

# **Strategic Planning Board**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 17th June, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 27 May 2009 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not Members of the Strategic Planning Board.

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

- Members who are not Members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

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

**Contact:** Rachel Graves  
**Tel:** 01270 529742  
**E-Mail:** Rachel.Graves@cheshireeast.gov.uk

5. **08/2670P - Outline Application for 2 No. Blocks of 3 No. Terrace Cottages (6 No. Residential Units in Total), Dale Street Mill, Dale Street, Macclesfield, Cheshire SK10 1HH** (Pages 7 - 20)

To consider the planning application 08/2670P.

6. **09/0738W - Erection of an Energy from Waste Facility with Associated Buildings, Car Parking and Hardstanding Areas, Land off Pochin Way, Middlewich** (Pages 21 - 24)

To consider a report which outlines the main components of the current proposal by Covanta Energy Ltd for the construction and operation of an Energy from Waste Facility.

7. **Judicial Review of Decision to Grant Planning Permission, Bryancliffe, Wilmslow Park South, Wilmslow** (Pages 25 - 30)

To notify members of the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow.

8. **Attendance by Substitute Members** (Pages 31 - 34)

To consider alternative arrangements to restrict the appointment of substitute members for planning matters.

9. **Appeal Summaries**

To note the Appeal Summaries.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th May, 2009 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor H Gaddum (Chairman)  
Councillor Rachel Bailey (Vice-Chairman)

Councillors A Arnold, P Edwards, J Hammond, M Hollins, D Hough, J Macrae,  
B Moran, C Thorley, G M Walton, Wilkinson and J Wray

### **OFFICERS PRESENT:**

John Knight, Interim Head of Planning and Policy; Rachel Goddard, Senior Solicitor;  
Philippa Lowe, Development Manager; Ben Haywood, Principal Planning Officer;  
Debbie Kirk, Senior Investigation and Development Contributions; Rachel Graves,  
Democratic Services Officer

### **38 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Brown and S Wilkinson.

### **39 DECLARATIONS OF INTEREST**

Councillor Rachel Bailey declared a personal interest in respect of application  
09/0259/FUL as had spoken to the application in a telephone conversation. In  
accordance with the code of conduct she remained in the meeting during  
consideration of the item.

Councillor Rachel Bailey declared a prejudicial interest in application  
7/2009/CCC/4 as her sister was the Chair of Governors at Brine Leas High  
School and she had previously been a governor at the school. In accordance  
with the code of conduct, she withdrew from the meeting during consideration of  
the item.

### **40 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 6 May 2009 be approved as a correct  
record and signed by the Chairman.

### **41 PUBLIC SPEAKING**

A total period of 5 minutes was allocated for the planning application for Ward  
Councillors who were not Members of the Strategic Planning Board.

A period of 3 minutes was allocated for the planning application for the following  
individual/groups:

- Members who were not Members of the Strategic Planning Board and were not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

RESOLVED:

That the procedure for public speaking be noted.

**42 09/0259/FUL - RETENTION OF HARDCORE AREA FOR THE STORAGE OF WASTE DISPOSAL SKIPS AS AN EXTENSION TO THE EXISTING SKIP HIRE BUSINESS AT BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON.**

Note: Councillors Rhoda Bailey and Andrew Barratt (Ward Councillors), and Mr Tom Gardiner (Applicant) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application, which had been referred from the Southern Planning Committee.

RESOLVED:

That the application be REFUSED for the following reasons:

the development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 AND W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 AND E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

**43 7/2009/CCC/4 - NEW POST 16 CENTRE INCORPORATING 3 STOREY L-SHAPED BUILDING WITH EXTERNAL SOCIAL SPACE AND GENERAL IMPROVEMENTS TO THE SITE INCLUDING PARKING AND FLOODLIGHTING TO TENNIS COURTS, BRINE LEAS HIGH SCHOOL, AUDLEM ROAD, NANTWICH**

Note: Councillor Arthur Moran (Ward Councillor) and Mr Andrew Cliffe, (Headteacher at Brine Leas High School) attended the meeting and spoke in respect of the application.

