R West (Chairman)

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

### **OFFICERS PRESENT**

Mrs N Folan (Planning Solicitor), Mr D Garratt (Development Control Manager) and Mrs E Tutton (Principal Planning Officer)

### **Apologies**

Councillor M Hardy

### **22 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-DETERMINATION**

Councillor J Crockatt declared a personal interest in application 09/088M – 48 Hobson Street, Macclesfield by virtue of the fact that he knew one of the objectors and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillors Miss C M Andrew, J B Crockatt, H Davenport, Mrs E N Gilliland, Mrs T Jackson, W Livesley, R J Narraway, D Neilson, Mrs L Smetham, D Stockton, D Thompson, D A Neilson and R E West all declared a personal interest in application 09/0842m Broad Heath House, Slade Lane, Over Alderley, Macclesfield by virtue of the fact that they knew the person speaking on behalf of the applicants as he was the former Chief Planning Officer at Macclesfield Borough Council and in accordance with the Code of Conduct they remained in the meeting during consideration of the application.

Councillor Miss C M Andrew declared a further personal interest in the same application as one of the applicants was a member of Over Alderley Parish Council and on occasions she attended meetings of Over Alderley Parish Council. In accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillor Mrs L Smetham also declared a further personal interest in the same application by virtue of the fact that the architect was a member of the Macclesfield Civic Society which she was also a member of and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

**23 MINUTES OF PREVIOUS MEETING**

RESOLVED

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

**24 PUBLIC SPEAKING**

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- Objectors
- Applicants/Supporters

RESOLVED

That the public speaking procedure be noted.

**25 09/0888M - DEMOLITION OF OFFICE BUILDING AND ERECTION OF 5 TOWNHOUSES (RE-SUBMISSION), 48 HOBSON STREET, MACCLESFIELD, CHESHIRE FOR MR ANDREW WOOTTON**

Consideration was given to the above application.

(The Ward Councillor Mrs H M Gaddum and an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for reasons relating to design, loss of light, harm to residential amenity and harm to highway safety/convenience of road users due to lack of on-site parking.

(This decision was against the Officers recommendation of approval).

**26 09/0514M - EXTENSION TO CARAVAN PARK TO INCLUDE THE ADJOINING CAMP SITE TO PROVIDE AN ADDITIONAL 25 CARAVANS, CLAYTON FIELD, SCHOOLFOLD LANE, ADLINGTON, MACCLESFIELD, CHESHIRE FOR MISS L FIRBANK**

This application was withdrawn prior to the meeting.

**27 09/0568M - GARDEN ROOM EXTENSION, 20 GASKELL AVENUE, KNUTSFORD, CHESHIRE FOR DR S DEAN**

Consideration was given to the above application.

(The Ward Councillor S Wilkinson, two objectors and the agent for the applicant attended the meeting spoke in respect of the application).

RESOLVED

That the application be refused for reasons relating to the adverse impact on the character, appearance and historic interest of the listed building.

(This decision was against the Officers recommendation of approval).

**28 09/654M - GARDEN ROOM EXTENSION (LISTED BUILDING CONSENT), 20 GASKELL AVENUE, KNUTSFORD, CHESHIRE FOR DR S DEAN**

Consideration was given to the above application.

RESOLVED

That the application be refused for reasons relating to the adverse impact on the character, appearance and historic interest of the listed building.

(This decision was against the Officers recommendation of approval).

**29 09/0842M - REPLACEMENT DWELLING, BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY, MACCLESFIELD, CHESHIRE FOR MR AND MRS C WREN**

Consideration was given to the above application.

(Two objectors and a representative speaking on behalf of the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the development on the locality.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor R West (Chairman)

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**Application No:** 09/0802M

**Location:** WYCLIFFE HOUSE, WATER LANE, WILMSLOW, CHESHIRE, SK9 5AF

**Proposal:** ERECTION OF THREE STOREY EXTENSION FOR B1 OFFICE PURPOSES AND PROVISION OF ADDITIONAL DECKED CAR PARKING ACCOMMODATION

**For** ORBIT INVESTMENTS(PROPERTIES)LTD

**Registered** 30-Apr-2009

**Policy Item** No

**Grid Reference** 384419 380948

**Date Report Prepared:** 19 June 2009

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 legal agreement

#### **MAIN ISSUES**

Highway implications, residential amenity, design, landscaping

### **DETAILS OF PROPOSAL**

The application relates to an office complex covering an area west of Alderley Road and south of Water Lane. Commercial properties bound the site to the north and east and back land residential properties border the office complex on the west and south. The overall office complex within the ownership of the applicant comprises 5 detached office blocks: Kings Court, Wycliffe House and Sandfield House accessed via Water Lane and Wycliffe Avenue; Stuart House and Teejay Court accessed from Alderley Road. The site edged red with the application covers an area of 0.17 hectares and covers an area between Wycliffe House, Sandfield House and Teejay Court.

The development comprises three parts:

- A three-storey extension to the existing three-storey office building at Wycliffe House
- An extension to the existing car deck at the rear of Sandfield House including a new single storey deck above part of the Teejay Court surface car park
- A two-storey connecting link between Wycliffe House and Sandfield House

The office extension is required by the existing occupants of Wycliffe Court, the Information Commissioner, to provide room for an additional 130 staff.

The proposed extension would have an overall height of 12.5 metres and mirrors the existing Wycliffe House building in scale, materials and design. The footprint of the extension would be approximately 540 sq m. In comparison the existing Wycliffe House building has a footprint of just under 700 sqm, so the extension amounts to an increase in scale by approximately 77%.

The extension would be located between Wycliffe House and Sandfield House on the existing surface car park. The extension would project towards the Water Lane (north) side of the site at 90 degrees to the existing buildings on the site. This would result in the extension creating courtyards with Wycliffe House and Sandfield House. The extension incorporates an archway on the northern end of the extension to allow vehicular circulation around the site.

The existing interconnected car parking area that serves the three existing office buildings of Kings Court, Wycliffe House and Sandfield House includes 326 spaces. The new car decks would provide 69 spaces, but there would be a loss of 41 existing surface car park spaces to allow for the extension, resulting in 28 net additional car parking spaces with the development.

### **RELEVANT HISTORY**

01/2813P      Renewal of planning permission for erection of deck over approved car park. Approved with conditions 02.01.2002.

Kings Court was granted planning permission for offices with retail frontage in June 1989 (57384P). Wycliffe House was granted permission in 1990 (61906P). Sandfield House was originally approved in 1994, subsequently renewed in 1999 (98/1910P) and constructed in 2004. A second floor level link between Wycliffe House and Sandfield House was approved in 2004 (03/3103P).

### **POLICIES**

#### **Regional Spatial Strategy**

Policies DP1, DP2, DP3, DP4, DP5, DP7, DP9 are of general strategic relevance to the proposal and set out spatial principles for securing high quality sustainable development.

Policy RT2 relates to managing travel demand from new developments and sets out the North West Parking Standards. In urban areas the standard requirement for B1 office use is 1 car parking space per 35 sqm.

Policy EM18 requires new non-residential development above a threshold of 1000 sq m to secure at least 10% of predicted energy requirements from decentralised and renewable low-carbon sources, unless this can be shown to be not feasible or viable.

#### **Local Plan Policy**

The site lies in a mixed use area within Wilmslow Town Centre as designated in the Macclesfield Borough Local Plan. Policies WTC7 and WTC9 of the local plan are therefore relevant. Small scale office use is listed as an appropriate use, with small scale defined as up to 500 sq m. An exception to this limit is permitted for existing firms wishing to extend or redevelop for their own occupation, subject to compliance with development control policies.

Relevant development control policies include BE1, DC1 and DC2 (design), H13, DC3, DC38 (protecting residential amenity and ensuring adequate light, space and privacy between buildings), DC6 (circulation and access), DC8 (landscaping), and DC9 (tree



protection). Policy IMP2 is also relevant relating to requirements for commuted sums for infrastructure and public open space / recreation provision.

### **Other Material Considerations**

Relevant national planning policy guidance includes PPS1 Delivering Sustainable Development, PPG4 Industrial & Commercial Development & Small Firms, PPS6 Planning for Town Centres, and PPG13 Transport.

