

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 16th December, 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 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 of the Meeting** (Pages 1 - 4)

To approve the Minutes of the meeting held on 25 November 2009 as a correct record.

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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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. **09/3056M-Demolition of Existing Buildings & Erection of 3 no 15 Bed Low Secure, Mental Health Units with Support Building & Secure Outdoor Space (To match an existing NHS Institutional Use). Proposed New Developments are to be served by new Infrastructure & provide parking & bike stands for 50 staff as existing, The Mary Dendy Unit, Chelford Road, Nether Alderley, Macclesfield, Cheshire for Mr Bryce Irons, Cheshire & Wirral Partnership NHS (Pages 5 - 18)**

To consider the above application.

6. **09/3213M-Erection of a Residential Development with Associated Landscaping, Access and Car Parking Arrangements as well as Landscape alterations to the Wider Area of Existing Open Space, Former TA Centre, Chester Road, Macclesfield, Cheshire for Brackenhouse Properties Ltd (Pages 19 - 32)**

To consider the above application.

7. **009/3199M-Erection of Fencing & Barbed Wire (Retrospective), Panacea, Wilmslow Road, Alderley Edge, Cheshire for Playworks Ltd (Pages 33 - 38)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 25th November, 2009 at The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1DX

### **PRESENT**

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

Councillors C Andrew, G Barton, J Crockatt, E Gilliland, O Hunter, W Livesley,  
J Narraway, D Neilson, L Smetham, D Stockton and C Tomlinson

### **OFFICERS PRESENT**

Mr D Garratt (Development Control Manager), Mrs R Goddard (Planning  
Solicitor) and Mr N Turpin (Principal Planning Officer)

### **Apologies**

None.

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

Councillor Miss C M Andrew declared a personal interest in application 09/3056 - Demolition of Existing Buildings and Erection of 3 No. 15 Bed Low Secure Mental Health Units with Support Buildings and Secure Outdoor Space (to Match an Existing NHS Institutional Use). Proposed New Developments are to be Served by New Infrastructure and Provide Parking and Bike Stands for 50 Staff as Existing, The Mary Dendy Unit, Chelford Road, Nether Alderley, Macclesfield, Cheshire, SK10 4SY for Mr Bryce Irons, Cheshire & Wirral Partnership NHS by virtue of the fact that she had been a Ward Councillor for the area since 1984 and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillor G Barton declared a personal interest in application 09/3285M - Erection of Detached Dwelling and Alterations to Existing Dwelling with Associated Accesses Car Parking, Landscaping and Boundary Fencing, 70 Moor Lane, Wilmslow, Cheshire, SK9 6BQ for Mr & Mrs Farrell by virtue of the fact that he was buying a property close to the application site and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

### **71 MINUTES OF THE MEETING**

RESOLVED

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

### **72 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**73 09/2729M - CHANGE OF USE FROM VACANT WAREHOUSE TO PLAY WAREHOUSE, UNIT D1, STANLEY GREEN TRADING ESTATE, COMMERCIAL AVENUE, HANDFORTH, WILMSLOW, CHESHIRE, SK8 6QH FOR HEAD OVER HEELS AND ORBIT INVESTMENT (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 following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A10GR - Change of use - no consent for external alterations
4. A01HP - Provision of car parking
5. A04HP - Provision of cycle parking
6. Parking to be made available within the car park north of Commercial Avenue on Saturdays and Sundays
7. The building shall not be occupied until the dropped kerbs have been constructed in accordance with the approved plans
8. Use of building as Childrens Play Centre only

**74 09/3056M - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. 15 BED LOW SECURE MENTAL HEALTH UNITS WITH SUPPORT BUILDINGS AND SECURE OUTDOOR SPACE (TO MATCH AN EXISTING NHS INSTITUTIONAL USE). PROPOSED NEW DEVELOPMENTS ARE TO BE SERVED BY NEW INFRASTRUCTURE AND PROVIDE PARKING AND BIKE STANDS FOR 50 STAFF AS EXISTING, THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SY FOR MR BRYCE IRONS, CHESHIRE & WIRRAL PARTNERSHIP NHS**

Consideration was given to the above application.

(A representative from Nether Alderley Parish Council attended the meeting and spoke in respect of the application).

RESOLVED

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

**75 09/2804M - DEVELOPMENT OF A NEW GAMES FACILITY INCLUDING A MULTI-USE GAMES AREA, YOUTH SHELTER AND BMX TRAIL, PECKFORTON PLAYING FIELD, PICTON DRIVE, WILMSLOW, CHESHIRE FOR MS MARIANNE HODGKINSON, CHESHIRE EAST COUNCIL**

(During consideration of the application Councillors Miss C M Andrew and B Livesley left the room, returned to the meeting and then left and did not return).

Consideration was given to the above application. It was reported orally that whilst the update report indicated that a letter of objection did not raise material planning considerations, the objections were felt to be material and were summarised for and considered by the Committee.

**RESOLVED**

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Timing of Floodlights
4. Incorporation of features for roosting bats
5. Nesting Birds
6. Replacement Tree Planting
7. Prevention of illumination to adjacent trees/woodland

The following additional conditions were also included:-

1. Ensuring maintenance of the 'black path' behind the site
2. Removal of excess planting around the site

**76 09/2844M - RESUBMISSION OF APPLICATION 09/1795M - ONE AND TWO-STOREY EXTENSION TO REAR OF PROPERTY TO HOUSE AN INDOOR SWIMMING POOL, PLANT ROOM AND GYM AREA. GROUND FLOOR EXTENSION TO REAR OF THE HOUSE TO PROVIDE FURTHER ACCOMMODATION ON GROUND FLOOR WITH ENLARGED LIVING ROOM AND KITCHEN AND TERRACE ON FIRST FLOOR, 10 ANGLESEY DRIVE, POYNTON, STOCKPORT, CHESHIRE, SK12 1BT FOR MR KEITH FARRELL**

Consideration was given to the above application. In addition an oral report of the site visit was received.

(The Ward Councillor H Murray, the agent for the objector and the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused on the grounds that the application was out of character and out of keeping with the low density housing area.

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

**77 09/3285M - ERECTION OF DETACHED DWELLING AND ALTERATIONS TO EXISTING DWELLING WITH ASSOCIATED ACCESSES CAR PARKING, LANDSCAPING AND BOUNDARY FENCING, 70 MOOR LANE, WILMSLOW, CHESHIRE, SK9 6BQ FOR MR & MRS FARRELL**

(Prior to consideration of the application Councillor Mrs L Smetham left the meeting and did not return).

Consideration was given to the above application. In addition an oral report of the site visit was received.

RESOLVED

That the application be refused for the following reasons:-

1. R01LP - Contrary to Local Plan policies
2. R10MS - Design of substandard quality
3. R03RD - Cramped development

In addition the following reason was also included:-

1. Conflict with policy DC38 in relation to the central bedroom window of no 70

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor R West (Chairman)

**Application No:** 09/3056M

**Location:** THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SY

**Proposal:** DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 3NO 15 BED LOW SECURE, MENTAL HEALTH UNITS WITH SUPPORT BUILDING & SECURE OUTDOOR SPACE (TO MATCH AN EXISTING NHS INSTITUTIONAL USE). PROPOSED NEW DEVELOPMENTS ARE TO BE SERVED BY NEW INFRASTRUCTURE & PROVIDE PARKING & BIKE STANDS FOR 50 STAFF AS EXISTING.

