

Northern Planning Committee

Agenda

Date: Wednesday, 3rd February, 2010
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 of the Meeting** (Pages 1 - 4)

To approve the Minutes of the Meeting held on Wednesday 13 January 2010 as a correct record.

4. **Public Speaking**

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

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

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

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk

- 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. **09/3544M - Land between Back Lane and Macclesfield Road, North Rode, Congleton. Change of Use of Land to Allow the Siting of 23 Timber-Clad Twin Unit Caravans (Extension to Previously Approved Site) for Mr and Mrs D Noad** (Pages 5 - 18)

To consider the above planning application.

6. **09/2857M - Mobberley Golf Club, Burleyhurst Lane, Mobberley, Knutsford, WA16 7JZ. Expansion and Improvement of Existing 9-Hole Golf Course and Associated Facilities for Ollerton Leisure LLP** (Pages 19 - 40)

To consider the above planning application.

7. **09/3841M - Prestbury Bowling Club, Macclesfield Road, Prestbury, Macclesfield, SK10 4BW. Erect Four Floodlights on Telescopic columns for Prestbury Bowling Club** (Pages 41 - 48)

To consider the above planning application.

8. **09/3553M - 2-4 Longbutts Lane, Gawsorth, Macclesfield, SK11 9QU. Change of Use of Stores into Two Separate Flats of One Bedroom Each for Miss Sharon Hunt, Gawsorth Village Store** (Pages 49 - 56)

To consider the above planning application.

9. **09/3836M - Land Adjacent to Lowerhouse Mill, Albert Road, Bollington. Erection of 3 No. Detached Industrial Buildings divided into 16 No. Small Units with Associated Parking and Landscaping (Renewal of 06/2355P) for Avalon Property Development Ltd** (Pages 57 - 70)

To consider the above planning application.

There are no Part 2 items

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 13th January, 2010 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, E Gilliland, O Hunter, T Jackson,
W Livesley, J Narraway, D Neilson, L Smetham, D Stockton, D Thompson and
C Tomlinson

OFFICERS IN ATTENDANCE

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

OFFICERS IN ATTENDANCE

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Manager) and Miss B Wilders (Principal Planning Officer)

84 APOLOGIES FOR ABSENCE

None.

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

Councillor R J Narraway declared a personal interest in application 09/3544M-Change of Use of Land to Allow The Siting of 23 Timber Clad Twin Unit Caravans (Extension To Previously Approved Site), Land Between Back Lane and Macclesfield Road, North Rode, Congleton for Mr and Mrs Noad by virtue of the fact that he was a member of North Rode Parish Council whereby the Council had discussed the proposal however he had not taken part in any of the discussions and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

Councillor Mrs T Jackson declared that she had pre determined application 09/3841M-Erection of Four Floodlights on Telescopic Columns, Prestbury Bowling Club, Macclesfield Road, Prestbury, Macclesfield for Prestbury Bowling Club by virtue of the fact that she had worded her call-in letter in away that implied she had expressed an opinion. She exercised her right to speak in her capacity as a Ward Councillor however she did not take part in the debate nor did she vote upon on the application. In addition she declared that she was a member of Prestbury Amenity Society.

86 MINUTES OF THE MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to it being noted that during consideration of application 09/3199M Councillor Mrs L Smetham left the meeting and did not return).

87 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

88 09/3544M-CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23 TIMBER CLAD TWIN UNIT CARAVANS (EXTENSION TO PREVIOUSLY APPROVED SITE), LAND BETWEEN BACK LANE AND MACCLESFIELD ROAD, NORTH RODE, CONGLETON FOR MR AND MRS NOAD

Consideration was given to the above application.

(The Ward Councillor Mrs H M Gaddum, Mrs W Dobson, an objector and Mr S Goodwin, a supporter attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for further information to be presented to the next meeting on changes to Policy PPS4.

89 09/3841M-ERECTION OF FOUR FLOODLIGHTS ON TELESCOPIC COLUMNS, PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD, PRESTBURY, MACCLESFIELD FOR PRESTBURY BOWLING CLUB

Consideration was given to the above application.

(Mr Geddes, a representative of Prestbury Amenity Society, Mr Roe, an objector and Mr Freeth, a supporter attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the proposals on the Conservation Area.

90 09/3335M-ERECTION OF 10 APARTMENTS AND MANAGEMENT OFFICE, 22- 24, MANCHESTER ROAD, WILMSLOW, CHESHIRE FOR STIRLING MANAGEMENT GROUP LTD

Consideration was given to the above application.

(Mr Turley, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion of a Section 106 Agreement comprising of a provision of financial contributions in lieu of on site play and sporting provision (£35,000) as well as the inclusion of monitoring costs and subject to the following conditions:-

1. A01LS - Landscaping - submission of details
2. A02AP - Detail on plan overridden by condition
3. A02EX - Submission of samples of building materials
4. A02HA - Construction of access
5. A03FP - Commencement of development (3 years)
6. A03HA - Vehicular visibility at access (dimensions)
7. A04HP - Provision of cycle parking
8. A07HA - No gates - new access
9. A10HP - Driveway surfacing - single access drive
10. A12LS - Landscaping to include details of boundary treatment
11. A17MC - Decontamination of land
12. A19MC - Refuse storage facilities to be approved
13. A22GR - Protection from noise during construction (hours of construction)
14. A23GR - No Pile Driving
15. A32HA - Submission of construction method statement
16. turning facility to be provided prior to use
17. Parking provision for visitors/employees with disabilities to be provided
18. renewable energy
19. Manchester rd frontage properties sound attenuation required

**91 09/3006M-RENEW CONSENT TO RETAIN DWELLING-
RESUBMISSION OF 09/0256P, WHITE PEAK ALPACA FARM,
PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD FOR MR
HODGSON**

Consideration was given to the above application.

(Mrs Gilks, an objector and Mr Hodgson, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

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

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor R West (Chairman)

Application No: 09/3544M
Location: LAND BETWEEN BACK LANE AND, MACCLESFIELD ROAD, NORTH RODE, CONGLETON, CHESHIRE
Proposal: CHANGE OF USE OF LAND TO ALLOW THE SITING OF 23 TIMBER CLAD TWIN UNIT CARAVANS (EXTENSION TO PREVIOUSLY APPROVED SITE)
For MR & MRS D NOAD
Registered 23-Oct-2009
Policy Item Yes
Grid Reference 387422 366436

Date Report Prepared: 22 January 2010

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Impact upon the character and appearance of the area
- Traffic generation and sustainability
- Impact upon nature conservation interests

REASON FOR REPORT

The application was deferred from the last Committee meeting to enable the implications of the recently published PPS4 (*Planning for Sustainable Economic Growth*) upon the application to be assessed. Members will recall a previous application (09/1509M) was refused in August 2009 by the Northern Planning Committee contrary to officer recommendation. This application has sought to address Member concerns regarding the impact of the proposal upon the character and appearance of the area.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2.5km north of Congleton. The site is roughly rectangular and lies between the residential property of Novar to the south (the applicant's residence), and Phase 1 of the approved caravan site – "*Ladera*". Two highways, Back Lane and Macclesfield Road, border the site.

DETAILS OF PROPOSAL

This application seeks full planning permission for the change of use of land to allow the siting of 23 static caravans as an extension to a previously

approved caravan park (06/2254P), currently under construction. The two schemes together will result in a total of 55 caravans at the site.

The 23 caravans would be positioned around a large central pond/pool and 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, in keeping with 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 will be gained via the existing access on Back Lane through the existing caravan park.

The main difference from the previously refused application is an enhanced landscaping scheme, including the mounding to the A536, additional boundary planting and additional internal planting. More details have also been submitted outlining the effectiveness of the proposed mitigation planting.

RELEVANT HISTORY

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009

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

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 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

POLICIES

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 material considerations

- Good Practice Guide for Tourism
- PPS7 (Sustainable Development in Rural Areas)
- PPG13 (Transport)
- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)
- PPS4 (Planning for Sustainable Economic Growth)

CONSULTATION RESPONSES

Environment Agency - No objection, subject to a condition requiring the submission of a drainage scheme to the LPA, and an informative also related to drainage.

Environmental Health – No objection

Strategic Highways Manager – No objection subject to conditions as attached to previous appeal decision

Manchester Airport – No objection

Public Rights of Way – No objection

Campaign to Protect Rural England - Comments not received at time of report preparation

Eaton Parish Council – No need for this extension, top water from this site drains onto surrounding land resulting in waterlogging, hiding the new site will not stop its impact.

North Rode Parish Council – Object on the grounds that the proposal will have a detrimental visual impact, increase road use on narrow lanes, and there is no demand for this type of development.

Visitor Economy Development Manager (Cheshire East) – We are working on a new brand for part of East Cheshire at the moment, The Cheshire Peak District (see www.cheshirepeakdistrict.com for more information) and North Rode is within the Cheshire Peak District area. Also there are quite a few

other accommodation providers situated in North Rode, both self catering and B&B accommodation so although not seen as an obvious tourist area, it is used as a place for people to stay and have a rural retreat kind of experience.

The existing development appears to sell itself as second homes or an alternative for downsizing rather than holiday homes or visitor accommodation. There is a section in the Destination Management Plan for the Cheshire Tourism Board that states that one of their actions between now and 2012 will be to 'Assess the potential to develop the self-catering offer in Cheshire & Warrington, the most rapidly expanding form of visitor accommodation across the UK'. Although it is not clear how well this development fits into the self catering bracket as it appears to be more housing provision rather than visitor accommodation.

OTHER REPRESENTATIONS

Five letters of representation have been received from local residents and neighbouring landowners objecting to the proposal on the following grounds:

- Current application ignores other concerns raised during previous submission.
- Proposal would be out of character by establishing a centre of habitation.
- Unacceptable to discharge outflow from sewage treatment to existing farm ditch.
- Effluent treatment plant labelled as water treatment plant on plans which is misleading.
- Increased water run off will exacerbate flooding on surrounding land.
- No benefit to local community.
- Description of buildings as caravans is misleading.
- Tourism benefit would only be for owners of the lodges.
- Site licence should have been agreed with the applicant prior to considering the application. Also no site license for phase 1, where lodges are for sale.
- No need exists.
- A large bank of soil will not protect the landscape.
- Additional screening will not create a sustainable development.
- Landscaping will "box in" existing open rolling countryside, altering the character of the landscape.
- Drainage remains an unknown entity, and is likely to be problematic.
- No drainage system in place from the previous application.
- Site can be seen from a public road.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

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

Each of these documents can be viewed in full on the application file.

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 (of the former Macclesfield Borough Council) 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 was 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. These considerations apply equally to the current proposal.

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 therefore 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, PPS4, 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.

As noted above, PPS4 has been published since the submission of the application. This PPS supersedes / cancels significant parts of other policy and guidance, notably in this case paragraphs 34 to 40 of PPS7, which relate specifically to tourism and leisure.

The guidance contained within policy *EC7: Planning for Tourism in Rural Areas* of the new PPS4 is very much a repetition of that previously contained within paragraphs 34 to 40 of PPS7. The text within policy EC7.1, 1a, 1b, 1c, 1d and 1e of PPS4 can be compared directly with the text previously contained in paragraphs 34(i), 35(i), 36, 38, 39(i and iii) and 34(ii) of PPS7 respectively. These paragraphs indicate that although contained within an alternative policy document, the national policy relating to tourism in rural areas remains virtually unchanged from when the application was previously considered in August 2009. No significant new policy issues are therefore raised by the recent publication of this planning policy statement. The only specific reference to development of this type in PPS4 is found in paragraph EC7.1(d) which states that Local Planning Authorities should, through their LDFs, “ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening”. As outlined below, this aspect is considered to have been adequately addressed by the applicants in the proposed landscaping.

PPG13 – Transport gives advice in respect to 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 the 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 impact upon the character and appearance of the area was the sole reason for refusal on the previous application (09/1509M). The applicant has therefore attempted to address Members concerns regarding this issue within their submission.

A Visual Impact Assessment has again been submitted with the application, which identifies 17 viewpoints around the site. The assessment identifies that there will be slight or moderate adverse impacts upon 5 of these viewpoints, 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 any adverse impact are:

Viewpoint 1 – Back Lane (slight)

Proposed mitigation: 5 metre wide buffer strip of planting on south western and north western edge with additional nursery stock tree planting.

Viewpoint 3 – A536 approaching from the north (moderate)

Proposed mitigation: Landscape buffer planted on mound set on edge of site, boosting existing hedgerow. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge set on the ridge top of the mound for winter screening.

Viewpoint 6 – Dwelling on A536 (moderate)

Proposed mitigation: 10m wide buffer strip planted on mound to strengthen existing boundary hedge. Extensive planting around the temporary entrance is also proposed. Buffer zone will be planted with advanced nursery stock trees to give instant screening at high level as well as evergreen holly hedge

Viewpoint 7 – Track on A536 (moderate)

Proposed mitigation: Planting outside existing Larch lap fence line.

Viewpoint 8 - Novar (Applicant's residence - discounted)

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

Additional mitigation is proposed in the form of enhancement works to the boundary of the woodland block to the North and North East. This area will accommodate compensatory planting. New woodland groups will also be established within open glades formed by the removal of failed and dead trees.