The Board considered a report on the above application.

It was reported that great crested newts had been found in a pond near to the site and that in accordance with the European Directive the applicant would need to apply for a licence for the site from Natural England and action would be taken to mitigate any damage to the protected species.



RESOLVED:

That the application be APPROVED subject to the following conditions:

1. Standard Time
2. In accordance with approved drawings
3. Samples /detail of materials on external elevations
4. Revised Landscaping Scheme and aftercare plan
5. Implementation and maintenance of landscaping
6. Highways Construction Management Plan
7. Provision of floodlighting and view after one month
8. Hours of use of floodlighting
9. Update, submission and implementation of school travel plan
10. To comply with Amphibian Mitigation Strategy
11. Require further details of tree protection measures
12. Provision of bird / bat boxes
13. Provision of car parking – surfaced and marked out
14. Details of secure and covered cycle parking
15. Details of motorcycle parking
16. Provision of tennis court / MUGA facility before development is first occupied
17. Drainage works to be implemented
18. Off-site highways improvements to be implemented through the school travel plan
19. Details of rebound fencing to tennis court / MUGA facility
20. Details of fencing to eastern boundary
21. Scheme for improvement of playing field drainage
22. Wheel Washing
23. Hours of Construction
24. Details of piling
25. Continuity of parking provision on site
26. Provision of Waste Management Facility

**44 VARIATION OF S106 AGREEMENT – HENBURY HIGH SCHOOL, MACCLESFIELD REDEVELOPMENT BY WIMPEY HOMES**

The Board considered a report which outlined the request of the developer of the former Henbury High School site to vary the phasing the delivery of various requirements attached to the Section 106 Agreement attached to that development, which had commenced.

The Developer was finding the current economic climate very challenging and in order to be able to continue with the development in a viable manner they were unable to outlay the level of expenditure currently required by the S106 in advance of the commencement/occupation of the residential units. The only way that the development could proceed was subject to committed sales, with this the Developer could not progress the site. The Developer was still committed to the delivery of the development but was seeking to allow for greater flexibility in the phasing of the provision of commuted sum payments for highways work and the phasing of replacement playing pitches and the enhanced pavilion building and play equipment.

RESOLVED:

That delegated authority be granted to the Head of Planning and Policy to negotiate upon and secure amendments to the wording of the S106 Agreement to allow alterations to the phasing of delivery of monies required prior to commencement of development for highways contributions and other items such as the provision of playing pitches and sporting facilities, to be carried out in consultation with the Chairman of the Strategic Planning Board and Ward Councillors.

#### **45 LIST OF BUILDINGS OF LOCAL INTEREST**

Consideration was given to a report on the procedures for adding to and reviewing the List of Buildings of Local Interest in Cheshire East.

All three former Borough Councils either maintained or were in the process of compiling a Local List. However, there were variations in the practices for inclusion of buildings on the list between the former authorities and a new procedure was therefore necessary in order to promote a consistent and transparent approach.

Until the new Cheshire East wide Local Listing Criteria was adopted as part of the forthcoming SPD, it was proposed that the existing criteria – set out in Appendices A and B, be applied and where an immediate addition to the Local List was considered to be important, a report would be presented to the Strategic Planning Board for consideration.

RESOLVED:

That the existing criteria for Local Listing, as set out in Appendices A and B to the report, be adopted.

#### **46 REGENTS COLLEGE, NANTWICH**

Note: Councillor Arthur Moran (Ward Councillor) attended the meeting and spoke in respect of the application.

The Board considered a report on Regnets College, Nantwich which outlined the reasons why it should be included on the List of Buildings of Local Interest.

Regent Theological College and the attached Grove House and Chapel was currently occupied by the Elm Bible College, who were due to vacated the site at the end of May 2009 and the site had been placed on the market with a view to redevelopment.