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

**Highways:** No objection in principle subject to conditions and completion of an S106 agreement.

**Environmental Health:** No objection subject to restriction on hours of construction to safeguard nearby residents from undue noise disturbance.

### **OTHER REPRESENTATIONS**

7 letters of objection have been received, including one from a representative of the Wycliffe Avenue Residents' Association. The main points of objection are summarised as:

- Wycliffe Avenue has serious parking issues - despite being designed as an Access Only area - and we have a constant battle with illegal parkers from Data Protection and other offices situated in and around Kings Court. The current office workers have a one week in three rota operating for the car parking provision currently available to them - thus leaving them with two weeks in which to "find" local parking. The application for office space would appear to offer parking for approximately one third of the workers, so, yet again, two thirds of the working staff will be looking for "free" local parking.
- Spring Street Carpark is no answer, as people will not pay. The argument that the police are currently operating "Python" equally is of limited value, as in reality, it means that Wycliffe Avenue is "policed" about once a month.
- The application for additional office space would appear unnecessary as there are two current office blocks adjacent to Data Protection, largely unoccupied. Stuart House contains 1700 sq m of vacant office space.
- The significant and harmful impact on the residents of Balmoral Way from the extension to the decked car park by way of: loss of privacy; overbearing impact; noise and disturbance; loss of light. The new single deck car park will face directly onto the rear elevation of properties on Balmoral Way. The hedge screening proposed is not an adequate solution as this will cause a loss of light. A new pedestrian and vehicular thoroughfare will be created between Alderley Road and Water Lane.
- The increased traffic will add to the safety problems of the Wycliffe Avenue junction with Water Lane.

- It is over development of the site and the materials, scale and position of the development area not appropriate.
- There are other alternatives with a reduced impact that should be explored.
- There are inaccuracies on the plans. Properties on Balmoral Way are not shown to the correct scale – they are all indicated to be 3 storey when in fact some are 2 storey dwellings. The existing boundary hedge is not 5.5 metres high rather between 3-3.5 metres. There is a gap in the hedge at the rear of No.4 which currently allows light into the rear garden and ground floor rooms.
- Increased risk of crime
- The car park deck behind Sandfield House caused structural damage to our property, we are concerned this will happen again.
- If allowed conditions should be imposed to control noise, hours of use of the car park, lighting, boundary screening, traffic measures on Wycliffe Avenue and at the junction with Water Lane.

### **APPLICANT'S SUPPORTING INFORMATION**

A design and access statement, planning statement, transport statement, framework travel plan, energy assessment and unilateral undertaking accompany the application, which can be viewed online as background information. The planning statement concludes:

The proposed extension and additional car parking spaces are required to enable a well established town centre user to expand and provide additional space including for new staff accommodation. This is acceptable within the policy framework in relation to this town centre site.

Whilst there is a small increase in overall cars utilising the existing access points to the site this is less than 10% of the existing and can be accommodated within the system.

The development proposed will use a similar architectural style and be of the same height as that existing at Wycliffe House and, in general terms, will not be seen from Alderley Road nor Water Lane as it is shielded from view by existing frontage development.

In policy terms this is a sustainable site and is an appropriate location for the type of development proposed and meets the aspirations of National, Regional and Local Planning Policy.

### **OFFICER APPRAISAL**

#### **Principle of Development**

As stated above, the site lies in a town centre location designated as a mixed use area in the local plan. The site forms part of larger office development. The office extension would provide approximately 1600 sqm of additional office space. Policies WTC7 and WTC9 set a limit of 500 sqm for office development in Wilmslow Town Centre, but as this is an extension to allow the existing occupier to expand and remain at the site an exception to

the policy can be acceptable in principle subject to compliance with other relevant development control policies. A letter of objection raises the point that there is vacant office space within the complex at Stuart House and Teejay Court. However, the applicant has stated that the present occupier of Wycliffe House, the Information Commissioner, requires all of their operation to be housed in a single building and the use of nearby detached office buildings would not be a viable option for operational reasons.

### Highways

The current level of parking within the site is 326 spaces which will increase to 354 spaces when the development is implemented. To facilitate the development will result in the loss of 41 existing spaces but the requisite provision is 69 spaces leading to a net increase of 28 spaces

Under current parking standards which are 1 space per 35 sqm this should equate to an additional 46 spaces. The deficit is therefore 18 spaces. This is however acceptable in line with current government planning policy guidance. The development is located within an existing well established town centre with suitable public transport links. As part of the development the applicant is making provision for a secure cycle storage area for 6 cycles which is in excess of current standards for cycles (1 space per 350 sq m).

A travel plan framework has also been submitted by the applicant and this would need to form part of a legal agreement.

To address any concerns in relation to parking migration it is noted that Wilmslow Town Centre is already covered by extensive traffic restrictions which are currently under review. The review includes the adjacent residential roads. A draft unilateral undertaking has been submitted including a financial contribution of £20,000 which would be focused towards the Parking Review of Wilmslow.

The transport statement submitted with the application provides the additional trip generation for the site which is 28 vehicles in the am peak and 23 vehicles in the pm peak. This equates to 1 vehicle per 2.1 minutes in the morning and 1 vehicle per 2.6 minutes in the afternoon peak. The Council's highway engineer states that this trip generation level is very minor and can be accommodated within the existing highway network.

The highway engineer has raised a potential issue regarding the servicing of the site, as the office extension breaks up any through route across the site for larger servicing vehicles. The applicant has stated that larger vehicles, such as refuse vehicles, will have a similar movement within the site as was the case prior to the Sandfield House development. This is to be confirmed with the highway engineer, but on this basis it is considered that an objection on these grounds would be difficult to sustain.

### Design

The proposed office extension mirrors that of the existing Wycliffe House and Sandfield House buildings in terms of materials, scale and design. The extension would create courtyards either side of the building with the existing office development. The visual impact and design of the extension is therefore considered to be in keeping and respectful of the architecture of the existing buildings and the site itself, in accordance with the relevant local plan policies BE1, DC1 and DC2.

The proposed deck car park extension, is by its nature, limited in form. Immediately behind Sandfield House, a second floor deck is proposed. The design repeats the existing single storey deck and obviously adds to the massing of the car park. The car park will, however, remain subservient to Sandfield House and, sited at the rear of the building, the extension is considered to be sympathetic to its surroundings and will have limited visual impact from wider public vantage points.

The new proposed single storey deck over the Teejay Court surface car park also continues the form of the existing deck car park, in terms of materials and scale. The car park structure would sit adjacent to the Teejay Court office block. Objections have been raised that the materials would be at odds with engineering brick of Teejay Court. However, it is considered more appropriate for the car park to inherit its materials from the existing deck car park. The structure will not be unduly prominent from outside the site and is considered acceptable in terms of its design, appearance and relationship with adjoining buildings. Overall the proposals are considered to be compliant with design policies BE1, DC1 and DC2 of the Local Plan, which require high quality and sympathetic design.

### **Landscape and Ecology**

There are no significant ecological issues with the proposal. Several semi-mature trees within the existing surface car park area near Kings Court would require removal. As the open space around the office complex is largely made up of hard surface car park it is important to ensure soft landscaping is incorporated into the development. The applicant is proposing to transplant the trees and a landscaping scheme could be conditioned to deal with additional soft landscaping improvements. The Council's landscape architect has no objection to the scheme.

#### **Screening for the Balmoral Way Properties.**

Evergreen Thuja hedges 3.5 - 4.0 metres in height are proposed to infill the gaps in the existing boundary screening. The proposed hedges would have an instant screening effect to filter views of the decked car park from these properties. A condition is recommended to ensure that the existing and proposed hedges are regularly clipped and maintained at a maximum height of about four metres to prevent them becoming too tall and overbearing.

The three proposed fastigate beech trees should be omitted and replaced with a smaller species that would add visual interest without becoming too high and intrusive. This can be dealt with by way of condition and as part of an amended landscaping scheme to be submitted.

### **Amenity**

The key issue in this respect is the impact of the extended decked car park on the properties of Balmoral Way, and also the end terrace property of Clarence Court that also adjoins the site. Objections have been received with key concerns being loss of privacy, noise disturbance, fumes, overbearing impact, loss of light, misrepresentation of information, and structural concerns.

