

Northern Planning Committee

Agenda

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| Date: | Wednesday, 22nd July, 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 any 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 - 6)

To approve the minutes of the meeting held on 1 July 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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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. **09/1160M-Demolition of Existing Buildings and Construction of New Foodstore with Associated Parking and Servicing Facilities, Land at Brook Street, Knutsford for Aldi Stores LTD** (Pages 7 - 20)

To consider the above application.

6. **09/1509M-Change of Use of Land to Allow the Siting of 23 Timber Clad Twin Unit Caravans, Land between Back Lane & Macclesfield Road, North Rode, Congleton for Mr and Mrs Noad** (Pages 21 - 30)

To consider the above application.

CHESHIRE EAST COUNCIL

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

PRESENT

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

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

Apologies

Councillors D Stockton

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

Councillor J B Crockatt declared a personal interest in application 090/0802M-Wycliffe House, Water Lane, Wilmslow by virtue of the fact that he knew the person speaking on the application and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor D A Neilson declared a personal interest in application 09/1292W-Gorsey Bank Primary School, Altrincham Road, Wilmslow by virtue of the fact that he was Vice Chairman of the Children and Families Scrutiny Committee and had received correspondence outlining the issues in relation to the application 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, M Hardy, Mrs T Jackson, W Livesley, R J Narraway, D Neilson, Mrs L Smetham, 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.

31 MINUTES

RESOLVED

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

32 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

33 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

Consideration was given to the above application.

(The agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the Heads of Terms being broadened to include the operation of a travel plan and discharge of landscaping details to include consultation with the residents 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. 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. Details to be submitted to secure 10% of predicted energy requirement from decentralised and renewable or low carbon sources
16. Details of car park lighting to be submitted and approved prior to the use of the car park
17. Pile Driving Scheme
18. Servicing arrangements to be agreed

34 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

Consideration was given to the above application.

RESOLVED

That the application be delegated to the Head of Planning and Policy to approve the application subject to no adverse comments raising any new matters of objection being received within the consultation period and 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
4. A22GR - Protection from noise during construction (hours of construction)
5. A23GR - Pile Driving

35 09/0842M-REPLACEMENT DWELLING, BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY, MACCLESFIELD FOR MR AND MRS 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 delegated to the Head of Planning and Policy in conjunction with the Chairman to approve subject to consideration of the issues in the additional objection letter and subject to there being no new and relevant issues being raised in the objector's letter which had not already been considered at the Committee, to approve the application subject to the 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
21. Lighting Scheme
22. No alterations to the basement without the Council's permission
23. Removal of Permitted Development Rights (A-E)
24. Material condition to ensure the roof is constructed of slate
25. No Pile Driving
26. Use of Geothermal heat sources in accordance with the submission
27. The planning permission to confer no use of the area of land shown on the plans.

36 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

Consideration was given to the above application.

(A representative from the Town Plan Working Group, a representative from CycleKnutsford and an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit.

**37 BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW – JUDICIAL
REVIEW OF DECISION TO GRANT PLANNING PERMISSION**

Consideration was given to the report as submitted.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor R West (Chairman)

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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: 7 July 2009

SUMMARY RECOMMENDATION

Approve

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 a small scale major retail development of gross floor area of 1621m².

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 1621m² and a net sales area of 1125m². 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

service area would be located to the side of the store, on the northern part of the site.

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 consideration of 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
W3 Supply of Employment Land
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

CONSULTATIONS (External to Planning)

Highways: no objection in principle subject to the imposition of a number of conditions and a S106 legal agreement to secure the implementation of a travel plan.

Environmental Health: no objections subject to conditions.

Environmental Health (contaminated land): no objections subject to conditions.

Environment Agency: Object to the application in the absence of a Flood Risk Assessment.

Network Rail: no objection in principle subject to a number of informatives.

United Utilities: no objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council: no objection in principle subject to the highway authority being satisfied regarding traffic management provision, the highest quality materials being used in the construction including the proposed red brick being changed to paler Cheshire brick allowing the building to sit sympathetically within its surroundings and tree screening to be used along the main road.

OTHER REPRESENTATIONS

At the time of the report's preparation 48 representations had been received. Of these, 9 raise objections, 34 support the application and 5 make general comments. Full copies of these representations are available on the on-line application file. The comments are summarised below.

Grounds of objection

- The proposed development does not provide adequate or safe pedestrian access to the store
- No adequate means of vehicular access/egress to/from the store
- Would adversely affect traffic movements in the area
- Oppose proposed widening of Hollow Lane and Brook Street junction, would provide little traffic benefit & would have significant environmental impact and major disruptive effect on the town centre
- Concern about highway safety and traffic congestion
- Area being turned into non-residential and this already detracts from the area
- Concern about disruption to residential properties opposite
- Concern about loss of trees
- More favourable sites available elsewhere within Knutsford
- Concern about flooding
- Concern about impact on Conservation Areas and nearby listed buildings
- Concern about visual impact and design of the proposed store
- Involves the loss of a lovely cottage
- Proposed road markings would be unsightly
- Concern about the safety of children attending the adjacent nursery
- Would bring more people into the area and increase the chance of opportunist thieves
- Would devalue nearby residential properties

One of the letters of objection is from a transport planning consultancy based in Knutsford and contains very detailed comments with regard to the submitted transport assessment. A copy of the letter has been passed to the Highways Authority for their comment. Any additional comments received will be reported directly to Committee.