**For** MR BRYCE IRONS, CHESHIRE & WIRRAL PARTNERSHIP NHS

**Registered** 26-Oct-2009

**Policy Item** Yes

**Grid Reference** 382225 376702

**Date Report Prepared:** 07.12.09

**SUMMARY RECOMMENDATION:** Approve subject to conditions and receipt of any further representations.

#### **MAIN ISSUES**

- Impact on the Green Belt
- Impact on the character and appearance of the area;
- Design
- Impact upon highway safety;
- Impact on trees and ecological issues

#### **REASON FOR REPORT**

This Major application is before the Northern Planning Committee as the proposed floor area is over 1000m<sup>2</sup>. This application went before Members on 25<sup>th</sup> November 2009 and Members deferred the application in order to visit the site.

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

The site is located on Chelford Road, Nether Alderley, on land opposite Sossmoss Wood. The site has a long history of use as a hospital and most recently as a secure facility since 1985. The general area is made up of fields, wooded areas and sporadic farms and dwellinghouses stretched out as a loose ribbon along Chelford Road.

#### **DETAILS OF PROPOSAL**

The application seeks to demolish all the buildings on the site (approximately 12) and replace them with 3 no. single storey units and a two storey administration area. The development would be phased in 4 Phases.

The proposal would accommodate 45 patients, which is an increase from the existing 15.

The first phase (which is aimed for commencement in 2010) would consist of a second 15 bed unit to increase the number of patients to 30, with refurbishment of the existing operational unit. Although this application is for two further units, these would only be built as and when required. The applicant believes that the development would help to enhance the security of the site. The same level of care would be provided to an increased level of patients in modern, purpose built units, which would include up to date security features. This would include an anti climb fence, lockable doors and CCTV.

The development would be broken up into the following phases: -

Phase 1 – Enabling development which would include the demolition of Hanover House, Lancaster House, Windsor House, and Tudor House, the construction of a new road infrastructure around the erection of the first unit. A Bat roost would also be erected.

Phase 2 – Once the bat roost and mitigation has been established, Stuart House would be demolished and the first 15 bed unit would be erected.

Phase 3 – The second of the 15 bed low secure units would be erected.

Phase 4 – The final buildings would be demolished and final 15 bed unit and reception would be constructed.

The application includes a reference to the submission of a separate application (to be submitted in due course) which would be lodged for the temporary accommodation to the Mary Dendy Unit. This building would remain in place until the commencement of phase 4. The temporary accommodation would provide approximately 158m<sup>2</sup> of accommodation. As this accommodation will be demolished in due course, this will ensure that the existing footprint of development is not exceeded.

### **RELEVANT HISTORY**

09/0200P - Replacement of windows, single storey side and internal courtyard extensions and external alterations at York House - approved with conditions 15.04.09.

06/3005P

Erection of portacabin for offices with covered walkway link  
- approved with conditions 25.01.07

00/0289P - Single-storey rear extension to provide additional accommodation to existing unit - approved with conditions 25.20.01.



00/1364P - Agricultural access onto Chelford Road - approved with conditions 23.08.00.

81898P - Single-storey extension to provide 6 bedrooms and ancillary accommodation - approved with conditions 21.12.95

40445P - Additional car parking spaces - approved 09.04.85.

41198P - Proposed development of secure facility - approved 03.07.85.

43646P - Crown Development (Circular 18/84)  
Extension and conversion of facilities to form common support service unit and new drainage - approved 16.01.86.

## **POLICIES**

### **Regional Spatial Strategy**

DP1, DP5, DP6, DP7, RDF4

### **Local Plan Policy**

NE11, BE1, GC10, DC1-DC3, DC6, DC8, DC9, DC57.

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

The Environmental Health Officer raises no objections to this application.

The Community Fire Protection Officer comments that the access and facilities for the Fire Service should be in accordance with Document B of the Building Regulations 2000. Details of the water main installations should be provided in order the fire hydrant requirements can be assessed. The means of escape should also comply with the Building Regulations. The applicant should consider the inclusion of an automatic water suppression system to enhance any proposed design.

Nether Alderley Parish Council has submitted a further more detailed objection letter with regard to the proposal on the following grounds: -

- Lack of public consultation
- The application appears to be for a change of use. The Parish Council understands that the footprint of the existing Victorian wards are non-secure hospital accommodation, whilst the proposal is a change to secure units to house offenders who have committed a crime, been detained for a minimum of 3 years and are classified as likely to commit a further offence.
- The application is within the Green Belt. The Parish Council disputes the claim that this is an exceptional case in providing secure accommodation to serve Merseyside and Cheshire, as the site is not

central for the intended catchment area or easily accessible - public transport to the site is extremely limited.

- Section DC 57 of the Macclesfield Local Plan C2 refers to the fact that Residential Institutions must be close to facilities such as bus routes and shops. This site does not comply with those objectives.
- Pedestrian access to the facility would be inadequate. The proposal would result in a concentration of specialist care facilities and planning policy dictates that this should be avoided. The David Lewis facilities are within very close proximity.
- The proposed development is entirely out of keeping with the rural environment, being constructed of red, blue and buff brick with an angular corrugated roof.
- Planning policy states that development should have no greater impact than an existing development. The visual impact of the proposed buildings contradicts this.
- The proposal will result in a significant increase in highways use as car travel is likely to be the only convenient way to access the site for its 50 employees, visitors and delivery vehicles.
- Local residents are alarmed at the proposed expansion of this secure facility. The Parish Council is extremely concerned about reference, in the application documentation, to inmates escaping in the past and reference to the facilities currently being 'unviable and unsafe'. The Parish Council understands that this accommodation will house individuals who may have carried out very serious crimes, the levels of which do not appear to be detailed in the application. The Parish Council has huge concerns that there are many isolated and potentially vulnerable properties in the area. The increase in size from a 15 to 45-bed facility causes serious concerns for security and safety. The application details that 'vulnerable areas' will be monitored by CCTV – it is a concern that there could be 'vulnerable areas'.

Manchester Airport (Aerodrome Safeguarding) raise no safeguarding objections.

Great Warford Parish Council recommend the application for refusal. The Parish Council seek clarification that the unit is purely for low secure classification of patients both now and in the future. In addition, the Parish Council were disappointed at the level of public consultation, and consider that residents on Warford Crescent should have been made aware of the event. Comments were also made regarding the design of the buildings. It was suggested that a more sympathetic design of building to blend in with the green belt would be more appropriate.

### **OTHER REPRESENTATIONS**

Nether Alderley Rural Protection Association objects to the application on the grounds of: - lack of consultation, discrepancies in the information, the level of security, the application is for a change of use, the impact on the Green Belt, the application does not comply with Local Plan policies: - DC57, DC1 – the site is not easily accessible and is entirely out of keeping, the proposal will

contribute an increase in highways use, the NARPA understands that this accommodation will house individuals who have carried out very serious crimes.

In addition, to the above comments approximately 16 objection letters have been received from local residents on the grounds of: - lack of consultation, the change from a non secure to secure unit, poor public transport access, over concentration of care facilities in the area, an increase in traffic, and a design which is out of keeping with the environment. The letters are in the majority a copy of the same letter, which repeat the same concerns.

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted to accompany the application which considers issues such as policy context, constraints, the use, public consultation details, access and landscape information. The report is available on the application file

The following documents have also been submitted: - Flood Risk Assessment, Noise Report, Transport Statement, Tree Survey, Ecological Assessment and a Travel Plan have been submitted.

## **OFFICER APPRAISAL**

### **Principal of Development**

The determining issues are whether the replacement 4 buildings would have an adverse impact on the character and appearance of the Green belt, would harm visual amenity and reduce the openness of the Green Belt and whether they would be materially larger than the current buildings on the site; the potential impact on local residents; the impact on trees; and the impact on parking and highway safety.

## **PUBLIC CONSULTATION**

The applicants' agent held a public consultation event in September 2009. 7 neighbours attended this and their comments are included within the Design and Access Statement.