Whilst English Heritage had decided not to include the buildings on the national register, it had concluded that the principal buildings of the Theological College, including the administrative block, Chapel and Grove House were of local interest.

The buildings had been assessed under the former Crewe and Nantwich Borough Council's criteria for the Local List and had been found to met the criteria for authenticity, architectural significance and historical importance as the College was a substantial three storey building in the Arts and Crafts style built in

1899, attached to which was a chapel dated 1924 in the same materials and overall style. To the rear was a three storey Georgian building known as Grove House which was the original building on the site. The building displayed evidence of a period of local social significance recorded in a plaque to former pupils who fell in the First World War and the Chapel contained stained glass windows which showed agricultural scenes representing a return to the land and a 'wholesome' way of life after the horrors of war and the creation of a 'land fit for heroes'.

Their inclusion on the local list would enable their demolition to be resisted in any future development proposals, to potentially enable them to be converted to an appropriate alternative use incorporating only minimal changes to their original fabric and limiting any proposals for alterations to areas where changes had already taken place.

RESOLVED:

That the Theological College, Chapel and Grove House be added to the list of Buildings of Local Interest and the owners be notified of their inclusion and sent details of what this means and the buildings selected will be registered as a land charge.

#### **47 PLANNING OBLIGATIONS – ADMINISTRATIVE AND PROCEDURAL ISSUES AND OPTIONS**

The Board considered a report which outlined a number of issues and options relating to the harmonisation of the procedural and administrative arrangements for planning obligations negotiated under section 106 of the Town and County Planning Act 1990 (as amended).

In working towards harmonising the procedural and administrative agreements for planning obligations and their incorporation into a Planning Obligations Protocol, a number for key issues that needed to be resolved had been identified. These were:

- whether commuted sums should be indexed to maintain the value of the commuted sum
- whether an interest charge should be applied for the late payment of commuted sums
- whether standard templates for legal agreements and unilateral undertakings should be prepared and published on the Council's website
- whether a monitoring fee should be applied to enable effective compliance monitoring, reporting and publication of information relating to planning obligations and the benefits secured

Whilst there was some element of consistency between the former constituent Council's in their practices relating to indexing and last payment interest, the only Council which published standard templates and applied a monitoring charge had been Macclesfield Borough Council.

Members considered the options outlined in the report before coming to a decision for each of the issues outlined above.

RESOLVED: That

- (1) Legal agreements and Unilateral Undertakings will contain provision for indexing of commuted sums using appropriate indices
- (2) Legal agreements and Unilateral Undertakings will contain provision for the application of late payment interest at an appropriate percentage above the Bank of England's Bank Rate or the base rate of the Co-operative Bank (the Council's bank)
- (3) standard templates for Legal agreements and Unilateral Undertakings will be prepared and published on the Council's website
- (4) the introduction of a monitoring charge is supported in principle, although a detailed report setting out how such a charge could be formulated and introduced should be prepared and submitted to the Board for consideration.

#### 48 **APPEAL SUMMARIES**

Consideration was given to the report as submitted.

Members' attention was drawn to the Inspector's decision to allow the appeal against the decision to refuse the demolition of existing buildings and erection of up to 130 dwellings, provision of public open space, highways improvements and associated works at the former Bath Vale Works, Brookhouse Lane, Congleton. The Board was concerned that this would set a precedent for future applications and asked that officers advise on the implications of the decision and investigate whether the decision should be challenged.

RESOLVED:

That the Planning Appeals be noted and officers advise on the implications of the Inspector's decision and whether it should be challenged.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor H Gaddum (Chairman)



## STRATEGIC PLANNING BOARD

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**Date of meeting:** 27<sup>th</sup> June 2009  
**Report of:** Head of Planning and Policy  
**Title:** Dale Street Mill, Dale Street, Macclesfield, Cheshire  
SK10 1HH – Outline Application for 2 No. Blocks of 3 No.  
Terrace Cottages (6 No. Residential Units in Total)

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### 1.0 Purpose of Report

- 1.1 To consider the planning application 08/2670P.