The Landscape Officer has commented on the proposal and notes that although the dwelling on Macclesfield Road has views into to the site now, the proposed mounding with a large percentage of evergreen native shrubs and trees should, over time, minimise the impact. It is also noted that since the previous application the smaller pond contained by a retaining wall has been removed and more structural planting around the caravans has been incorporated into the design. This will give the caravans more privacy and a

better landscape setting. The larger pond now includes islands which will give a more interesting smaller scale landscape, which is more appropriate with this type of development.

The proposed landscaping scheme which comprises a large proportion of evergreen native shrubs and trees is considered to significantly reduce the visual impact of the proposal and the impact upon the character and appearance of the area is therefore considered to be acceptable.

Trees

The northern section of the current application site was identified for tree / woodland planting as part of the landscaping scheme for 06/2254P. This involved the planting of 7500 square metres of open land which has been off set to the north of the existing woodland on other land under the applicant's control. The majority of the off set planting has been identified within Rode Heath woodland, within open areas, weak areas, edge planting, and within an open area where a number of trees have recently been removed. The additional planting will help to minimise the environmental impact of the proposal.

The proposed drainage plan identifies an on site water treatment plant. The Arboricultural Officer has discussed the implications for the woodland with the applicant, United Utilities and the Environment Agency. Any flooding or partial flooding of this area will inevitably lead to the demise of a number of protected trees. The applicant will have to demonstrate that the proposals can be implemented without having a detrimental impact or connect directly into the mains sewer, which can be dealt with by an appropriate condition. The proposed drainage and external works serving the caravan units will not impact directly on any of the retained trees

Traffic generation

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 - 12.00pm daily. 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".

Further to this, paragraph 5.4 of The Good Practice Guide on Tourism 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 Strategic Highways Manager raises no objections to the proposal subject to the compliance with the relevant highways conditions attached to the original appeal decision. It is also noted that an existing field gate granted approval under application 08/2729P for a temporary period to allow for the delivery of the caravans is shown on the submitted plans. A condition is recommended to ensure that this access does not become a permanent feature. The transport statement also highlights the developer's commitment to implement a Travel Plan as with the previously allowed appeal scheme.

Sustainability

As outlined above, application 06/2254P was refused by Macclesfield Borough Council on the grounds 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 of this facility by individual owners would be likely to reduce travel demand.

Further to this, the Good Practice Guide on Tourism indicates that there may 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.

Other considerations

Two primary concerns raised by local residents in letters of objection are matters of lack of need for such tourist accommodation and drainage.

Need/Prematurity

In terms of need, it should be noted that the original site is still being developed with only five of the approved 32 chalets currently on the site; therefore it is reasonable to assume that whatever demand exists might be capable of being met by the existing planning permission. Relevant tourism documents applicable to this area all serve to promote tourism within the Borough. *Tourism Matters* produced by Macclesfield Borough Council in 2002 identifies the demographic of older ABC1s of 45 years plus, relatively well educated and with interests in walking, historic properties and gardens as one of the principal market sectors in the Borough. This grouping has a high propensity to take short breaks, and the applicant has indicated that it is this demographic that is showing interest in the site. Similarly, *Growing our Visitor Economy – A refreshed framework fro Cheshire and Warrington to 2015* (March 2008) highlights the “lazy outdoors countryside experience, perfect for recharging the batteries after a busy week at work”. The proposed development serves to increase the choice available to visitors and the severe constraints of Green Belt policy are likely to prevent a saturation of such sites, particularly across the northern half of the Borough.

Neither local nor national policy requires applicants to demonstrate a need for tourist accommodation as part of their submission. In the absence of other identified harm to matters of public interest, little weight can therefore be afforded to this issue. The Inspector in the previous appeal decision adopted a similar position with regard to the “need” issue. In such a policy vacuum he took the view of letting the market determine.

Drainage

With regard to drainage, details are shown on drawing M8/994-1035/05. The surface water is shown on the plans to be directed towards the central pond within the site, and other permeable areas such as planting areas. The access roads are identified as being porous granular road surfaces. The foul water drains are shown to connect to a water treatment plant within the site. The Environment Agency raises no objection subject to a condition requiring the submission of details of a scheme to dispose of foul and surface water. Subject to the receipt of these details, there is nothing to suggest that these drainage methods are not acceptable to serve the site. Issues relating to the flooding of neighbouring land are a private matter between the applicant and adjoining landowners, and are not considered to present any identifiable harm to matters of public interest.

CONCLUSIONS AND REASON(S) FOR THE DECISION

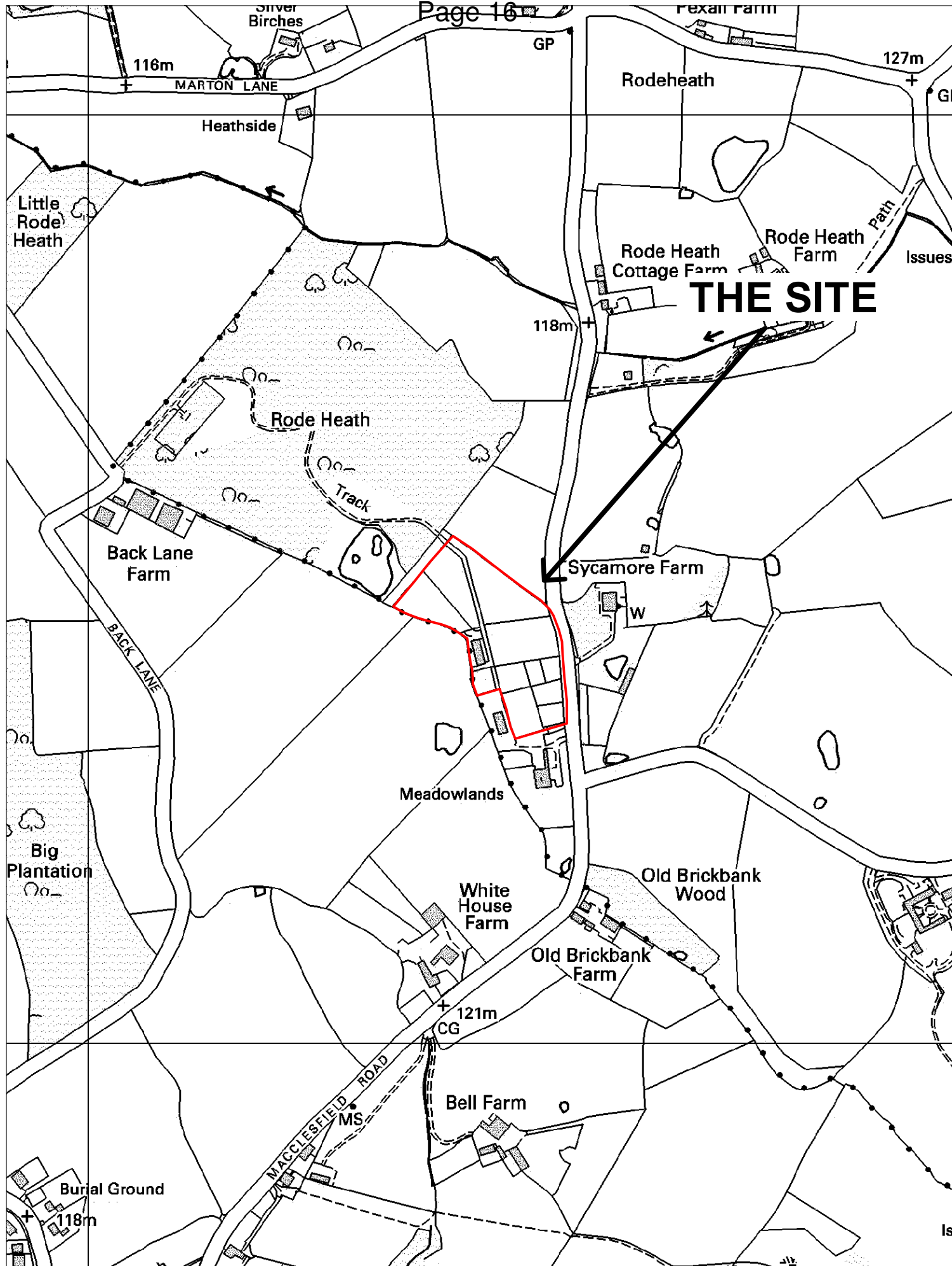
It is considered that the proposed development will have a limited impact on visual amenity and will not harm the character of the area, due to the extent of proposed landscaping / mitigation scheme, which minimise the visual impact of the development. This landscaping has been improved since the earlier submission and is considered to be fit for its purpose.

On the basis of the above information, and following the receipt of the views of the outstanding consultees, a recommendation of approval is made, subject to conditions, and the applicant entering into a legal agreement, as it is understood that the application has been submitted on the same basis as the proposal allowed at appeal.

HEADS OF TERMS

A section 106 legal agreement is required in respect of the following:

- Submission and implementation of a Woodland Care Management Plan
- Submission and implementation of a Travel Plan
- Preparation and issuing of a Licence agreement to all licensees in respect of the occupation of the caravans



09/3544M - LAND BETWEEN BACK LANE AND, MACCLESFIELD ROAD, NORTH RODE, CONGLETON, CHESHIRE
N.G.R. - 387,450 - 366,440

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04LS - Landscaping (implementation)
3. A06NC - Protection for breeding birds
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A04TR - Tree pruning / felling specification
7. A07TR - Service / drainage layout
8. Submission of drainage details
9. Incorporation of features for nesting birds
10. External appearance of caravans in accordance with details approved under 06/2254P
11. Lighting details to be approved
12. Details of roads, parking spaces, hardstanding, storage of materials & parking of contractors vehicles to be in accordance with application 06/2254P
13. Ecological Management Plan to be in accordance with scheme approved under application 06/2254P
14. Refuse storage and recycling to be in accordance with details approved under application 06/2254P
15. The caravans shall be occupied for holiday purposes only
16. The caravans shall not be occupied as a person's sole or main place of residence
17. The site owners/operators shall maintain an up to date register of the names of all the occupiers of the caravans
18. No caravan on the site shall be occupied between 14 January and 1 March in any year
19. Access and visibility off Back Lane shall be in accordance with details approved under 06/2254P
20. No gates or other means of obstruction shall be placed across the access within 15 metres of the boundary of the highway
21. Provision of turning space to be submitted
22. Passing places along Back Lane
23. Footpath to the A536
24. Bus stop to be upgraded

25. Provision of cycle parking facilities

26. Timing of removal of temporary access from A536

Application No: 09/2857M
Location: MOBBERLEY GOLF CLUB, BURLEYHURST LANE,
 MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7JZ
Proposal: EXPANSION AND IMPROVEMENT OF EXISTING 9
 HOLE GOLF COURSE AND ASSOCIATED FACILITIES
For OLLERTON LEISURE LLP
Registered 10-Sep-2009
Policy Item No
Grid Reference 381131 380522

Date Report Prepared: 22 January 2010

REASON FOR REPORT

| SUMMARY RECOMMENDATION | APPROVE |
|------------------------|---------|
|------------------------|---------|

MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not, whether there are any very special circumstances to outweigh any harm caused by the proposal
- Whether the design and visual impact of the proposal is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposal would have a significantly adverse impact on the amenity of nearby residents
- Whether there are any ecological issues associated with the proposal
- Whether the proposal would have an acceptable impact on trees on or adjacent to the site
- Whether there are any other material considerations/issues to be taken into account

The application site exceeds 1 hectare in area and is therefore a major application.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing 9 hole golf course located in a relatively isolated rural location approximately 2km northeast of the village of Mobberley. It incorporates an existing clubhouse, green keepers shed, access and parking area together with an area of agricultural land. The total site area is 39.6 hectares. Vehicular access to the site is off Burleyhurst Lane with the site lying to the south east of the lane. The site contains a number of public footpaths, a number of ponds and a large number of trees. The site is

dissected by Sugar Brook which passes through the site in a northwest, southeasterly direction. An existing residential property, Coppock House Farm, is surrounded by the site with other residential properties adjoining the site boundary to the south and east.

DETAILS OF PROPOSAL

Planning permission is sought for alterations to the existing golf course, the change of use of land to provide an additional 9 holes, the extension of the existing clubhouse, the construction of a green keepers shed, the construction of a practice range (driving range) and a 6 hole academy course. The proposal has been amended during the course of the application in an attempt to overcome concerns raised by officers.

RELEVANT HISTORY

77776P

Full Planning

9 HOLE GOLF COURSE WITH ASSOCIATED BUILDINGS AND CAR PARK

Approved 19/08/94

00/1867P

Full Planning

ALTERATIONS OF EXISTING GOLF COURSE. CHANGE OF USE OF AGRICULTURAL LAND TO FORM ADDITIONAL 9 HOLES AND EXTENSION TO EXISTING CLUBHOUSE.

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY

Withdrawn 26/10/00

05/1438P

Full Planning

ALTERATIONS TO EXISTING GOLF COURSE. CHANGE OF USE OF TWO AREAS OF AGRICULTURAL LAND TO FORM AN ADDITIONAL 9 HOLES TO THE EXISTING COURSE AND EXTENSIONS TO THE CLUB HOUSE.

