

Northern Planning Committee

Agenda

Date:	Wednesday, 24th 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. **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 - 8)

To approve the Minutes of the meeting held on 3 February 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. **06/2548P - Removal of Agricultural Occupancy Condition Attached to Planning Permission 8430PB (Resubmission of 06/2013P), Bexton Lea, Pavement Lane, Mobberley, Knutsford, WA16 7EG for Mrs B Bates (Pages 9 - 22)**

To consider the above planning application.

6. **09/4170W - Construction of Sports Hall and Associated Facilities, Wilmslow High School, Holly Road North, Wilmslow, Cheshire, SK9 1LZ for Mrs G Bremner, Cheshire East Council (Pages 23 - 32)**

To consider the above planning application.

7. **09/4335M - Erection of 4 Dwellings on Land Off Cumberland Drive, Bollington, Macclesfield, Cheshire, SK10 5BR for Mr H Cumberbirch (Pages 33 - 54)**

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, 3rd February, 2010 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor R West (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 PRESENT

Mr A Fisher (Head of Planning and Policy), Mrs N Folan (Planning Solicitor), Mr N Turpin (Principal Planning Officer) and Miss B Wilders (Principal Planning Officer)

92 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hardy.

93 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 Miss C M Andrew declared a personal interest in the same application by virtue of the fact that whilst she had attended meetings of Eaton Parish Council who were objecting to the application she had not taken part in any discussions involving the application and in accordance with the Code of Conduct she remained in the meeting during consideration of the application and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillor Mrs L Smetham declared a personal interest in application 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 by virtue of the fact the

was acquainted with the Chairman of Mobberley Parish Council and in accordance with the Code of Conduct she 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 and she was not present in the room when the application was debated.

Councillor B Livesley made a statement in respect of the same application acknowledging that whilst he had spoken to both the applicant and objectors in relation to the planning process he had not formed a view on the application.

Councillor Mrs L Smetham declared a personal interest in application 09/3553M - 2-4 Longbutts Lane, Gawsworth, Macclesfield, SK11 9QU. Change of Use of Stores into Two Separate Flats of One Bedroom Each for Miss Sharon Hunt, Gawsworth Village Store by virtue of the fact that she was acquainted with the applicant and lived in Gawsworth where the shop was located and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillors G Barton and Mrs O Hunter declared personal and prejudicial interests in application 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 by virtue of the fact that they were friends with the agent speaking on behalf of the applicant and in accordance with the Code of Conduct they left the meeting prior to consideration of the application.

94 MINUTES OF THE MEETING

RESOLVED

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

95 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

96 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**

The Committee were informed that the applicant had notified the Council that he had made an appeal against the non-determination of this item by the Council. Inquiries had established that the Appeal was not yet fully registered with the Planning Inspectorate. As a result, at the time of the Committee meeting, the application was still within the jurisdiction of the Council, but that may change prior to the issue of a decision notice. If the appeal was registered by the Planning Inspectorate prior to the issue of a decision notice then the decision of the Committee would be forwarded to the Planning Inspectorate as the views of the Council on the application.

Consideration was given to the above application.

(Ward Councillor Mrs H M Gaddum, Mr Evans representing Eaton Parish Council and Mr Evans representing an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Impact on the character and appearance of the area and adverse visual impact
2. Inappropriate scale of development in a rural location, contrary to PPS4, Local Plan Policy RT13 and the Good Practice Guide for Tourism

(This decision was contrary to the Officers recommendation of approval).

**97 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**

Consideration was given to the above application.

(Parish Councillor Penny Braham, representing Mobberley Parish Council, Mr Barker, an objector, Mr Nixon, an objector, Mr Healy, a supporter, Miss Brain, the agent for the applicant and Mr Hobson, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)

2. A01AP - Development in accord with approved plans
3. 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)
26. That appropriate signage be used on the Public Right of Way/Footpaths

The Committee also clarified that condition 21 was to cover removable lighting in addition to permanent lighting and that the landscaping condition was to include reference to the provision of netting and trees along the boundary of the proposed driving range.

(The meeting adjourned at 4.35pm until 4.45pm).

(Councillors G Barton and Mrs O Hunter left the meeting and did not return).

98 09/3841M - PRESTBURY BOWLING CLUB, MACCLESFIELD ROAD, PRESTBURY, MACCLESFIELD, SK10 4BW. ERECT FOUR FLOODLIGHTS ON TELESCOPIC COLUMNS FOR PRESTBURY BOWLING CLUB

(During consideration of the application Councillor Miss C M Andrew left the meeting and did not return).

Consideration was given to the above application.

(Ward Councillor Mrs T Jackson, Parish Councillor D Foden, representing Prestbury Parish Council, Mr Roe, an objector and Mr Freeth, the applicant attended the meeting and spoke in respect of the application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved
5. A24EX - Details of colour
6. Lighting Operation Period between 1 April and 31 October only
7. Hours of Use to be restricted to no use after 10pm
8. Retraction of lights at all times when the bowling green was not in use for bowling matches
9. Addition of a landscaping condition to incorporate enhancements to the screening to protect views from the Bollin Valley.

99 09/3553M - 2-4 LONGBUTTS LANE, GAWSWORTH, MACCLESFIELD, SK11 9QU. CHANGE OF USE OF STORES INTO TWO SEPARATE FLATS OF ONE BEDROOM EACH FOR MISS SHARON HUNT, GAWSWORTH VILLAGE STORE

(Prior to consideration of the application Councillor B Livesley left the meeting and did not return).

(Prior to consideration of the application Councillor J B Crockatt left the meeting and returned).

Consideration was given to the above application.

(Ward Councillor M Asquith and Mr Rouse, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

1. R04MS - Insufficient information

100 **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**

Consideration was given to the above report.

(Bollington Town Councillor Mrs Sockett, representing Bollington Town Council and Mr Gardiner, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. 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

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor R West (Chairman)

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Application No: 06/2548P

Location:

**BEXTON LEA PAVEMENT LANE MOBBERLEY KNUTSFORD
WA167EG**

Proposal:

**REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION
ATTACHED TO PLANNING PERMISSION 8430PB
(RESUBMISSION OF 06/2013P)**

For

MRS B BATES

Registered

11-Oct-2006

Policy Item

Yes

Grid Reference

377707 379380

Date Report Prepared: 12 February 2010

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Whether the proposal to remove the agricultural occupancy condition meets the requirements of Local Plan policy DC25

REASON FOR REPORT

This application was originally determined by Macclesfield Borough Council's Planning Sub Committee in November 2006 where it was resolved to approve the application subject to the prior completion of a S106 legal agreement. The S106 agreement has not been signed and there has subsequently been a change of ownership. The current owners are unwilling to enter into a legal agreement and therefore the application is before the Northern Committee for further consideration.

DESCRIPTION OF SITE AND CONTEXT

Bexton Lea is a detached dwelling located in the Green Belt to the north of Pavement Lane. It was built following the granting of consent in 1977 (5/8430P) as a second agricultural dwelling to Pavement Lane Farm which is

also located on Pavement Lane to the south east of Bexton Lea. Pavement Lane farmhouse is a Grade II Listed building and a number of outbuildings associated with the farmhouse are curtilage listed buildings.

DETAILS OF PROPOSAL

Consent is sought for the removal of an agricultural occupancy condition attached to 5/8430PB.

RELEVANT HISTORY

08/2023P

Discharge of legal agreement attached to application 8430PB
Pavement Lane Farm, Pavement Lane, Mobberley
Not yet determined

08/1906P

Alterations & extensions to farmhouse & outbuildings including change of use of outbuildings to 4 no dwellings (Listed Building Consent)
Pavement Lane Farm, Pavement Lane, Mobberley, Knutsford, Cheshire, WA16 7EG - Approved 29.01.09

08/1905P

Alterations & extensions to farmhouse & outbuildings including change of use of outbuildings to 4 dwellings (Full Planning)
Pavement Lane Farm, Pavement Lane, Mobberley, Knutsford, Cheshire, WA16 7EG - Approved 29.01.09

06/2013P

Removal of agricultural occupancy condition attached to planning permission 8430PB (Full Planning)
Bexton Lea Pavement Lane Mobberley - refused 04.10.06
APP/C0630/A/06/2030976/N Withdrawn 23.05.07

06/0454P

Removal of agricultural occupancy condition and single storey rear extension to farmhouse & conversion of roofspace to provide additional living accommodation, change of use & alterations to outbuildings to provide garaging & office space (Full Planning)
Pavement Lane Farm Pavement Lane Mobberley Knutsford WA16 7EG - Withdrawn 05.04.06

96/1212P

Removal of agricultural occupancy condition (Full Planning)
Bexton Lee Pavement Lane Mobberley - refused 14.08.96

5/8430PB

Erection of agricultural workers dwelling to be used in association with Pavement Lane Farm (Full Planning) on land adjacent to Sunnyhurst, Lavender Lane, Mobberley - Approved 07.04.77

POLICIES

Regional Spatial Strategy

RDF4 - Green Belts

EM1 - Integrated Enhancement and Protection of the Regions Environmental Assets

Local Plan Policy

DC25 Agricultural dwellings

Other Material Considerations

PPG2: Green Belts

PPS7: Sustainable development in Rural Areas

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: no comments received.

OTHER REPRESENTATIONS

None received.