### 2.0 Decision Required

- 2.1 To grant or refuse planning permission.

### 3.0 Background

- 3.1 At the meeting on the 20<sup>th</sup> May 2009, the Northern Planning Committee resolved that they were minded to grant planning permission in respect of this application contrary to officer recommendation.
- 3.2 Under the adopted Terms of Reference, applications involving a significant departure from policy, which a Planning Committee is minded to approve, must be referred to the Strategic Planning Board.
- 3.3 The proposal is considered to be a significant departure because it involves the demolition of a building which is on the 'Local List' of historically important buildings. Policy BE20 of the Macclesfield Local Plan states, "Non-Listed buildings and other structures of architectural or historic interest do not enjoy the full protection of statutory listing. However, development which would adversely affect their architectural or historic character will only be allowed if the Borough Council is satisfied that the building or structure is beyond reasonable repair."
- 3.4 The structural engineers report submitted by the applicant concludes that the building is beyond reasonable repair and that it would be unviable to adapt the existing building. Although it is accepted that there are structural defects with the building, it is noted in the main agenda report, that the redevelopment of the building is based on the current market

conditions and there are examples of similar buildings which have been retained elsewhere.

- 3.5 The full circumstances surrounding the case and reasoning behind the recommendation of the Head of Planning and Policy to refuse the application are set out in the attached report.

#### **4.0 Northern Committee Observations**

- 4.1 The Committee's reasons for recommending approval contrary to Policy BE20 and officer recommendation, were: -
- A proposed alternative, which would retain part of the Mill, would not preserve sufficient of the building
  - The development would satisfy housing need
  - The development was appropriate to the local scenery/architecture
- 4.2 In the opinion of the Northern Planning Committee these are material planning considerations which should outweigh the policy presumption against this proposal.

#### **5.0 Officer Response**

##### *Alternatives*

- 5.1 It is considered that if the building were redeveloped, a substantial proportion could be retained. Officers have illustrated to the developer potential options for retaining part of the existing structure. This would include demolition of part of the front of the building to allow an alternative access and the demolition of part of the building to the rear, which is considered to be structurally in very poor condition. This would potentially provide further space for development at the rear of the site (for up to four new dwellings). Whilst the scheme suggested by Officers would involve elements of rebuilding, it would retain the historical identity of the existing mill. However, the applicant is not willing to consider any alternative solutions.

##### *Housing need*

- 5.2 Whilst the proposed scheme would result in the creation of six new dwellings, the alternative scheme could potentially provide for eight dwellings, or more.

##### *Local scenery/architecture*

- 5.3 Whilst the design issues were not put forward as a reason for refusal, it is the principle concern that this proposal would result in the loss of a locally distinct building.
- 5.4 The applicant has undertaken a further structural engineer's report which confirms the detail of the original report and outlines the works which would need to be undertaken to retain the building.

- 5.5 The Council seeks to resist the loss of buildings of local character and interest. Furthermore, it is not considered that local economic factors should be the sole determining factor when considering the redevelopment of a building which is on the Locally Important Buildings List. In this particular instance it is not accepted by Officers that the total loss of the building is the only solution.
- 5.6 If the Strategic Planning Board does not accept that the building is beyond reasonable repair, or that the proposal is the only alternative, then the application should be refused as it would be contrary to policy BE20, otherwise the Board should support the resolution of the Northern Planning Committee.

## **6.0 Options**

- 6.1 To endorse the recommendation of the Head of Planning and Policy to refuse the application for the reasons set out in the report to the Northern Planning Committee.
- 6.2 To endorse the recommendation of the Northern Planning Committee to approve the application for the reasons set out in paragraph 4.1 above.

## **7.0 Recommendation**

- 7.1 The officer recommendation as set out in the planning report still stands.

## **8.0 Financial Implications**

- 8.1 The applicant may appeal against the refusal and the likely outcome of that is discussed below.