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY
KNUTSFORD WA167JZ

Withdrawn 10/08/05

06/0053P

ALTERATIONS TO EXISTING GOLF COURSE; CHANGE OF USE OF 2 AREAS OF AGRICULTURAL LAND TO FORM ADDITIONAL 9 HOLES TO COURSE AND EXTENSIONS TO CLUBHOUSE

MOBBERLEY GOLF CLUB BURLEYHURST LANE MOBBERLEY
KNUTSFORD WA167JZ

Approved 27/03/06

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
RDF4 Green Belts
L1 Health, Sport, Recreation, Cultural and Education Services Provision
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM5 Integrated Water Management
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 & NE17 Nature Conservation
BE1 Design Guidance
GC1 New Buildings
GC8 Reuse of Buildings
RT18 Golf Courses
T2 Integrated Transport Policy
DC1 New Build
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC17 Water Resources
DC33 Outdoor Commercial Recreation
DC64 Floodlighting

Other Material Considerations

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPG17: Planning for Open Space, Sport and Recreation

Council's SPG on Floodlighting
ILE Guidance Notes for the reduction of obtrusive light

CONSULTATIONS (External to Planning)

Strategic Highways Manager: no objections subject to conditions.

Environmental Health (Contaminated Land): no objections.

Environmental Health (Health & Safety): advise that the business would need to take account of 'Health and Safety in Golf Course Management and Maintenance' which has been produced by the Green keepers Training Committee and the HSE. This document specifically states that risk assessments must take account of the potential risks of injury from flying golf balls and work activities and to take some form of 'reasonable' action to reduce the risks of injury.

Environmental Health: no objections raised with regard to the impact of the proposal on the amenity of nearby residents subject to a condition requiring windows and doors in the clubhouse to remain closed at times when amplified entertainment is taking place.

Public Rights of Way: have submitted a holding objection due to concerns regarding the impact of the proposal on footpaths 45 & 55. A site meeting has subsequently taken place to discuss the concerns of the Public Rights of Way Officer and additional information is to be submitted by the applicants.

Manchester Airport: no objection subject to conditions.

MOD Safeguarding: no safeguarding objections.

Environment Agency: the proposed development will only be acceptable if a planning condition is imposed requiring a scheme to be agreed to protect the buffer zone around the Sugar Brook.

United Utilities: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council – no strong objections to the expansion of the golf club into an 18 hole course with modest extensions to the clubhouse. But no extensions to the club house should take place before the golf course has been modified for 18 hole play. The golf clubhouse should be for golf-related activities only. Particularly concerned about the practice range in terms of impact on the adjoining farm/livery, safety relating to golf balls being hit, impact on the countryside, impact of required netting/landscape screening and impact of the lighting. Concerns regarding the information provided on car parking and flooding. The risk of flooding needs to be addressed as does the issue of sustainability. The application lacks detail in terms of how sustainability would be achieved.

OTHER REPRESENTATIONS

To date, 13 representations have been received in relation to the application, two in support of the proposal and 11 against. Copies of these representations are available to view on the application file and are summarised below.

In brief the letters of support state the following:

- it is an excellent scheme and that design, size, appearance and layout have been taken into consideration to optimise both amenity, residential and highway considerations
- the impact on the area will be to enhance the natural features and comply with all planning regulations
- it is an excellent facility for the Mobberley area, giving young people and their families an excellent friendly environment to participate in sport
- new development will have little or no impact on local properties as no homes directly overlook the new proposals for the club

The main grounds of objection are as follows:

Health & Safety/Amenity

- adverse impact on Hollingee Farm as a result of an unacceptable safety hazard to all horse riders which materially prejudices the viability of a long standing rural enterprise involving agricultural diversification
- concern about the noise generated by a golf ball being hit by a golf club and the impact that this noise would have on horses
- learner golfers are much more likely to lack control and as a result wayward balls will land in Hollingee fields making them less available for riding
- driving range and academy course should be moved to less intrusive locations and if this is not possible, abandoned
- Hollingee already inundated with stray golf balls from careless golfers, no doubt this would be increased
- Proposal would place two greens within a few metres of the border of Oak Bank Farm which would amount to a significant reduction in privacy
- Concern about stray golf balls going onto Burleyhurst Lane
- Noise generated from an occasional golf function can be tolerated but would not be acceptable if became a regular occurrence
- Show jumping horses are kept at Hollingee and these are more highly strung than the average horse kept at a livery yard
- The proposed fences and trees used as a protective barrier to the driving range will not give adequate protection to adjacent land
- Track at Hollingee used for hacking and to access local bridleways

Visual Impact

- design of two tier driving range building of an unfortunate and dominant design detracting from the more rural feel of the golf clubhouse
- height of the range building totally unsuitable for such a rural location
- proposed lighting to the range would materially and adversely change the visual character of the Green Belt and cause light pollution to wildlife
- Substantial and irrevocable impact on the character and appearance of the area
- Concern about impact on natural beauty of the area
- Proposed lights will dramatically change the environment at night

Green Belt

- protective fencing around the driving range and to the rear of properties in the vicinity of Oakbank Farm will introduce a high and alien feature compromising the openness of the Green Belt
- groundsmans facilities constitute an isolated building in the Green Belt, affecting openness and presenting a dominant and intrusive feature alongside a well used public footpath
- the leisure accommodation is excessive to serve an 18 hole golf course and no very special circumstances have been shown to justify the increase in floorspace over that considered necessary in 2006
- Increased damage to the Green Belt area which is constantly being eroded
- Already very many private golf courses in the vicinity and therefore no need or demand for expansion in the Green Belt on this scale

Highways

- Increased traffic on what is already a busy road
- No public transport available to the venue

Footpaths

- introduction of two tees alongside the groundsmans accommodation would remove an unacceptable length of ancient and important hedgerow and dominate and detract from the well used public footpath
- the proposed footpath diversion appears to downgrade the walking experience markedly

Landscaping

- No provision for buffer zones
- More detail required on whether trees to be felled close to proposed site for green keepers shed

Other

- the submitted plans omit several of the key public footpaths and the indicative locations would not appear to accord with published guidance
- high netting would be a problem with migrating birds, Hollingee is home to many nesting swallows and also supports a local community of tawny owls
- Serious concerns about the effect on security of nearby properties
- Adverse impact on views from the rear of Oak Bank Farm
- Lighting study does not follow accepted guidelines for environmental controls of lighting within rural areas
- Discrepancy between proposed hours of use and hours of lighting
- Concerns that the Club will endeavour to hire out their improved facilities once completed in order to further develop their commercially viable business
- Concern about enforceability of restrictions on the hours and use of the clubhouse
- Driving range will attract frequent short visits from a very large projected population of visitors
- Concern about the incremental effect of these repeated applications for expansion
- Examples of driving ranges built on golf courses in the area are sited in the middle of the golf course and not on the perimeter
- Existing clubhouse already used for non golf related activities
- Golf club has already caused problems with flooding of the land at Hollingee Farm and can only see this getting worse if the Club expands on the site directly abutting the farm
- Redress against golfers who hit the ball beyond the site boundary has been a problem in the past

Further neighbour notification has recently taken place following the receipt of amended plans and additional information. Any additional representations received in relation to the amended/additional information will be reported to Members either in an update report or verbally at Committee.

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application. These include:

- Design & Access Statement
- Supporting Planning Statement
- Sustainability Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement
- Ecological Assessment & Wildlife Management and Mitigation Plan
- Landscape and Visual Impact Assessment (including tree survey)
- Lighting Strategy

Copies of these documents are available to view on the application file.

In summary it is stated that the proposal provide a well considered scheme that responds to the sites Green Belt setting as well as to the Club's aspirations and requirements. The scheme will utilise areas of the course that currently lay unused, enhancing their attractiveness and designed in a way that will support the diverse mix of wildlife and ecology the course provides a habitat for. The reuse of the existing building stock ensures good practice whilst the location of the new practice range adjacent to the existing buildings minimises the impact of the proposals on the existing views around the course. The architectural style and materiality also responds to the local vernacular again minimising the impact of the buildings. The expansion proposals will compliment an appropriate Green Belt leisure use whilst ensuring the clubs survival and increasing attractiveness to all levels of golfers. Overall it is considered that the application proposals would make a valuable contribution to the local area through improvement of a key sporting facility which is presently under utilised and in need of investment and modernisation. Conclude that the proposal complies with national and local planning policy.

In terms of flood risk, the Flood Risk Assessment concludes that the site is in an area identified as having a low probability of flooding on the Environment Agency Flood Map. PPS25 confirms that the land use falls into 'water compatible' and this is appropriate for this zone.

The Transport Statement concludes that the site already has planning consent for the extension of the golf course from 9 to 18 holes and for additional facilities at the club house and that the proposal will generate very low additional traffic volumes on the local highway network, will provide sufficient car parking within the site, will encourage increased sustainability in the travel patterns of the members and staff of the golf club and will provide improved access onto the local highway network.

The ecological assessment states that the golf course and proposed extension land contain habitats assessed as having local nature conservation value and supporting protected species. A small population of great crested newts is present on the site in addition to badgers and water voles. Redevelopment would be unlikely to have a significant impact upon local biodiversity, so long as key mitigation and habitat enhancement is incorporated into the development proposals.

The Landscape and Visual Impact Assessment concludes that most aspects of the application will have a limited or slight visual impact. This applies to the impact from most of the properties from which the development can be seen where the practice range remains the only feature to have a significant impact, but this will be filtered by existing trees to a great extent. Where footpaths run either across the new course extension or close to the new practice range building or range itself then the impact is commensurately higher and moderate impact values are recorded with occasional substantial values where the element concerned is closest. With regard to trees, it should

ne noted that although 23 mature trees are scheduled for removal, all options were considered in terms of course design to keep this loss to a minimum. The trees identified for removal do however still represent a small percentage of the total mature tree population of the course which has a high density of mature hedgerow trees. Mitigation measures proposed as part of this application will ensure that considerably more trees are planted than taken out.

The Lighting Strategy concludes that the overall scheme is in keeping with both the environmental considerations and the performance requirement, ensuring that the impact on the surrounding sites of the practice range is controlled to the minimum, the green belt area is very likely to maintain its natural rural character.

The applicants have undertaken a comprehensive pre-application consultations exercise to ensure the proposals take account of local opinion and key stakeholders in developing the scheme. The public information event revealed support from the majority of members of the public and key stakeholders both in principle and detail. However, some concerns were raised by a handful of immediate local residents. Their concerns and comments have been taken on board and are addressed within the Planning Application submission documents.

During the course of the application additional supporting information was submitted. This has included an addendum to the Planning Statement which provides further justification for the expansion of the clubhouse and improvement of the existing facilities to meet modern golfing standards and requirements.

OFFICER APPRAISAL

Principle of Development

The development of facilities associated with outdoor sport and recreation is acceptable in principle in the Green Belt provided that the facilities are considered to be essential. If they are not considered to be essential then very special circumstances would be required.

Green Belt

As stated the site lies in the Green Belt where policies seek to preserve and maintain openness. Local Plan policy GC1 relates to new buildings and states that approval will not be given for new buildings unless it is for the specified list of purposes including essential facilities for outdoor sport and recreation. Policy GC8 allows for the reuse and adaptation of existing buildings for recreational uses provided that the listed criteria are met. This includes that there is no materially greater impact on openness, that the building is of permanent and substantial construction capable of being converted without major or complete reconstruction, that the form, bulk and general design of the building is in keeping with its surroundings and the proposal respects local

building styles and materials. Paragraph 3.12 of PPG2 states that the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

This application involves the change of use of agricultural land to use as part of an existing golf course; alterations to the existing golf course; extension to the existing clubhouse; change of use of and alterations to the existing green keepers shed to form part of the clubhouse; the erection of a practice range including the erection of netting; alterations to the existing parking area and access track and the erection of a new green keepers shed. Each of these elements of the scheme will be dealt with in turn.

Extension/alteration of existing golf course

The site currently contains a 9 hole golf course. In 2006 permission was granted for a further 9 holes under application reference 06/0053P. This consent has not been implemented, but remains extant and capable of implementation as the Council is satisfied that a lawful start has been made on it. The 2006 consent involved the change of use of two areas of agricultural land, one to the north west of the existing course and one to the south east. The area to the south east no longer forms part of the proposal and has instead been replaced by a new area of land to the west of the existing course.

The change of use of land to a golf course is considered compatible with Green Belt policy as the use would maintain openness.

Extension of the club house including the change of use of and alteration to the existing green keepers shed

The existing club house is located to the north of the site, to the east of Burleyhurst Lane. It is a relatively low level structure (5.7m to the ridge) providing modest facilities including a lobby, toilets/changing areas, a pro shop, a kitchen, bar and restaurant at ground floor with office facilities at first floor. It has a footprint of 150m² and a total floorspace of 228m². A detached building is located to the rear of the club house and is used primarily as a green keepers shed. A yard area associated with the green keepers shed is also located to the rear of the club house.

The 2006 permission permitted a number of extensions to the club house, two to the side and one to the rear in order to provide extended changing and lounge/bar facilities. These extensions added an additional 137m² of floorspace and followed the withdrawal of an earlier application for a larger extension (222m²).