APPLICANT'S SUPPORTING INFORMATION

The application is supported by a Supporting Statement, a Valuation Report and an Agricultural Appraisal. In addition to the papers which accompanied the previous application, this proposal includes a letter in which the agent highlights three key issues. These are: -

- One of the objects of the application is to prevent the listed farmhouse from deteriorating further and becoming 'at risk'. It is the applicant's intension to live in the restored farmhouse with her sons and to carry on farming at Pavement Lane Farm. Without removal of the occupancy condition, adequate funding would not be available to restore the farmhouse and if 'Bexton Lea' was disposed of with the condition in force it would deprive the family of their home.
- Given the legal agreement which is in force (which ties Bexton Lea, the farmhouse and all the land together), it could not be marketed nor sold (if marketing was successful). Even if the agreement tying the land together was relaxed then funds raised by its sale would not be adequate to restore the farmhouse.

- The applicant is not able to raise the funds for restoration by any other means. The business as it stands is not profitable. Requiring that Bexton Lea is marketed with the condition in place will exacerbate the financial crisis whilst allowing the farmhouse to deteriorate further and with no guarantee of success.

The Supporting Statement explains that in 1977 planning permission was granted for a second dwelling to serve the farm unit. At the time, an agreement was put in place to control occupation of the original farmhouse (Pavement Lane Farm) and also to require that both dwellings and the whole farming unit should be kept as one hereditament. The new dwelling was built and became known as Bexton Lea. In recent years a combination of factors, including BSE and the death of the farmer, have meant the farm failed to return a profit. Borrowing increased and both dwellings suffered from a lack of investment/maintenance. This was particularly apparent in Pavement Lane Farmhouse which is a Grade II Listed Building. Gradually it became uninhabitable. It is now proposed to discontinue stock rearing at the holding. Consequently, the requirement for on-site accommodation is reduced. Therefore, it is proposed to dispose of one of the houses in order to raise capital to reduce debts and to raise funds for the restoration of the main listed house. The initial intent was to lift the agricultural restriction on the listed house but this has now been changed to lifting the agricultural tie from Bexton Lea. If that were combined with lifting the agreement which ties the holding together, it is considered that sufficient funds could be raised. Three valuation bands are given for Bexton Lea. They are;

- i) Subject to the existing agricultural occupancy condition but free of the existing legal agreement. A value of between £275,000 - £300,000.
- ii) Free of the existing agricultural occupancy condition and also free of the existing legal agreement. A value of between £375,000 - £400,000.
- iii) Free of the existing agricultural occupancy condition, free of the existing legal agreement and with paddock areas adjacent to the dwelling. A value of between £375,000 - £400,000

The Valuation Report looks in detail at the main listed house. It notes that necessary repairs are likely to cost approximately £270,000. Costs are also given for upgrading (£118,000) and improvements to the curtilage buildings (£101,000). Valuations are given for the house as repaired and improved, with and without the existing agricultural tie in place.

The Agricultural Appraisal deals with the demonstrable agricultural need for dwellings on the holding. It notes that the former beef unit became unprofitable and, following the death of the farmer, it is proposed to move into hay and silage production. A number of the existing buildings are therefore not needed. It is considered that the unit would fail both the functional and financial tests were an application submitted for a dwelling. It is further considered that the unit could operate without a dwelling nearby especially

given that no stock is to be housed there. A situation where a 2nd dwelling might be needed cannot be foreseen.

Background papers are available for Members' inspection.

OFFICER APPRAISAL

Principle of Development

The principle of removing agricultural occupancy restrictions from dwellings can be acceptable provided that it is demonstrated that the agricultural dwelling is no longer required, either by the holding or by other agricultural workers employed locally.

Local Plan policy DC25 states that planning applications for the discharge of a condition attached to a planning permission issued, restricting the occupancy of the dwelling permitted to a person employed in agriculture, forestry or other rural enterprise, will be granted only when the Borough Council is satisfied that:

- 1 The long term need for a dwelling on the site has ceased and there is no evidence of need for the housing of persons employed or last employed in the locality in these categories.
- 2 Bona fide attempts have been made to dispose of the dwelling to persons who could occupy it in accord with the attached condition.

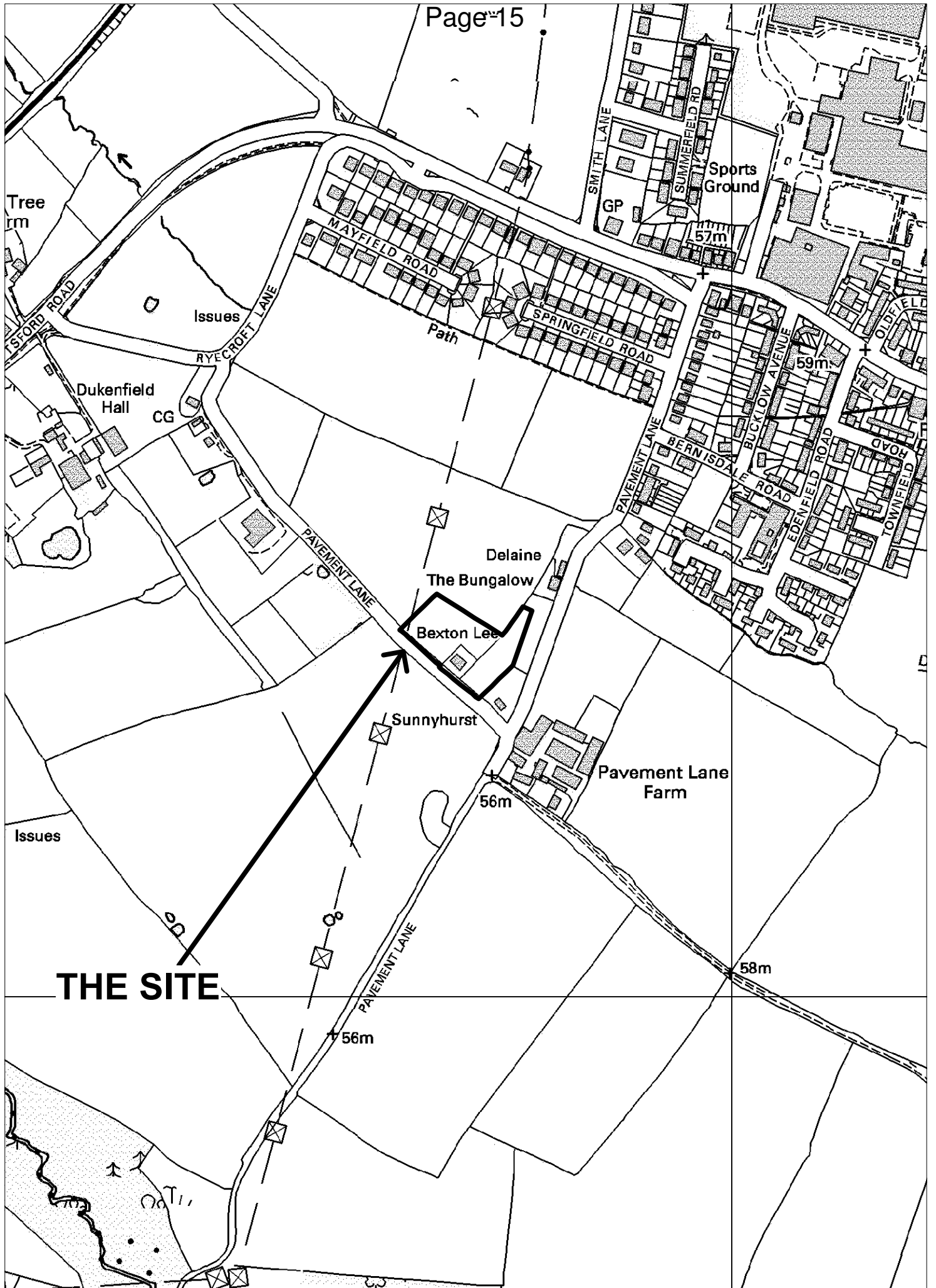
In this case, when the application was considered by Macclesfield Borough Council in 2006, it was accepted that based on the information submitted, there was no longer a need for two dwellings on the holding. However, no marketing exercise was undertaken to dispose of the dwelling as is required by Policy DC25. This was because of the urgency of the need for funding to be released to be invested in the listed farmhouse to prevent its further decline. At that time, even if Bexton Lea were to be sold with the agricultural tie, it was demonstrated that insufficient funds would be released to fund the restoration of the farmhouse whilst maintaining the viability of the agricultural business. Additionally, the requirement for a marketing exercise to be undertaken would be further time for the listed farmhouse to deteriorate.

Therefore based on the specific set of circumstances that existed at the time, Committee members resolved to approve the application subject to the prior completion of a S106 legal agreement to put in place a mechanism to ensure that funds from the sale of Bexton Lea should be used to restore the listed farmhouse. However, the S106 agreement was never signed and there has subsequently been a change in ownership. The current owners are unwilling to enter into a legal agreement as was required by the Council. This is largely due to the fact that the current owners now wish to retain the agricultural occupancy restriction on Bexton Lea and remove it from the listed farmhouse. This proposal is the subject of a separate application that is currently being considered by officers (08/2023P).

In the absence of a legal agreement being put in place to ensure that the funds from the sale of Bexton Lea on the open market are used to fund the renovation of the listed farmhouse, it is considered that the application should be refused as being contrary to Policy DC25. This is due to the fact that the applicant has failed to demonstrate that there is no evidence of need for the housing of persons employed or last employed in the locality in agriculture or forestry or that bona fide attempts have been made to dispose of the dwelling to persons who could occupy it in accordance with the agricultural occupancy condition.