The existing car park deck wraps behind the rear of the Sandfield House Building, with a single storey access deck close to the NE boundary of the end property on Balmoral Way. The proposed single storey deck extension would extend into the Teejay Court surface car park at a distance of 5 metres from the site boundary that is shared with properties on

Balmoral Way. The car park would create a 4.1 metre high brick wall that would face the rear elevations of those properties on Balmoral Way with a separation distance of 16 metres. Policy DC38 of the Local Plan includes a standard minimum guideline distance of 14 metres for habitable rooms facing a blank wall. The proposal would therefore not be in breach of minimum standards in terms of loss of light. The majority of those properties are also well screened by an evergreen hedge along the rear boundary of the gardens which has been measured on site at 3.7 metres. There are gaps in the hedge, particularly at No.4, which currently enjoys a more open aspect to the east. The proposal includes a landscaping scheme to plant the gaps in the hedge. This could be done to achieve an instant screen of 3.5 metres high. Residents are objecting that the hedge itself would be overbearing, and this must be taken into account by Members. However, it is considered that with an appropriate soft boundary treatment to be maintained at 3.5 – 4 metres in height, the impact on outlook and light to those residents, with the wall set back 5 metres from the rear boundary, would not be significant or unduly overbearing.

In terms of noise and disturbance, an office car park already exists adjacent to these residential properties. A raised deck will have an additional impact in this respect, however the brickwall on the west elevation would be 1.4 metres above the cardeck level, helping to screen sound and light from car headlights. As an office car park, there will also be limited number of movements throughout the day and very few outside normal office hours. The Environmental Health officer has not raised an objection. The application does not detail lighting on the car park, and this is a consideration for residential amenity. Some form of lighting would be required and the applicant has stated that this could be in the form of low level lights set into the car-deck wall facing away from residential properties.

In terms of privacy, the wall at a height of 1.4 metres, could allow some overlooking towards the rear elevations of properties on Balmoral Way and Clarence Court. However, the parking spaces are situated away from the west side of the deck, which serves as the access road, and so it is considered that an impact on privacy would be limited.

All factors considered the proposal is considered to comply with policies DC3, DC38 and H13 of the Local Plan as there would be no significant harm to living conditions of the adjoining residential properties.

The office building itself extends towards the rear of commercial properties on Water Lane, some of which have residential flats above. The distances and spacings between the buildings are sufficient to comply with Local Plan policy

### **OTHER MATTERS**

An energy assessment has been submitted with the application and suggests ways to improved energy efficiency of the building to meet the requirements of policy EM18 of the regional spatial strategy. A condition can therefore be applied to ensure that the 10% decentralised low carbon energy targets of the policy are met in the new development.

### **HEADS OF TERMS**

The applicant has submitted a draft unilateral undertaking for commuted sums in respect of highway and open space requirements. The terms need to be broadened to also include the operation of a travel plan:

### **Operation of a Travel Plan**

The requirement to produce and operate a travel plan for the development, which has been produced in accordance with local and national standards, guidance and best practice and has regard to the nature of the development, the accessibility of the site and local transport provision, and the requirement to pay the costs associated with the monitoring and review of the travel plan. Such a plan (and its successors), which if appropriate, shall be implemented in a phased manner, shall include procedures for monitoring, review, remedial action and shall be operated at all times while the development is occupied.

### **Payment of a financial contribution**

- The payment of a financial contribution to the Highway Authority equivalent to £20000 at the time of the permission to fund the Wilmslow Parking Study.
- Open space and amenity land commuted sum equivalent to £16,200 at the time of the permission

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle of the development is considered to be acceptable under Wilmslow Town Centre policies to allow the expansion of an existing business occupying the existing building. The proposed development will have an acceptable impact on the living conditions of occupiers of adjoining property. The detailed design and landscaping proposals are acceptable and sympathetic to the site and existing and surrounding buildings. The site lies in a sustainable town centre location and car parking and transport issues have been satisfactorily addressed. Whilst objections have been received, the proposed development is considered to comply with the relevant policies of the development plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 the application is therefore recommended for approval subject to conditions and a legal agreement.



09/0802M - WYCLIFFE HOUSE, WATER LANE, WILMSLOW

N.G.R. - 384,400 - 380,940

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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. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A22GR - Protection from noise during construction (hours of construction)
9. A04HP - Provision of cycle parking
10. A05HP - Provision of shower, changing, locker and drying facilities
11. A32HA - Submission of construction method statement
12. Maintenance of hedge along site boundary with Balmoral Way
13. Parking layout
14. Provision of visitor / short-term cycle parking
15. Provision of visitor / short-term cycle parking
16. Provision of visitor / short-term cycle parking



**Application No:** 09/1292W  
**Location:** GORSEY BANK COUNTY PRIMARY SCHOOL, ALTRINCHAM ROAD, STYAL, WILMSLOW, CHESHIRE, SK9 5NQ  
**Proposal:** PROPOSED FOUR CLASSROOM EXTENSION AND ANCILLARY ACCOMODATION FOLLOWING DEMOLITION OF EXISTING BUILDING.  
**For** MR PETER DAVIES, CHESHIRE EAST COUNCIL  
**Registered** 01-Jun-2009  
**Policy Item** No  
**Grid Reference** 383602.85 381291.61

**Date Report Prepared:** 19<sup>th</sup> June 2009

#### **SUMMARY RECOMMENDATION**

Authority be delegated to the Head of Planning and Policy to consider any representations and consultation responses as part of the consultation period

#### **MAIN ISSUES**

Impact of the development on:  
 Character and appearance of the locality  
 Residential amenity

### **1. REASON FOR REFERRAL**

The application has been referred to the Northern Planning Committee by the Head of Planning and Policy.

### **2. DETAILS OF PROPOSAL**

Cheshire East Council has applied for planning permission to provide a replacement extension at Gorsey Bank Primary School following the demolition of the existing building which is considered to be unsafe.

### **3. RELEVANT HISTORY**

*5/08/2055p* (Delegated approval with conditions)

Erection of two temporary 2-classroom mobile units together with ancillary works for a period of 12 months

*5/07/1411p* (Withdrawn)

Erection of 2m high clack powder-coated steel vertical bar boundary fencing with 2m wide single access gate to match

5/05/1980p (Delegated approval with conditions)

Proposed replacement 4 classroom block extension, removal of one twin and two single temporary classrooms and proposed hall extension

5/04/3001 (Delegated approval with conditions)

Proposed replacement 4 classroom block extension, removal of one twin and two single temporary classrooms and proposed hall extension

#### **4. POLICIES**

##### **Regional Spatial Strategy (NW)**

Policy DP7 'Promote Environmental Quality'

##### **Macclesfield Borough Local Plan Policy**

BE1 Design Guidance

H13 Protecting Residential Amenity

DC1 Design – New Build

DC2 Extensions and Alterations

DC3 Amenity

RT1 Open Space

##### **Other Material Considerations**

PPS1 Delivering Sustainable Development

#### **5. CONSIDERATIONS (External to Planning)**

##### **Environmental Health:**

No objection.

##### **Design Officer:**

No issues raised in relation to Design.

##### **Ecology:**

It is not anticipated that there would be any significant ecological impacts associated with the proposed development.

##### **Landscape:**

No objection.

##### **Trees:**

Views awaited at the time of writing this report.

## **6. VIEWS OF THE PARISH / TOWN COUNCIL**

Views awaited at the time of writing this report.

## **7. OTHER REPRESENTATIONS**

No representations have been received at the time of producing this report.

## **8. APPLICANT'S SUPPORTING INFORMATION**

### Design & Access Statement

- School was originally constructed in the 1960s and has been subject to various alterations and extensions during the interim years.
- Design – applicant sought high quality and inclusive design in terms of both impact and function in line with the approach set out in PPS1.
- Layout – Plan and location of the building is based upon the existing building footprint in order to reduce environmental impact.
- Infill area adjacent to existing two storey block to create group rooms and storage
- A separate entrance included in proposal to provide greater flexibility of use.
- Scale & Appearance – proposal sympathetic in scale to existing building, which apart from a two storey block, is mainly single storey.
- Materials to complement existing school building

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The principle of the development has already been accepted under previous planning permission *5/05/1980p*. This application seeks to replace the development which was permitted under that permission, subject to design variation, as the building has been deemed unsafe for use. The site is allocated as an area of existing open space in the Macclesfield Borough Local Plan, however the footprint of the proposed replacement extension will not encroach beyond the existing footprint, with the exception of infill areas, and as such will not impact upon open space provision at the site. The proposal is in compliance with policy RT1 of the Macclesfield Borough Local Plan.