## **9.0 Legal Implications**

- 9.1 The applicant may appeal against the refusal and the likely outcome of that is discussed below.

## **10.0 Risk Assessment**

- 10.1 Refusal of the application carries the risk of an Appeal against the decision by the applicant. However, in view of the policy presumption against the development, it is considered that the Appeal is unlikely to be successful.
- 10.2 In this instance approval of the application would be unlikely to generate an undesirable precedent, as the applicants have submitted a Structural Survey, which concludes that the building is beyond reasonable repair.

***For further information:***

*Portfolio Holder: Councillor Jamie Macrae*  
*Officer: Nick Turpin – Principal Planning Officer*  
*Tel No: 01625 504612*

***Background Documents:***

- *North West of England Plan: Regional Spatial Strategy to 2021*
- *Adopted Macclesfield Borough Local Plan*
- *Structural survey and addendum report*

*Documents are available for inspection at:*

- *Town Hall, Macclesfield*



**Application No:** 08/2670P  
**Location:** DALE STREET MILL, DALE STREET, MACCLESFIELD,  
CHESHIRE, SK10 1NH  
**Proposal:** OUTLINE APPLICATION FOR 2 NO BLOCKS OF 3 NO TERRACE  
COTTAGES (6 NO RESIDENTIAL UNITS IN TOTAL)  
  
**For** MRS M SLATER  
  
**Registered** 20-Jan-2009  
**Policy Item** No  
**Grid Reference** 392298 373498

**Date Report Prepared:** 08.05.09

**SUMMARY RECOMMENDATION:** Refuse on the grounds that the development would result in the demolition of a building which is on the Council's 'Local List' of historically important buildings.

**MAIN ISSUES:**

- Impact on the character and appearance of the area;
- Loss of a locally important building
- Impact upon highway safety;
- Impact upon residential amenity

This application was registered prior to 01.04.09 and therefore needs to be determined under Macclesfield Borough Council's criteria for assessing planning applications. Due to the number of dwellings, the application is required to be determined by a committee. The application was considered at the Northern Planning Committee on 08.04.09. Members deferred the application for a site visit which was undertaken on 24.04.09.

**DESCRIPTION OF SITE AND CONTEXT**

The site is located on Dale Street, which is a relatively quiet back street which runs parallel to Buxton Road in Macclesfield. The site is visible from Fountain Street to the south. The site measures approximately 0.1 hectares. The site is presently occupied by Dale Street Mill, which is a two storey mill building which dates back to the nineteenth/early twentieth century.

The site is within a predominantly residential area.

**DETAILS OF PROPOSAL**

This application seeks permission to demolish the existing building which is on the 'Local List' of historically important buildings and replace it with 2 blocks of 3 no. two storey dwellings. The proposed dwellings are generally sympathetic to the character of the surrounding dwellings in terms of their design and scale. Each unit would comprise a living kitchen, sitting room, and

wc on the ground floor, with 3 no. bedrooms and a bathroom on the first floor. Each dwelling would have a private garden to the rear.

The building has been designed to minimise the impact on the dwellings to each side (no. 12 and no. 28). The dwellings fronting Dale Street would not satisfy front to front distances as contained within the local plan. However, the pattern of development would generally be commensurate with that of the area.

The elevations would be faced in brick with slate roofs.

A total of 10 parking spaces would be included within the site with the access taken off Dale Street. A parking space for no. 12 Dale St is shown within the development.

### **RELEVANT HISTORY**

08/2042P - Outline application for 2no. block of 3no. terrace cottages (6no. residential units in total on 0.106 hectares) - Withdrawn

### **POLICIES**

#### **Regional Spatial Strategy**

DP1, DP5, DP6, DP7

#### **Local Plan Policy**

NE11, BE1, BE20, H1-H3, H13, DC1-DC6, DC8

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

#### **Highways –**

No highway objection in principle to the outline scheme, but points are raised in respect of the layout which will need to be addressed.