Grounds of support

- Satisfied that the traffic proposals will ease existing traffic problems
- Will reduce the need to travel out of town to other supermarkets
- Proposed site is ideal and within walking distance to many properties
- Building totally in keeping with the existing buildings
- In the current economic climate it will be good for Knutsford to have a good quality but cheaper foodstore
- Proposal will increase choice
- Will provide much needed additional parking in the town centre
- Site is accessible with a bus stop opposite
- Would enhance vitality and viability of the town centre
- Anything to generate more foot fall within the town centre is a good thing

A number of other letters have been received which make general comments about the proposal. These concern matters such as cycle provision, trees and traffic management measures.

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application. These include a Planning Statement, a Retail Assessment, an Arboricultural Survey, a Transport Assessment, a Geo Environmental Assessment Report and a Protected Species Survey. A Flood Risk Assessment is also being prepared.

The Planning Statement concludes that the site is a sustainable location and is suitable to accommodate the scale of the proposed foodstore, which is appropriate for the location. It will enhance the retail offer of Knutsford and improve customer choice and will have no adverse impact on the centre. It will offer the prospect of linked trips, improve town centre car parking and will contribute to urban regeneration objectives. The building is of good quality, which respects urban design principles and is in keeping with the local context and will therefore significantly enhance the surrounding area and preserve the character of the Conservation Area. As part of the proposals, improvements to the existing highway network are included which will both deliver an access solution and significantly improve existing problems of congestion.

OFFICER APPRAISAL

Principle of Development

The majority of the application site is designated as an existing employment area where policies state that employment land should normally be retained. As such the principle of retail development on the site needs to be carefully considered in light of other relevant policies.

Policy

Part of the application site lies within the town centre, with the majority of the site designated as an existing employment area. The rest of the site is a predominantly residential area. Local Plan Policy E1 states that both existing and proposed employment areas will normally be retained for employment purposes and Policy E2 states that retail development will not be permitted on such land. Local Plan Policy E4 allows for B2 (general industry), B8 (warehousing) and B1 (High technology & light industry) to be permitted on the part of the site designated as existing employment land. Local Plan Policy S1 states that new shopping uses should normally be located in a specified number of centres which includes Knutsford. This is consistent with advice contained within PPS6: Planning for Town Centres which directs town centre uses, including retail uses to existing town centres.

Whilst the use of the site for retail purposes is contrary to policies E1, E2 & E4, in terms of retail policy, the submitted retail statement adequately demonstrates that there is a need for the development, that the development is of an appropriate scale, that there are no more central sites for the development, that there are no unacceptable impacts on existing centres and

that the location is acceptable. This view has been confirmed by an independent retail consultant employed by the Council to assess the proposal.

Although only in draft form, the new PPS4 gives a much wider definition of economic development which would include any development that provides employment opportunities and makes it clear that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and support development which enhances the vitality and viability of market towns and other rural service centres. This relaxing of control over small-scale employment allocations is also a theme of the RSS.

It is accepted that in quantitative terms, there is sufficient employment land available in the Knutsford area (even though some is currently constrained). However, apart from the Stanley Road Industrial Estate, all of the allocated employment land in Knutsford is clustered to the northeast of the town at Parkgate, Longridge and Mobberley. The use of this site for retail purposes would result in the loss of an employment site close to the town centre. However, having regard to RSS policy, emerging policy in the form of PPS4, to the constraints of the town centre and to the clear benefits offered by the proposal in terms of increased retail choice, loss of existing leakage, reduction in the need to travel and employment generation, in this case the loss of employment land is considered acceptable.

Highways

Vehicular access to the site is to be taken from a new vehicular access off Brook Street. This would be formed by altering an existing residential access. An existing access off King Street is to be closed. All vehicles, including delivery vehicles would use the Brook Street access/egress. Manoeuvring space is incorporated within the site layout to facilitate access to the loading/back up area to the side of the store. Pedestrian access would be provided from King Street. A total of 78 car parking spaces are to be provided including 4 disabled spaces and 2 parent & child spaces. This number has been reduced slightly since original submission. Cycle storage facilities are also proposed.

The submitted Transport Assessment has considered the traffic implications of the proposal and has identified a need for improvements to address existing queuing and congestion at peak times. As part of the proposal the following improvements are proposed:

- A redesign of the A537 Brook Street/Hollow Lane junction to include pedestrian crossing facilities
- A dedicated right turn ghost island into the site
- A new pedestrian refuge on Adams Hill
- Linking the traffic signals at the junctions of A50 Toft Road/A537 Adams Hill and A537 Brook Street/Hollow Lane to improve performance.

The applicants state that the proposal would allow better management of traffic and increase the capacity of the road network meaning that the proposal would neither increase existing congestion nor queuing on the road network. Indeed, it is stated that the proposed changes would actually improve the current situation.