### **Policy**

It is considered that the proposal is in accordance with the policies laid out above

## **Highways**

The application does not propose any alterations to the existing access or parking provision on site and therefore should not raise any highway concerns.

## **Design**

The existing school is a 1960s flat roof construct that has been subject to incremental alterations and extensions in more recent times. These alterations have lead to variations of building style and design across the site, incorporating extensions with pitched roofs, mono-pitched roofs and flat roofs. The extension proposed in this application proposes to replace the existing mono-pitched extension with a pitched roof single storey design. It is considered that the proposed extension is of a better quality design than the existing extension which is to be replaced; would compliment rather than detract from the appearance of the school; and is more appropriate to the character and appearance of the locality. Furthermore the proposed extension would reflect an additional extension to the West of the site, providing more continuity across the site in design terms and allowing the extensions to appear subordinate to the main school building.

The materials proposed have been chosen to match / complement the existing building and these would be conditioned as part of any approval. An additional entrance with canopy is proposed in the extension in order to create greater flexibility for use and access throughout the site. This is considered to be more acceptable in design terms compared to the existing building which presents a blank elevation, and would also enhance accessibility at the school. The Council's Design Officer has not raised any concerns in relation to design.

In consideration of the above, the development is in accordance with policies BE1 'Design Guidance' and DC1 'Design – New Build' of the Macclesfield Borough Local Plan.

## **Amenity**

The proposed replacement extension is located to the side and rear of the existing school and as such, views of the development from Altrincham Road will be minimal, and are restricted further due to the existing hedgerow and substation. The application site is well screened from properties and potential views from the North, West and East by the existing boundary treatment which consists of well established trees and vegetation. Views from these areas will also be some distance from the development across the playing field / playgrounds, and against the backdrop of the existing school complex. As a result it is considered that the visual and landscape impact of the development is negligible.

The closest property to the development is number 116 Altrincham Road which is adjacent to the site and approximately 31 metres from the corner of the proposed building. The extension is however, set back from this property and given the existing screening, it is unlikely that the development would have a detrimental impact on the amenity of this property. The proposed additional entrance is also in this location, however it is not considered that it would give rise to any additional impacts upon neighbouring amenity given the existing use of the site.

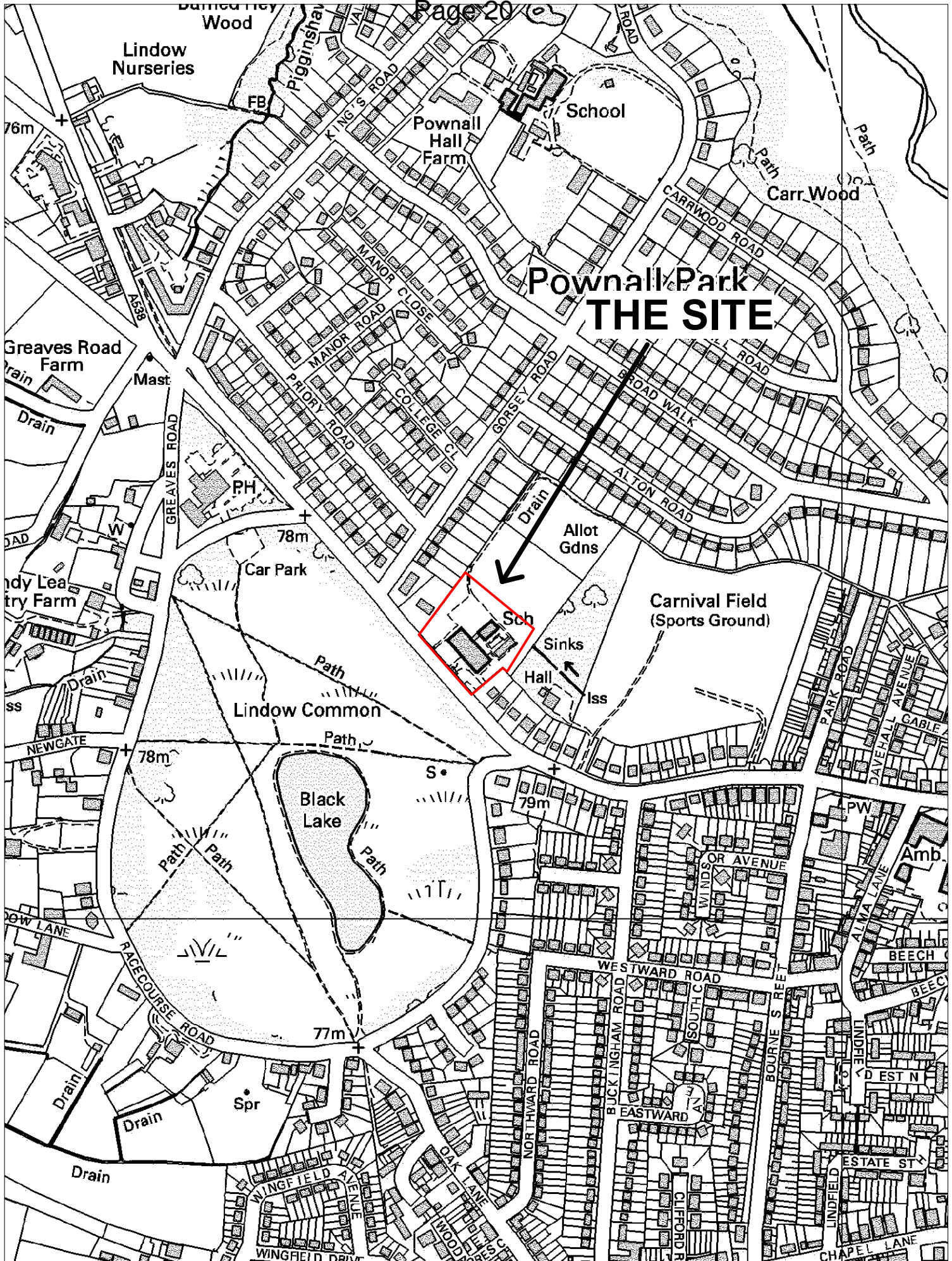
The issue of amenity has been considered and in particular the impact of the proposed development on the neighbouring property. It is considered that the proposed development complies with policies H13 'Protecting Residential Amenity' and DC3 'Amenity' of the Macclesfield Borough Local Plan.

## **10. CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal is to provide a replacement extension at Gorsey Bank Primary School, following the demolition of an existing extension. The proposed extension will generally follow the existing building footprint, with the exception of an infill area to the rear of the school to provide group rooms and the provision of an accessible toilet / entrance area to the south east. The extension will provide four classrooms which will remove the need for the existing temporary mobile classrooms which are currently located to the rear of the school. The development is considered to be acceptable in principle in terms of design, and it is not considered that the proposal would have an adverse impact on neighbouring amenity. As such, it is recommended that planning permission should be granted for the development subject to appropriate conditions and subject to no adverse comments raising any new matters of objection.

## **11. RECOMMENDATIONS**

The committee is invited to resolve that Authority be delegated to the Head of Planning and Policy to approve the application subject to appropriate conditions and subject to no adverse comments raising any new matters of objection.