This application proposes to extend the existing club house by 240m² (excluding conversion/alteration of existing green keepers shed), thereby doubling it in size to 468m². The building would be primarily extended to the side (west) and rear and an existing single storey part of the building would be

removed (east elevation). Additionally the club house would extend into the existing green keepers facility which would be used as a members dining room with associated kitchen and bar facilities and which would provide an additional floorspace of 273m². The original part of the club house building would primarily be used as a bar/restaurant with the extensions providing toilet and changing facilities together with a pro shop. The first floor would remain in use as an office with a stock room and storage provided at first floor within the former green keepers shed.

Clearly the scale of the club house proposed by this application significantly exceeds that of previous submissions (05/1438P & 06/0053P), the earliest of which was withdrawn following concerns regarding the scale of club house proposed. The applicants state that by granting the previous consent (06/0053P) the Council recognised the need to upgrade the current facilities. It is stated that the new ownership, a recent restructure of the business, an increase in membership of the club and the implementation of the additional golfing facilities within these proposals means that it is essential that the club house expands further than the existing permission. As of December 2009, the Club had 250 members. The club house as existing can only comfortably accommodate 36 people seated or 50 standing which has resulted in a need to use a marquee or other venue to facilitate social events connected with the Club. It is stated that to sustain the increase in membership and create a commercially viable business, improved, higher quality facilities are necessary.

The addendum to the Planning Statement contains details regarding other clubs within a 10 mile radius of Mobberley and makes comparisons between the number of members and the facilities offered at these clubs when compared with the existing and proposed facilities at Mobberley, noting that the applicant is starting at a very low base when compared with others. Of the 22 clubs located within a 20 mile radius, all contain space for a Members dining room. It is stated that the survey demonstrates that the current club house at Mobberley is significantly smaller than the majority of the other clubs.

It is considered that whilst the size of the club house proposed by this application is significantly larger than both existing and approved, the scale proposed appears to be commensurate with other club houses within the immediate surrounding area and would be commensurate with the scale of facilities proposed, were these considered to be acceptable. The previously approved extensions were considered to be justified by the addition of 9 holes to the golf course. This application proposes additional facilities over and above the 9 holes, a 6 hole academy course and an 18 bay practice range. The amendments to the club house are therefore considered to be appropriate development in the Green Belt. Whilst the amount of alterations proposed to the existing green keepers shed mean that it is questionable whether it could be considered re-use of an existing building as permitted by policy GC8, as stated, in any event the scale of facilities proposed are considered essential facilities for outdoor sport and recreation and would therefore be acceptable under policy GC1.

Erection of a practice range

A two-storey practice range facility is proposed to the east of the existing club house, close to the site boundary with Hollingee. The practice range facility has been reduced in size slightly during the course of the application and now provides 18 bays including 1 teaching bay. The practice range building measures 28m long x 6.3m deep with an additional area to the rear of the main building providing stairs to the upper floor and providing ball washing/distribution facilities. The range building is open fronted and of a mono pitch construction. It has an eaves height of 5.8m and a maximum height of 7.8m, though the floor area of the range would be 0.7m lower than the level of the club house. The building would have a reclaimed red Cheshire brick plinth below vertically boarded timber. The roof would be constructed from composite insulated panels. 10m high netting would be erected along the boundary of the range and would be supported by 10m high metal posts located every 20m. It was also originally intended to light the range, but the applicants agent has now confirmed that this no longer forms part of the application following concerns raised by officers and third parties.

Local Plan policy DC33 deals with outdoor commercial recreation and sets out a list of criteria to be met by proposals. In particular it is stated that the design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential/non-sensitive buildings to minimise visual impact. The site should be able to accommodate any necessary lighting without undue intrusion or significant adverse impact upon the immediate locality or wider environment. As with extensions to the club house, the practice range proposal also needs to be assessed against policy GC1.

In other cases practice range facilities have been considered to be appropriate development in the Green Belt and whilst they generally involve a more intensive form of outdoor sport and recreation, they can be considered to be acceptable provided that they are of an appropriate scale and appearance such that openness is not adversely affected. In this case whilst the provision of a 2 storey range is unusual, it is considered that the range building and netting are appropriate as essential facilities for outdoor sport and recreation. Whilst there is some concern with regard to the height of the range building proposed, on balance it is considered that the visual impact of the building is acceptable and that it would not adversely affect openness. Its design, proposed levels and existing and proposed planting will help to minimise its visual impact and this together with its siting within the main built up part of the site means that it is considered to be acceptable.

Erection of green keepers shed

The incorporation of the existing green keepers shed into the extended club house results in the need to erect a new shed. During the course of the

application the position of the new green keepers shed has been amended following concerns raised by officers and third parties. The new shed would measure 11.5m x 16.6m and would have an eaves height of 3.7m and a ridge height of 4.25m. It would have a low brick plinth with metal cladding above under a composite roof panel roof. It would have the appearance of an agricultural shed. A gravel yard area would be located to the front of the building. The building would be slightly smaller than the existing green keepers shed.

The proposed green keepers shed is considered to be appropriate development in the Green Belt as it is considered to be an essential facility for outdoor sport and recreation. Its size, siting and appearance are considered acceptable.

Alterations to parking area and access track

As part of the proposals the existing access road is to be re-aligned and parking is to be provided for 108 vehicles. The parking includes 4 disabled spaces and 37 overflow spaces. The existing parking area is located to the rear and side of the club house and is not currently demarcated into individual bays.

Highways

No objections are raised to the proposal by the Strategic Highways Manager, subject to a number of conditions regarding visibility splays and parking in accordance with the submitted plans. Comments are awaited on the amended plans.

As previously stated, a number of footpaths are located adjacent to and within the site, some of which would be directly affected by the proposal. In particular it will affect Public Footpaths No. 55 and 45. The line of Footpath No.55 will be affected by the driving range and both footpaths will cross fairways as part of the new course layout. The Council's PROW Unit initially expressed concern regarding the impact of the proposal on the footpaths but following a site visit it is understood that their concerns have now been addressed, though formal confirmation of this is still awaited. Should consent be granted for the proposal, an application would need to be made to divert the footpaths where necessary.

Design/Visual Amenity

The Council's Landscape Officer initially had a number of concerns regarding the proposal but is now satisfied that the amended proposals have addressed these concerns. However any permission granted should be subject to full conditions for landscape, boundary treatments, hard surface materials and the implementation of a long term management plan.

The general design and appearance of the proposed club house and green keepers shed is considered acceptable. With regard to the proposed practice

range facility which includes a 2 storey building and 10m high netting, as previously stated, whilst there is some concern with regard to this building, on balance its design and visual appearance is considered acceptable.

Amenity

A number of residential properties are located close to the boundary of the site, with one property, Coppock House Farm being surrounded by the site. A number of letters of objection have been received from occupiers of these properties raising concerns regarding a number of matters. These have been summarised within the representations section of the report. The main areas of concern appear to relate to health & safety, noise and privacy. Each of these issues will be dealt with in turn.

Health & Safety

Concerns have been expressed regarding the potential for golf balls to be hit beyond the boundary of the course and practice range and the potential for people and animals to be hit. In particular there is concern about the impact on horses grazing or being ridden on land owned by Hollingee. Additionally a public footpath is located directly to the east of the proposed practice range.

The Health & Safety section of the Council's Environmental Health department has been consulted on the proposals and advise that with respect to health and safety the business would need to take account of 'Health and Safety in Golf Course Management and Maintenance' which has been produced by the Green keepers Training Committee and the HSE. This document specifically states that risk assessments must take account of the potential risks of injury from flying golf balls and work activities and to take some form of 'reasonable' action to reduce the risks of injury.

In this case it is considered that reasonable action has been taken by the applicants to minimise the risk of golf balls being hit beyond the site boundaries. Probably the highest risk will be associated with the proposed practice range which is located close to the site boundary with Hollingee. In recognition of this, 10m high netting will be erected along the boundary of the range. It is considered that this together with existing and proposed planting and the orientation of the range and driving bays will adequately minimise the risk to both people and animals to an acceptable levels.

Noise

Concerns have been expressed regarding the disturbance to people and animals that would be caused by the noise of a golf club striking a ball. A letter has been submitted by a local horse instructor stating that in her view golf balls being hit will in all probability startle horses and ponies going past the practice range. In contrast to this, a horse expert approached by the applicants is of the view that there is no conflict between golf and horse uses and that horses easily become accustomed to the type of noise generated by golf.

It is considered that the level of noise that would be generated by the proposals would not be at such a level to result in a significant adverse impact on users of adjacent land. Anybody walking on nearby public footpaths or using land adjacent to the course would be aware of the existence of the course and would expect the noise of golf balls being hit. In terms of the impact of noise on any animals grazing or being ridden close to the course, some of these animals will presumably have become accustomed to the noise associated with the existing golf course. Whilst it is acknowledged that the provision of the practice range close to the boundary with Hollingee would result in more intensive golfing activities closer to land owned by this property, it is not considered that the impact that the noise from this activity would generate and may have on animals grazing in the adjacent field, is sufficient to warrant the refusal of the application. It seems that expert opinion is divided about the ability of horses to adjust to golf related noise and it is understood that the amount of land associated with Hollingee is extensive meaning that if problems did occur, horses could be re-located to other paddocks further away from the range.

Privacy

Occupiers of a property located to the south of the proposed extension to the course have expressed concerns relating to a loss of privacy resulting from the proposals. However, given the distance between the boundary of this property, and other properties located adjacent to the site, and the course and associated facilities, it is not considered that the privacy of occupiers of these properties would be unduly harmed.

Ecology

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,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

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

PPS9 (2005) advises LPAs to 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. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "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 detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Council's Nature Conservation Officer notes that the application is supported by an ecological assessment and mitigation plan, which appears to have been undertaken to a high standard. There are a number of ecological issues associated with the proposed development.

Newts

A small population of Great Crested Newts was recorded on site and a number of breeding ponds were identified. The proposed development will result in the temporary disturbance/modification of part of the terrestrial habitat utilised by this species. However, the Council's Nature Conservation Officer is satisfied that the operation of a golf course does not necessarily result in an adverse impact upon this species provided the development is managed appropriately. In this instance acceptable mitigation proposals have been provided to reduce the risk of killing or injuring newts during the construction phase. These involve the removal and temporary exclusion of newts from certain parts of the site.

It should be noted that since a European Protected Species (great crested newts) has been recorded on site and is likely to be adversely affected the proposed development, in addition to agreeing appropriate mitigation/compensation the planning authority must also consider the other two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is

no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license once permission has been granted and details of how the tests were considered must be recorded within the report.

In this case it is considered that the proposal is capable of meeting the tests set out in the Habitat Regulations. The development is considered to be of overriding public interest as it addresses the need to improve golf facilities at the site and would improve the recreational facility on offer to the benefit of the community. It is also stated that the proposal would improve the commercial viability of the business. Additionally it is not considered that there is a suitable alternative that would not have any impact on European protected species. The proposals relate to an existing facility and are an alternative scheme to an extant consent.

Breeding Birds

A number of species of breeding birds have been recorded including a number of Biodiversity Action Plan species which are a material consideration. In this instance however none of the species present are particularly uncommon in Cheshire and the site does not appear to support significant numbers of breeding pairs.

A number of measures to enhance the site for breeding birds has been included in the ecological assessment and provided these are adopted in the submitted proposed layout plan it appears unlikely that the proposed development will have a significant impact upon breeding birds.

Badgers

One main sett and one outlying sett has been recorded during the submitted ecological assessment. Neither of these setts will be lost and outline mitigation proposals have been included as part of the submitted ecological assessment. The key aspect of the mitigation is that any works in close proximity of the sett will be supervised by an ecologist. This approach is acceptable.

Water Voles

Some evidence of limited water vole activity was recorded on sugar brook and at one pond on site.

The submitted ecological mitigation report proposes a rough grassland buffer-zone along the brook corridor to reduce the potential disturbance of water voles.

Bats

An acceptable bat survey has been undertaken. No evidence of roosting bats was recorded and only a low level of bat activity occurred throughout the site during the survey. Whilst there may be a loss of trees with potential to support bats this will be mitigated for through the erection of a number of bat boxes.

Common Toad

This species which is a UKBAP species and hence a material consideration was recorded on site. The mitigation for this species is similar to that suggested for great crested newts therefore it is unlikely that the proposed development will have a significant impact upon this species.

Trees

A tree survey has been submitted with the application and following the receipt of amended plans and additional information the Council's Forestry Officer raises no objections to the proposal. It is considered that on balance the proposals are acceptable from an arboricultural perspective, with significant net gain in terms of tree and hedge loss secured under a suitable landscape management master plan. A number of conditions are suggested to be attached to any consent granted.

Other Matters

A number of other matters have been raised by third parties that have not been considered within the main body of the report. In brief these comprise issues relating to the demand for the facility, the effect on the security of nearby properties, the impact on views, question who will be using the club house facilities, enforceability of any hours of use conditions and concern regarding flooding.

It is not considered that any of these other issues raised would warrant refusal of the proposal. Loss of view and impact on security are not a material planning considerations and it is considered that the use of the club and the hours of use can be adequately controlled by condition. With regard to flooding, whilst the concerns expressed have been noted, a flood risk assessment was submitted with the application and has been accepted by the Environment Agency who raise no objections to the application subject to conditions.

Other material considerations to be considered as part of the overall appraisal of the proposal are that it is stated that the improved facility will help to sustain the long term viability of the existing business, it will create jobs at the site and will provide wider opportunities for people to participate in outdoor sport and recreation. As well as being available to Members, the club operates a pay and play system and is working to foster relationships with local schools.