It is understood that the submission of the application follows extensive discussions with the Highways department, who raise no objection in principle to the proposal subject to a number of conditions and a S106 legal agreement regarding the operation of a Travel Plan. The Highways department notes that the proposed store is located within an existing town centre that has good transport links and alternative transport modes. It accords with current Planning Policy Statement 13 Transportation and Land Use. Significant improvements are proposed to the external highway network which provide improved links for pedestrians as well as optimising the coordination of traffic flow and capacity of the junctions. This will see improvements in the management of both the current and future traffic demand.

A large number of representations have been received regarding the highways implications of the proposal. Whilst it is accepted that there is currently queuing on the roads near to the site and that this is particularly pronounced during peak times, the Highways department are satisfied that the off site highways measures associated with this proposal would adequately deal with the additional vehicle movements associated with the development. On that basis it is considered that it would be difficult to sustain an objection to the proposal based on highways grounds.

Design & Impact on Conservation Areas and Listed Buildings

The proposed store is to be located on the north western part of the site. It would be set further back into the site than the existing two storey commercial building that is to be demolished, but would be wider than the existing building resulting in it overlapping the footprint of the existing nursery building in visual terms. The finished floor level of the proposed building would be approximately 2m below the level of King Street. The building has a rectangular footprint, with the narrower elevation facing towards King Street and the Grade II Listed nursery building. The height of the main ridge fronting towards King Street would be 10.4m with an eaves height of 5m. Two gable features on this elevation would reach a height of 9.3m. The highest part of the building would reach 10.8m and front the main car park. The proposed building would be approximately 4.4m higher than the existing two storey building that is to be demolished. It would be constructed from red facing bricks with sandstone detailing with the proposed roof material being stated as either concrete tiles or reconstituted slate. The building has been designed to incorporate a number of gable features.

As previously stated, part of the site falls within the Knutsford Town Centre Conservation Area, is adjacent to the Cross Town Conservation Area and is adjacent to a Grade II Listed building. The Unitarian Chapel, a Grade I Listed Building is located on the opposite side of Brook Street, to the south of the

site. Local Plan Policy BE3 requires development in or adjoining a Conservation Area to preserve or enhance the character and appearance of the Conservation Area. Policy BE16 states that development which would adversely affect the setting of a listed building will not normally be approved.

It is considered that the general siting and design of the building is acceptable and respects the site's location partly within and adjacent to two Conservation Areas and adjacent to a Listed Building. However, there is some concern with regard to the proposed roofscape of the building which is considered excessively high and dominant. Whilst the proposed siting of the building will serve to minimise its visual impact, the applicant has been asked to consider whether the height of the building can be further reduced. Subject to this, no objections are raised to the general form and design. The proposed materials are not considered acceptable and as an alternative the Council's Conservation Officer suggest the use of Cheshire brick and natural blue slate. The applicant's acceptance of this is being sought and this matter could adequately be dealt with by condition. It is considered that subject to the above amendments, the proposal would preserve the character and appearance of the Conservation Areas. As originally submitted there was concern regarding the proposed loss of an existing large Cedar tree and other landscaping adjacent to King Street and the impact that this would have on the visual amenity of the Conservation Area. However amended site layout plans have now been received which allow for the retention of the tree. This also helps to soften the impact of the development when viewed from Adams Hill and King Street. Similarly it is not considered that the proposal would adversely affect the setting of either of the nearby listed buildings.

Landscaping & Trees

The site contains a number of trees, some of which are to be removed as part of the proposal. Whilst the formal comments of the Council's Forestry Officer are awaited, following an initial site visit, some concern was raised regarding the proposed loss of a prominent Cedar tree on the King Street frontage. This is now to be retained. The Forestry Officer was also keen to ensure the retention of a group of trees close to the proposed car park. Once received, the Forestry Officer's comments will be reported directly to Committee.

Ecology

Protected species surveys have been submitted with the application and there was no evidence of bats recorded within any of the existing buildings. Bats were recorded foraging around the site and therefore the Council's Nature Conservation Officer recommends that the proposed development incorporates features suitable for roosting bats and that the proposed landscaping scheme incorporates the use of native species. An active badger sett was recorded outside the site boundary and whilst it will not be directly affected by the development, it is recommended that the mitigation proposals included in the report be carried out. These matters can adequately be dealt with by condition.

Amenity

Residential properties are located to the east of the site along Branden Drive and to the south of the site on Holford Crescent. An existing nursery is located adjacent to the site. Local Plan Policy DC3 states that developments should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses.

In this case it is not considered that the proposal will significantly impact on amenity. The part of the site that is to contain the foodstore and parking area is already in commercial use and the properties on Branden Drive are some distance away at an elevated level. Whilst the service area would be located on the part of the site nearest to Branden Drive, it is considered that subject to appropriate control this would not cause significant noise and disturbance. The residential properties on Holford Drive are located on the opposite side of a main road and are set back from the road. With regard to the Day Nursery, whilst there would be vehicle movements to the side and rear of the nursery, this is no different to the existing situation. It is not therefore considered that there would be any significant impact on the users of the nursery. The Council's Environmental Health department has raised no objections to the proposal subject to conditions.