09/1292W - GORSEY BANK COUNTY PRIMARY SCHOOL, ALTRINCHAM ROAD, STYAL, WILMSLOW  
N.G.R. - 383,600 - 381,310

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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. A06EX - Materials as application
4. A22GR - Protection from noise during construction (hours of construction)
5. A23GR - Pile Driving

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**Application No:** 09/0842M  
**Location:** BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY,  
MACCLESFIELD, CHESHIRE, SK10 4SF  
**Proposal:** REPLACEMENT DWELLING  
**For** MR & MRS CHRISTOPHER WREN  
**Registered** 07-Apr-2009  
**Policy Item** No  
**Grid Reference** 386699 376409

**Date Report Updated: 22 June 2009**

### **SUMMARY RECOMMENDATION**

Approve; subject to conditions

### **MAIN ISSUES**

- Impact of design of the proposal on the character of the area
- Impact on the visual amenity & openness of the Green Belt

### **DETAILS OF PROPOSAL**

The application seeks full planning permission for a replacement dwelling at Broad Heath House on Slade Lane in Over Alderley. The application site is situated within the Cheshire Green Belt and an Area of Special County Value as identified within the Local Plan.

### **RELEVANT HISTORY**

09/0150P Replacement dwelling  
Refused 8/4/09

### **POLICIES**

#### **Regional Spatial Strategy**

RDF4 Green Belts  
DP1 Spatial Principles  
DP7 Promote Environmental Equality

#### **Local Plan Policy**

NE1 Areas of Special County Value  
NE2 Protection of Local Landscapes  
BE1 Design Guidance

GC1	Green Belt – New Buildings
H13	Protecting Residential Areas
DC1	New Build
DC3	Amenity
DC6	Circulation & Access
DC8	Landscaping
DC35	Materials and Finishes
DC41	Infill Housing or Redevelopment

### **Other Material Considerations**

Planning Policy Guidance 2: Green Belts

### **CONSULTATIONS**

**Highways:** No comments received to date.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

#### **Over Alderley Parish Council:**

No comments objecting to the application received.

### **OTHER REPRESENTATIONS**

Three comprehensive letters of representation have been received to date. A brief summary of the concerns raised are provided below, however, the full documents can be viewed on the planning file and online.

- Encroachment of dwelling into agricultural land beyond the domestic curtilage
- The design of the dwelling, and the fact that the proposal would be out of keeping with the character of the area
- Proposed boundary treatment incorporates walls and fencing that is out of keeping with the rural character of the area
- Loss of existing boundary treatment in order to satisfy visibility splays onto Slade Lane
- Impact of the replacement dwelling on the Green Belt
- Proposed dwelling would be materially larger than the existing, providing a floorspace increase of approximately 36%. The dwelling would also represent an increase in the proposed dwellings height, span and width and therefore would represent inappropriate development within the Green Belt
- Concerns are also raised regarding the cumulative impact of the dwelling on the openness of the Green Belt in the future due to the potential to extend
- The existing and proposed replacement would not be similar in terms of scale and massing. Size measurements of the proposed and existing have been put forward in order to demonstrate this.

- The potential cumulative impact of the dwelling if extended by 30% in the future, therefore the dwelling could potentially increase by 77% in the future
- The siting of the replacement dwelling away from the footprint of the existing dwelling, and the impact of this on the openness of the Green Belt
- Objections are raised regarding the increase in the number of floors within the replacement dwelling
- The replacement dwelling would appear 'monolithic' in comparison to the stepped roof design of the existing dwelling on site
- The replacement dwelling would have an adverse impact on the Area of Special County Value
- Information within the design and access statement is incorrect
- The size of the proposed basement (500m<sup>2</sup>) and the potential impact of this on the general maintenance and servicing of the dwelling. Mention is also made regarding the level of excavation works required for the construction of the basement, approximately 3000m<sup>3</sup>.
- Potential increase in traffic generated as a result of the proposal
- Increased level of hardstanding proposed to the front of the replacement dwelling
- Impact on the existing trees
- Whether the existing dwelling would be demolished prior to the erection of the replacement. Concerns regarding whether this would result in two dwellings on the site.

The letters received provided several floorspace assessments in terms of the increase to individual floors – as such it is considered that the letters should be viewed in order to understand the objections fully.

Concerns are also raised regarding the potential expansion of the site in the future, with particular reference being made regarding the omission of garaging at the site. Whilst this concern is noted, it is considered that necessary parking provisions can be made to the site without an additional garage. Any potential future application for garaging at the site will be assessed at the time of application, and therefore is not considered to be a material consideration to the current application. The request for an additional condition relating to the prevention of any application for garaging at the site in the future is not considered to be necessary or reasonable, particularly when considering what could be constructed under permitted development rights, and as the proposal is not considered to be inappropriate development within the Green Belt.

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement, Visual Impact Assessment, Tree Survey and Bat Survey were submitted with the application. A summary of the information provided within the Design and Access Statement is provided below, however, the full documents can be viewed on files and online.

- Site is currently comprised of a large detached dwelling with separate stable block, and storage shed
- The existing dwelling is set well into the site, with few views provided from Slade Lane
- The replacement dwelling would utilise renewable energy sources, such as geo-thermal heat pumps
- The proposed replacement dwelling would provide a five bedroom dwelling with basement facilities
- The proposed dwelling has been designed to reflect dwellings within the area
- The overall scale and appearance of the dwelling would be similar to the existing

## **OFFICER APPRAISAL**

### **Policy**

In land use terms, this is a proposal for a replacement dwelling, thus although the site is isolated and in a somewhat unsustainable location, it is a proposal that will result in no greater impact upon sustainability.

Essentially the most relevant policy when assessing the application is PPG2: Green Belts which seeks to ensure the Green Belt is protected from development by preventing further encroachment into the countryside.

PPG2 is supported by GC1 of the Local Plan stating that replacement dwellings are acceptable subject to GC11; however this policy was not saved by the Secretary of State and therefore the most relevant guidance available when assessing the proposal is paragraph 3.6 of PPG2. The guidance from within PPG2 states that replacement dwellings within the Green Belt are appropriate development providing the replacement is not materially larger than the dwelling it replaces.

### **Principle of Development**

The application site falls within the Cheshire Green Belt and Area of Special County Value where replacement dwellings can be acceptable in principle, subject to their being no greater impact to the character, appearance and openness of the countryside.

### **Scale and Design**

The existing dwelling is positioned approximately 30 metres into the application site and is surrounded by significant screening to the front and rear. The existing front elevation of the dwelling provides the appearance of a part two-storey gable fronted dwelling with attached single storey element reaching 5.8 metre in height. The existing dwelling has a stepped roof design, therefore acting as a visual break to the overall appearance of the dwelling. The proposed replacement dwelling would take the form of a solid two-storey dwelling of grand appearance fabricated in facing brick, render and slate roof.

The replacement would be of solid appearance with a solid ridge line therefore differing from the current stepped character of the existing dwelling.

The proposed dwelling would measure approximately 1 metre taller than the existing dwelling, and would be sited further into the application site in order to maximise the existing land levels at site. Some minor excavation works would also be carried out in order to mitigate the visual impact of the dwelling in relation to the existing street scene. The overall depth and span of the replacement dwelling would provide a small reduction on the existing. The overall height would increase approximately 0.2 metres; however the existing ground level on site would be reduced in order to reduce any visual impact on the existing street scene.

In assessing whether the replacement dwelling would be materially larger than the existing it is important to assess the overall scale and appearance of the building, and also comparing the footprint and floorspace of each dwelling. As discussed above, the overall scale and appearance of the dwelling is considered to be relatively similar to the existing. The proposed replacement dwelling would provide a smaller footprint, approximately a reduction of 11%. The amount of floorspace afforded to the replacement dwelling would increase by approximately 30%. This increase in floorspace to the dwelling must be considered in conjunction with the overall scale and appearance of the dwelling. The increase in floorspace is noted, however, it is considered that as the overall appearance of the building would be broadly similar, therefore it is not considered that the replacement dwelling would be materially larger; therefore it is considered that the proposal would comply with paragraph 3.6 of PPG2.

It is noted that the dwelling would be afforded a large basement area underneath the dwelling. This area would be fully subterranean and therefore it is considered that there would be no impact on the visual amenity of the area.

### **Landscaping & Forestry**

Significant mature landscaping is in place at the application site, preventing many views from Slade Lane. Plans submitted with the application propose a more substantial boundary wall and gates to the front of the dwelling. These are not considered to be appropriate within the rural location; therefore a condition requiring submission of amended details should be attached to the decision notice.

As the dwelling would be set further back into the application site, the front drive / entrance way to the dwelling would become more substantial. Information in respect of the treatment of this area should be submitted in order to ensure the correct visual treatment of the front of the property. This information can be requested via condition.