CONCLUSIONS AND REASON FOR THE DECISION

Members of Macclesfield Borough Council's Planning Sub Committee previously resolved to approve the application subject to a S106 legal agreement which has not been signed and is not now capable of being signed given that the applicant is no longer the owner. In the absence of this and any other material considerations, the application is contrary to Local Plan policy DC25 and should therefore, be refused.



THE SITE

06/2548P - BEXTON LEA PAVEMENT LANE MOBBERLEY KNUTSFORD

NGR: 377 710 - 379 380

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Scale 1:5000



THIS REPORT IS A BACKGROUND PAPER TO APPLICATION 06/2548P

DATE REPORT PREPARED

2 November 2006

POLICIES

The site lies within the Green Belt and the development has implications for a building 'listed' for its architectural and historic interest. Accordingly, policies BE15, GC2, DC2, DC3 and DC25 of the Macclesfield Borough Local Plan and policies R1, GEN2 and GEN3 of the Cheshire 2016 Structure Plan Alteration apply.

RELEVANT PREVIOUS APPLICATIONS

- 5/8430p – Agricultural Workers Dwelling
Approved April 1977
- 96/1212p – Removal Of Agricultural Occupancy Condition
Refused 14-August-1996
- 06/0453p – Single Storey Rear Extension to Farmhouse & Conversion of
Roofspace to Provide Additional Living Accommodation.
Change of Use & Alterations to Outbuildings to Provide
Garaging & Office Space (LBC)
Withdrawn 05-April-2006
- 06/0454p – Removal of Agricultural Occupancy Condition and Single Storey
Rear Extension to Farmhouse & Conversion of Roofspace to
Provide Additional Living Accommodation, Change of Use &
Alterations to Outbuildings to Provide Garaging & Office Space
(Full Planning)
Withdrawn 05-April-2006
- 06/1248p – Single Storey Rear Extension To Farmhouse With Conversion
Of Roofspace To Provide Additional Living Accommodation,
Change Of Use & Alterations To Outbuildings To Provide
Garaging & Office Space.
Approved With Conditions 02-August- 2006
- 06/1249p – Single Storey Rear Extension To Farmhouse & Conversion Of
Roofspace To Provide Additional Living Accommodation.
Change Of Use & Alterations To Outbuildings To Provide
Garaging & Office Space (LBC)
Approved With Conditions 12-July-2006
- 06/2013p – Removal Of Agricultural Occupancy Condition Attached To
Planning Permission 5/8430
Refused 04-October-2006

CONSULTATIONS

Mobberley Parish Council – No response to date.

PUBLICITY

The application has been publicised with;

- letter(s) to affected neighbours,
- site notice,
- press notice.

REPRESENTATIONS

The last date for comment was 15 Nov 2006. To date no comments have been received.

APPLICANTS SUBMISSION

The application is supported by a Supporting Statement, a Valuation Report and an Agricultural Appraisal. In addition to the papers which accompanied the previous application, this proposal includes a letter in which the agent highlights three key issues. These are;

- One of the objects of the application is to prevent the listed farmhouse from deteriorating further and becoming 'at risk'. It is the applicant's intension to live in the restored farmhouse with her sons and to carry on farming at Pavement Lane Farm. Without removal of the occupancy condition, adequate funding would not be available to restore the farmhouse and if 'Bexton Lea' was disposed of with the condition in force it would deprive the family of their home.
- Given the legal agreement which is in force (which ties Bexton Lea, the farmhouse and all the land together), it could not be marketed nor sold (if marketing was successful). Even if the agreement tying the land together was relaxed then funds raised by its sale would not be adequate to restore the farmhouse.
- The applicant is not able to raise the funds for restoration by any other means. The business as it stands is not profitable. Requiring that Bexton Lea is marketed with the condition in place will exacerbate the financial crisis whilst allowing the farmhouse to deteriorate further and with no guarantee of success.

The Supporting Statement explains that in 1977 planning permission was granted for a second dwelling to serve the farm unit. At the time, an agreement was put in place to control occupation of the original farmhouse (Pavement Lane Farm) and also to require that both dwellings and the whole farming unit should be kept as one hereditament. The new dwelling was built and became known as Bexton Lea. In recent years a combination of factors,

including BSE and the death of the farmer, have meant the farm failed to return a profit. Borrowing increased and both dwellings suffered from a lack of investment/maintenance. This was particularly apparent in Pavement Lane Farmhouse which is a Grade II Listed Building. Gradually it became uninhabitable. It is now proposed to discontinue stock rearing at the holding. Consequently, the requirement for on-site accommodation is reduced. Therefore, it is proposed to dispose of one of the houses in order to raise capital to reduce debts and to raise funds for the restoration of the main listed house. The initial intent was to lift the agricultural restriction on the listed house but this has now been changed to lifting the agricultural tie from Bexton Lea. If that were combined with lifting the agreement which ties the holding together, it is considered that sufficient funds could be raised. Three valuation bands are given for Bexton Lea. They are;

- iv) Subject to the existing agricultural occupancy condition but free of the existing legal agreement. A value of between £275,000 - £300,000.
- v) Free of the existing agricultural occupancy condition and also free of the existing legal agreement. A value of between £375,000 - £400,000.
- vi) Free of the existing agricultural occupancy condition, free of the existing legal agreement and with paddock areas adjacent to the dwelling. A value of between £375,000 - £400,000

The Valuation Report looks in detail at the main listed house. It notes that necessary repairs are likely to cost approximately £270,000. Costs are also given for upgrading (£118,000) and improvements to the curtilage buildings (£101,000). Valuations are given for the house as repaired and improved, with and without the existing agricultural tie in place.

The Agricultural Appraisal deals with the demonstrable agricultural need for dwellings on the holding. It notes that the former beef unit became unprofitable and, following the death of the farmer, it is proposed to move into hay and silage production. A number of the existing buildings are therefore not needed. It is considered that the unit would fail both the functional and financial tests were an application submitted for a dwelling. It is further considered that the unit could operate without a dwelling nearby especially given that no stock is to be housed there. A situation where a 2nd dwelling might be needed cannot be foreseen.

Background papers are available for Members' inspection.

KEY ISSUES

This application follows consideration and refusal of a similar proposal in October this year. That application (ref 06/2013p) was refused due the application's failure to satisfy all the relevant tests of Local Plan policy DC25 together with the advice of PPS7. Prior to the lifting of an Agricultural Occupancy condition, these normally require amongst other things that it

should be demonstrated that there is no demand in the area for the dwelling with the condition in place. The agents have now submitted additional information which, they feel, adds weight to their contention that the condition should be lifted without them having to undertake such a marketing campaign. Their submissions are summarised above.

The application is closely linked to the two previous applications affecting this farm holding (refs 06/1248p and 06/1249p). These applications were successful and planning permission and listed building consent have both now been granted for the works of restoration to the main farm house together with conversion and change of use to offices etc of the traditional buildings to the rear of the main house. As it was originally submitted, planning application ref 06/1248p proposed relaxing the agricultural restriction (imposed by a legal agreement in 1977) on the main farm house. However, the application was modified prior to its determination by removal of this element. The current application re-visits this issue although, as described below, the details of the proposal have been changed.

Specifically, this application relates to the dwelling known as Bexton Lea. This was built under a planning permission granted in 1977 as a second dwelling to serve the holding. At the time of the approval, a legal agreement was put in place imposing an agricultural tie on the main (listed) house as well as tying the whole unit (land and buildings) together. Unlike the previous application, this proposal seeks to lift the occupancy and disposal ties on Bexton Lea allowing its sale on the open housing market. It is also proposed to lift the tie restricting sale of any of the holding's land. To achieve this it is proposed to enter into a new legal agreement (under Section 106 of the T+CP Act 1990) to impose an agricultural condition on the occupation of the main (listed) farm house. Thus, if the application currently before the Committee was approved the consequence would be to;

- Permit Bexton Lea's unencumbered occupation and sale,
- Permit sale of buildings and land forming the original holding and
- Require occupation of Pavement Lane Farm by someone employed in agriculture.

This is an unusual application which raises a number of competing issues. These include the continuing justification (or not) for two dwellings to be tied to this unit and that if only one is deemed necessary, which that should be; improvements to the listed building and the impact of the development on housing supply in the Borough. These need to be carefully balanced and are dealt with in turn below.

RELEVANT PLANNING POLICIES

Agricultural Justification

Local Plan policy DC25 imposes tests in relation to the discharge of agricultural occupancy conditions from existing planning permissions. It generally follows the advice of PPS7 and requires that;

- i. The long term need for the dwelling on the site has ceased and there is no evidence of alternative need in the locality, and;
- ii. Bona fide attempts have been made to dispose of the dwelling with the condition in place.

The information submitted to support this application (and its predecessor) comes to the view that two dwellings are no longer required on the holding. Indeed, the Agricultural Appraisal suggests that even one might be excessive. This view is based on the holding's previous and proposed stocking level, the amount of land available and the business's profitability.

During consideration of the previous application, it was accepted that this holding is not particularly large and is comprised of relatively poor grade land. Given its recent stock levels, it is difficult to envisage how justification for two tied dwellings could be made. This view is supported by the farm's recent accounts which would barely justify one tied dwelling, let alone two. In subsequent discussions with the owner, it is clear that there are no obvious alternatives which might turn the holding's prospects around. On this basis it is therefore accepted that there is currently no demonstrable need for two dwellings on this holding.

Under the terms of the relevant policy, it is therefore necessary to consider whether the demand might exist locally for an agriculturally tied dwelling and whether measures which have been taken to test this demand are adequate. As explained above, the agents acting for the owners have declined to undertake either a local or more widespread marketing exercise. Their reasons relate to the urgency of funding improvements to the listed farm house and deficiencies with alternative arrangements. They have been discussed with officers. These issues are dealt with more fully below.