Other Matters

The Council's Environmental Control Officer notes that the site has a history of use as an engineering works and timber yard. It is also adjacent to a former petrol filling station and therefore the land may be contaminated. The ground investigation report submitted in support of the application recommends that further investigations are required to assess the extent of the contamination present on the site. Further investigations are also required to adequately identify what remedial works will be required to make the site suitable for the proposed use. A condition is therefore required to ensure that further investigations take place prior to development commencing.

At the present time the Environment Agency are objecting to the proposal as a Flood Risk Assessment has not been submitted. This is currently being prepared and should address concerns raised regarding the potential for flooding.

As a result of the proposal, a residential property would be lost and this would result in a reduction in the areas housing supply. No objections are raised to this loss as for the reasons outlined within the report, it is considered that the proposal offers wider benefits.

HEADS OF TERMS

A S106 legal agreement is required 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,

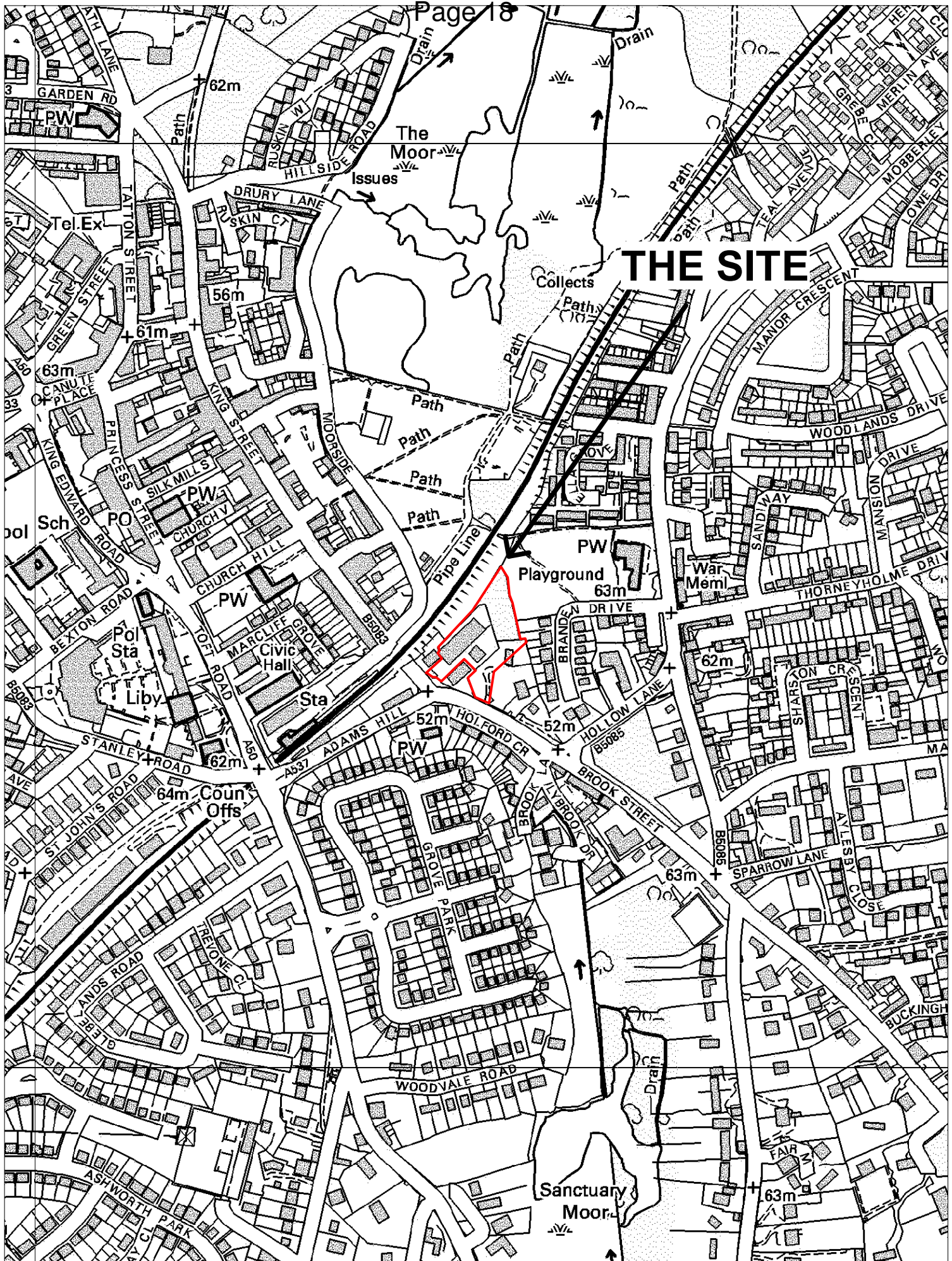
and the requirement to pay the Highway Authority's costs associated with the monitoring and review of the travel plan.