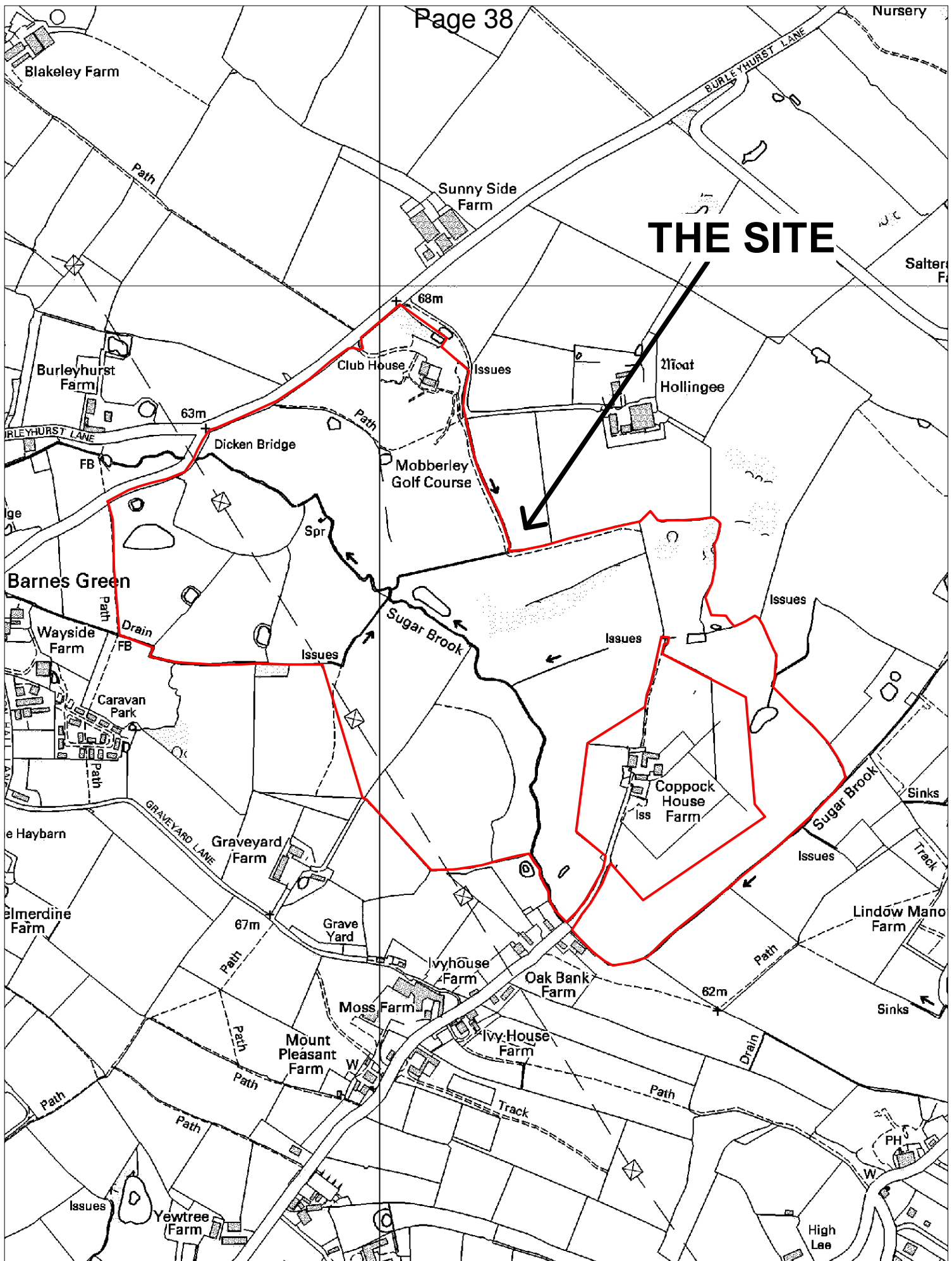
Additionally the proposed academy course will provide a facility for young people to use.

SUBJECT TO

The expiry of the additional publicity period on 1 February 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the amended proposal has adequately overcome previous concerns relating to the application. All aspects of the proposal are considered to be appropriate development in the Green Belt, the visual impact of which is acceptable. Access and parking arrangements together with the impact on existing public footpaths is also acceptable. Whilst the proposal will have an impact on protected species, it is considered that this impact is not significant and is capable of being mitigated. No objections are raised in terms of the impact on existing trees. Whilst the concerns raised by local residents are noted, it is not considered that the proposal will have a significant adverse impact on the amenity of nearby residents, users of the footpaths/paddocks or on any animals kept within adjacent fields. No other issues raised by third parties are considered to warrant refusal of the proposal which also brings with it a number of benefits including an increase in leisure facilities and employment creation.



09/2857M - MOBERLEY GOLF CLUB, BURLEYHURST LANE, MOBERLEY, KNUTSFORD, CHESHIRE, WA16 7JZ
N.G.R. - 381,150 - 380,510

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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. A02HA - Construction of access
5. A01HP - Provision of car parking
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A15LS - Submission of additional landscape details
9. A16LS - Submission of landscape/woodland management plan
10. A12LS - Landscaping to include details of boundary treatment
11. A08MC - Lighting details to be approved
12. A01TR - Tree retention
13. A02TR - Tree protection
14. A03TR - Construction specification / method statement
15. A04TR - Tree pruning / felling specification
16. A06TR - Levels survey
17. A07TR - Service / drainage layout
18. A14TR - Protection of existing hedges
19. A02NC - Implementation of ecological report
20. Use of club house facilities limited to users of the golf facilities
21. No lighting hereby granted for the practice range
22. Phasing/timing of the development
23. Doors/windows to remain closed when amplified music played in the club house
24. Scheme to be submitted and agreed for the provision and management of a buffer zone alongside Sugar Brook
25. Appraisal of new water bodies & management of existing ponds and areas around them (Manchester Airport)

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Application No: 09/3841M
Location: PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4BW
Proposal: ERECT FOUR FLOODLIGHTS ON TELESCOPIC COLUMNS
For PRESTBURY BOWLING CLUB
Registered 13-Nov-2009
Policy Item No
Grid Reference 390187 376691

Date Report Prepared:

22 January 2010

REASON FOR REPORT

The application was called into Northern Committee for consideration by Members by Councillor Jackson.

SUMMARY RECOMMENDATION**MAIN ISSUES**

- Impact upon residential amenity
- Impact upon the character and appearance of the conservation area

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of a bowling green & pavilion located within an area of open space as defined within the local plan.

The site is bordered by residential dwellings to the north, south and west of the site, whilst to the east lies an open area of countryside.

DETAILS OF PROPOSAL

The application seeks full planning permission for the construction of four floodlights on telescopic columns, fitted with 1000w bulbs.

RELEVANT HISTORY

- 08/1358p Erection of 8 floodlights
Refused 25/7/2008
APP/C0630/A/08/2091782
Dismissed 24/3/2009
- 08/0019p Erection of four floodlights
Withdrawn 27/2/2008
- 97/0371 Bowling green, pavilion & temporary access
Approved with conditions 30/7/1997

POLICIES

Regional Spatial Strategy

- RDF4 Green Belts
L1 Health, Sport, Recreation, Cultural & Educational Services
DP1 Spatial Principles

Local Plan Policy

- BE1 Design Guidance
BE3 Conservation Areas
RT1 Open Space
DC3 Amenity
DC64 Floodlighting

Other Material Considerations

- PPG17 Planning for Open Space, Sport & Recreation
SPG Floodlighting for Sporting Activities

CONSULTATIONS (External to Planning)

Environmental Health: No objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: No objections to the proposal. The Parish Council recommends that conditions limiting the use of the floodlights to weekdays only and that they should be turned off at 10pm.

OTHER REPRESENTATIONS

22 letters of representation have been received to date objecting to the proposal. A summary of the objections raised within the letter has been provided below, however the full document can be viewed on file and online at www.cheshireeast.gov.uk

- Impact upon character of the area
- Impact upon residential amenity in the form of glare from the lights
- Light pollution
- Intensification of the site
- Parking issues
- Visual impact of poles when retracted
- Noise pollution

Other issues were raised with regards to the lease on the site, however this is not considered to be a material planning consideration and is therefore discounted.

APPLICANT'S SUPPORTING INFORMATION

A design and access statement was submitted as part of the application providing an overview of the development. The following conditions were also proposed within the statement:

- Lights used between 1 April – 31 October annually
- Lights used between the hours of 4pm – 10.30pm
- Columns & light fittings painted green

A lighting survey was also submitted with the application providing detailed information in relation to the lighting levels proposed.

OFFICER APPRAISAL

Principle of Development

The principle of providing floodlighting for recreational facilities can be acceptable, subject the following considerations:

- Landscape Character
- Residential Amenity
- Historical or Wildlife Features
- Highway Safety
- Intensification of the site

It is also important to consider how the proposed development would impact upon the character / appearance of the conservation area.

Policy

The most relevant policy within the Macclesfield Local Plan (2004) in order to assess the application is DC64: Floodlighting.

The Prestbury conservation Area Appraisal offers guidance into the character of the conservation area.

Use

The bowling green was granted planning permission in 1997. The club has since grown in terms of membership, and seeks planning permission for floodlights in order to provide extended use of the green during the bowling season (April – October).

Design & Character of the Area

The area in question forms an attractive area of open space to the front of the Shirleys, and contributes significantly to the character of the area. The site is also located within the Prestbury conservation area.

The proposal seeks permission for the addition of four floodlights to the area, mounted upon 8m tall columns. The floodlights would be retractable to a low level height of 2.5m. Whilst it is accepted that the proposed lights and columns would be clearly viewable whilst extended to their 8m height, it is also considered when the lights are retracted that there would be no impact when viewing the area from outside the site due to the significant level of existing screening. The lights would be viewable from the Shirleys, however it is not considered that this would be significantly detrimental to them.

It is understood that the proposed lights would provide benefit to the recreational facility. Within the appeal decision from application 08/1358p the Inspector noted that the lights would improve the recreational facility. However, he also considered that, as the proposed lights would be permanently positioned at 6m, that they would have a utilitarian appearance and would therefore significantly impact upon the Prestbury conservation area. The appeal decision found pros and cons considered the proposal to be quite finely balanced. The current proposal incorporates the use of retractable floodlights, limited to a few hours of use between April and October. At all other times the lighting columns would be retracted, which could be controlled by condition.

When considering the visual impact of the floodlight columns when retracted, it is considered that the impact would not be sufficient in order to substantiate grounds for refusal. It is considered necessary to request details of the proposed colour that the columns would be painted in order to ensure that they would have an acceptable visual impact within the location.

Residential Amenity

The application site is located to the rear of the village hall in Prestbury with access to the green provided from the car park located to the rear of the village hall. The green is relatively well screened within the location, however can be viewed from The Shirleys apartment block to the north of the

application site. A public footpath runs from Shirleys Drive and River Side Park parallel to the River Bollin providing further views of the green.

The proposed floodlights would increase the level of light to the green, particularly as no lighting is in place on the site at the moment, however it is also recognised that the light would be concentrated in a block across the bowling green. The site is also bordered by residential developments that also emit light, therefore it is not considered that the proposal would result in a significant increase in light to the overall area.

A lighting assessment report was submitted as part of the application, indicating the proposed lights would result in minor overspill from the green itself, however would not impact upon the surrounding residential properties. These details have been assessed by the Environmental Health department and are considered to be acceptable. At its nearest point the proposed lights would be situated approximately 10m away from the closest residential dwelling. Due to the flat topography of the site and the positioning of the lights facing downwards, it is considered that the lights would have no significant adverse impact upon residential amenity.

Similarly it is considered that the proposal would increase the level of noise from the green to a significant level as to warrant refusal of the application.

Member's attention should also be drawn to the Inspectors assessment of the previous planning application with regards to residential amenity, in particular paragraph 11 that stated;

'I note some residents' concern that the extended use of the green allowed by the lights could cause noise and disturbance, at a time when residents might expect peace and quiet. I note also that unless some limitation on the amount of use were imposed, there would be nothing to prevent the lights being used for casual play on other than league evenings. However, I would not regard the likely degree of disturbance as sufficiently harmful to warrant rejection of the proposal. I consider that the floodlighting of the green should not have unacceptable effects on living conditions, and would therefore comply with LP policy DC3 and DC64 (2).'

It is also important to note that the previous proposal sought consent for 8 floodlights, as opposed to the current application which seeks approval for four.