### **Highways**

The existing access at the site would be altered; however, no objections have been received from the highways department regarding this, subject to sufficient visibility splays being achieved on site which is achievable via appropriate conditions.

### **Ecology**

A protected species survey was submitted with the application. The information provided demonstrates that there is no evidence of bats or other protected species on site, and therefore the Nature Conservation Officer raises no objections to the proposal, and requires no further information.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Issues have been raised regarding the potential for the dwelling to encroach into agricultural land to the rear of the site. The Council's Investigation & Advisory Officer has assessed the complaint made during the previous application (09/150P) and is confident from the evidence made available that any breach in planning regulations occurred in excess of ten years ago, and therefore it would not be expedient to take enforcement action on site. As such it is not considered that any issues regarding encroachment into the countryside would substantiate grounds for a refusal of the current application.

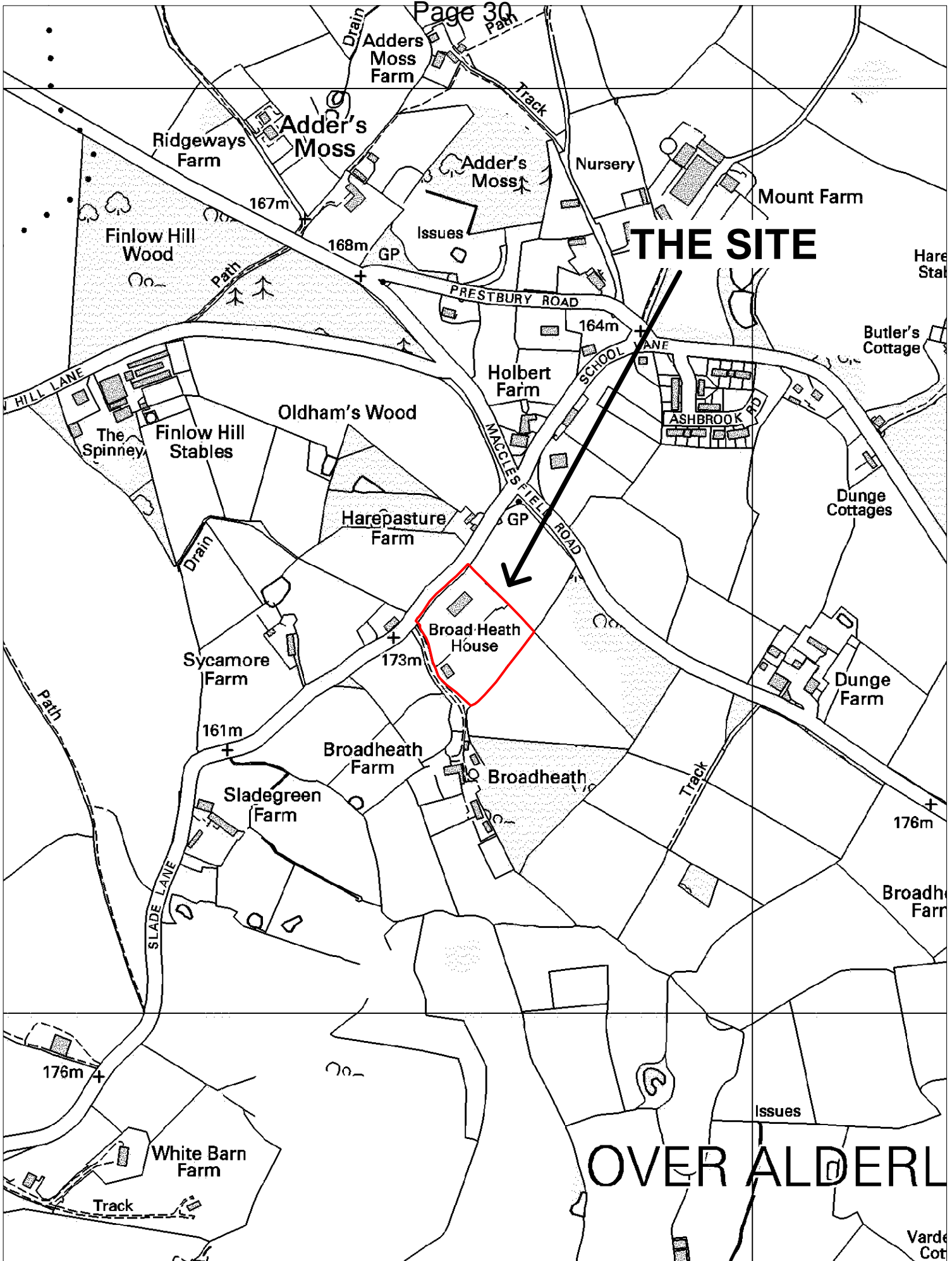
Concerns have also been raised regarding the potential impact of the development on the existing highway. The highways department is satisfied that any concerns can be addressed via condition, and that the proposal would act to improve the access on site. A condition has been requested regarding improved visibility splays to the front of the site, that would impact on the existing boundary treatment and screening afforded off Slade Lane. It is considered that scope would be available to include planting within the site set further back, therefore providing screening within the rural street scene, and enabling suitable visibility splays to the site. However, it is also noted that planting to the front boundary of the site is essential in order for the proposal to remain in keeping with the surrounding area.

Regarding the proposed dwelling being materially larger than the existing, as discussed within the body of this committee report it is considered that the proposal would not result in a materially larger dwelling. This assessment has been made using several tests relating to increase in floorspace, footprint, and the scale and massing of the proposed replacement dwelling. The figures used regarding the potential increase in floorspace of the dwelling have been assessed within the report as 32% using the Council's own figures. The agent has also put forward floorspace counts that demonstrate that the percentage increase in floorspace would be 36%. Whilst this would increase the level of habitable floorspace afforded to the dwelling, it is not considered to result in an unreasonable increase.

The design of the dwelling is considered to be relatively traditional, and whilst grand in appearance, it is not considered that the dwelling would have a detrimental impact on the character of the area.

#### **ANY OTHER INFORMATION**

As Members will be aware the application was deferred from the 10 June Northern Committee for a site visit, which is scheduled for 26 June. Any further issues raised prior to the Committee will be addressed within an update report. As discussed above, the application is recommended for approval; subject to the Committee site visit and any further representations received.



09/0842M - BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY, MACCLESFIELD

N.G.R. - 386,690 - 376,410

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Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A10LS - Additional landscaping details required
7. A12LS - Landscaping to include details of boundary treatment
8. A23MC - Details of ground levels to be submitted
9. A02HA - Construction of access
10. A08HA - Gates set back from footway/carriageway
11. A26HA - Prevention of surface water flowing onto highways
12. A30HA - Protection of highway from mud and debris
13. A32HA - Submission of construction method statement
14. A22GR - Protection from noise during construction (hours of construction)
15. A01TR - Tree retention
16. A02TR - Tree protection
17. A04TR - Tree pruning / felling specification
18. Vehicular visibility at access (different dimensions at each side)
19. Parking provision
20. Surfacing treatment of access

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**Application No: 09/1160M**

**Location: LAND AT, BROOK STREET, KNUTSFORD, CHESHIRE, WA16 8BN**

**Proposal: DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED PARKING AND SERVICING FACILITIES**

**For ALDI STORES LTD**

**Registered 01-May-2009**

**Policy Item No**

**Grid Reference 375478 378468**

**Date Report Prepared: 19 June 2009**

#### **SUMMARY RECOMMENDATION: DEFER FOR A SITE VISIT**

##### **MAIN ISSUES:**

- Whether the principle of retail development is acceptable and if so, whether the scale proposed is appropriate
- Whether the design and appearance of the proposed foodstore and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Conservation Area
- Whether the proposal would adversely affect the setting of the adjacent listed building
- Whether the proposed access and parking facilities are adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations

#### **REASON FOR REPORT**

The proposal is for small scale major retail development of gross floor area of 1621m<sup>2</sup>.