SUBJECT TO

The proposed amendments to the roof design, acceptance of the suggested materials, the receipt of views from outstanding consultees and the submission of an acceptable Flood Risk Assessment.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of retail development on this site is considered acceptable. The proposed siting and design of the building is considered acceptable subject to the suggested amendments. The proposal would preserve the character and appearance of the Conservation Area and would not harm the setting of nearby listed buildings. The proposed development is therefore considered acceptable.



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

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

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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. A13EX - Specification of bonding of brickwork
5. A22EX - Roofing material
6. A32HA - Submission of construction method statement
7. A30HA - Protection of highway from mud and debris
8. A26HA - Prevention of surface water flowing onto highways
9. A24HA - Provision / retention of service facility
10. A12HA - Closure of access
11. A07HP - Drainage and surfacing of hardstanding areas
12. A07HA - No gates - new access
13. A05HP - Provision of shower, changing, locker and drying facilities
14. A04HP - Provision of cycle parking
15. A01HP - Provision of car parking
16. A01LS - Landscaping - submission of details
17. A04LS - Landscaping (implementation)
18. A01TR - Tree retention
19. A02TR - Tree protection
20. A08MC - Lighting details to be approved
21. A20GR - Hours of deliveries
22. Provision of off site highways works prior to first use of the building
23. Revised Plans Required showing swept path analysis and revised configuration of the proposed junction layout of the A537/Brook Lane/Hollow Lane junction
24. Construction of the access prior to the construction of any part of the approved development (excluding the access)
25. Incorporation of features suitable for roosting bats
26. Development to proceed in strict accordance with the submitted protected species survey
27. Submission of an Environmental Management Plan
28. Submission of an acoustic report

29. Phase II Contamination Investigation required

Application No: 09/1509M

Location: LAND BETWEEN BACK LANE & MACCLESFIELD ROAD,
NORTH RODE, CONGLETON, CHESHIRE

Proposal: CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23
TIMBER CLAD TWIN UNIT CARAVANS

For MR & MRS DAVID NOAD

Registered 26-May-2009

Policy Item No

Grid Reference 387417 366440

Date Report Prepared: 13 July 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Impact of the development on the character and appearance of the area
- Traffic generation and sustainability
- Ecology

DETAILS OF PROPOSAL

This application seeks full planning permission for the change of use of land for the stationing of 23 static caravans at Rode Heath Wood, as an extension to an approved caravan park, which is currently under construction.

Planning permission was granted at appeal in 2007 for the siting of 32 static caravans at Rode Heath Wood. The proposed development seeks to extend the site by adding a further 23 units, resulting in 55 caravans in total.

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2 ½ km north of Congleton. The site is roughly rectangular and lies to the between the residential property of Novar to the south (the applicant's residence), and Phase 1 of the approved caravan site – "*Ladera*". The A536 Macclesfield Road lies to the east of the site, which is the main road between Macclesfield and Congleton.

The 23 caravans would be positioned around a large central pond/pool and smaller pond to the south east of the site. The perimeter of the site will be mounded and screened with mature landscaping.

The caravans will be twin units, single storey in height, with a pitched roof, clad in timber, as per the caravans on the adjoining site. Each caravan will measure a maximum of 6.8 metres in width, 20m in length and have an internal ceiling height no greater than 3.05m.

The static caravans fall within the statutory definition of a caravan under the Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006.

Reception, office facilities and a visitor car park are to be shared with the Phase 1 of the development – to the west of the site.

An internal road would be provided within the site to give vehicular access to each unit – which would have one parking space. Access to the site as a whole will be gained via the existing upgraded access on Back Lane.

This application raises a number of significant issues, which require consideration. These relate to matters of planning policy, the impact of the proposal on the character and appearance of the area, traffic generation, sustainability and the impact on nature conservation.

RELEVANT HISTORY

- 06/2254P Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping
Refused by MBC 06/11/06
Appeal allowed 03/12/07 (Costs awarded against the Council)
- 08/2291P Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England
Withdrawn 18/11/08
- 08/2729P Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates
Approved with conditions 26/03/09

POLICIES

National Planning Policy

Good Practice Guide for Tourism
PPS7 (Sustainable Development in Rural Areas)
PPG13 (Transport)

Regional Spatial Strategy

DP1 = Spatial Principles
DP4 = Make the Best Use of Existing Resources and Infrastructure
DP5 = Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP8 = Mainstream Rural Issues

RDF2 = Rural Areas

W7 = Principles for Tourism Development

Local Plan Policy

RT13 = New Tourist Attractions

GC5 = Countryside Beyond the Green Belt

Other relevant documents

- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)

CONSULTATION RESPONSES

Environment Agency: No response received to date.

Environmental Health: No response received to date.

Forestry Officer: No response received to date.

Highways: No response received to date.

Landscape Officer: No response received to date.

Local Plans: No response received to date.

Manchester Airport Aerodrome Safeguarding: No objection

Nature Conservation Officer: No objection, subject to conditions.

Public Rights of Way: No objection

University of Manchester (Jodrell Bank): No response received to date.

VIEWS OF THE PARISH COUNCIL

The views of Eaton Parish Council & North Rode Parish Council are awaited.