Enabling Development

The restoration and future maintenance of the listed house is a material consideration to this application. Funds from sale of Bexton Lea and, possibly, other land which could be sold separately from the holding, could be used towards restoration of the main house.

During consideration of the previous application Members visited the main house. This has suffered from a serious lack of investment for a number of years. Whilst not on the 'at risk' register it seems likely that it is only a matter of time before the building falls into that category. Further, given the business's current level of indebtedness and limited prospects for fund

raising, it seems unlikely that the decline will be halted without pro-active intervention.

This application offers the prospect of raising capital to re-invest in the main house and in that respect it is to be welcomed. However, the application deviates from what should be the normal sequence of events. The agents have now explained that Bexton Lea has not been marketed with the occupancy condition in place for three reasons. These are;

- i. its reduced market value (usually accepted as being a 1/3 reduction on market value) being insufficient to fund investment in the main house given the company's debts,
- ii. that the length of time to properly test the market would exacerbate the building's decline with no guarantee of success in any event, and
- iii. sale of Bexton Lea with the condition in place would deny the applicants their home as their only alternative is the listed farmhouse which would remain uninhabitable.

These factors have been carefully considered. They are all relevant. It is accepted that the circumstances in this case are unusual. For that reason it is unlikely that any 'on balance' decision would not set an uncomfortable precedent. Procrastination over testing the market for demand for Bexton Lea as it stands would, it seems, serve little purpose. Specifically, insufficient funds would be raised to cover the costs of restoration whilst maintaining the business's viability. Also, there is no guarantee that a buyer could be found. Given that the marketing process would take up to 12 months, this would be further time for the listed house to deteriorate.

In the circumstances it is considered that the desirability of promptly halting the listed building's decline should outweigh the normal requirements of policy DC25.

Housing Supply

Agricultural dwellings are defined as one of the exceptions to the Council's restrictive housing policy. It follows, therefore, that removal of an agricultural tie (thereby making the dwelling available on the open market) would add to the housing over-supply which the restrictive policy seeks to limit. In this respect the development would be contrary to the restrictive housing policy.

However, this consideration is capable of being outweighed by other material factors. In this case, and as explained above, it is considered that the desirability of promptly restoring the main listed house should take precedence over other issues. By the same token, it is considered that the needs of the listed building should outweigh policy concerns in relation to housing over-supply. In any event, the circumstances of this case are unusual and not capable of repeated repetition elsewhere.

OTHER RELEVANT INFORMATION

In conclusion, this proposal has undergone significant change since its first consideration by the Council. The scheme now proposed would see a relatively modern and remote house disposed of in favour of maintaining the listed building with the group of farm buildings. An agricultural occupancy condition would remain on the main house whilst the land holding would be capable of disposal (as are the vast majority of other holdings in the Borough).

Further information has now been submitted to support the merits of relaxing the agricultural occupancy condition and the legal agreement. It is considered that the scheme's benefits outweigh its disbenefits. On that basis it is recommended that planning permission should be granted. The submitted scheme would see the restoration of the listed house and its maintenance as an agricultural dwelling in the area. Whilst it would be possible for its land to be disposed of separately, it would be unreasonable not to accede to that part of this proposal as there is no longer policy backing to control land disposal in this way.

Any grant of planning permission should be on the basis of a legal agreement to impose an agricultural occupancy condition on the remaining dwelling (Pavement Lane Farmhouse) and to put in place a mechanism to ensure that funds from the sale of Bexton Lea should be used for the farm house's restoration.

Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R01LP - Contrary to Local Plan policies

Application No: 09/4170W
Location: WILMSLOW HIGH SCHOOL, HOLLY ROAD NORTH, WILMSLOW, CHESHIRE, SK9 1LZ
Proposal: CONSTRUCTION OF SPORTS HALL AND ASSOCIATED FACILITIES

For MRS G BREMNER, CHESHIRE EAST COUNCIL

Registered 17-Dec-2009
Policy Item No
Grid Reference 384907 380549

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Design and Visual Impact
- Highway Safety
- Impact on neighbouring amenity

REASON FOR REPORT

The application has been referred to the Northern Planning Committee in line with the Cheshire East Borough Council Scheme of Delegation as the proposal is for small scale major development over 1000 square metres in floorspace.

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the settlement boundary of Wilmslow, situated to the south of the Town Centre. The site is bound by the railway line and A34 Handforth Bypass to the east with a residential housing estate beyond. The south of the site is defined by Green Belt and comprises of the main car park and school playing fields. Beyond the school complex to the west the site is adjoined by further residential properties. The application site is allocated within the Macclesfield Borough Council as an area of protected open space under policy RT1.

DETAILS OF PROPOSAL

The application relates to the provision of an additional sports hall building with associated facilities at Wilmslow High School. The school achieved Specialist Sports College Status in 2003 and places physical education and sport at the centre of its activity. The school now has nearly 2000 students on roll and due to the increasing pupil numbers the existing sports facilities are falling short of the school's requirements. The school is involved with a number of Sports Partnerships and programmes separate from the curriculum and also has additional demand for wider community use. The proposed sports hall would accommodate four courts for multi-use games, additional

teaching space for physical education, equipment storage and staff accommodation. The development would be sited to the east of the site, adjacent to the existing sports hall and other outdoor sports facilities and would occupy an area currently used as a car park / yard area. The proposed building would be 1060 square metres in area comprising of the main body of the sports hall which will reach 7 metres in height and a smaller single storey annex to accommodate ancillary facilities. The provision of the sports hall in this area will entail the loss of 29 car parking spaces from the existing car park, reducing the total amount of car parking provision across the site from 263 to 234.

RELEVANT HISTORY

00/0595P *New free standing two-storey classroom block (approved with condition)*
02/0896P *Single storey modular building with link (approved with conditions)*
03/0543P *New two-storey building accommodating 11 no. classrooms, dance and fitness studios (approved with conditions)*
03/1571P *Conversion of existing agricultural land adjacent to the A34 to form playing pitches (approved with conditions)*
03/2758P *Formation of permanent access to signalling equipment on adjacent Network Rail land (approved with conditions)*
04/0693P *Erection of a GRP kiosk to house electrical switch gear (approved with conditions)*
04/2143P *Defer compliance with condition 21 of permission 5/03/0543P (approved with conditions)*
06/0213P *Creation of new access with pedestrian gate to the northern boundary of the school*
06/1607P *Construction of 2 No. car parking areas providing 76 and 42 car parking spaces (approved with conditions)*

POLICIES

Regional Spatial Strategy (NW)

DP2 - Promote Sustainable Communities
DP4 - Make the Best Use of Existing Resources and Infrastructure
L1 - Health, Sport, Recreation, Cultural and Educational Services Provision
RT2 - Managing Travel Demand

Macclesfield Borough Council Local Plan Policy

BE1 - Design Guidance
RT1 - Open Space
RT12 - Indoor Recreation
DC1 - Design - New Build
DC3 - Amenity
DC6 - Circulation and Access
DC7 - Car Parking

Other Material Considerations

PPS1 - Delivering Sustainable Development
PPG13 - Transport

CONSULTATIONS (External to Planning)

Highways:

No objection

Environment Agency:

No objection subject to condition requiring further information in respect of land contamination

Environmental Health:

No objection

Environmental Protection:

No objection subject to a condition requiring details of piling method to be used to be submitted for approval prior to these works commence. Due to its location away from residential properties there are not expected to be any noise, vibration, dust or lighting issues. Comments that any lighting should not cause any spillage upwards.

Public Rights of Way:

No objection

Landscape:

No objection

Ecology:

Not anticipated that there would be any significant ecological issues associated with the proposed development.

Environment Agency:

No objection subject to a condition requiring the submission of a scheme relating to land contamination.

OTHER REPRESENTATIONS

At the time of writing one neighbour representation has been received which raises the issue of parking problems and construction traffic. The comments are summarised below:

(i) The suggested use of the A34 bypass entrance for all construction traffic to avoid heavy traffic on residential roads adjacent to the school, to minimise inconvenience to neighbouring residents and for safety reasons.

(ii) Concern expressed due to the reduction in the number of parking spaces on site when there is already extreme pressure on the existing parking facilities; and additional parking problems that may arise on neighbouring roads as a result of increased parking demand from the new development.

(iii) A suggested partial solution to the parking problems would be to implement a condition of a previous permission at the site (5/03/0543P) relating to the provision of a footpath / cycleway to the northern boundary to encourage visitors to use the Broadway Meadow car park and relieve pressure on the on-site parking facilities.

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement
Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The proposal is to construct a free-standing sports hall with ancillary accommodation at an existing established school site. The main considerations are the impact of the development on the character and appearance of the area, neighbouring residential amenity and highway safety.

Policy

The application site is allocated in the Macclesfield Borough Council local Plan as an area of protected open space and therefore policy RT1 is relevant. Policy RT1 aims to protect recreational land and open space from other forms of development, however in relation to schools the policy recognises the provision of additional or replacement educational buildings provided that the integrity of the open space is not harmed. The siting of the proposed building is to the eastern extent of the school adjacent to the railway embankment on an area of existing hard standing which mainly forms part of the secondary car park and some of the school yard. Due to the location of the proposed building it is considered that the proposed development would not be detrimental to open space provision at the site and is therefore considered to be in compliance with policy RT1. Policy RT12 also makes provision for new or extended indoor recreational facilities.