### **Policy**

The Mary Dendy site lies within the Green Belt and operates as a low secure mental health unit. This use falls within Class C2 of the use Classes Order, as a Residential Institution. The proposed development seeks to carry on the NHS institutional use, on a single footprint that would be no larger than the combined total of the proposed independent buildings that are to be demolished.

PPG2 makes it clear that inappropriate development is by definition, harmful to the Green Belt. However, PPG2 Annex C (C14) Redundant Hospitals indicates that if the site is to be redeveloped in line with the criteria set out in Annex C (C14), that it will not be inappropriate development in the Green Belt.

Policy DC57 of the Macclesfield Borough Local Plan relates specifically to C2 Residential Institutions.

In order to be 'appropriate', an application for replacement buildings in this context, the Council must satisfy itself that the proposed development is not materially larger than the current buildings, and that the visual amenity of the Green Belt would not be injured and that there would not be a reduction in openness.

Development Control Policies DC1 and DC3 relate to the standard of design and amenity. Policy DC6 relates to circulation and access. Policy NE11 relates to nature conservation and policies DC8 and DC9 relates to landscape and tree issues.

### **Highways**

The Highways Engineer raises no highway objections to the development. The Highways Engineer comments that the development will benefit from: - a formalised parking layout, improvements to the junction with Chelford Road in terms of visibility and design, an overriding travel plan to promote alternative methods of travel, cycle parking facilities. Conditions should be attached in relation to the access, set back of gates (12 metres) visibility splays, the provision of 73 car parking spaces, to prevent surface water from flowing onto the highway, provision of shower/changing facilities, to protect the highway from mud and debris, and the submission of a construction method statement.

### **Design**

The design of the proposed development seeks to incorporate buildings in a circular fashion, with the aim of providing a circular road around the site and an internal courtyard area in the centre. The design follows an approach to a secure mental health facility at Rose Mount on Chester Road, Macclesfield. The retention of trees and proposed planting is considered to be an essential attribute in making this scheme a success. The design is contemporary and incorporates mono pitched roofs and a green roof system to the reception building. The current buildings are not too visible from the road, and with a successful landscape scheme and the relatively low heights of the buildings proposed, it is considered that the impact from the road will be acceptable.

Each of the three buildings would be constructed from the same materials. This would consist of a grey coloured aluminium roof, which would include photo voltaic cells. The outer curved areas would be constructed from a buff brick and a blue brick is proposed for the two storey element and one single storey part. A red brick is proposed for the inner courtyard façade.

### **Amenity**

Although there are several dwellings to the north on Chelford Road and Stelfox Hall Farm to the south, it is considered that these are sufficient distance away from the application site, so as not to be affected by the proposed development.

### **Ecology and trees**

The Ecological Report requires a bat roost to be erected. This is proposed during Phase 1 of the development. Once the bats have migrated to the alternative roost the other buildings will be allowed to be demolished. Comments are expected from the Nature Conservation Officer in relation to this, and the impact of the development on the number of ponds sited within close proximity of the site.

The Councils Arboricultural Officer will comment on the relationship of the development on the trees around and within the site, including a number of trees which are protected by TPO's.

The Landscape Officer raises no objections to the application. The circular layout is interesting and there is potential to enhance the entire site to create an attractive landscape setting which would be beneficial for the patients, staff and visitors. The boundary treatments are important. Security fencing should be as inconspicuous as possible. Perimeter screen planting should be implemented early on in the development. There is scope to plant additional woodland in the area between the site and Jennings farm. There is also scope to enhance the Chelford Road frontage car park and car park areas by replacing security fencing and planting additional trees, shrubs and hedges. Improvements to this should be included within Phase One of the development. The landscape scheme should include: - A landscape masterplan, a phasing plan, detailed designs and full hard and soft details, boundary treatments and a landscape management plan.

### **Trees**

The Arboricultural Officer raises no objections to the proposal. The proposed re-development can be implemented without impacting on the protected trees located throughout the site, and provides an opportunity for a significant landscape scheme to be implemented.

The existing access and road network within the site is to be replaced by a primary circular service road from which the new buildings are served. Standing on the southern boundary of the site in a linear group is a number of large mature Oaks identified with the group as G1 and G2. At present the northern rooting zones of some of these trees are covered with tarmac in relation to an external exercise area. There will obviously be a net gain for the trees when this impermeable surface is removed, but a method statement will be required in order to ensure the removal of both the hard-standing and adjacent buildings does not compromise the trees.

Located within the centre of the site identified within the Tree Preservation Order as G3 stands a group of six Birch. The development proposals identify the trees for retention within the re-development with adequate space, and a reasonable social proximity to the new buildings. Three of the six trees are poor specimens, of poor structural integrity and low vigor. These trees could be removed and replaced as part of a landscape scheme, which would be viewed as a net gain.

The proposals offer a significant opportunity to implement a specimen landscape scheme to augment the retained mature trees. This would enable not only the road frontage to be reinforced but specimen planting throughout the site.

No arboricultural objections are raised subject to conditions, which would relate to tree protection, the submission of a construction specification/method statement and a tree pruning/felling specification.

#### Ecological issues

The Nature Conservation Officer has received a revised ecological assessment. The Mary Dendy Unit itself is not considered to offer significant potential for roosting bats and so a further survey is not required prior to determination of the application. The presence of a number of minor bat roosts has been recorded within the buildings on site. The roosts are of two relatively common species and appear to be used by low numbers of bats as non-breeding summer roosts. The loss of these roosts is unlikely to have a severe adverse impact upon the species concerned, however in the absence of mitigation it could result in an adverse impact upon bats at the local level and the proposed demolition of the buildings would pose a significant risk of killing or injuring any bats present. Details of a proposed replacement bat barn have been provided. This is located in a suitable part of the site and is of a suitable size to ensure it stands a reasonable chance of being utilised by the bats displaced by the loss of the existing roosts. The replacement bat barn is acceptable and outline mitigation proposals including the timing and supervision of the demolition have been provided. If the proposed mitigation is implemented in full the residual impacts of the proposed developments on bats is likely to be minor.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect .. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Local Plan Policy NE11 seeks to conserve, enhance and interpret nature conservation interests. In this case bats are clearly evident on the site and the applicants are committed to providing a new bat roost as part of the mitigation, which the Councils Nature Conservation Officer considers to be acceptable.

#### Alternatives

The applicants’ various statements submitted to accompany this application provide a clear case for the requirements for developing the site. The benefits of the scheme are well documented in terms of the provision of enhanced accommodation for low secure patients in a modern, purpose built facility. Given the poor state of the existing buildings, it would appear that there is no alternative way of establishing a re-use of the existing facility without having an impact on the bats. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

#### Overriding public Interest

As the proposal is contributing to the provision of a low secure mental health centre with support facilities for patients with mental health illnesses it would also be reasonable to conclude that the proposal is helping to address an important social need.

#### Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. Willingness to provide a comprehensive mitigation scheme has been provided within the applicant’s ecological survey, which essentially would incorporate a replacement roost within the application site to improve the bat habitat in this area. The Council’s

Nature Conservation Officer is satisfied that this mitigation is acceptable on site.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met; Members must form a view on this issue.

#### Great Crested Newts

Unfortunately a full great crested newt survey has not been undertaken at the appropriate time of the year. An amphibian larvae survey and habitat suitability assessment has however been undertaken. Whilst the submitted survey can not be relied upon to totally discount the presence of Great Crested Newts no evidence of this species was recorded and the ponds do not appear to be particularly suitable for breeding. More importantly the proposed development will not result in the permanent loss of significant GCN habitat and the adverse impacts of the proposed development are likely to be only the temporary disturbance of sub-optimal intermediate terrestrial habitat. In this instance considering that as it does not appear that GCN are reasonably likely to be present on the proposed development site and that the adverse impacts of the proposed development are likely to be temporary and of relatively low level, it is not considered that a further GCN survey is required prior to the determination of the application.