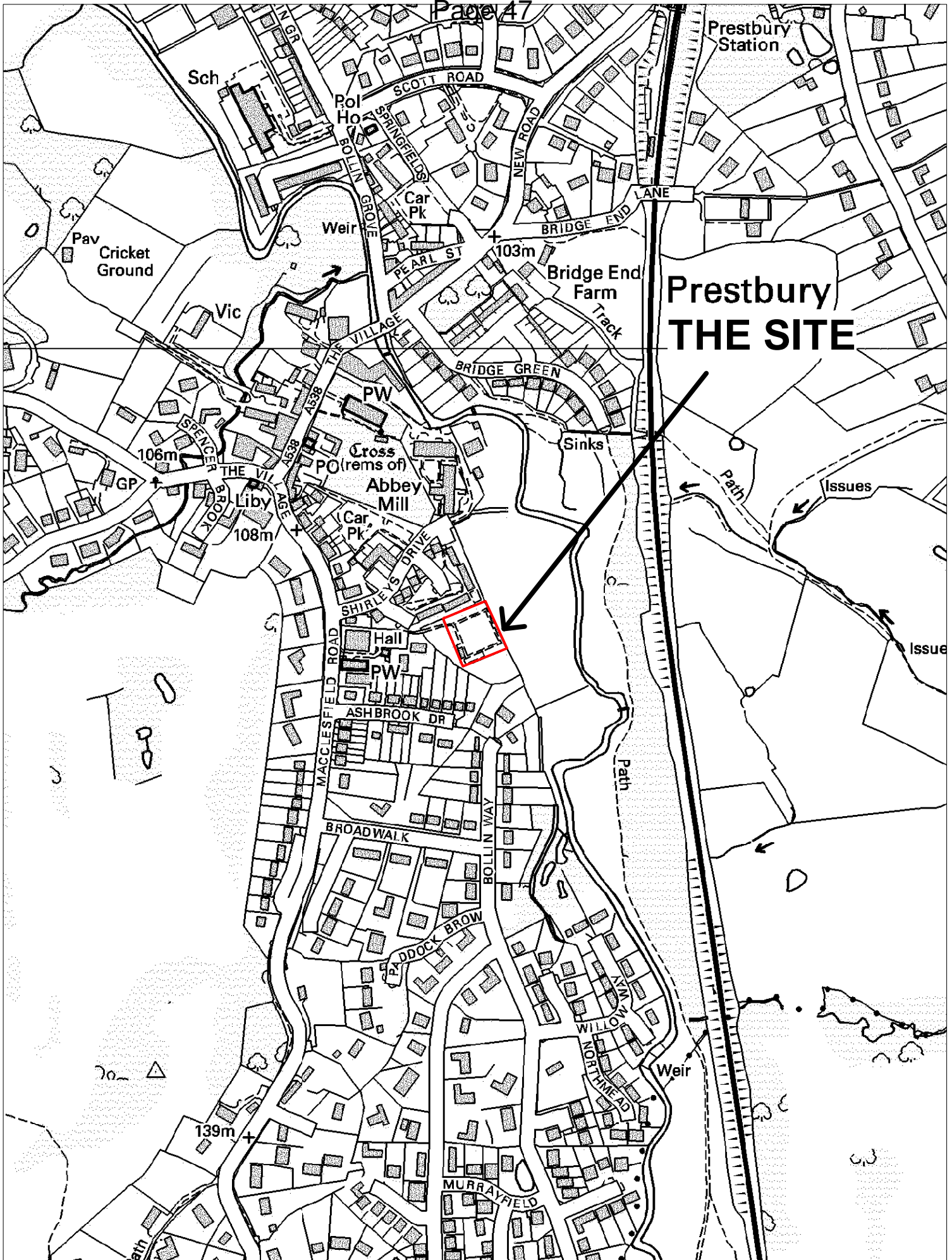
Within the design and access statement submitted as part of the application the applicant proposes that the lights would be used until 10.30pm. During the course of the two previous planning applications the proposed hours of use were until 10pm. As matches finish at 9.30pm, it is not considered that

the lights should be used until any later than 10pm, and this could be controlled via an appropriate condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The amended scheme is considered to overcome the previous reasons for refusal at the site.

As such the application is recommended for approval, subject to conditions.



09/3841M - PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD, PRESTBURY, MACCLESFIELD, CHESHIRE
N.G.R. - 390,190 - 376,690

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved
5. A24EX - Details of colour
6. Lighting Operation Period
7. Hours of Use
8. Retraction of Lights

Application No: 09/3553M
Location: 2- 4, LONGBUTTS LANE, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QU
Proposal: CHANGE OF USE OF STORES INTO TWO SEPARATE FLATS OF ONE BEDROOM EACH
For MISS SHARON HUNT, GAWSWORTH VILLAGE STORE
Registered 30-Nov-2009
Policy Item No
Grid Reference 389012 370458

Date Report Prepared: 22.01.2010

SUMMARY RECOMMENDATION

REFUSE FOR THE REASON STATED

MAIN ISSUES

- Whether the principle of the proposed accords with relevant policies
- Impact on neighbour amenity
- Highways safety
- Housing policy and supply

REASON FOR REPORT

The application has been called in by Cllr Smetham for the following reasons:
 1) Concern regarding the loss of the only remaining local shop which serves a school, elderly people's residences and people working locally, in addition to farms and other dwellings. 2) Concern regarding the nature and extent of marketing undertaken in respect of the sale of the business/property.

DESCRIPTION OF SITE AND CONTEXT

The building to which the application relates comprises the ground floor of Nos 2 and 4 Longbutts Lane, which forms part of a small terrace, originally consisting of 4 No. retail units at ground-floor level (Nos 2-8) with accommodation above at first-floor level. The site is located within in a residential area (Gawsworth Village) located within the Green Belt.

The site is currently used as a local retail store. The ground-floors of Nos 6 & 8 were converted to residential use over 10 years ago.

The accommodation above the existing store was sold off separately before the current owner bought the store which, until 2008, used to also incorporate the local Post Office. The site history shows that an application to change the use of part of the retail unit to residential use (the floor area of No. 2) was

approved in 2006 (06/2187P). This was never implemented and is now out of time.

The applicant has submitted information with the application, and additional information has been submitted since the original submission, relating to the viability of the business and the marketing associated with the attempts to sell the business/premises. This information provides some further insight/understanding of the context of this application.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for a change of use of the Retail Shop/Store to 2 No. 1-bedroom flats. No permission is sought, at this stage, for any external physical alterations.

RELEVANT HISTORY

06/2187P Change Of Use Of Ground Floor From Wholly Retail To Part Retail (No.4) And Part Residential Use (No.2) - approved with conditions 25 jan 2006.

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
L2 – Understanding Housing Markets
L4 – Regional Housing Provision
R2 – Managing Travel Demand
RDF4 – Green Belts

Local Plan Policy

H1 – Phasing Policy (Housing)
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
H13 – Protecting Residential Areas
DC3 – Amenity
DC6 – Circulation & Access
DC41 – Infill Housing Development or Redevelopment
DC63 – Contaminated Land including Landfill Gas
S5 – Class A1 Shops

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance Note 2: Green Belts

Planning Policy Guidance Note 13: Transport

‘PPS3 Housing and Saved Policies Advice Note’ and the associated ‘PPS3 Housing Self Assessment Checklist’

CONSULTATIONS

Highways:

No objections

Environmental Health:

No objections

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council:

Object and recommend refusal – on the grounds of the loss of the last village shop in Gawsworth.

OTHER REPRESENTATIONS

None

APPLICANT'S SUPPORTING INFORMATION

‘Supporting Letter’

The applicant submitted a letter of support with the application. The key points are summarised below:

- The Post Office (within the existing Store) was closed in 2008. This has lead to a downfall in footfall and a corresponding decrease in income, *“making it impossible to continue the business”*.
- The Store has been for sale on the open market for 4 No. years; an auction was held on 6th October 2009; the community and Parish Council have been approached regarding the formation of a co-operative but no interest has been expressed.
- Over 50% of trade comes from outside the village.
- The difficulties with trading are affecting the owner’s health.
- 2 No. other Retail units adjacent to the application site have been converted to flats during the past 10 No. years.

- It was hoped that the part change of use approved in 2006 would help sell the business. This planning approval (06/2187P) expired in October 2009.

‘Subsequent correspondence’

Further information regarding the viability of the business and the nature and extent of marketing that has taken place has been received. Some key points are summarised below:

- The property has been marketed by a total of three agents who are all well respected and experienced in this category of business, namely Timothy Brown of Congleton, Greenhams of Macclesfield and most recently Equity & Law, who have taken the property to auction twice.
- In all cases appropriate marketing tools have been used – use of the internet being a major component in any advertising campaign.
- The most recent agents, Equity & Law (who are auction business specialists), have provided the following information for the client on their activity: a) the property has been mailed on at least three occasions to over 2,000 clients; b) to date there has been over 700 visits to the property web page.
- The Equity & Law site is www.equityandlaw.co.uk and details of the property are available to view on the site. Eg. guide price of £135,000.00; offers are invited.
- There has been a serious and prolonged attempt to sell the property, unfortunately without success to date.
- Turnover is approx. £3,000.00 per week – with a gross margin of 20% before operating costs. The salary derived from the Post Office was approx. £14,000.00 per annum.
- It is claimed that the loss of the salary from the Post Office and reduction in footfall has lead to financial struggles for the applicant.

‘PPS3 Housing Self Assessment Checklist’

The applicant submitted a ‘PPS3 Housing Self Assessment Checklist’. Points from this are summarised below:

- The proposed would provide accommodation that would be ‘affordable’ in Gawsworth village – which is needed
- The site is located within a sustainable location and is accessible to public transport (bus services)
- The site is previously developed and available; the proposed makes effective/efficient use of land
- There is access to open/recreational space
- Parking is available

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to being in accordance with relevant Development Plan policies.

Policy

The relevant policies are listed above and relate to the issues identified. Policies S5 (Class A1 Shops) of the Local Plan and guidance in PPS4 are considered to be pertinent to the application

S5 states that:

The change of use from class A1 to another use of either an individual shop or a shop in a small group of shops, will not normally be permitted where it would result in the loss of a shop which serves the day to day needs of local residents.

As an exception, where an existing shop is within a residential area and the Council is satisfied that the loss is justified, a conversion to residential use only will normally be permitted.

EC13 of PPS4 states that:

When assessing planning applications affecting shops...in local centres and villages, local planning authorities should [amongst other things]:

- a. take into account the importance of the shop... to the local community... if the proposal would result in its loss or change of use*
- b. refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs*

It is acknowledged that: 1) the loss of earnings due to the closure of the post office and the corresponding downfall in footfall have lead to a reduction in income for the current owner/applicant; 2) that the applicant sought to make the business more attractive in 2006 by applying for, and obtaining, planning permission for a part change of use (to provide residential accommodation with the business) and 3) that the business/property has been marketed for a prolonged period of time.

However, at this stage, it is considered that insufficient information has been submitted to enable a satisfactory conclusion to be reached regarding the viability of the retail store, the marketing that has been undertaken to date and the importance of the store to the local community. Hence, it has not been possible to properly assess the proposal against policies S5 and PPS4.

Highways safety

The Highways Officers notes that the current use of the site generates a theoretical parking requirement of 50 spaces. The Officer states that the *“change of use from shops to flats represents a less intensive use of the site which is favourable from a highway perspective”*. The application states that there are 2 No. parking spaces on the ‘forecourt’ of the site. It is noted that there is a slip road in front of the site that served the 4 retail units that originally existed. As the application site is the only remaining retail outlet of the 4, should the application be approved, the slip road would not be required for its original intended purpose and therefore on-street parking would be readily available. Bearing these points in mind it is considered that the proposed does not generate any highways safety issues.

Impact on neighbour amenity

As noted above, the Environmental Health Officer raises no objections to the proposed. It is considered that the proposed would not have a detrimental impact on the amenities of neighbouring properties.

Housing policy and supply

The restrictive housing policy that applied to MBC Local Planning Authority was lifted in 2008 and the NWRSS was adopted. Consequently, the Development Plan allows for new housing developments, providing regard has been given to key criteria outlined in PPS 3, i.e. meeting the housing needs of the area, providing a good mix of housing, being in a sustainable location, using land effectively & efficiently and achieving high quality housing.