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

The site is located on the northern side of Brook Street towards the south east of the town centre. The site area is 0.62 hectares and the site is bounded by an existing garage and the railway line to the north, by St Cross Church and residential properties on Branden Drive at an elevated level to the east and Brook Street and the listed nursery building to the south. The site currently contains a number of buildings including a two storey office

building, a single storey industrial building, a residential property as well as areas of hardstanding for parking etc. Vehicular access to the site is currently available off King Street and Brook Street. The site contains a number of trees.

The applicants also own land to the south east of the application site. This additional land contains two residential properties.

Part of the site is located within the Knutsford Town Centre Conservation Area with other parts of the site adjoining both the Knutsford Town Centre Conservation Area and the Cross Town Conservation Area.

## **DETAILS OF PROPOSAL**

Full planning permission is being sought for the demolition of the existing buildings and for the erection of a foodstore with associated parking and servicing facilities. The foodstore would have a gross floor area of 1621m<sup>2</sup> and a net sales area of 1125m<sup>2</sup>. The foodstore building is to be sited towards the rear of the site, parallel to the railway embankment and behind the listed nursery building, with car parking towards the King Street frontage of the site and to the east of the store providing a total of 80 spaces, including 4 disabled spaces and 2 parent and child spaces. Cycle storage facilities are also proposed. The existing vehicular access to the site from King Street is to be closed, with vehicular access to the site being solely from Brook Street.

The foodstore building is to be constructed primarily from red brick with sandstone detailing and a reconstituted slate tile roof. The design incorporates a pitched roof with eaves at 4.2m high and a ridge level of 10m with a full height gable to the entrance and four smaller gables along the elevation.

## **RELEVANT HISTORY**

There are a number of previous applications on this site, none of which are directly relevant to this application.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Make the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand, Reduce the Need to Travel and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF1 Spatial Priorities  
W4 Release of Allocated Employment Land  
W5 Retail Development  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM2 Remediating Contaminated Land  
EM5 Integrated Water Management  
EM17 Renewable Energy  
EM18 Decentralised Energy Supply

MCR3 Southern Part of the Manchester City Region

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
BE3 Conservation Areas  
BE16 Listed Buildings  
E1& E2 Employment Land  
E2 Employment Land  
E4 Industry  
T1, T2, T3, T4 & T5 Integrated Transport Policy  
T6 Highway Improvements and Traffic Management  
S1 & S2 Shopping Developments  
KTC1, KTC2, KTC4 Knutsford Town Centre  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC63 Contaminated Land

### **Other Material Considerations**

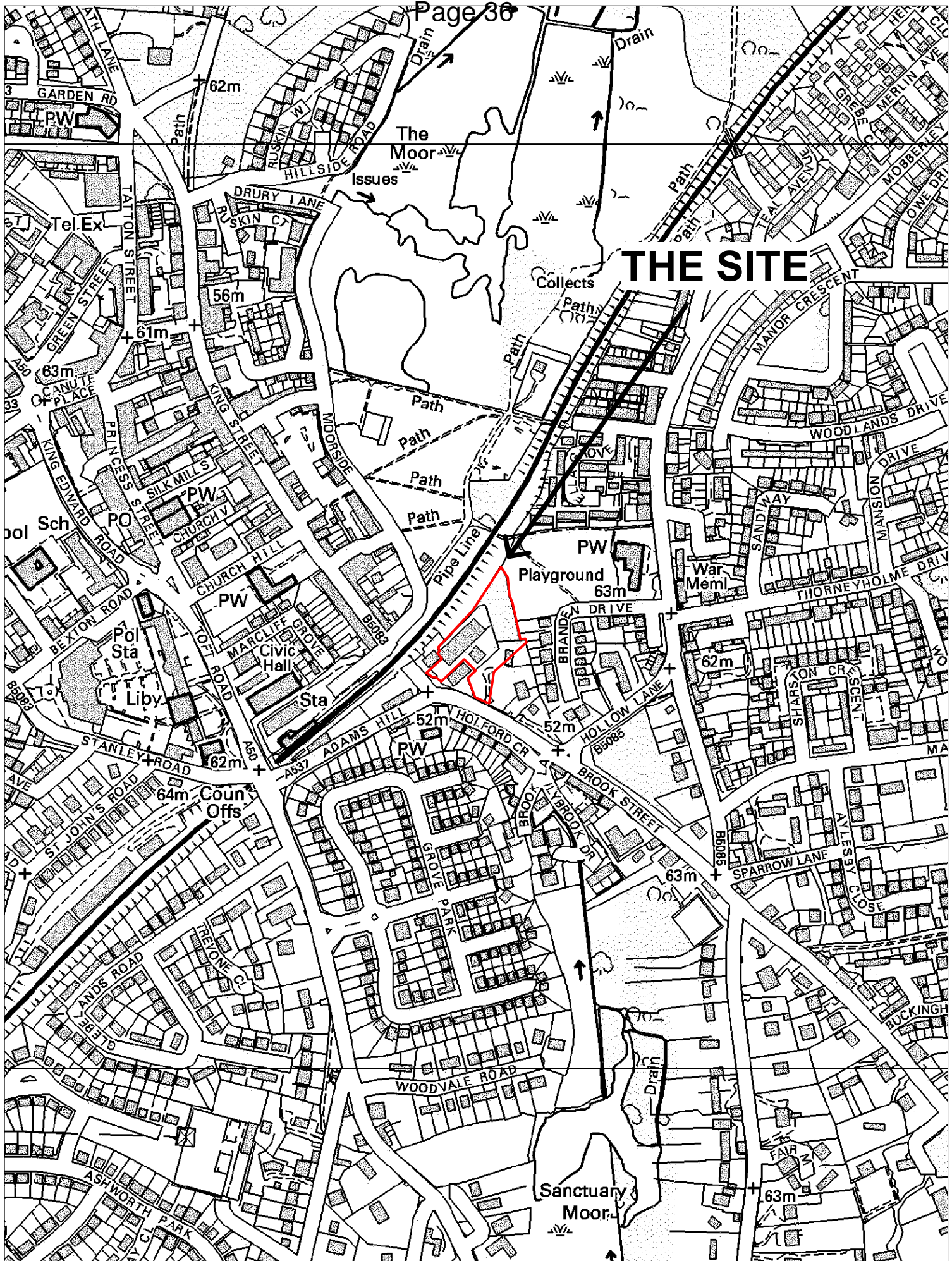
PPS1: Delivering Sustainable Communities  
PPS6: Planning for Town Centres  
PPG13: Transport  
PPG15: Planning & the Historic Environment

### **OFFICER APPRAISAL**

As this proposal raises a number of issues and is a significant development on the edge of the historic town centre of Knutsford, it is considered that Members would benefit from a site visit prior to making a decision on the application.

### **RECOMMENDATION**

Defer for a site visit.



09/1160M - LAND AT, BROOK STREET, KNUTSFORD, CHESHIRE

N.G.R. - 375,490 - 378,460

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Application for **Full Planning**

**RECOMMENDATION : Defer pending site visit**







## **NORTHERN PLANNING COMMITTEE**

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**Date of meeting:** 1<sup>st</sup> July 2009  
**Report of:** Head of Planning and Policy  
**Title:** Bryancliffe, Wilmslow Park South, Wilmslow – Judicial Review of decision to grant planning permission

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### **1.0 Purpose of Report**

- 1.1 To notify members of the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow. The judicial review application was successful and therefore the Planning Permission that had been granted was quashed by the Court.

### **2.0 Decision Required**

- 2.1 To note
- (1) the decision of the High Court
  - (2) that changes will be required in the processing of applications and content of reports as a result of the areas of challenge that were successful
  - (3) that not all of the grounds of challenge were successful and the areas of unsuccessful challenge will be taken as a minimum level for processing and determining applications for Cheshire East.

### **3.0 Financial Implications for Transition Costs**

- 3.1 The Council will be required to meet its own costs of defending this action, and will also be required to meet the Claimants costs, at least in part.

### **4.0 Legal Implications**

- 4.1 The decision of the High Court quashes the Planning Permission that was granted on 15<sup>th</sup> February 2008. The application therefore currently stands undetermined. At the time of writing this report the original applicants have gone into administration and Administrators are in control of the site. It is not clear what their intention is with regard to the

undetermined application at the time of writing, but if the application is not withdrawn it will need to be re-determined by the Council.