OTHER REPRESENTATIONS

8 letters of objection have been received to date (10/07/09). The key concerns raised are in respect of the following:

- Back Lane is a narrow rural road, which is unsuitable for the type and volume of traffic generated from this form of development
- Highway verges will be damaged by large vehicles
- The land is designated “Countryside beyond the Green Belt” and should be safeguarded from development
- The site is different to the woodland as it is an open field, the development will harm the character of the field

- The proposal will result in a loss of woodland
- The proposal represents overdevelopment within a small village
- The proposal will harm the character of the village
- The number of units proposed represents the size of a village
- The proposal represents a housing estate
- The proposal will result in noise being generated at night which will disturb local residents
- The development will be a blot on the landscape, and will have an adverse visual amenity
- The proposal represents “urban sprawl”
- The proposal will create foul and surface water drainage problems
- Proposal will result in pollution into local watercourses
- The services that will be required for this form of development will harm the surrounding environment and wildlife
- The impact on the village infrastructure will be eroded
- The conditions on the original application are not being complied with!
- There is no demand for caravans in the area
- Log Cabins represent a fire risk
- Site could become a “*gypsy camp*”

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application, which are available to view on the planning file and on the Council's website (www.cheshireeast.gov.uk):

- Planning, Design and Access Statement
- Transport Statement
- Ecological Appraisal
- Landscape Visual Impact Assessment and Mitigation Proposals

OFFICER APPRAISAL

Principle of Development

In November 2007 a Public Inquiry was held following the Council's refusal of planning application 06/2254P, for the change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping.

The application was refused by the Planning Sub-Committee for three reasons:

1. The site would not operate in a sustainable manner due to lack of access to public transport;
2. The site was isolated from existing tourist facilities and local amenities;
3. The proposal would be tantamount to a residential rather than recreational use

The appeal was allowed, and a partial award of costs was granted against the Local Planning Authority in respect of reason for refusal No. 3, as the Inspector felt it was unreasonable.

The Inspector concluded that there were no technical highway, landscape or ecological reasons to indicate that the site was not suitable for the proposed development.

Furthermore, he acknowledged that a quiet rural retreat requires a quiet rural location, and that the development complied with national policies designed to promote sustainable development.

The principle of this form of development has been established at this site, and as there have been no material changes in relevant planning policy, no objection can be raised to the principle of the development.

National Planning Policy

National Planning Policy guidance in respect of tourism development is contained within the Good Practice Guide on Planning for Tourism, PPS7 & PPG13.

The Good Practice Guide on Tourism was published in May 2006, and supersedes PPG21 - Tourism. The guidance contains specific advice in relation to holiday, touring caravan and chalet parks. It advises that holiday parks are the largest provider of rural tourism bed spaces and that planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscape and environmentally sensitive sites.

The guide advises that sites close to settlements will generally be more sustainable but recognises that there will be some occasions where development for tourism is sought in a location where it will be difficult to meet the objective of access by sustainable modes of transport and that the choice of location may have been determined by a functional need.

Paragraph 15 of PPS7 - Sustainable Development in Rural Areas acknowledges that some leisure and recreational opportunities require a countryside location. Paragraph 34 acknowledges that tourism and leisure activities are vital to many rural economies. It advises that Local Development Documents should support sustainable rural and leisure developments, even when they are statutorily designated for their landscape, nature conservation or historic qualities.

Paragraph 36 advises that facilities may be justified in the countryside where there are no suitable buildings or developed sites available for re-use.

Paragraph 39 advises that local authorities should carefully weigh the objectives of providing adequate facilities and sites with the need to protect the landscape and environmentally sensitive areas.

PPG13 – Transport gives advice in respect of tourism and leisure development which generate **large amounts of traffic**. At the appeal the appeal the Inspector concluded that the development was a low traffic generator.

Local Planning Policy

The Macclesfield Borough Local Plan (2004) has no saved policies in respect of the provision of static caravans. Policy RT13 encourages the provision of new tourist attractions. Policy RT16 allows the development of new touring caravan sites in the open countryside so long as there is no harm to the character of the area, the road network is appropriate and infrastructure is made available.

The suitability of site under this policy framework has already been assessed by the Planning Inspector, and he concluded that the site was appropriate for tourism purposes.

CONSIDERATION OF THE PROPOSALS

Impact on the character and appearance of the area

The application site comprises an open field/paddock, which lies adjacent to a semi-natural woodland (to the west). The site is relatively level and benefits from some screening around the perimeter.

A Visual Impact Assessment has been submitted with the application, which identifies 17 viewpoints surrounding the site. The assessment considers that 5 of these viewpoints have a moderate or substantial adverse impact, and recommends mitigation proposals in these areas to reduce the impact of the development on the character and appearance of the area.

The five viewpoints considered to have a moderate or substantial adverse impact are:

Viewpoint 1 – Back Lane

Proposed mitigation: 5 metre buffer strip of planting

Viewpoint 3 – A536 approaching from the north

Proposed mitigation: Buffer planted on mound set on edge of site

Viewpoint 6 – Dwelling on A536

Proposed mitigation: 10m wide buffer strip planted on mound to strengthen existing boundary hedge, extensive planting around the temporary entrance is also proposed

Viewpoint 7 – Track on A536

Proposed mitigation: Larch lap fencing to be removed when planting is established

Viewpoint 8 - Novar (Applicant's residence)

Proposed mitigation: Existing Conifer hedge will be encouraged to grow into a full screen

The views of the Landscape Officer are awaited in respect of the proposals, in particular whether the mitigation proposals are sufficient to screen the development from surrounding viewpoints.