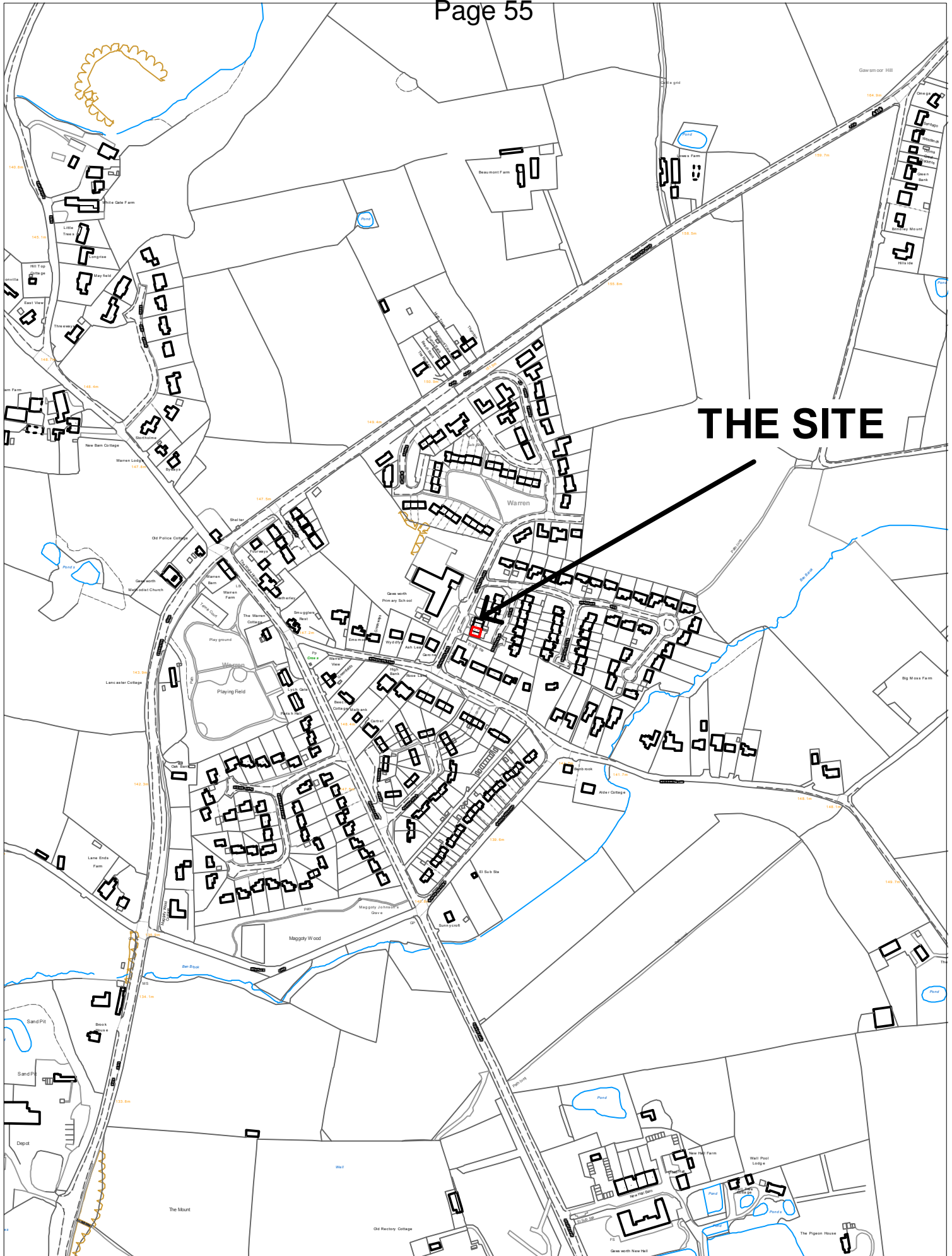
It is considered that the proposed dwellings would be of a type, size and quality that will contribute to the housing needs of the area. It is also considered that the site is located within a sustainable location and, in line with recommendations in PPS3, that the proposed makes efficient use of land.

Bearing these points in mind it is considered that the proposed accords with Development Plan housing policies and supply.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that: a) the proposed flats would contribute to the housing needs of the Borough and; b) the proposed would not have any detrimental impact on the amenities of neighbouring properties and c) there would be no threat to highways safety.

However, as noted above, at this stage, it is considered that insufficient information has been submitted regarding the viability of the retail Store, the marketing that has been undertaken to date and the importance of the store to the local community. For this reason it is recommended the application be refused on the grounds of insufficient information.



THE SITE



Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R04MS - Insufficient information

Application No: 09/3836M
Location: LAND ADJACENT TO, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON, CHESHIRE
Proposal: ERECTION OF 3 NO DETACHED INDUSTRIAL BUILDINGS DIVIDED INTO 16 NO. SMALL UNITS WITH ASSOCIATED PARKING AND LANDSCAPING (RENEWAL OF 06/2355P)
For AVALON PROPERTY DEVELOPMENT LTD
Registered 19-Nov-2009
Policy Item No
Grid Reference 392187 377828

Date Report Prepared: 25 January 2010

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether there has been any change in circumstance since the approvals of applications 05/0270P and 06/2335P in 2005 and 2006.

REASON FOR REPORT

This Major application is before the Northern Planning Committee as the proposed floor area is over 1000m².

DESCRIPTION OF SITE AND CONTEXT

This site has had permission for two schemes in 2005 and 2006, which are relevant to the decision. Permission 06/2355P expired on 26th November 2009 and it is this application which the applicant wishes to renew. Permission 05/0270P is also relevant (which was a slightly different scheme), which does not expire until 29th March 2010. As the application has been submitted as a renewal, the Committee report and update report for 06/2355P are attached at the end of this report for background information.

DETAILS OF PROPOSAL

Please see the attached report for 06/2355P, which outlines the details of the development in the section headed 'Key Issues'.

RELEVANT HISTORY

| | |
|----------|---|
| 06/2335P | Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping - Approved 27.11.06 |
| 05/0270P | Renewal of application 99/2296P for industrial development (B2 usage) - Approved 29.03.05 |
| 99/2296P | Industrial Development (B2 Usage) Refused 10.01.00 - Appeal Allowed 21.07.00 |

POLICIES

Regional Spatial Strategy

DP1, DP2, DP3, DP5, DP6, DP7, W1, W3, EM17 and EM18.

Local Plan Policy

E4, BE1, DC1, DC6

Other Material Considerations

Applications 06/2335P and 05/0270P are material planning considerations in the determining of this application.

CONSULTATIONS (External to Planning)

Highways: Comments are awaited from the Strategic Highways Manager.

Environmental Health: The Environmental Health Officer raises no objections. In the event of an approval of this application, it is recommended that the conditions which were attached to the previously approved application for the site (06/2355P) – in relation to a control of days / hours of construction work on the site and also to control deliveries to the site, are similarly attached as conditions should this scheme be approved.

The Contaminated Land Officer comments that the site is within 250m of a landfill site or area of ground that has the potential to create gas. The report submitted with the application indicate that further investigations are required to address the potential for ground gas risks. It is recommended that conditions are attached should permission be granted.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council recommends refusal of this application. The Town Councils comments are summarised as follows: -

- That the site is on a flood plain
- The area is currently the subject of discussions with CEC regarding Conservation Area designation
- The surrounding materials are stone or stone clad, the proposal features bleak industrial warehouses built in completely inappropriate materials.
- Whilst agreeing that the area is designated an “employment zone” in the Local Development Plan, it would appear that employment opportunities will be extremely limited within the development. The site has been available to developers for many years now and there appears to be no interest.
- Issues regarding traffic and site access have still not been addressed, and cannot be simply ignored.
- The entrance to the site is on an extremely narrow section of Albert Road and the actual entrance appears extremely tight for large vehicles; the location of a narrow stone bridge further along the road precludes any turning manoeuvre other than within the site itself.
- The application is wholly speculative, and the developer has still not demonstrated the need for such units nor recognised that there is already an over-capacity of built units within Bollington and its environs. Given the present and medium term market conditions for such a development it is unlikely that this situation will improve for many years to come.

OTHER REPRESENTATIONS

2 letters of objection have been received from local residents, which are summarised as follows: -

Albert Road already has enough traffic being the main route for the tip, Slater Harrison and numerous other businesses. Traffic has increase significantly since the previous application. The design is not sympathetic. The site is on a flood plain and is therefore not suitable. The wildlife area would be ruined. The fact that this is a renewal would suggest that the development is not required, is too expensive to develop, and that there are already more than enough alternative developments at Tytherington etc. and brownfield sites.

The letters are available on the application file.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany this application, which are available in full on the application file: -

- A Design and Access Statement
- A Planning Statement
- A Transport Statement
- An Arboricultural Statement
- A Desk Study (on the environmental impact of the development)
- A letter from the Environment Agency
- Flood Plain drawings – to reflect effects of global warming

OFFICER APPRAISAL

Principle of Development

This application seeks full planning permission for the industrial development of land at the rear of Lowerhouse Mills, off Albert Road in Bollington. Permission was granted for an identical scheme in 2006, which expired in November 2009. Effectively this application seeks a renewal of this application.

There has been no great change in terms of national policies since permission was granted in 2006, except that PPS4 (Planning for Sustainable Economic Growth) has been introduced. The Regional Spatial Strategy has been replaced the County Structure Plan, and, it is considered that the proposal accords with the policy requirements of the Development Plan as highlighted in the attached report to application 06/2355P. The strategic policies do not affect the land allocation which is as an employment site. There is also an extant consent (05/0270P) which could be implemented and therefore, the principle of development is accepted.

Policy

The relevant local plan policies were previously considered under application 06/2355P. The 2006 scheme was considered in relation to the Cheshire Structure Plan, which has since been replaced by the Regional Spatial Strategy. It is considered that the development broadly satisfies the requirements of the relevant policies which seek to promote sustainable communities, manage travel demand, promote environmental quality, strengthen the regional economy, and ensure that an adequate amount of employment land is supplied. It is a requirement within RSS Policies EM17 and EM18 for all

development to incorporate on-site renewable energy technologies and encourage the use of decentralised or low-carbon energy. A condition can be attached to address this issue.

In terms of National advice, it is noted that PPS4 has been published since the submission of this application. In this instance, it is considered that the proposal satisfies the main key points/policies of PPS4 and satisfies the governments' goals and objectives. One factor which is of relevance however, is Policy EC10, which considers planning applications for economic development. The previous scheme was assessed in relation to most of the criteria e.g. transport and access, design, impact on the economic and physical regeneration, and impact on local employment. One of the criteria is whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise vulnerability and provide resilience to, climate change. It is considered that this can be addressed by condition.

Highways

No comments have been received from the Strategic Highways Manager; however, it is initially considered that matters of highway safety were considered as part of the previous application/appeal.

Design

This was considered under application 06/2355P, where the design was considered to be acceptable.

Ecology, Landscape and Trees

The Nature Conservation Officer objects to the proposal. The River Dean forms the boundary to the site, which means that there is potential for a number of protected species to be affected by the proposed development. The Nature Conservation Officer has considered the previous surveys that have been undertaken and has visited the site in connection with the previous applications and advises that otters and badgers are reasonably likely to be present and affected by the proposed development. Badgers because there was some limited evidence of their presence recorded during the 2007 surveys and Otters because this species is increasing in both numbers and range in the county and so, these may have colonised the river since the last survey. Surveys for both of these species can be undertaken at this time of year and the Nature Conservation Officer considers that the results of the surveys together with any mitigation required should be submitted to and agreed by the Local Planning Authority prior to the determination of the application. If permission is granted a condition is required to protect breeding birds.

The Landscape Officer notes that this scheme follows an earlier permission and therefore, raises no objections to the scheme. Comments made reflect those which made in conjunction with the previously approved submission.

The Arboricultural Officer raises no objections to this application. The development proposals can be implemented without the removal of any of the protected or other trees contained within the site.

Other Considerations

Consideration has been given to the comments of the Nature Conservation Officer above. However, in situations such as these where permission has recently been given for the same scheme, the local authority has to determine whether there have been any changes in circumstances, or policy since the previous scheme was approved. In such instances,

the guidance suggests that it would be unreasonable for the local authority to attach new conditions unless it can demonstrate good reasons for doing so.

In this case, planning permission 06/2335P was approved with a condition which required a programme of works to the river bank to be submitted, and a condition which required a protective species survey to be submitted to assess the presence of any water voles or otters at the site. Although it would be the normal procedure for the Council to seek an up to date survey to be submitted prior to the grant of planning permission, given that the Council previously decided to condition this matter, it is not considered suitable to either defer the application, or recommend refusal on the basis of the lack of this information, as there has been no real change of circumstance. Had the protected species been a European Protected Species, then a different approach would be advised, given recent cases on such matters. It is also noted that the Nature Conservation issues were considered by the former Macclesfield Borough Council Planning Committee under application 06/2355P, where it was considered prudent to follow the approach of the Inspector, who had imposed an appropriate condition.