As trees will be removed from the site in order to facilitate the proposed development a breeding birds condition is required.

The council would usually expect that development of this scale would deliver some enhancement for biodiversity, unfortunately due to the lateness of the involvement of the Council's Nature Conservation Officer in this application; he has had little input into the formation of the scheme. The submitted ecological assessment does however identify some practical low cost opportunities for the ecological value of the site to be enhanced. It is therefore recommended that a condition is attached which requires the applicant to submit a scheme of measures to enhance the biodiversity value of the site prior to development commencing.

#### **OTHER MATERIAL CONSIDERATIONS**

The proposed development has been designed in relation to its end user, the impact on the Green Belt, topography, tree cover, distance from other development and accessibility. In addition, it is considered that the site would serve East Cheshire's requirements for Low Secure Mental Health Accommodation.

The comments made by the Parish Councils and neighbours are noted. It is considered that the consultation event held could possibly have gone further to include more residents, however, public consultation is not mandatory and therefore, the scheme can not be refused on this basis. Similarly, the Parish Council requests confirmation that the facility would remain within the low secure classification. The way that the site is managed however, does not fall



for consideration within the planning process and therefore, this also would not constitute a reason for refusal. It should be noted however, that the application form does confirm that the development is for low secure, mental health units. The proposal does not constitute a change of use and is for the replacement of existing buildings only. It has been demonstrated that the floor area is less than the existing and the impact on the Green belt in terms of mass and bulk is considered to be less than the existing buildings. The design of the building has been considered above, and although contemporary, it is considered that the scheme would not appear incongruous in its surroundings. Members should bear in-mind the advice of PPS1 that the planning system should not stifle good, albeit, innovative design. This is a good example of such a design. The proposed landscaping will help to soften the buildings when viewed from outside the site.

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

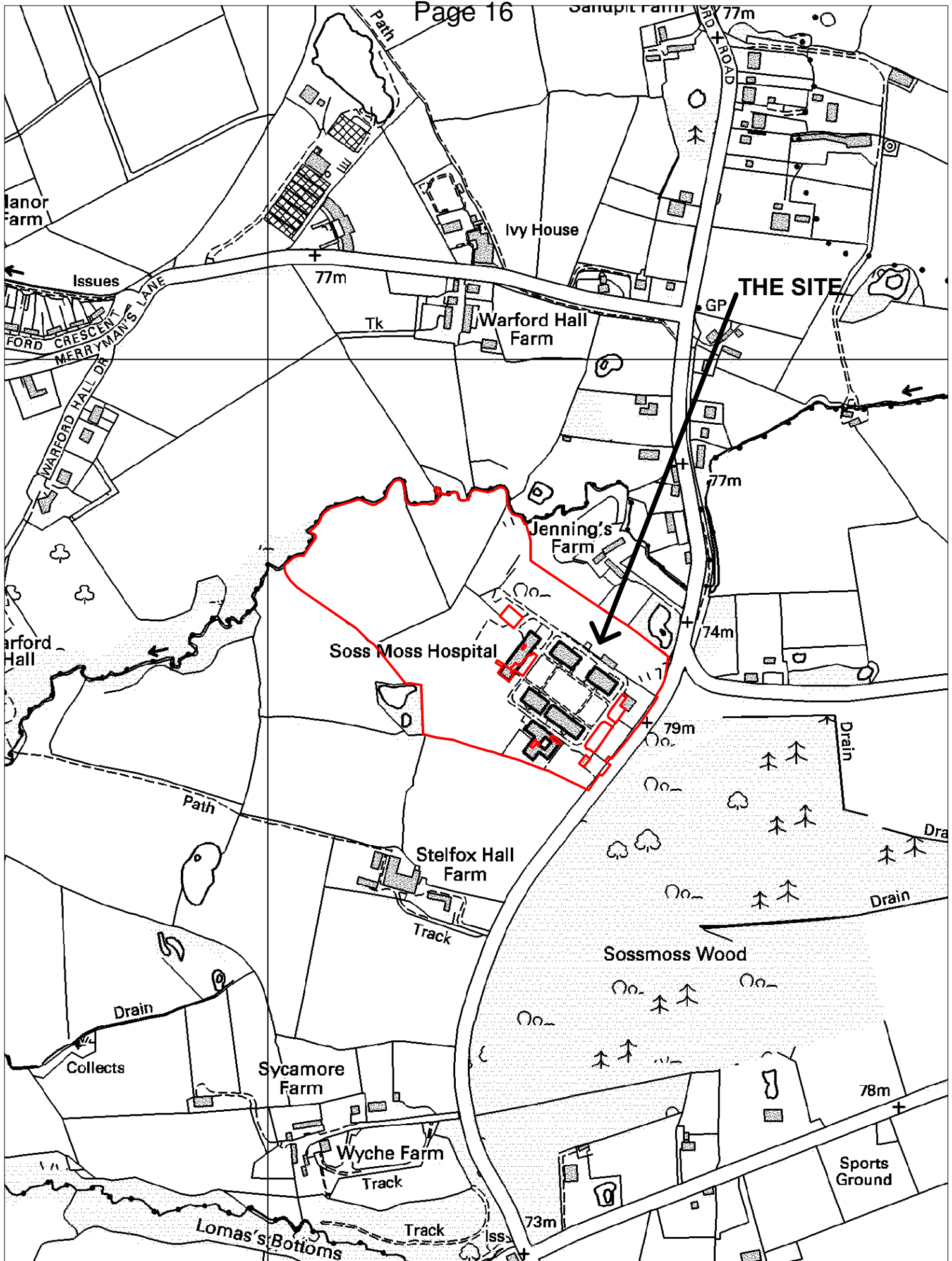
There is an existing institutional function and operation on the site. The current existing accommodation is unsuitable for the NHS needs and does not comply with the National minimum standards and guidance for such accommodation. It is noted that the existing Mary Dendy Unit will remain in operation until the 4<sup>th</sup> phase commences.

The low secure units would provide support accommodation which would consist of leisure rooms, patient examination rooms – all of which would be low security. The outdoor space would be sufficient to prevent interaction and prevent escape to the outside. This will be provided through planting, wire fencing, foliage and the form of the building.

Overall, the scale of development would be no greater than the existing buildings and as a result it is not considered that there would be a significant impact on the Green Belt. The design is considered to be acceptable. The benefits of the proposed development are considered to outweigh any negative aspects and a recommendation of approval is offered.

### **HEADS OF TERMS**

A Section 106 Agreement would be required which requires the applicant to produce and operate a travel plan for the development. It shall have regard to the nature of the development, the accessibility of the site and local transport provision. The agreement shall include procedures for monitoring, review remedial action and shall be operated at all times while the development is occupied.



THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SY

MACCLESFIELD, CHESHIRE, SK10 4SY

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#

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A02LS - Submission of landscaping scheme
6. A06NC - Protection for breeding birds
7. A08MC - Lighting details to be approved
8. A24HA - Provision / retention of service facility
9. A01HP - Provision of car parking
10. A04HP - Provision of cycle parking
11. A05HP - Provision of shower, changing, locker and drying facilities
12. A02TR - Tree protection
13. A04TR - Tree pruning / felling specification
14. A06TR - Levels survey
15. A02HA - Construction of access
16. A08HA - Gates set back from footway/carriageway
17. A01HP\_1 - Provision of car parking
18. A26HA - Prevention of surface water flowing onto highways
19. A07HP - Drainage and surfacing of hardstanding areas
20. A30HA - Protection of highway from mud and debris
21. A32HA - Submission of construction method statement
22. Ground levels
23. Visibility splays
24. Short/long stay cycle parking
25. Breeding birds
26. Incorporation of measures to enhance the biodiversity value of the site.
27. Landscape masterplan
28. Phasing plan required for landscape
29. Detailed designs for hard and soft landscape
30. Boundary treatment
31. Landscape management plan

32. Tree protection

33. Construction specification/method statement

34. Tree pruning/felling specification

**Application No:** 09/3213M  
**Location:** FORMER TA CENTRE, CHESTER ROAD, MACCLESFIELD, CHESHIRE  
**Proposal:** ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED LANDSCAPING, ACCESS AND CAR PARKING ARRANGEMENTS AS WELL AS LANDSCAPE ALTERATIONS TO THE WIDER AREA OF EXISTING OPEN SPACE  
  
**For** BRACKENHOUSE PROPERTIES LTD  
  
**Registered** 05-Oct-2009  
**Policy Item** No  
**Grid Reference** 390564 373543

**Date Report Prepared:** December 2009

#### **SUMMARY RECOMMENDATION**

Approve with conditions

#### **MAIN ISSUES**

**Whether the proposed access is 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 layout and design is appropriate**

**Whether any permission granted should be accompanied by a Section**

#### **REASON FOR REPORT**

This is an application for a major housing development which according to the Constitution needs to be determined by Committee.

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

The site is irregular in shape and lies to the south of Chester Road. It extends to some 3.6 Hectares and sits approximately 2.5m below the road level of Chester Road. It can be split into two distinct parcels, the previously developed land comprising of the area of the former Territorial army barracks and compound, which has been demolished; and the area of mounded woodland to the south of the former barracks compound. The previously developed part of the site is intended to be the focus of the residential development currently proposed, whilst the mounded area of woodland/unmaintained open space to the rear is intended to be an ecological/amenity area to be maintained by the developer.

The building footprints and massing of built form are similar to the extant scheme for the close care home and retirement dwellings approved in 2008, albeit the proposed numbers of residential units has reduced.

The wider area is mixed in character, with residential land uses predominating. Chester Road is a main arterial route into the town centre. Fieldbank Road is a road which provides a rear access to the hospital and is extensively used as an alternative access for the hospital or as a rat run.

## **DETAILS OF PROPOSAL**

The scheme proposes a mixed housing development of 87 units on an existing brownfield site. Access would be formed to the north of the site and would create a crossroad junction with Chester Road and Fieldbank Road. The housing layout contains blocks and terraces of development utilising the previously developed part of the site to its maximum. The largest building Block C has 4 one bed and 31 two bed flats on three levels and undercroft car parking, the rear of the site where the land slopes down. The other buildings on the site would be a mix of two storey dwellings and three story townhouses and three storey apartments arranged in two blocks (Blocks A and B) to a new frontage to Chester Road at this point. A new wall/railings would be provided to the Chester Road frontage.

The application includes proposals for the retention and enhancement for the amenity area to the rear of the site for use by the public which will need to be secured through a planning agreement. The pedestrian routes between Chester Road and Ivy Lane and to All Hallows School would be retained and do not form any part of this application site.

The housing layout is very similar to a previously approved Close Care scheme on the site that has not been implemented but remains extant. The proposed access is submitted with a 10m radii at Chester Road. This access is identical to the extant Close Care scheme.

## **RELEVANT HISTORY**

07/0430P Erection Of A Continuing Care Retirement Community (Class C2) Comprising 49no. Care Apartments Within The Main Building, 38no. Care Mews Cottages And 27no. Care Apartments Within 3 Storey Buildings With Formation Of New Access, Car Parking And Associated Landscaping. Approved 19 August 2008

03/3063 Outline application for residential development of 15 shared equity properties and 44 starter homes and construction of landscaped cycleway and footway. Refused 2 February 2004. Appeal dismissed 4 November 2004

03/1591P Outline application for construction of 59 dwellings and cycleway and footway. Refused 11 August 2003. Appeal dismissed 4 November 2004

02/2282 Outline application for construction of residential estate. Withdrawn 5 December 2002.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP4 (Make the Best Use of Existing Resources & Infrastructure)  
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)  
DP7 (Promote Environmental Quality)  
DP9 (Reduce Emissions and Adapt to Climate Change)  
RT2 (Managing Travel Demand)  
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)  
EM2 (Remediating Contaminated Land)  
EM5 (Integrated Water Management)  
EM18 (Decentralised Energy Supply)  
MCR3 (Southern Part of the Manchester City Region)  
L2 – Understand Housing Markets  
L4 – Regional Housing Provision

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)  
Policy 11 (Development and waste recycling)

### **Local Plan Policy**

NE11 (Nature Conservation)  
NE12 (Sites of Biological Importance)  
BE1 (Design Guidance)  
GC1 (New Buildings)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Housing Sites)  
H8 (Provision of Affordable housing)  
H9 (Delivery of Affordable housing)  
T2 (Transport)  
DC1 (Design New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC36 (Road layouts and Circulation)  
DC37 (landscaping)  
DC38 (Space, Light and Privacy)  
DC40 (Open Space standards)  
DC63 (Contaminated Land including Landfill Gas)

## **Other Material Considerations**

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

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

**Cheshire Fire Safety Officer** - No objection subject to compliance with the Building regulations

**Environment Agency** – No objection subject to condition.

**Environmental Health (Contaminated Land)** - No objection

**Environmental Health (Noise and Amenity)** – No objection subject to standard conditions regarding hours of work and dust mitigation during construction.

**Highways**- No objection subject to conditions and satisfactory completion of Section 106 agreement for highways works. Considers that the proposal is an opportunity to create a right turn lane into Fieldbank Road as a wider benefit for traffic movement generally. This would require a 15m radii, which is not proposed but the Applicant is happy to accommodate and could be a planning condition.

**Forestry Officer** - Raises no objection subject to conditions to the scheme as submitted (with a 10m radii). Has concerns that the suggested improvements sought by the Highways Engineer would ultimately lead to the decline of a protected Sycamore Tree on the Chester Road frontage to the detriment of the amenity of the area.

**Housing Strategy and Needs Manager** - Fully supports the application, subject to the provision of 25% Affordable Housing.

**Landscape Officer** - The Landscape Officer raises no objections subject to conditions. The open space land will remain in the ownership of the developer so proper long-term management of the area and public access for informal recreation must be secured in perpetuity through a S106 agreement as with the previously approved development. A landscape and habitat management plan (L&HMP) for the open space must be submitted and approved. The suggested format for the L&HMP in the Landscape Appraisal document submitted with this application is acceptable.

**Leisure Services** - No objection in principle to the application, consider that contributions are required for Public Open Space and Recreation/Sporting provision.



**Nature Conservation Officer** No objection is raised by the Nature Conservation Officer subject to conditions.

## **OTHER REPRESENTATIONS**

One letter of objection has been received to date. This raises objection on grounds of need for additional dwellings, impact on traffic congestion, loss of trees.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment
- Landscape Assessment
- Flood Risk Assessment
- Transport Statement

All of these documents are available in full on the planning file, and on the Council's website.

It is the applicant's essential case that this is a site that has a extant permission for residential development in the form of Close Care flats and dwellings of similar scale and design as currently proposed and that this is an opportunity to significantly enhance the amenity land to the rear, which will remain in the control of the applicant. The Applicant is willing to comply with the affordable housing requirements of the Council but considers that there are significant benefits to the amenity of the area by virtue of their package of biodiversity improvements and creation of public accessibility to the enhanced open space which should be off set against the necessary financial contributions in lieu of public open space and recreational open space for the development.