**Environmental Health** – The Head of Environmental Health supports this application as it removes an industrial use from a predominantly residential area. If an industrial use was resurrected on the site then such use would have high potential to cause environmental problems to residents of neighbouring dwellings such as noise, dust and odour nuisance. The construction of dwellings on the application site would therefore harmonise with the adjoining land uses.

In order to minimise noise and disturbance associated with the demolition and construction work on the site to residents within the locality an hours of working during construction condition is recommended.

In addition, the **Head of Environmental Health** notes that the application area has a history of use as a Chemical Works and Textile Works and therefore the land may be contaminated. The application is for new residential

properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the planning application indicates that there is significant potential for contamination to exist and recommends a phase 2 site investigation be carried out. The Phase 2 report recommends that remedial measures are carried out and reported. If contaminants are found then a remediation statement will be required, followed by a site Completion Report which details the conclusions and actions taken at each stage.

**The Historic Environment Officer** comments that the mill and its associated structures will be demolished as part of the proposed redevelopment of the site. In order to ensure this aspect of Macclesfield's Industrial Archaeology is recorded prior to demolition and determine the history of this site it is advised that a full Level 2 survey, as defined in English Heritage's *Understanding Historic Buildings: a guide to good practice*, (2006) would be appropriate in this instance.

**United Utilities** – raise no objections to the proposal. United Utilities comment that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

**Manchester Airport** - raise no aerodrome safeguarding objection to the proposal.

**The Ministry of Defence** - raise no safeguarding objections to this application.

## **OTHER REPRESENTATIONS**

A letter has been received from a resident whose property adjoins Dale Street Mill. The neighbour is concerned about what damage may occur to the side of the property; if pile driving is necessary; the start/finishing times of any works on site; and, that access to their property will be maintained at all times.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents were submitted with the application: -

- A Design and Access Statement
- A Bat Survey Report
- An Environmental Desk top study

They are available for Member's information on the application file.

## **OFFICER APPRAISAL**

### **Principle of Development**



The main issues to consider in determining this application are:

- 1) Design and impact on the character and appearance of the area, including the street-scene.
- 2) The loss of a locally important building
- 3) Impact on the amenity of neighbouring properties
- 4) Highways safety
- 5) Landscaping and nature conservation
- 6) The desirability of maximising the use of previously developed land.

### **Policy**

The site lies within a Predominantly Residential Area on the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle. The application needs to be assessed against Local Plan Policy BE1 (Design Guidance), BE20 (Locally Important Buildings), H2, (Environmental Quality in Housing Developments), H13 (Protecting Residential Areas), and Development Control Policies DC1, DC3, and DC38, which relate to the standard of design, amenity and space standards. Policy DC6 relates to circulation and access. Policy DC8 relates to landscape issues.

Policy BE20 relates to Locally Important buildings. These are buildings of historic interest which do not enjoy the full protection of statutory listing. Development which would normally affect their architectural or historic character will only be allowed if the Council is satisfied that the building is beyond reasonable repair. Dale Street Mill is on this local list.

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 former 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*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

### **Highways**

The Highways Engineer raises no objections to the proposal subject to a revised layout plan which resolves the following issues: -

The parking bays on the access road are of insufficient length to allow them to be used effectively. This could lead to vehicles being parked on the highway, or having to reverse out onto the highway. The disabled space would be located below a tree which would impair accessibility for both able bodied and disabled people. Whilst not a highway issue the footpath inside the site is not practical. If vehicles were parking in the bay residents could not readily access/egress the footpath which would pose difficulty particularly when it comes to taking a bin in and out. The junction with Dale Street would need to be improved to demonstrate that two cars can utilize the access safely. The footpath either side of the access should be extended into the bellmouth to at least 2 metres past the identified rumble strip, to match the width of those within the existing adopted highway. The visibility splay is considered to be acceptable. In relation to parking standards the applicant is proposing 9 spaces when in fact the current standards are 2 spaces per dwelling equating to 12 overall. 9 spaces is however 1.5 spaces per dwelling reflecting the standards for communal parking. In light of the fact the applicant is also providing cycle parking facilities and the development is located in a sustainable location the parking provision is acceptable. If the development is approved then the junction will need to be constructed to highway standards, which will form part of a Section 106 and 278 agreements.