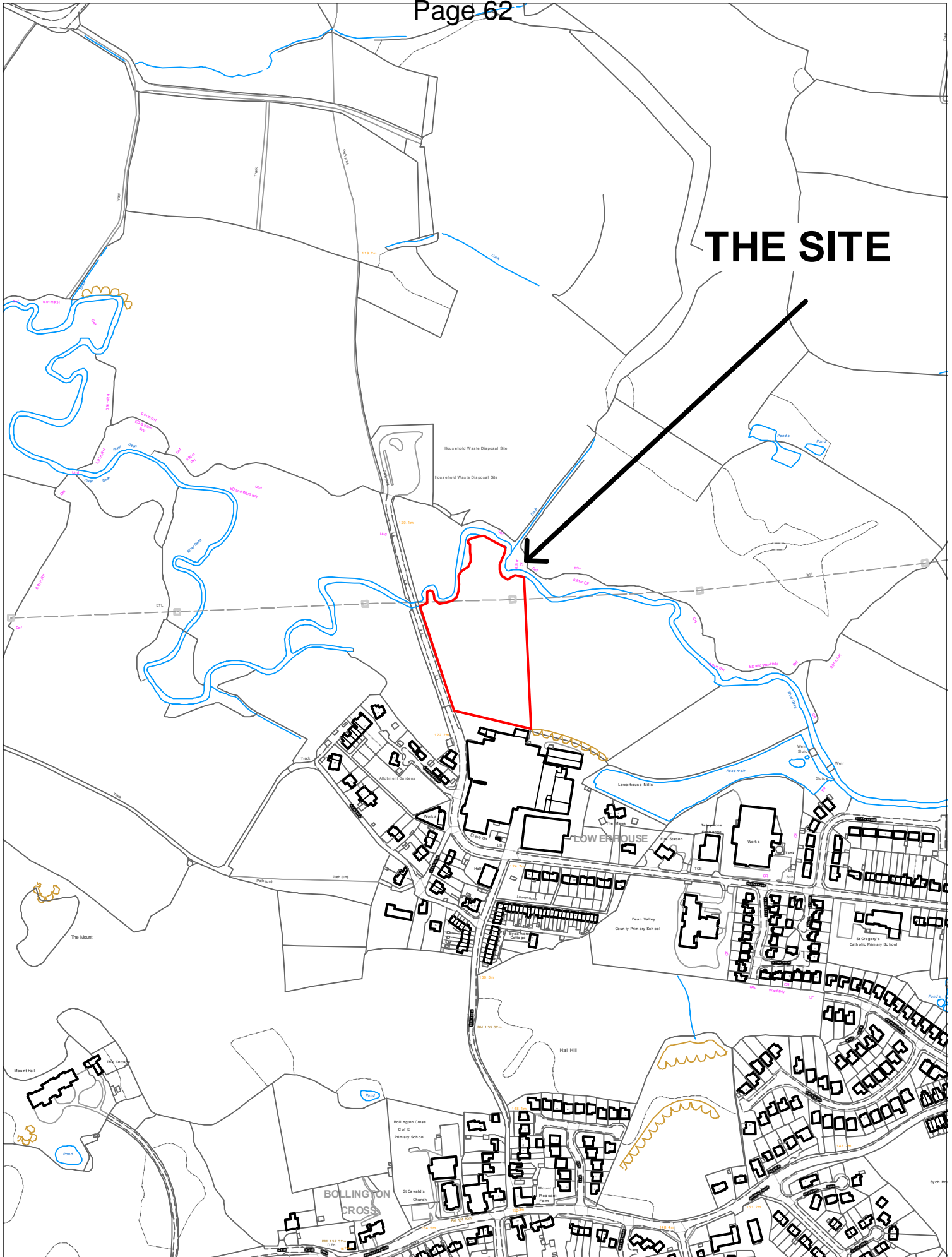
CONCLUSIONS AND REASON(S) FOR THE DECISION

The previously approved scheme 06/2355P is clearly a material consideration in determining this application and in particular it has an impact on the appropriateness of attaching certain conditions. The comments from Bollington Town Council and the local residents are noted, however, those views have been considered previously. Comments are awaited from the Strategic Highways Engineer in relation to the reference to an increase in traffic generation in the area and this relationship with highway safety. The scheme is the same as that previously approved and there have been no changes to national policies with the exception of the PPS4 climate change issue. It is considered therefore, that a recommendation of approval can be made.

SUBJECT TO

The comments from the Strategic Highways Engineer and Environment Agency.

THE SITE



Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A22GR - Protection from noise during construction (limit on hours of construction works)
7. A20GR - Hours of deliveries
8. A01NC - Protected species survey
9. A10LS - Additional landscaping details required
10. A04NC - Details of drainage
11. A12GR - No external storage
12. A02HA - Construction of access
13. A03HA - Vehicular visibility at access (dimensions)
14. A07HA - No gates - new access
15. A23HA - Provision / retention of turning facility
16. A07HP - Drainage and surfacing of hardstanding areas
17. A09HP - Pedestrian visibility within car parks etc
18. A05HP - Provision of shower, changing, locker and drying facilities
19. A03AP - Development in accord with revised plans (unnumbered)
20. A08MC - Lighting details to be approved
21. Retention of buffer strip to Eastern boundary
22. Programme of works to river bank
23. Details of oil receptor to be submitted
24. Not to be combined into larger units without permission
25. Provision of cycle facilities
26. Details of compensatory flood plain works to be agreed
27. Floor levels of buildings
28. Contaminated land
29. Renewable Energy

THIS REPORT (06/2355P) IS A BACKGROUND PAPER TO APPLICATION 09/3836M

DATE REPORT PREPARED

15 November 2005

POLICIES

The site lies within an Existing Employment Area as designated within the Macclesfield Borough Local Plan.

RELEVANT PREVIOUS APPLICATIONS

| | |
|----------|--|
| 05/0270P | Renewal of application 99/2296P for industrial development (B2 usage) Approved 29.03.05 |
| 99/2296P | Industrial Development (B2 Usage) Refused 10.01.00 Appeal Allowed 21.07.00 |

CONSULTATIONS

Bollington Town Council recommend refusal of the application for a number of reasons:

Much of the development is situated within the floodplain of the River Dean, and the effects on the local environment would be devastating.

The whole area is currently under discussion regarding Conservation Area designation, the proposed buildings would be built of completely inappropriate materials. There appear to be no offices included in the development, therefore employment opportunities would be limited.

Issues regarding traffic and access have not been addressed. Albert Road contains two schools and a fire station, as well as residential development. It is a narrow road which has increasing amounts of traffic using it and is unsuitable for heavy traffic.

The application is wholly speculative and the developer has not demonstrated need for the development.

The Highways Authority would have preferred to see additional information on the scheme to fully assess the proposal in accordance with current transport planning policies. However, it is also recognised that there is an existing permission for the site and therefore the lack of such information cannot justify a refusal.

Environment Agency has raised initial objections to the proposal due to the site's location within the flood zone of the River Dean. However, further details of the compensatory flood plain works have been submitted to

overcome the objections raised. A final update from the Agency is however awaited.

PUBLICITY

The application has been advertised by means of site notice, neighbour notification and press advertisement. Revised plans have been submitted with last date for comment of 17 November 2006.

REPRESENTATIONS

Seven letters of objection have been received including one from Bollington Civic Society on the original submission.

The land is unsuitable for the development, being on the flood plain, and should be returned to Green Belt. The area is suitable for Conservation Area status. The introduction of large warehouse units would fundamentally alter the character of the area. The landscape would be altered, the access is unsuitable, additional traffic generated will be unacceptable. The local Bollington Community are totally opposed to this development, it is unnecessary and potentially dangerous. There are already empty units at Tytherington, a site of natural beauty will be destroyed. Building in the flood plain is not permissible.

One further letter has been received which endorses the Committee's decision to visit the site, as members will be able to see the problems of access to the site.

APPLICANTS SUBMISSION

A planning statement and a design and access statement has been submitted with the original submission.

The proposal is for 3 high bay industrial buildings of similar dimensions set around a courtyard with vehicular access from Albert Road. The buildings are to be sub-divided, to provide 16 smaller units of commercial B2 and/or B8 use.

The proposal is a variation of a scheme approved on appeal in 2000 and renewed in 2005 for a similar level of floor space in 2 detached buildings. This proposal will provide similar floor space and parking, however the configuration allows an area of land to the north of the site adjacent to the River Dean to remain undeveloped to facilitate a more appropriate open area.

It is in accordance with the requirements of the Development Plan and not considered to have any greater detrimental impact on the amenity of the area or neighbouring property.

It is likely the reduced size of the units and the use, would reduce the level of traffic visiting the site – particularly the number of articulated vehicle.

KEY ISSUES

This application seeks full planning permission for the industrial development of land at the rear of Lowerhouse Mills, off Albert Road in Bollington. The site already has consent for such development, and effectively this application seeks a variation to that consent.

The scheme proposes a similar floorspace of development, but now within three buildings on the site. The three buildings would be sited on the eastern, southern, and western boundaries of the site with parking provided within the site, and partly to the north. Each building would have basic dimensions of approximately 63m x 25m, with a height up to 8m. They would be constructed of steel profile cladding. Each of the units would be sub-divided to create a total of 16 smaller units on the site for commercial/industrial use within Class B2 of B8. Access would be provided off Albert Road, the southern and western unit. An appropriate landscape belt would be provided around the perimeters of the site.

RELEVANT PLANNING POLICIES

The site is allocated for employment purposes under Policy E4. Other relevant policies are BE1, DC1 in terms of character and appearance; and DC6 and DC7; access and parking.

SITE HISTORY

As indicated above the site already benefits for consent for industrial development, therefore many of the relevant policies and issues on the site have previously been considered.

For information the Inspector at appeal concluded;

“the provision of landscaped belts along both the eastern and northern boundaries of the site, coupled with a satisfactory form of built development, mean that the proposal would have an acceptable impact on the character and appearance of the Green Belt and the countryside.....I consider the proposal accords with the policies of the development plan and Government advice in PPG2.” He continued, *“I appreciate the concern about additional traffic along roads that are not ideal for such a purpose, but neither the evidence nor my own observations point to significant problems of highways safety of traffic flow. Subject to appropriate safeguards I am not persuaded that the development would have an adverse impact on the River Dean corridor or the habitats of any protected species, and I am satisfied that the development could not proceed until adequate compensatory flood storage had been provided within the flood plain....Whether or not there is a need for the development has little relevance, in my view, in the context of the allocation of the site in the Local Plan.”*

Given that this scheme is in effect a variation the main issue for consideration is whether the development causes any additional detriment or harm over that previous approval.

SITE PLANNING FACTORS AND DESIGN

The proposed buildings are no higher than the previously approved structures, and will be constructed of similar materials. The approved scheme had 2 buildings, a larger one located on the eastern boundary, and a smaller building on the western boundary. This scheme has three similar sized buildings situated around the southern part of the site, enabling a courtyard for parking to be created. It is not considered the change in layout is significantly harmful to the character of the area. A small benefit of this scheme is that the parking area has been reduced so that it no longer fully extends to the far north of the site, enabling an area of open space close to the river to be achieved.

The use of the buildings for B2 (industrial) and B8 (storage/distribution) expands the possible use of the buildings, but is still within the uses of Local Plan Policy E4. Increasing the number of individual units on the site to 16 is not considered to cause any additional harm. The smaller units may reduce the amount of larger articulated vehicles visiting the site.

LANDSCAPING AND TREE IMPLICATIONS

The landscaping around the eastern boundary of the site would be maintained as a 9.5m wide buffer as indicated on the original appeal scheme. Although the building on the eastern side extends closer to the boundary than the previous scheme, it is not considered that this will have a significant impact on the surrounding area due to the wide landscaping belt.

The building along Albert Road has now been slightly angled to ensure that appropriate space is available to plant a new hedge outside the visibility splays of the development. (It should be noted that this was also part of the previous approved scheme). The lack of parking at the far north of the site is a benefit of this scheme, and will retain an element (albeit limited) of open space close to the river. Similar landscaping can be achieved to the north of the site.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

Previous concerns in respect of nature conservation interests, particularly in respect of the River Dean were considered by the Inspector at appeal and appropriate condition imposed. It is not considered that any further issues are generated from this scheme.

HIGHWAY AND TRANSPORT IMPLICATIONS

The Highway Authority would normally request much more detailed information with the application including a travel plan to fully demonstrate the

impact of the scheme on the local highway network. However, the principle of industrial development on the site has already been established and therefore the wider issues of accessibility to the site cannot be revisited.

The Highway Authority is satisfied that the layout of the proposed scheme, including turning, servicing and parking within the site is acceptable. The visibility splays from the site entrance and local highway improvements will be similar to the approved scheme. It is requested by the Highway Authority that a legal agreement be required for the applicants to submit a travel plan. However, given the existing permission it is considered unreasonable to enter such an agreement. Conditions similar to those previously imposed however are considered appropriate.

OTHER MATERIAL PLANNING CONSIDERATIONS

The Environment Agency has been consulted on the application and discussions have also taken place with Officers in respect of works currently being undertaken on the site. The final comments of the Environment Agency in respect of this application are still awaited. However, ground works including raising of the ground levels, and compensatory flood plain storage have previously been agreed by the Environment Agency. These works are currently being implemented on site in accordance with the condition imposed on the previously approved scheme.

OTHER RELEVANT INFORMATION

This application was deferred from the last meeting for a Committee site visit, to consider amended plans, and the comments of the Highways Authority.

CONCLUSIONS

The approved scheme is clearly a material consideration in the determination of this application, and particular has an impact on the appropriateness of attaching certain conditions. This application is not considered to be significantly different from that approval, and will not have a significantly greater impact on the surrounding area.

THIS REPORT (UPDATE TO 06/2355P) IS A BACKGROUND PAPER TO APPLICATION 09/3836M

PLANNING COMMITTEE – 27 NOVEMBER 2006

UPDATE TO AGENDA

APPLICATION NO: 06/2355P

LOCATION Land adjacent to Lowerhouse Mill, Albert Road, Bollington

UPDATE PREPARED 23 November 2006

CONSULTATIONS

Bollington Town Council remain unanimous in recommending refusal, with many issues still not addressed by the applicant.

The whole area is in a flood plain; there is little room for landscaping; the site is subject to discussions about Conservation Area status; traffic issues have still not been properly addressed.

REPRESENTATIONS

Three further letters have been received in respect of the application.

Concern is expressed about the development of the site, which is taking place at present.

The scheme still overdevelops the sensitive site, which will maximise its impact on the environment due to the lack of landscaping. Landscaping has also been lost due to large visibility splays.

A further letter has been received from the Ramblers Association expressing concern about the loss of the hedge, and suggesting that the building be moved to allow space for a new hedge.

ISSUES

The expected revised plan (as indicated in the main report) has now been received which slightly alters the angle of the building adjacent to Albert Road, thus enabling a new hedgerow to be planted outside the required visibility splay. It should also be noted that the building to the east of the site has been slightly moved to enable a 2.5m strip of landscaping to be achieved within the site, as well as the 9.5m belt outside the site – as per the original approval.

The comments of the Environment Agency are still awaited.

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