Traffic generation

Concerns have been raised by local residents in respect of expected increase in traffic generation as a result of the proposed development.

A Transport Statement prepared by Singleton Clamp has been submitted in support of this application. Section 5 considers the anticipated transport impact of the proposed development.

Traffic flow data has been taken from TRICS (Trip Rate Information Computer System) and trip rates have been taken from two similarly sized caravan parks; Ribblesdale Park, Gisburn and Bassenthwaite Lakes, Keswick.

From the trip rates derived from the data sources and assuming 100% occupancy of both phase 1 & 2 of the caravan park, it is anticipated that the proposed development would generate a maximum of **15 trips per hour** (onto Back Lane) in the busiest hour, between 11.00am - 12.00 noon daily.

At the appeal, the issue of traffic generation was considered in detail. The Inspector considered that a 45% occupancy rate was realistic, (although this was disputed by the Highway Authority) and this should be the basis for calculating traffic generation. Based on this level, the existing and proposed development would generate a maximum of **7 trips per hour** in the busiest hour.

The Inspector concluded that even at 100% occupancy, **9 trips per hour was a low traffic generator**. It is considered that 15 trips per hour would not be significantly different to this, and could not be termed a “high traffic generator”.

The Good Practice Guide on Tourism provides us with specific advice in respect of traffic generation, at paragraph 5.4 it advises:

“For small scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments”.

It is considered that the volume of traffic generated from the proposed development is not significant, and will not have an adverse impact on the rural highway network.

The views of the Highway Engineer are awaited in respect of this application, and are considered to be of particular importance in the determination of this application.

Sustainability

As outlined above, the application 06/2254P was refused on the basis that the site was isolated from existing tourist facilities and local amenities, and would not operate in a sustainable manner due to lack of access to public transport.

In his consideration of the proposal the Inspector advised:

The proposal includes the provision for a footpath through the appellant’s land to bus stops on the A536 which would be improved as part of the proposal. A travel plan is submitted which includes the provision of cycle parking and information relating to footpaths and cycle routes. Further, a minibus would be provided which would pick up and drop off staff, collect owners from bus and rail stations and Manchester Airport, take owners to local shops, pubs and restaurants and collect food orders. It would also be available for organised trips to local attractions.

The Inspector concluded that these measures would provide owners with an opportunity to use other modes of transport than the private car and acknowledged that the use by individual owners would be likely to reduce travel demand.

It was acknowledged that the Good Practice Guide in relation to tourism indicates that there may even be occasions where tourism developments are sought in locations difficult to access by sustainable modes of transport and that where these were small scale and

the traffic generated likely to be fairly limited, then additional traffic movements are unlikely to be a reason for refusal for otherwise suitable tourism developments.

Ecology

The Nature Conservation Officer considers that the proposal will not result in any significant adverse ecological impacts. The proposed tree planting and lake creation is likely to lead to an overall gain for biodiversity in accordance with PPS9.

Conditions are recommended to prevent any disturbance of birds during the breeding season and to ensure that additional provision for nesting birds is provided as part of the scheme.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The three key considerations in respect of this application relate to the impact on the character of the area, traffic generation and the impact on ecology.

It is considered that the proposed development will have a limited impact on visual amenity and will not harm the character of the area, due to the volume of existing screening around the perimeter of the site, and due to the proposed landscaping / mitigation scheme, which will infill any gaps in the vegetation.