## **OFFICER APPRAISAL**

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

## **Principal of Development**

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

The proposals comprise an efficient use of previously developed land in a sustainable location. The majority of the development lies on that part of the site formerly occupied by the TA centre which is a brownfield site lying within a predominantly residential area. The majority of the site to the south and west of the buildings will remain as open space to which the public will continue to have access.

The site is located within easy access of the town centre and adjacent to the hospital on one of the main roads serving the town. It would in principle be an appropriate location for intensive residential development.

Additionally, the site is identified within the Strategic Housing Land Availability Assessment SHLAA as a housing site with planning permission for 114 dwellings, likely to come forward in the next 5 years.

Accordingly, the principle of development of this site for residential purposes is acceptable.

## **Density of development & mix of house types**

A good mix of house types is proposed comprising:

- 60 1 and 2 bed apartments in three blocks,
- 8 x 3 bed houses and
- 19 x 4 bed houses

The mix and density of housing proposed is lower than the extant Close Care scheme is considered to be in line with the requirements of Government policy to maximise density and is considered acceptable on this site. Given that 60 units within the proposal will be flats, a density of over 70 units per hectare is readily achieved on this site. Given the highly sustainable nature of the site, this is considered acceptable, particularly given the planning history of the site.

In addition, it is considered that the site layout and the inter-relationship of the blocks with one another results in adequate amenity and landscaping within the site.

### **Design and layout**

The application site has three main design components: the three storey block of flats with basement car park to the rear of the site and rows of houses/flats arranged in 'I' shaped blocks of 2/2.5 and 3 storeys in a variety of house types. The design seeks to use a traditional approach to both features and material although no details of materials at this stage. The Chester Road frontage would comprise a small terrace of 2 storey properties and two apartment blocks of 3 storeys creating a presence fronting the road. The entrance to the site comprises another block of development which announces the development.

Overall, in site planning terms, the indicated scheme is considered to be appropriate.

### **Highways**

Access to the site will be from Chester Road, in the same position as the previously approved scheme for close care residential development.

Historically it is known that the current junction configuration results in obstructed traffic flow when vehicles are attempting to turn right into Fieldbank Road from Chester Road (towards the hospital). In these circumstances traffic on Chester Road travelling westbound away from Macclesfield Town Centre becomes obstructed.

The Highways Engineer considers that the introduction of a proposed new arm to the junction at this location will help alleviate the situation. This would provide scope for vehicles to pass a stationary vehicle waiting in the junction area.

In pre-application discussions, the proposal submitted by the Transport Consultants indicated a 10 metre corner radii on the eastern side of the new arm to the junction. This is the same configuration as the previously approved development, which is considered to be an acceptable fall-back. Whilst this is considered to be a significant improvement on the current situation at the junction, it would be dependent on the vehicle that was waiting to turn into Fieldbank Road from Chester Road aligning correctly in the junction.

The Highways Engineer is of the opinion that there is great potential with this proposal to maximise the parameters to ensure optimum traffic flow and resolve the long standing issue at the junction.

Consideration has been given to utilise part of the western part of the junction on areas of grass verge at the junction of Fieldbank Road and Chester Road, however, this area is technically constrained by underground fibre-optics which would require re-routing and would therefore be a more expensive option.

On this basis alternative designs were established with a proposal for a 15 metre radii on the eastern side of the new arm. In highway terms, the 15 metre radii provided considerably greater benefit in terms of optimised traffic flow through the junction and the chance of obstructed traffic flow removed, via the provision of a dedicated right turn lane into Fieldbank Road.

However, the Tree Officer is of the opinion that a 15 metre radii would encroach into the tree protection area of the protected Sycamore tree close to the proposed new junction. The Tree Officer considers that the levels differences in the vicinity of the root protection zone and the fact that the existing spread of the root system is linear due to the presence of extensive wall foundations to the Chester Road frontage will ultimately compromise the health and well being of this tree.

On this basis the Highways Department request that the members having considered the submission and reasoning of the Highways Department resolve to approve a junction at this location with a 15 metre corner radii rather than a 10 metre corner radii, as previously approved in the Close Care development.

### **Trees**

The Horse chestnut on the Chester Road frontage has been accepted for removal by the Council's Tree Officer by virtue of its deteriorating condition. Replacement planting as part of a specimen landscape scheme will be required.

The potential loss of the Horse chestnut and the impact on the Chester Road street scene increases the amenity value of the two remaining mature trees on the road frontage, a Lime and a Sycamore.

It is the Root Protection Area of the protected Sycamore which would, in the opinion of the Tree Officer, be compromised by the Highways Engineer's request for a 15m junction radii.

The position of the access road and encroachment with the RPA of the Sycamore in order to facilitate a right turning lane into Fieldbank Road has been subject of lengthy discussion between the Tree Officer and Highways. The views of the arboricultural officer have always been consistent in terms any access road should be positioned to protect the tree.

As submitted, the junction's proposed layout being a 10m radii is in accordance with the extant planning permission on the site, when the filter lane was not a stated desire of the Highways Engineer. Any increase in the radii of the junction will have a potentially detrimental impact on the adjacent Sycamore, a tree that is in its prime and suits this location.

The Tree Officer recognises that there are cost implications due to various underground constraints on the other side of the road, sufficient land is available on the northern aspect of Chester Road to accommodate space for a filter lane. On this basis, the Tree Officer considers that the loss of the Sycamore can not be justified.

The Applicant has confirmed that they could provide either 10m or 15m radii to the access.

On balance, whilst the concern raised by the Tree Officer is recognised, in special planning terms it is felt that the greatest benefit that would be gained to the wider community in terms of the economic and environmental aspects associated with improved traffic movement justifies the greater corner radii of 15m. As mitigation, the proposal does cater for extensive planting of new trees in the proposed woodland to the amenity land.

### **Nature conservation**

The main ecological feature of the site is an existing wetland area sited to the south of the building development; this will be retained as part of the development. Further planting and pond creation will enhance the site's overall nature conservation value and contribute to local and national biodiversity action plan targets. No objections are raised in terms of nature conservation and a number of conditions are recommended.

### **Flood Risk**

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency raises no objections to the proposals subject to internal floor levels being elevated slightly in accordance with their suggested condition. On this basis, the flood risk is low.

### **Renewable Energy and Waste**

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted and subsequently implemented as part of this scheme.

It is also a requirement of Policy 10 of the Cheshire Waste Plan 2007 to minimise waste during development and subsequent occupation. A waste audit has been submitted as part of the application which is considered to be lacking in some detail. A condition is recommended to ensure adequate facility for waste recycling and storage.

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

The proposal is considered to be an appropriate use of the site in planning terms and conditions can be imposed that will safeguard the amenity of the locality. On this basis planning permission should be granted in accordance with the Development Plan. There are no other material considerations which would justify not granting planning permission in this case.