## **5.0 Risk Assessment**

- 5.1 Failure to amend procedures and practices in the processing of planning applications for the future will leave the Council open to further legal challenge by Judicial Review and investigations by the Local Government Ombudsman.

## **6.0 Background and Issues**

- 6.1 Macclesfield Borough Council granted planning permission in February 2008 following completion of a section 106 agreement, for the demolition of the existing house and erection of 3 apartments with under croft parking on the site.

- 6.2 The Claimant lives over Fulmards Close from the site and objected to the proposed development, and challenged the legality of that decision to grant permission. In this regard he put forward a number of grounds of challenge, these were:-

- i. that the Committee Report did not deal with the European Community Habitats Directive on protected species in regard to the bat roost that had been identified on the site;
- ii. that that there was a failure by the Council to consider alternatives to the form of development suggested in the planning application;
- iii. that the proposed swap of units to ensure that there was no increase in the number of houses in accordance with the Restrictive Housing Policy between the Bryanccliffe site and another site within the Wilmslow area was irrelevant and contrary to government guidance;
- iv. that the Committee Report failed to say whether there was compliance with the policies in the Development Plan or not;
- v. that there was a failure of the Council to take account of applicable policies;
- vi. that there was no authority to issue the planning permission as the Decision notice did not include a condition requiring a method statement for planting on the slope on the site or landscape implementation conditions as required by the Committee minutes, and;
- vii. that there was a failure in the Decision Notice to adequately summarise the relevant policies for the decision taken.

- 6.3 Each of these grounds of challenge was disputed by the Council, and a hearing into the matter took place on the 21<sup>st</sup> and 22<sup>nd</sup> May 2009, in front of a High Court Judge sitting in Manchester.

- 6.4 The judge determined that the Judicial Review application should succeed and quashed the planning permission, on the basis that he agreed with grounds i, iv and v listed above. In relation to the other grounds of challenge these all failed either because the allegation was unfounded or because there was no requirement for the Council to undertake what was suggested as being required.

## **7.0 The Issues**

- 7.1 Clearly the Council have to ensure that such a challenge is not able to be made against any future decisions, and have to amend any existing procedures to ensure that this is the case.
- 7.2 With regard to the ground of challenge relating to European Protected Species, it is accepted that the report contained no discussion on the specific requirements of the European Directive, however it is not considered that Macclesfield Borough Council was unique in this approach amongst Local Planning Authorities. This case may well affect the approach of a number of authorities to protected species under this European Legislation.
- 7.3 The other two successful grounds of challenge are considered to be fairly harsh, as both issues were discussed in general in the Committee report, however the Judge took the view that they should have been specifically mentioned and dealt with.
- 7.4 With reference to the successful grounds of challenge, a fuller consultation response detailing the legislation and requirements from Nature Conservation, and amendments to the requirements for Officers reports, both Committee and delegated, should ensure that all reports cover the information that in this case was found to be lacking. The Development Management Team will need to formulate quickly the practical way that this is to be done, and ensure that all Officers are aware of these requirements.
- 7.4 In relation to applications that come to Committee for determination, members should expect more information relating to European Protected Species (in this area mainly bats and Great Crested Newts) and more specific detail on the compliance or otherwise with Development Plans.
- 7.5 The unsuccessful grounds of challenge also need to be reviewed to ensure that in the formation of the Development Management Team for Cheshire East that the procedures or practices that were in place for this application at Macclesfield Borough Council are the minimum that Cheshire East have implemented. This is of particular relevance in the alleged failure of the Decision Notice to have all required information, but the acceptance of the Judge that the decision notice was sufficient.
- 7.6 A similar report has been considered by the Strategic Planning Board in their role as monitors of planning decisions.

## **8.0 Reasons for Recommendation**

- 8.1 To ensure that members of the Northern Planning Committee are aware of the decision of the High Court, and are aware that changes in the content of Officer's reports will need to be implemented to ensure that the situation does not arise again. It is equally important to note the areas of challenge that were not upheld, and to ensure that as Cheshire East these points, where relevant, are maintained as a minimum.

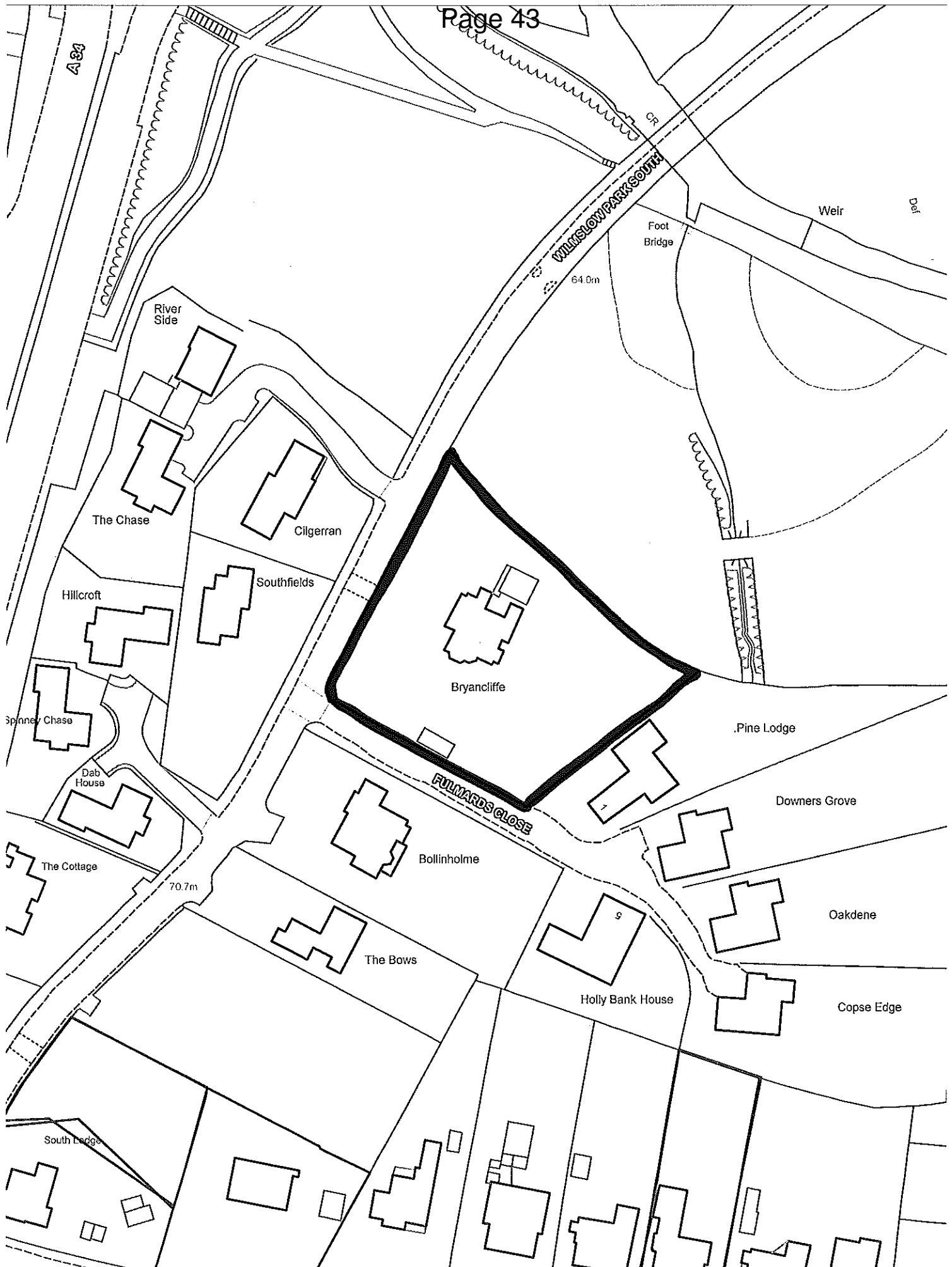
***For further information:***

*Portfolio Holder: Jamie Macrae*

*Officer: John Knight*

*Tel No: 01625 504601*

*Email: [john.knight@cheshireeast.gov.uk](mailto:john.knight@cheshireeast.gov.uk)*



**BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW**



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