Highways

The proposed development would result in a reduction of car parking spaces at the site by approximately 29 spaces. For secondary schools the parking standards are taken from the Cheshire Design Aid (1990) which relate to maximum standards. The amount of provision at the school is below the maximum standards and guidance contained within PPG13 provides that there should be no minimum standards for development, subject to there being no significant impact on highway safety. A Traffic Regulation Order is currently in force on neighbouring roads where parking is not permitted between the hours of 08.00 – 18.30 Monday to Saturday. Outside normal school hours a large proportion of parking spaces would be freed up by school staff, thereby being made available for use in connection with the sports facilities. The school also has an existing travel plan which is currently being surveyed and monitored. The updated travel plan should also reflect the current proposals and reduction in onsite parking in order to encourage smarter transport choices and promote incentives to change travel behaviour as an ongoing implementation programme. When considering the onsite provision, the existence of a school travel plan and localised parking restrictions which are currently in place, the reduction in parking would be in line with PPG13. Furthermore, the Strategic Highways Manager has raised no objection to the reduction in parking.

In 2003, the school was granted planning permission for a new teaching block with dance and fitness studios (application 5/03/0543P). The transport Assessment which accompanied the application recognised the benefit of a direct pedestrian link / cycleway to the northern boundary of the site due to the number of pupils travelling from this direction. The delivery of the footpath / cycleway was required by a condition of the above permission, which has been subject to several Section 73 applications for deferral. It is recognised that the footpath / cycleway would provide better links to Wilmslow Town Centre and public transport in this area as part of safer routes to school and travel planning; however this will need to be dealt with under the original permission (5/03/0543P). Although the footpath would improve accessibility to the site for pedestrians by providing an alternative route, it is not considered that this is necessarily essential for the development proposed in the current application.

The use of the school access off the A34 Handforth Bypass for construction traffic is considered to be appropriate and could be controlled by condition. This has been a requirement of previous permissions at the school site and given the proximity of the proposed development to this access such a restriction could be easily managed. The Strategic Highways Manager is satisfied with the inclusion of this condition. The requirement of a Construction Management Plan would also be appropriate.

Design

The building has been designed to reflect the existing school buildings as far as possible in terms of materials and style. The sports hall would be a

relatively large building and would reach a height of approximately 7 metres in order to accommodate a range of sports activities / facilities. Ancillary classrooms and changing areas would occupy a single storey annexe to the building. The sports hall would have a pitched roof to match the adjacent existing sports hall, whereas the single storey element of the building has been designed with a mono pitch roof. The Design and Access Statement states that the design would create a simple dynamic form to the building profile and provide a greater sense of presence to what will be regarded as the main elevation / entrance of the building. By incorporating the classrooms / changing rooms into a single storey annexe the overall scale and massing of the building is reduced and accommodated onto the site more appropriately. It is considered that the proposed design for the sports hall building is appropriate to the site and would have an acceptable impact on the character and appearance of the locality, having regard to policy DC1 of the Macclesfield Borough Local Plan.

Amenity

The proposed development would be located adjacent to existing sports facilities to the east of the site. There are no residential properties in close proximity to the proposal given the presence of the existing school complex immediately to the west / northwest of the development and the railway line and A34 Handforth Bypass to the east. As such the impact of the proposal on residential amenity would not be significant.

Public footpath 63 (Wilmslow) runs adjacent to the eastern perimeter of the school site, between the school and the railway embankment. The boundary treatment to the footpath comprises mainly of palisade fencing and users of the footpath will experience views of the proposed building. This would however only exist for a limited section of the route with the building set back around 4.5 - 10 metres from the footpath so as not to create a corridor effect. It is therefore not considered that the siting of the building in this location would have a detrimental impact on this receptor.

The Environmental Health Officer and Environmental Protection Officer have raised no objection to the application it is not anticipated that there would be any issues associated with noise, vibration, dust or lighting. It is regarded that the proposal would be in compliance with policy DC3 of the Macclesfield Borough Local Plan.

Ecology

The Council's Nature Conservation Officer has assessed the application and has raised no objection as it is not anticipated that there would be any significant ecological issues associated with the proposed development. An amphibian survey of the school ponds was undertaken in 2003 in connection with a previous application at the site and did not record any evidence of Great Crested Newts. In addition the ponds are isolated from known populations of Great Crested Newts and the proposed location of the

development is some distance to these ponds (around 140 metres) with the presence of large areas of hard standing and buildings in-between.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application proposes to construct a new sports hall at Wilmslow High School which will improve the provision of sports facilities on site to cater for the increased number of pupils in attendance and to fulfil the sports specialism. The additional facility would also benefit the local community by providing a wider range of indoor sports facilities. The main issues raised in representation have been addressed and the proposal is considered to be acceptable in terms of design, highway safety and impact on amenity. The development is therefore considered to be in compliance with the relevant policies of the Development Plan and as such the application is recommended for approval subject to conditions.



09/4170W - WILMSLOW HIGH SCHOOL, HOLLY ROAD NORTH, WILMSLOW, CHESHIRE

N.G.R. - 384,910 - 380,550

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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. Details and method of pile driving
5. Scheme for land contamination
6. Construction traffic to use A34 access
7. Construction Method Statement

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Application No: 09/4335M

Location: LAND AT, CUMBERLAND DRIVE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5BR

Proposal: ERECTION OF 4 DWELLINGS ON LAND OFF CUMBERLAND DRIVE

For MR H CUMBERBIRCH

Registered 18-Jan-2010

Policy Item No

Grid Reference 393746 377523

Date Report Prepared: 12th February 2010

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- The impact of the proposed development upon the character of the existing Conservation Area
- The parking implications of the proposed development and impact upon highways safety
- The impact upon the residential amenity for local residents

REASON FOR REPORT

This application has been referred to the Committee by a Councilor Davies in accordance with the Committees` call-in procedure for the following reasons:-

- The site is in the Bollington conservation area and adjacent to the Kerridge conservation area. The proposal does not in any way preserve or enhance the conservation area as required by the Supplementary Planning Guide.
- The height and mass of the buildings is entirely out of scale with the existing heritage buildings in Chancery Lane and Lord Street. They tower over the existing two storey houses opposite the site in Cumberland Drive. The house adjacent to Lord Street is unreasonably close to 50 Lord Street, creating an undesirable tunnelling effect.
- The introduction of further vehicles to this area will exacerbate the already chronic traffic and parking problems.

DESCRIPTION OF SITE AND CONTEXT

The site in question is approx 0.09 hectares and is sited on a corner location between Cumberland Drive and Lord Street within a residential area of Bollington.

The existing site is currently an unused car park which is graded in bitmac. The site is bounded by a dry stone wall which runs along the north east and south east boundaries of the site. Vehicular access to the site is via Cumberland Drive.

The development site forms part of a larger area of brownfield land which is within the applicant ownership and is characterised by sloping topography which slopes up in a north westerly direction. The land to the north west of the site located at the top of the incline and separated from the application site by mature trees and shrubbery is currently used as car park for the Red Lion Public House and does not form part of this application site.

Directly to the north west of the site is an electricity sub station in which proposed plans indicate as being retained.

The site is designated within the Local Plan as siting on the edge of Kerridge and forming part of the Bollington Conservation Area.

DETAILS OF PROPOSAL

This application seeks full planning permission for 4 no. three storey terraced properties which will provide three bedroom (X 2) and four bedroom accommodation (X 2).

The existing access to the site will be retained and altered to allow vehicular access and parking for 8 off street parking spaces at the front of the dwellings. A garden area is proposed to the rear of each dwelling.

This proposal seeks to address the reasons for refusal (in part) of application 08/2751P which was dismissed at Appeal and had sought consent for 13 dwelling houses on a larger development site, which incorporated this site and land at High Street. The reasons for the dismissal of the appeal related to :-

- The impact of the proposed opening in the boundary wall to provide access to proposed properties fronting High Street and the proposed frontage parking would have a harmful impact upon the character and appearance of the existing street scene and the Bollington Conservation Area.
- Inadequate provision of off site parking through out the development as a whole conflicted with policy DC6 of the Macclesfield Borough Local Plan.

The applicant has now excluded the upper part of the former application site which included 9 dwelling fronting both High street and Chancery Lane. The

application before Committee therefore relates only to the lower site on Cumberland Drive.

The design and siting of the four dwellings in most respect remains unchanged from the previous scheme. The dwellings retain a style and design which is akin to an existing residential vernacular located on Deansway which is within close proximity of the application site.

RELEVANT HISTORY

08/1462p Erection of 14no. dwellings Withdrawn

08/2751P Erection of 13 Dwellings Refused 17.03.09
Appeal-Dismissed (Appeal Ref: APP/RO660/A/09/2100349/NWF)

CONSULTATIONS (External to Planning)

Strategic Highways Manager -Awaiting Comments

Environment Agency – Awaiting Comments

Environmental Health (Residential amenity): - Awaiting Comments

Environmental Health (Contaminated Land) : No objections subject to conditions – The site is located directly on a known landfill site that has the potential to create gas. The information submitted indicates that there is contamination present. A condition requiring A Remediation Statement to be submitted to and approved in writing as well as a Site Completion Report detailing the conclusions and actions taken at each stage of the works are advised to comply with the guidance set out within PPS23

Nature Conservation: No major ecological constraints have been identified, therefore no objections are raised subject to a conditions relating to the submission of a survey relating to nesting birds and a suitable mitigation scheme for bird nesting prior to the commencement of development.