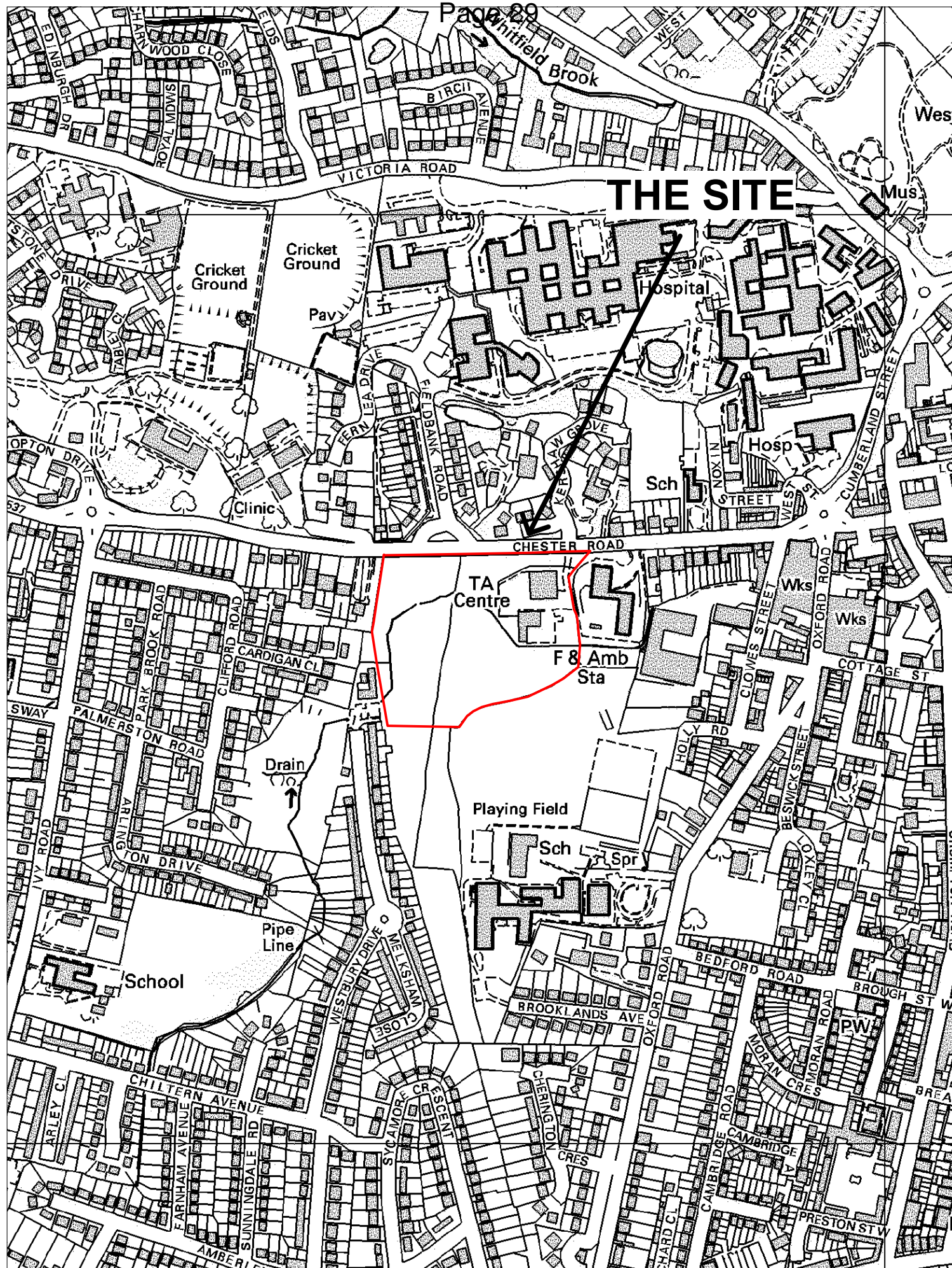
Whilst it is unfortunate that the 15m radii requested by the Highways Engineer has the very strong potential to result in the long term decline of the protected Sycamore tree to the Chester Road frontage, it is highly unlikely that a right turn lane would be accommodated with land to the other side of the junction given the presence of underground cables. On this basis, it is considered that the benefits to the wider population and the movement traffic generally are substantial enough to justify a 15m radii.

### **SUBJECT TO**

The following conditions and the satisfactory completion of a S106 Legal Agreement comprising:

### **HEADS OF TERMS**

- Provision of a minimum of 25% genuinely Affordable Housing in the form of 15% social rented housing (12 units) and 10% intermediate housing (9 units).
- Amenity open land: to provide public access and a long term landscape and habitat management plan dealing with wildlife and protected species, long term management of the existing open space, establishment and management of the new amenity spaces, public access issues, a table of maintenance operations and timings and cost implications for the developer.
- Provision of financial contributions in lieu of on site play and sporting provision (£58500 and £39,500 respectively)
- Financial contribution to Traffic Regulation Order (£3000)
- Monitoring costs



**09/3213M - FORMER TA CENTRE, CHESTER ROAD, MACCLESFIELD, CHESHIRE**

**N.G.R. - 390,560 - 373,540**

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Application for **Full Planning**

**RECOMMENDATION : APPROVED SUBJECT TO CONDITIONS:**

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A02EX - Submission of samples of building materials
5. A02FP - Commencement of development
6. A02LS - Submission of landscaping scheme
7. A03AP - Development in accord with revised plans (unnumbered)
8. A04LS - Landscaping (implementation)
9. A04NC - Details of drainage
10. A06HP - Use of garage / carport
11. A06NC - Protection for breeding birds
12. A07HP - Drainage and surfacing of hardstanding areas
13. A12LS - Landscaping to include details of boundary treatment
14. A15HA - Construction of highways - submission of details
15. A17LS - Submission of landscape management plan
16. A21HA - Submission of details of turning facility
17. A22GR - Protection from noise during construction (hours of construction)
18. A23MC - Details of ground levels to be submitted
19. A30HA - Protection of highway from mud and debris
20. A32HA - Submission of construction method statement
21. 15m radii to be provided
22. Finished floor level
23. waste audit
24. parking hardstanding to be provided
25. 10% renewable energy
26. revised plans
27. revised highway access (15m radii)





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**Application No:** 09/3199M  
**Location:** PANACEA, WILMSLOW ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7GD  
**Proposal:** ERECTION OF FENCING & BARBED WIRE (RETROSPECTIVE)  
**For** PLAYWORKS LTD  
**Registered** 28-Oct-2009  
**Policy Item** No  
**Grid Reference** 384266 378629

#### **SUMMARY RECOMMENDATION**

Approve

#### **MAIN ISSUES**

Impact on the character and appearance of the surrounding area including the building itself and the adjacent Listed Building

**Date Report Prepared:** 7<sup>th</sup> December 2009

#### **REASON FOR REPORT**

The application was called-in to Committee by the Ward Councillor, Frank Keegan due to the development's impact on the character and appearance of the surrounding area.

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

The application site comprises a recently renovated bar/restaurant that is located on the eastern side of Wilmslow Road. The application site is located within the village centre and to the north of the Grade II Listed 'Queens Court'.

#### **DETAILS OF PROPOSAL**

Retrospective planning permission is sought for the erection of palisade fencing and razor wire around some of the boundaries of the property.

#### **RELEVANT HISTORY**

- 09/1642M Reconstruction of side elevations and roof further to fire damage  
Approved with conditions 07/08/2009
- 08/0851P Amendment to permission 07/0648P for extensions and alterations  
Approved with conditions 23/06/2008
- 07/0648P Single storey rear extension and other external alterations including glazed entrance  
Approved with conditions 21/05/2007

#### **POLICIES**

##### **Regional Spatial Strategy**

DP1 Spatial Principles

### **Local Plan Policy**

BE1	Design Guidance
BE16	Buildings of Architectural and Historic Importance
DC1	New Build
DC2	Extensions and Alterations

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

**Police:** Support the application

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

**Alderley Edge Parish Council – No objection**

### **OTHER REPRESENTATIONS**

One letter of objection was received from a business that is a landowner of some of the surrounding buildings. They raised concerns that the works are adjacent to some historic buildings and monuments; that the works are more suited to a town centre location; and that the works would set a precedent that is not appropriate to the centre of Alderley Edge. The cobbled street which leads from London Road through to Davey Lane past the site is well used by school children, shoppers and those using the railway station. Whilst this is not a prominent site when travelling along London Road by car, for local residents of the area, it is a prominent location passed by foot and car.

The objector understands the security needs of the restaurant/bar and therefore in order to be constructive rather than purely object to the development, they consider that the palisade fencing is painted so that it would be less intrusive and clad in painted metal sheets so that bins behind cannot be seen; that the razor wire be removed and that a alternative security measure of a CCTV camera be installed.