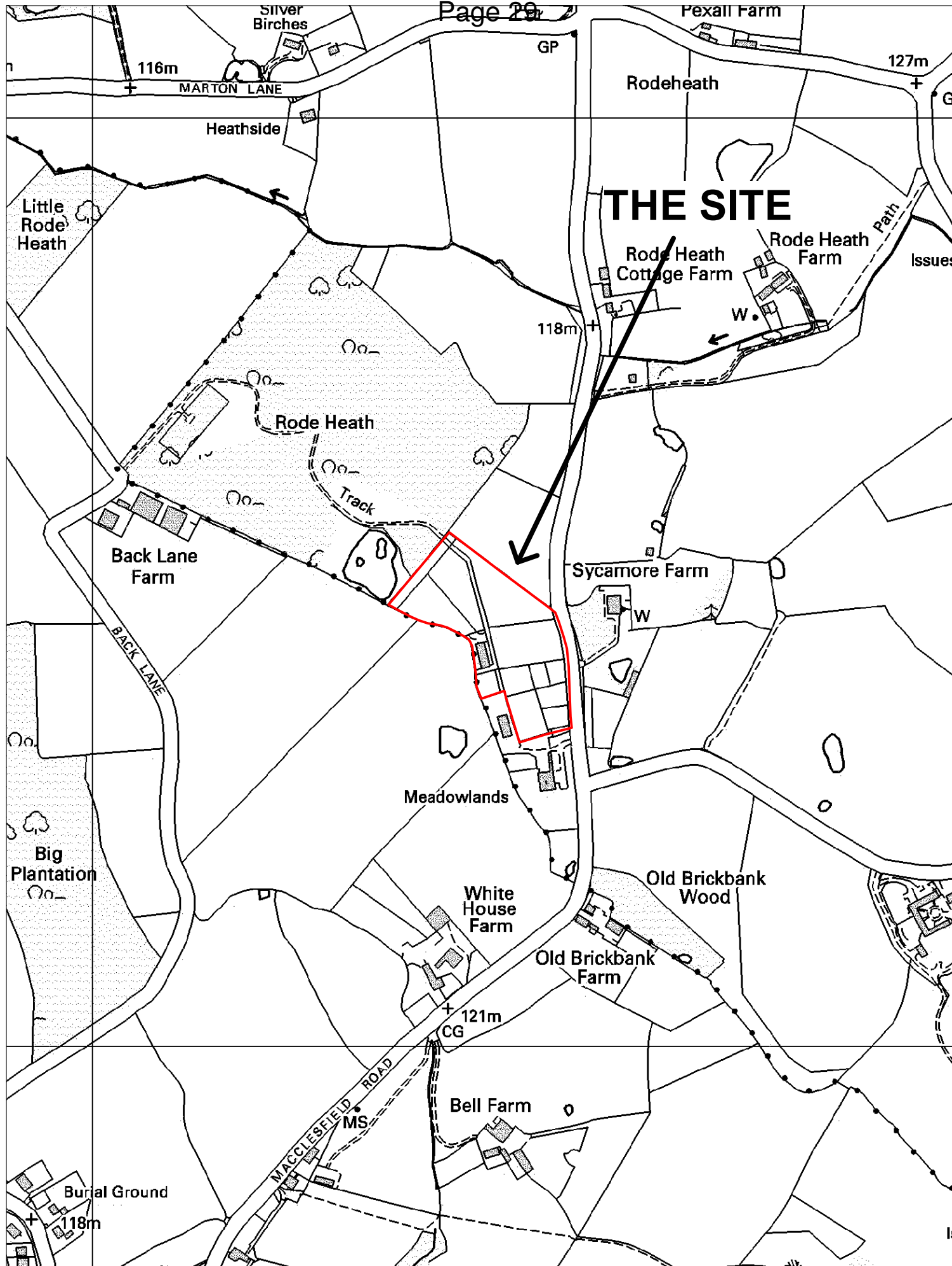
Based on TRICS data, and traffic flows taken from two similar caravan parks, it is anticipated that the existing and proposed caravan site would generate a maximum of 15 trips per hour down Back Lane. This is not considered to be a high traffic generator, and following the advice from the Good Practice Guide on Tourism, this should not be a reason for refusal for an otherwise suitable tourism development.

An ecological appraisal has been submitted in support of this application, which advises that the proposed development could proceed without significant impact on wildlife, important habitats or legally protected species. The Nature Conservation Officer concurs with this, and raises no objection to the proposals, subject to conditions.

In the absence of the views from the outstanding consultees, and prior to the last date for comments (15/07/09) a recommendation of approval is made.

ANY OTHER RELEVANT INFORMATION

An update report with the views of the outstanding consultees and any further representations made will be provided to Members prior to the meeting.



09/1509M - LAND BETWEEN BACK LANE & MACCLESFIELD ROAD, NORTH RODE, CONGLETON

N.G.R. - 387,440 - 366,450

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A06NC - Protection for breeding birds
3. Submission of a landscape management plan
4. Landscaping - submission of additional / revised details
5. Implementation of landscaping scheme
6. External appearance of caravans as per details approved under application 06/2254P unless otherwise agreed in writing
7. Lighting layout as per submitted scheme
8. Details of roads, parking spaces, hardstanding, storage of materials & parking of contractors vehicles as per application 06/2254P unless otherwise agreed in writing
9. Ecological Management Plan as per scheme approved under application 06/2254P unless otherwise agreed in writing
10. Refuse storage and recycling as per details approved under application 06/2254P, unless otherwise agreed in writing
11. The caravans shall be occupied for holiday purposes only
12. The caravans shall not be occupied as a person's sole or main place of residence
13. The owners/operators shall maintain an up to date register of the names of all the owners/occupiers of the caravans
14. No caravan on the site shall be occupied between 14 January and 1 March in any year
15. Access and visibility off Back Lane as per details approved under application 06/2254P unless otherwise agreed in writing
16. No gates or other means of obstruction shall be placed across the access, within 15 m of the boundary of the highway
17. Provision of turning space to be submitted and approved in writing
18. Development shall not be occupied until the passing places along Back Lane have been provided
19. Development shall not be occupied until footpath to the A536 has been provided
20. Development shall not be occupied until bus stops opposite Novar on the A536 have been upgraded - scheme to be submitted and approved in writing
21. Cycle parking facilities as per details approved under application 06/2254P unless otherwise agreed in writing
22. Development shall not be occupied until details of foul and surface water drainage have been submitted to and approved in writing
23. Prior to the commencement of development the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by nesting birds