Manchester Airport Safeguarding: Raise no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council- No comments received at the time of writing the report

OTHER REPRESENTATIONS

To date two letters of objection have been received form local residents. The following concerns are raised:-

- Further building in this area will exacerbate existing issues of lack of parking and access

- The parking is already difficult in this particular area as existing older properties have no facility for off street parking
- The height of the building would ruin the area
- Smaller development would be preferred as would be more affordable for couples
- The view from the top of Lord Street Will be lost
- The size and character of the development is out of keeping with the area and the development will be built to close to existing properties.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning Design and Access Statement
- Phase 1 and 2 Desk top study and ground investigation
- PPS3 Housing self Assessment Checklist

These documents are available in full on the planning file, and on the Council's website and can be read in conjunction with the plans submitted.

POLICIES

Policies of relevance to this application include:

National Planning Policies:-

PPS1 : Delivering Sustainable Development
PPS3: Housing
PPS13: Transport
PPS15: Planning and the Historic Environment

The North West Regional Spatial Strategy to 2021 (RSS) :-

DP2 (Promoting sustainable communities),
DP7 (Promote Environmental Quality),
L4 (Regional Housing Provision)

Macclesfield Borough Council Local Plan:-

BE1 (Design Guidance),
BE2 (Historic Fabric),
BE3 (Conservation Areas),
H1 (Phasing Policy),
H2 (Environmental Quality of Housing Developments),
H13 (Protecting Residential Area)
DC1, DC2, DC3, DC38 (Standards of design, amenity and space)
Policy DC6 (Circulation and Access)
DC8, DC36 (Trees and Landscaping),
Policy DC41 (Infill housing and redevelopment)
DC63 (Contaminated Land).

Also of relevance are:

- The Bollington and Kerridge Conservation Area Appraisal (August 2006)
- Supplementary Planning Guidance for Bollington (January 2006)
- The Planning Inspectors Appeal decision for application 08/2751P; and
- PPS 3 Housing Self Assessment checklist

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

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

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

OFFICER APPRAISAL

Principle of Development/Policy

The site is located in a predominantly residential area and is described within the Bollington Conservation Area appraisal as having a 'built up urban

environment'. The proposal seeks to achieve a density of 41 dwelling per hectare and therefore complies with the guidance within PPS3.

Providing a mix of family style housing the proposal is considered to meet the needs of the Borough's population in accordance with the Borough's Housing Strategy.

The site is considered to be in a sustainable location. In this regard, the Appeal Inspector acknowledges that the site is within an acceptable walking distance of public amenities such as shops as well as public transport.

Key considerations which must be had relate to the impact of the proposal upon the character of the existing Conservation Area and the impact of the residential amenity. However having particular regard to the Inspectors appeal decision for application 08/2751P another determining issue with regard to this application is considered to be whether the proposal provides a sufficient level of off street parking so as not to have a detrimental impact upon highways safety.

Impact upon the character and appearance of the Conservation Area

The siting, design, scale, bulk and massing of the proposed four dwellings remains unchanged from application 08/2751p. This is however considered to be acceptable as the key reasons for the appeal decision are considered to relate specifically to the impact of the previously proposed dwellings on the former, larger site which comprised the area fronting High Street upon the character and appearance of the Bollington Conservation Area. In this regard the Inspector states:

"I consider the effect of the four openings in this particular part of the boundary wall, combined with reductions in its height, extensive frontage parking and the resultant impact of parked vehicles in the street scene would be harmful"

Within the Inspectors decision it is clearly acknowledged that the design of the four terraced properties is acceptable. The Inspector notes that the proposal would be *"at a similar level to the Deansway housing and there would be some visual linkage with the development"*. I too consider this part of the scheme acceptable in design terms.

Concerns raised by both members and local residents regarding the design of the proposed dwellings were addressed by the Inspector decision who states:

"I heard that the principle concern of Members when they considered the proposal and took a different view was one of detail such as chimneys. Local residents have also raised concerns about differences between the proposed design and that of the characteristic nineteenth century stone terraces. However Local Plan Policy BE3 follows national planning policy, expects only that the character or appearance of Conservation areas should be preserved"

or enhanced and it is well established that this can be achieved without replicating the form and style of valued or notable buildings. Similarly, guidelines for new developments in the Conservation Area Appraisal and SPD seek to ensure new development respects its context and reflects local character rather than replicating particular features”

The Inspector goes on to state, with specific regard to this smaller part of the original larger site:-

“...I consider that the elements of the proposed terrace design sufficient to ensure that it would respect its context and reflect key aspects of local character even though it would not have chimneys and have some different features such as porches and gables. Thus I am satisfied that the built form of terraces would at least preserve the Conservation Areas Character and appearance”

Scale/ layout and design

The proposed dwellings, currently under consideration, have been designed to be set back approx 12m from Cumberland Drive and will provide an area of hard standing which is to provide off street parking for 8 vehicles. The existing access to the site is to be utilised and no additional openings within the existing boundary wall are proposed.

Having regard to the location of the application site the proposed dwellings are considered to relate more to the recent 1980s development located on the opposite side of Cumberland Drive and also the more contemporary development along Deansway both of which are set back from the road and are characterised by ‘frontage’ parking.

By virtue of the ground levels of the site, the proposed off street parking, in part, will be screened by a 0.6m high stone boundary wall which runs along the site boundary of Lord Street and Cumberland Drive and will not be prominent within the setting of the Conservation Area.

The proposed area of frontage parking for the dwellings is considered to be a compromise solution for this site which is constrained by the existing topography of the land and which seeks to provide an area for off street parking in a location where it is widely recognised that on street parking is limited.

The Inspector has no specific objection to the proposed layout of the four dwellings and the Councils Conservation Officer has raised no concerns in respect of this application.

Having regard to the topography of the site the proposed dwellings are designed with a stepped ridge line which assists in breaking up the built form. The terraced properties have been designed to be three storey in height and having regard to the layout of window opening porches the properties will be

similar in terms of their scale and design to the existing properties located along Deansway. The applicant proposes to construct the dwellings using stone and slate and timber framed windows.

The concerns expressed with regard to the height of the proposed block and its proximity to 50 Lord Street are acknowledged. However, the Inspector, in determining the appeal raised no concerns with regard to the scale, bulk or massing of the proposed four dwellings or their relationship with 50 Lord Street.

Highway and transport implications and sustainability

The proposal incorporates 8 parking spaces for 4 family sized dwellings. Access to this parking provision will be provided utilising the existing access point off Cumberland Drive.

The concerns regarding highways safety within application 08/2751P related to the larger development as a whole. They are not related to this site in isolation. The Inspectors decision states:

*“Given the level of on- site parking proposed for the new houses, **particularly those on High Street (my emphasis)** where waiting restrictions are in place, I consider that the development would exacerbate existing parking problems. **In these circumstances** I consider that the conflict with Local Plan Policy DC6 weighs heavily against the proposal “*

Comments from the Strategic Highways Manager are awaited, however, verbally no objection is now raised to this proposal.

Residential amenity

Policy DC3 and DC38 of the Local Plan set out distance guidelines between buildings in order to safeguard residential amenities with respect to light and privacy. The distance set within this policy are however guidelines and regard should also be had to: *the design, layout, of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings*. This is a classic example of the tension between the desire for new development to respect existing character (often derived from the close proximity of one group of buildings to another) and the desire to protect amenity by the application of guidelines.

The eastern elevation of plot No. 1 is to be sited directly adjacent the side gable elevation of No.50 Lord Street which currently accommodates two windows at ground and first floor. Whilst these windows provide light to both a sitting room and bedroom they are not, however, the only large windows to these rooms. The distance between the two properties will measure approx 10.1m. The windows at ground, first and second floor on the proposed side elevation of plot No. 13 are to provide light for a stairway, therefore there is

little concern that the proposed development will impact upon privacy levels for the occupant of No. 50 Lord Street. Whilst concerns have been raised over the overbearing and obtrusive impact the side elevation may have upon No. 50, it is also important to consider that this distance and relationship is commensurate with existing properties further down Lord Street.

The proposal is considered acceptable in amenity terms.

Other material planning considerations

Landscaping and tree implications

Landscaping details have not been submitted as part of this application however the Design and Access statement does detail that the parking will be graded in bitmac and low level planting and paving will be provided between the dwelling and the car parking spaces.

In order to ensure the development is in keeping with the character of the surrounding area a landscaping condition is advised.

The Council Arboriculturist raises no objections subject to conditions which ensure the protection of the existing retained trees during construction works.

Nature conservation features and implications

In order to maximise the nature conservation value it is recommended that a landscaping scheme be submitted to increase the amount of woodland under storey species planted which will assist the sites value for breeding birds. It is also advised that the woodland area be fenced during the period of construction to protect nesting birds.

Although no objections are raised, given the possibility that there are nesting birds on the site, a condition ensuring that a detailed survey is carried out during 1st March and 31st August to check for nesting birds is recommended. This should complement a condition requiring features to make the scheme suitable for nesting birds.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Located within a predominantly residential area on a Brownfield site it is considered that an appropriate residential development on this site should be encouraged.

The proposal is considered to be an appropriate development with complies with existing planning policy. The Inspectors decision in respect of the recent, larger development site is also considered to be an important material planning consideration in the determination of this application.

The Inspector considered issues relating to the impact upon residential amenity and the design and layout of the proposed development have been considered to be acceptable by the Inspector, having specific regard to this development site.

On this basis and subject to further representation and comments from the Strategic Highways Manager a recommendation for approval is made subject to conditions.