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

A Design & Access Statement was submitted with the planning application. A full copy is available to view on the application file.

### **OFFICER APPRAISAL**

#### **Principal of Development**

The principle issues surrounding the determination of this application are the impact of the proposed development on the character and appearance of the surrounding area including the building itself and the adjacent Listed Building.

#### **Policy**

Members should be aware that the addition of wire to the top of existing walls and fences is capable of amounting to operational development, but can constitute permitted development if the resulting height of the wall/fence plus the wire does not exceed one metre in height adjacent to a highway and two metres in height in any other location. Due to the height of some of the works, planning permission is required in this instance.

Members should also be aware that the palisade fencing to the rear of the site that encloses the bin storage area was previously granted planning permission under an earlier application and therefore permission is only sought for the razor wire, and the palisade fencing on top of the existing boundary walls.

## **Design**

The works include the provision of razor wire above the existing palisade fencing that surrounds the bin area to the rear of the building, and the erection of palisade fencing and/or razor wire above the existing boundary walls and single storey buildings to the northern side of the site. The area to the rear of the building comprises the bin storage area associated with the bar/restaurant and therefore it is not a visually attractive area. This area is located to the rear of the building, adjacent to a surface car park. The works towards the front of the site are located above an existing boundary wall that is adjacent to the neighbouring garage/showroom and is located approximately 20 metres from Wilmslow Road. Due to the distance the works are sited from Wilmslow Road, they are not highly obvious within the street scene.

The Grade II Listed Building is located to the south of the application site, separated by an access road. The majority of the works are located on the opposite side of the site from the listed building and those surrounding the bin storage area are not sited immediately adjacent to the listed building. The Conservation Officer considers that some elements are tall and quite unsightly and have an adverse visual impact to the rear of the Panacea building. He considers the application's merits to be finely balanced.

The site is not within a Conservation Area, but is a neighbour to a Listed Building, the former Queens Hotel. Adverse impact to setting entirely relates to the rear third of the Listed Building. The security fencing is not visible from the imposing frontage, so the degree of detriment is not as severe as if it were sited in a different position. He does consider that the galvanized finish of the palisade fencing should be painted a dark grey or black in order to make it look less conspicuous. This is a matter that could be conditioned.

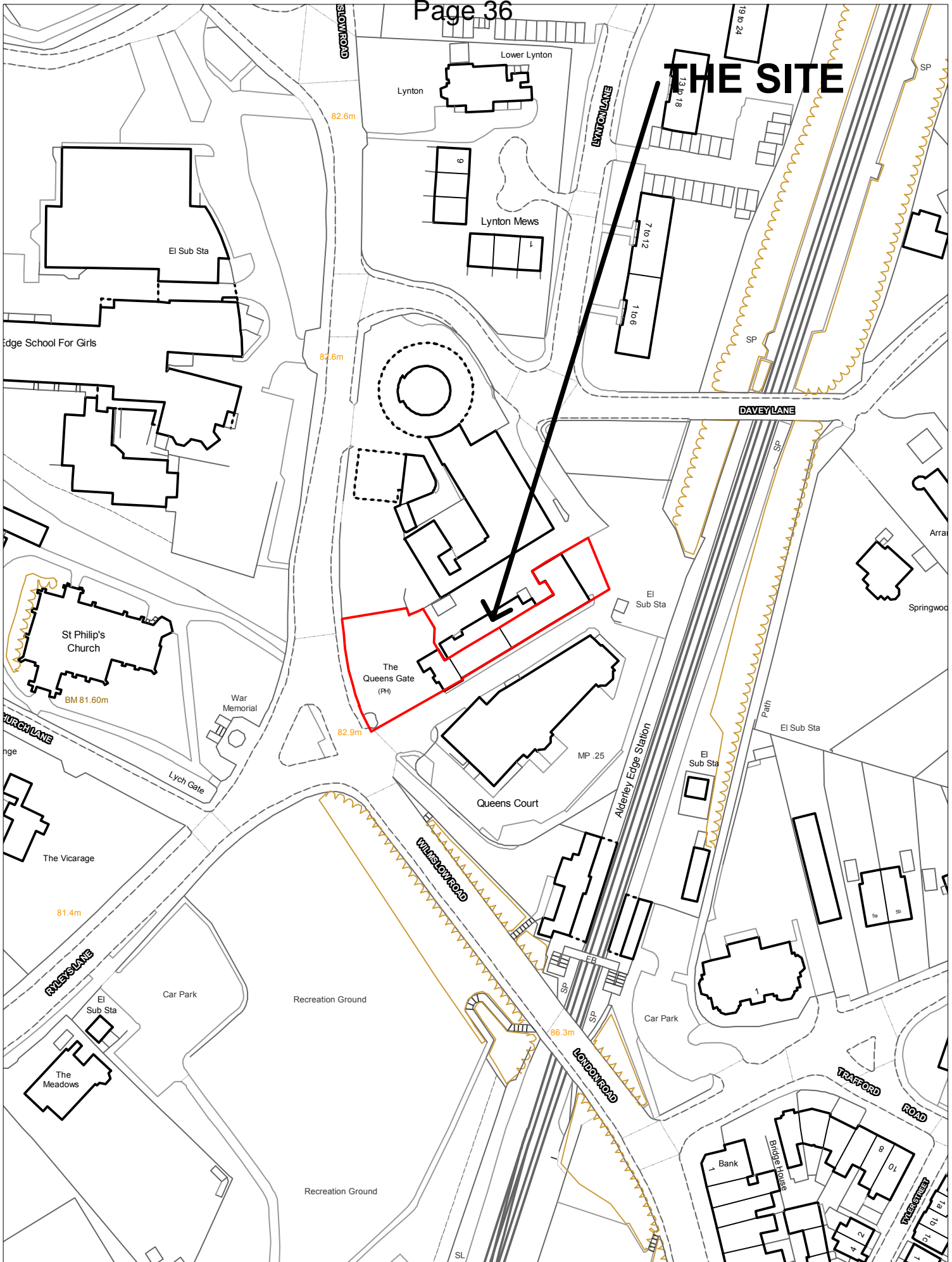
Cheshire Police are in full support of the target hardening (barbed wire) measures to the site. Members should be aware that the restaurant/bar has suffered from two pre-planned arson attacks. The police have outlined that the attacks took place in the roof void and their intelligence suggests that it was an organised attack. To combat repeat attacks, Cheshire Police are working closely with the owner of the bar/restaurant to ensure that the building, patrons and staff are not placed at any further risk. A meeting was held between the two parties to review and discuss all physical, technological, operational measures and procedures e.g. external intruder alarm beams, CCTV, remote monitoring, manned guarding and keyholder responsibilities to ensure that the police and private security understand each others roles, responsibilities and processes.

Whilst the proposed works cause some detriment to the visual amenities of the surrounding area, this must be weighed against security concerns. In this location, due to the security risk to the premises, it is considered that the use of such security measures is justified and that significant weight should be given to this consideration. Due to the unusual circumstances of the application site, it is not considered that such measures would set a precedent within the surrounding village centre and due to their siting would not be significantly detrimental to the setting of the adjacent listed building.

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

The requirement for the works is considered to be a material planning consideration that holds significant weight. The works are not considered to be significantly detrimental to the character or appearance of the surrounding area, the building itself, or the adjacent Listed Building. On balance, the works are therefore considered to comply with the relevant policies in the Local Plan.

**THE SITE**



**PANACEA, WILMSLOW ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7GD**

**NGR : 384,270;378,620**

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Scale 1:10000

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A01AP - Development in accord with approved plans
2. Colour of Railings to be Agreed