09/4335M - LAND AT CUMBERLAND DRIVE, BOLLINGTON

N.G.R: - 393.743 - 377.523

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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. A02AP - Detail on plan overridden by condition
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A07TR - Service / drainage layout
- 10.A04TR - Tree pruning / felling specification
- 11.A22GR - Protection from noise during construction (hours of construction)
- 12.A01GR - Removal of permitted development rights
- 13.A06GR - No windows to be inserted
- 14.A10EX - Rainwater goods
- 15.A17EX - Specification of window design / style
- 16.A22EX - Roofing material
- 17.A32HA - Submission of construction method statement
- 18.Nesting Birds
- 19.Features for nesting birds
- 20.Contaminated Land
- 21.No Pile Driving
- 22.Scheme for bin storage
- 23.cycle Storage



Appeal Decision

Inquiry held on 18 & 19 August, and
29 September 2009

Site visit made on 20 August 2009

by Jane Miles BA (Hons) DipTP MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
7 December 2009**

Appeal Ref: APP/R0660/A/09/2100349

Land off High Street/Cumberland Drive, Bollington, Macclesfield, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harold Cumberbirch against the decision of Cheshire East Council.
- The application ref: 08/2751P, dated 18 December 2008, was refused by notice dated 17 March 2009.
- The development proposed is the erection of 13 no. dwellings.

Decision

1. I dismiss the appeal.

Procedural Matters

2. Two amended plans (drawing nos. CUM7/3-003/B and CUM7/3-012/B) and a set of additional 'swept path analysis' plans (drawing nos. SCP/08002/SPA01-12 inclusive) were submitted at the inquiry by the appellant. These aim to address concerns about access and parking arrangements for dwellings on the proposed plots 8 & 9. The small increase proposed in the width of the vehicle access at these plots does not, in my opinion, amount to a material change in the development proposal. There was sufficient opportunity during the course of the inquiry for consideration of and responses to the additional plans. I am therefore satisfied that taking the amended and additional plans into account in making my decision, as I have done, will not prejudice anyone's interests.
3. The scale on the proposed site layout plan (drawing no. CUM7/3-003/B) is given as 1:100. It was agreed that, in fact, this plan is drawn to a scale of 1:200, and I have considered it on that basis.

Main Issues

4. These are firstly the effect of the proposal on the character and appearance of its surroundings, and of the Bollington & Kerridge Conservation Areas and, secondly, the adequacy of provision for parking and access and the implications for highway safety.

Reasons

5. It is common ground between the Council and appellant that, having regard to the development plan and other relevant considerations, there is no objection in principle to some residential development on this steeply sloping site. It is

within the urban area of Bollington, and falls within the definition of previously developed land in *Planning Policy Statement 3 (PPS3) Housing*. I note the various concerns raised by local residents, such as the suitability of land formerly used as a tip for new housing, and the impact on long range views, for example. However I find insufficient grounds to take a different view on this point of principle and thus the main matters at issue concern the way in which the site would be developed.

Character and Appearance

6. The immediate locality around the appeal site is predominantly residential but includes buildings of varying ages, styles and sizes, most of which are in either the Bollington or the Kerridge Conservation Area (CA). There are examples of the good quality stone-built terraces which characterise much of the Bollington CA, albeit the most notable is the row in Chancery Lane, opposite the site, which is in the adjoining Kerridge CA. Much of the housing to the north of the appeal site is relatively recent, but it is nonetheless within the Bollington CA. Some dates from the 1980s and some is more recent still, built pursuant to two permissions granted on appeal in 2002 and 2004. Also in the immediate locality are the dwellings on the west side of High Street, north of the Red Lion Inn. These are set back behind a high boundary wall: the Bollington CA boundary runs along this wall, but the dwellings themselves are outside it.
7. The Red Lion and most of the mainly nineteenth century stone houses in this immediate locality are identified as buildings of townscape merit in the Bollington and Kerridge Conservation Area Appraisal (CAA) (adopted as a supplementary planning document in 2006). This confirms the key contribution that such buildings make to the overall character of the CAs. Other significant characteristics include the prevalence of slate and stone generally, and the hilly topography and varying views this creates, both within and beyond the CAs. The appeal site, which is not specifically mentioned in the CAA, includes an area of mature trees which would be retained, an informal parking area at the upper level, and a marked-out but unused car park at the lower level. In its current state I consider that it has a neutral effect on the character and appearance of the CAs.
8. Although the only significant reference to stone walls in the CAA is in relation to the nineteenth century housing, the appellant's design witness accepted, and I agree, that this document is not as comprehensive as it might be, even though it is relatively recent. Having walked around the area, I consider that the stone walls along each side of this southern part of High Street do contribute positively in visual terms to the character of both the appeal site locality and the Bollington CA through their appearance, heights and continuity. This applies even though the walls have no statutory protection.
9. There are breaks in the taller wall on the western side, providing access to the dwellings beyond, but they are not as close together as those proposed to provide vehicle and pedestrian access to the terrace of dwellings which would front onto the eastern side of High Street. Moreover the proposal involves reducing the wall's height, to allow adequate visibility between highway users, including pedestrians, and drivers leaving the frontage parking areas. Bearing in mind also that these parking areas would rise in steps up the slope, albeit

separated by retaining stone walls, it seems to me that parked vehicles would be a prominent feature in this street scene.

10. I note there were extensive pre-application discussions between the appellant and Council officers, following withdrawal of a previous scheme for fourteen taller dwellings. I appreciate this particular terrace, which continues around the corner into Chancery Lane, would be set back to minimise the impact on notable views across Bollington. Nonetheless I consider that the effect of four openings in this particular part of the boundary wall, combined with reductions in its height, extensive frontage parking, and the resultant impact of parked vehicles in the street scene, would be harmful. It would differ markedly from that of the single opening for the pub car park, where parking is behind the wall at its current height.
11. Thus I find, in these respects, that the proposed development would diminish the contribution the wall makes to the character of the CAs, and unacceptably detract from the established character and appearance of the immediate locality and the CAs. It would conflict with Policy BE3 of the Macclesfield Borough Local Plan (LP), and also with guidance in the CAA and in the adopted Supplementary Planning Document (SPD) for Bollington.
12. In addition, such intensive parking in front of dwellings is not characteristic in this or the Kerridge CA. Where frontage parking does occur, it is generally less intensive and often interspersed with areas of grass or other planting which helps to minimise the visual impact of parked vehicles. There is no space for such visual relief in this case and, to my mind, the example of frontage car parking nearby in Cow Lane demonstrates the adverse visual impact this would have. Thus I consider that this element of the proposal would not reflect local character or achieve the high quality design that LP Policies BE1 and H2 seek to achieve. Nor would it be an imaginative solution to providing sufficient car parking, as advocated in the Bollington SPD.
13. Turning to the proposed buildings, both the High Street/Chancery Lane terrace (units 1-9) and the shorter terrace fronting onto Cumberland Drive (units 10-13) would be similar in design, materials and detailing to the existing Dean Way development off Cumberland Drive. The Council has not raised any objection to the shorter terrace. As it would be at a similar level to the Dean Way housing, and there would be some visual linkage with that development, I too consider this part of the scheme acceptable in design terms.
14. The Council's Conservation Officer was also satisfied with the proposed scale, height, mass and materials of the longer terrace. I heard that the principal concern of Members, when they considered the proposal and took a different view, was one of detail such as the absence of chimneys. Local residents have also raised concerns about differences between the proposed design and that of the characteristic nineteenth century stone terraces. However LP Policy BE3, following national policy, expects only that the character or appearance of conservation areas should be preserved or enhanced, and it is well established that this can be achieved without replicating the form and style of valued or notable buildings. Similarly, guidelines for new development in the CAA and SPD seek to ensure that new development respects its context and reflects local character, rather than replicating particular features.

15. I appreciate that the longer terrace would be more prominent in various views, because it would be at a higher level. Also, unlike the earlier Dean Way development, it would front directly onto long established streets, opposite buildings of townscape merit. However the overall form, scale and materials of the terrace would reflect those of the more traditional ones. As the ridge heights would be below those of the Red Lion Inn and the adjacent terrace in Chancery Lane, it would respect the existing buildings in terms of scale, and would not be unduly dominant in the street scene. The desirability of protecting privacy and outlook at existing dwellings, and minimising impact on longer range views, justifies setting the terrace further back from the street frontage than is generally typical in the Bollington CA.
16. I consider these elements of the proposed terrace's design sufficient to ensure that it would respect its context and reflect key aspects of local character, even though it would not have chimneys and would have some different features, such as porches and gables. Thus I am satisfied that the built form of the terraces would at least preserve the CAs' character and appearance. This does not however alter or outweigh my findings in relation to the boundary wall and the proposed layout dominated by frontage parking. Overall therefore I conclude that the proposal would detract from the character and appearance of the immediate locality, and that it would fail to preserve the character and appearance of the Bollington and Kerridge CAs, contrary to the objectives of the relevant development plan policies.

Parking and Access

17. The stone built terraces valued in Bollington for the contribution they make to the CAs' character and appearance are also a key contributor to the parking pressures identified in the SPD as severe, because few have off-street parking space. Thus numerous cars are parked on the streets, many of which are narrow. The SPD notes the importance of ensuring that parking problems are not exacerbated by new development. It suggests an average of 1.5 spaces per new dwelling will be expected, which accorded with national guidance in place at the time of adoption, and also says that imaginative solutions will be required in the CAs, to provide 'sufficient' car parking. I find nothing here indicating that less than 1.5 spaces per dwelling would be acceptable.
18. The appeal proposal does provide for 1.5 parking spaces per dwelling, but the Council considers this insufficient in the particular circumstances of this case. These include the likely level of dependence on private cars and the size of the proposed family-sized dwellings (three with four bedrooms and ten with two bedrooms).
19. Reducing dependence on private cars and promoting alternative modes of transport is a key objective of national policy, and restricting parking space is an acknowledged means of moving towards that objective. However there is national policy and guidance relating to residential parking which is more recent than the LP, SPD and *PPG13: Transport*. PPS3 says Councils should take account of expected levels of car ownership in developing residential parking policies for their areas, as well as the need for good design and efficient use of land. Moreover, research referred to in *Manual for Streets* has shown that dwelling size, type and tenure is a factor affecting car ownership.

20. The Council does not have any adopted parking policy following this approach but, nonetheless, I consider it appropriate to take account of the recognition in national policy that a more wide-ranging approach is needed than simply restricting parking provision for new housing. I heard that no information on car ownership levels for dwellings of differing sizes is currently available for this area, but the 2001 Census shows average car ownership in Bollington Central Ward to be 1.3% for all households and 1.5% for car-owning households. Thus, even without evidence as to whether car ownership is higher in three and four bedroom houses than in smaller ones, it seems likely that the proposed parking spaces will be occupied primarily by residents' vehicles, with negligible space for visitors.
21. With regard to the practicalities of day-to-day family living without a car in this location, the distance from shops, services and bus stops in the local centre is within the accepted range given in national guidance for walking, and Bollington is well served by bus routes, including the one passing along Jackson Lane. However the upward gradient when returning to the proposed dwellings on High Street would be a disincentive for some trips on foot, such as when carrying shopping for example. In this respect these dwellings would differ from those in the Dean Way development, from where the route to the local centre is less steep. In addition, the appellant's own highway witness accepts that local gradients are likely to deter all but the most enthusiastic cyclists. I agree, even though the site is close to a long distance cycle route.
22. Taking account of all these factors, I accept that the appeal site is in a reasonably accessible location, but in my opinion it is not so accessible as to justify restricting parking provision below likely demand. I have borne in mind the objective of reducing dependence on the private car, and acknowledge that there is insufficient justification for the total level of provision suggested by the Council. Nonetheless, having regard to likely car ownership levels, parking demand and local circumstances, I consider that the proposed on-site provision of a single space per dwelling plus visitor spaces, as indicated on the proposed layout plan, would be inadequate.
23. The appellant argued, on the basis of the parking beat surveys carried out, that any overspill parking from the development could be accommodated on nearby streets, and various aspects of this argument were explored further at the inquiry. However one of the criteria in LP Policy DC6, which new development is normally expected to satisfy, advises that provision should be made for sufficient space to enable all parking and loading to take place off the street. In addition, as I have already noted, the Bollington SPD highlights the need to avoid exacerbating existing parking problems. The proposal would not accord with this policy and guidance.
24. The parking beat surveys did demonstrate some spare capacity on-street, even though it was conceded that some of the spaces identified were not realistically useable as such. I recognise that, in this area of narrow streets, some of which are steep and routinely subject to significant levels of on-street parking, many highway users will be familiar with these constraints and traffic speeds are likely to be low. Traffic volumes are also relatively low, and the proposed development would not significantly alter this. Moreover only one slight injury accident has been recorded in the immediate vicinity in five years. These

factors suggest that the actual risks to highway safety from additional vehicles driving around the streets to find spare spaces would not be great.

25. However, given the nature of this particular locality and the existing extent of on-street parking, I do consider it reasonable to take account of the more general problems this causes for pedestrians and drivers, as explained by local residents and reflected in the adopted SPD. Given the level of on-site parking proposed for the new houses, particularly those on High Street where waiting restrictions are in place, I consider that the development would exacerbate existing parking problems. In these circumstances I consider that the conflict with LP Policy DC6 weighs heavily against the proposal.
26. I appreciate that the car park on the upper part of the appeal site, leased to the pub, could be made unavailable at any time, and thus it would not be reasonable to require replacement capacity for these spaces as part of the development. However I heard that, notwithstanding the terms of the lease, it has regularly been used for overnight parking by residents and by walkers, as well as by patrons of the pub. I have therefore borne in mind that demand for on-street parking is likely to increase through loss of this car park.
27. Whether or not the proposal would also result in the loss of on-street parking spaces in Chancery Lane, thus increasing parking pressures elsewhere, remained a matter of dispute between the parties. The relevant part of the street varies in width, narrowing down to a pinch point of some 4.1 metres very close to the proposed access to the parking area for plots 8 & 9. The gradient, narrow width, and waiting restriction at the western end are such that on-street parking generally occurs only on the southern side, in front of the existing houses.
28. The amended plans and set of swept path analysis drawings were submitted to show that, when vehicles are parked opposite, drivers would be able to safely enter and leave the proposed parking area, thus maintaining on-street parking capacity here. It would physically be possible to use the three new spaces with cars parked opposite, but there would be very little room for error and considerable care would be needed. Moreover vehicles turning across the carriageway, in addition to those passing the parked vehicles on what is thereby reduced to a narrow single track road, would increase the hazards and the potential for damage to the parked vehicles. Cars parked here would be more vulnerable than at present. Thus, irrespective of whether existing waiting restrictions needed to be extended, I am not convinced that the notional capacity of eight on-street spaces here would remain realistic.
29. In terms of safety, again in the light of low traffic speeds and volumes, the actual risk here is not likely to be great. However vehicles would have to enter and leave the parking area at oblique angles. This has implications for visibility, for the length of footway that would be affected and also for potential conflicts with pedestrians. It is not comparable with a motorway situation without pedestrians and designed for much higher speeds. In addition, repeated manoeuvres would be needed within the parking area itself. Whilst this element of the proposal would not materially harm highway safety, neither would it amount to the high quality design and layout that national and local policy seeks to achieve.

-
30. In summary I have found that, in the particular circumstances of this location, the proposal would not make adequate provision for on-site parking, thereby conflicting with LP Policy DC6. Although it would not unacceptably compromise highway safety, it would exacerbate on-street parking problems in the wider locality, contrary to the objectives of the Bollington SPD.

Other Matters

31. I have had regard to the relationships that would be created between proposed and existing dwellings. Given the relevant orientation and levels, and the already limited outlook from the rear gardens of the nearest houses in Dean Way (notably nos. 1 & 2), I consider that the tall end wall of unit 1 on High Street would dominate and further enclose the outlook from those properties. This would detract from the amenities enjoyed by occupiers of those properties and, whilst not sufficient in itself to justify refusing the proposal, it is an additional factor which weighs against it. Bearing in mind the scope to impose conditions relating to matters such as obscure glazing and boundary treatment, I am satisfied that the proposal would not materially harm living conditions in any other respect at these or any other nearby dwellings.
32. Concerns remaining about land stability and contamination, following the initial report submitted with the application, could be addressed by condition. Whilst I understand concerns about the implications for the pub's viability if it loses its car park, that is a private matter for the parties involved. I note residents' comments about the existing, unused, car park off Cumberland Drive, but it was clarified that there is no binding requirement to make this available for public use.
33. I have had regard to all other matters raised, including the proposal's benefits in terms of making better use of previously developed land, but have found nothing sufficient to alter the balance of my conclusions which leads me, overall, to conclude that the appeal should fail.

Jane Miles

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Roger Lancaster, of Counsel	Instructed by John Rose Associates
He called	
William Booker BSc	Director, Singleton Clamp & Partners
Carl Copestake BA (Hons) DipUP MRTPI	Director of Planning, John Rose Associates
Winston Parr DipTP MRTPI	Senior Urban Design Consultant, John Rose Associates

FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon, of Counsel	Instructed by Cheshire East Council's Solicitor
He called	
Christopher Payne DipASM MIHT MTPS	Development Control Engineer, consultant contracted to Cheshire East Council
Andrew Ramshall MSC CEng MIET IHBC	Building Conservation Officer, Cheshire East Council
Shawn Fleet MRTPI	Principal Planning Officer, Cheshire East Council

INTERESTED PERSONS:

Mr G A O'Neill	Local Resident
Professor Michael Burdekin	Local Resident, also representing Bollington Civic Society
Mr Tim Boddington	Local Resident, also representing Bollington Civic Society
Mr Chris de Wet	Local Resident, also representing Bollington Civic Society
Alderman Mrs Silvia Roberts	Local Resident
Mr D Belfield	Local Resident
Ms Lindsay Reade	Local Resident

DOCUMENTS & PLANS SUBMITTED AT THE INQUIRY

- 1 Additional plans submitted by the appellant:
drawing nos. CUM7/3-003/B, CUM7/3-012/B
& 12 no. Swept Path Analyses, drawing nos. SCP/08002/SPA01-12
- 2 Bollington & Kerridge Conservation Area Appraisal: Maps & Appendices
Documents & Parts 1 & 2
- 3 Duplicate copy of Appendix 3 to Mr Payne's proof (for clarity)
- 4a-e Copies of statements given by Messrs Burdekin, Boddington & de Wet, on
behalf of Bollington Civic Society, with copies of the 2004 Parish Plan and
2008 Bollington Town Plan for information
- 5 Signed Statement of Common Ground
- 6 AutoTrack Vehicle Details for a Large Car, ref: 100004, submitted by the
appellant
- 7 Letter dated 18 August 2009 from existing and former residents of Lord
Street, relating to the Cumberland Drive car park
- 8 Extract from English Heritage website, relating to results of national census
of Conservation Areas at Risk, submitted by Mr Ramshall

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