### **Design**

The properties within the area are a mixture of traditional terraced properties and semi detached of differing styles and sizes. It is considered that the immediate area around the site does not have a particular distinctive character or appearance. Some of the dwellings on Buxton Road have access to garages and gardens on Dale Street.



The plot is currently occupied by a disused mill which fronts the back edge of the highway. The front wall is rendered. The new dwellings would be sited approximately 1.8 metres back from the pavement. The design is traditional with arched headers over the windows and each dwelling would have a chimney. The height is in scale with the properties either side. It is considered that the overall design of the proposed in respect of style, size, scale and bulk is in keeping with the properties within the area and, as such, is sympathetic to the street-scene.

### **Amenity**

The properties immediately adjacent to the application site – Nos. 7 and 9 (opposite) and Nos. 12 and 28 Dale Street (either side) are ones that have been closely considered in respect of the potential impact of the proposed on residential amenity. The dwellings across the road would be approximately 13 metres away which is considered to fall below the space between dwellings standards contained within the Local Plan. However, it is considered that as the relationship is similar to the existing and that the distance is broadly commensurate with the pattern of development on Dale Street, that this relationship is acceptable. The impact on nos. 12 and 28 is undoubtedly better than the existing relationship.

There would be some overlooking of rear gardens from the units to the rear of the site, however, this would generally be an improvement over the existing relationship if the building were brought back into use.

### **Ecology**

The Nature Conservation Officer raises no objections to the proposal. The submitted survey is acceptable and no evidence of protected species other than breeding birds was recorded. Whilst the presence of bats appears unlikely a condition is recommended to safeguard any small numbers or individual animals that may use the building. A condition is also requested to protect any birds which may be nesting in the site between 1 March and 31 August.

### **OTHER MATERIAL CONSIDERATIONS**

As the building is on the list of locally important buildings it is necessary to consider whether the building is beyond reasonable repair. A Structural Report has been submitted which concludes that the property is in a poor condition and it has been poorly maintained for a considerable number of years. The design of the structure is flawed, the roof has failed in part and the main roof beams have deflected to an unacceptable degree. The first floor structure has settled and is seriously distorted. It is the Agents surveyors' view that the building is unstable and it is likely to deteriorate further in time and is beyond sensible structural repair. The Council's Structural Engineer has carried out an external visual inspection of the property and in general concurs with the engineer's report. Due to the failures and movement within

the structure it is the Structural Engineers view that considerable sections of all external walls would have to be demolished along with complete replacement of the roof and first floor of the building if it were to be considered for conversion.

At the time of the committee meeting on 08.04.09 the formal comments of the Conservation Officer were awaited. The Conservation Officer has now commented on the proposal due to it being on the 'Local' List of historically important buildings. The structural reports on this building suggest that it would be difficult to retain the original fabric without considerable expense; this however should not be the prime consideration when considering the reuse of this building.

It is the "local distinctiveness" of the building that is important to maintain in considering any proposals for change. While there may well be structural problems with the building that should not in itself exclude the refurbishment and reuse of this structure. The building has long been established in the street scene, the proposal to demolish and construct modern terraced cottages would remove a vital historical link to Macclesfield's past. This building has enough features of local architectural and historic merit to justify its retention as a characterful and interesting element (rows of windows on the South West for example) of the industrial past of this area. The Council should be sympathetic to the concept of retention of "local distinctiveness". As such the Conservation Officer strongly advises that this proposal to demolish this building be rethought and amended to retain elements of the industrial past. If any demolition of the building were to be considered then an Archaeological study would need to be carried out.

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

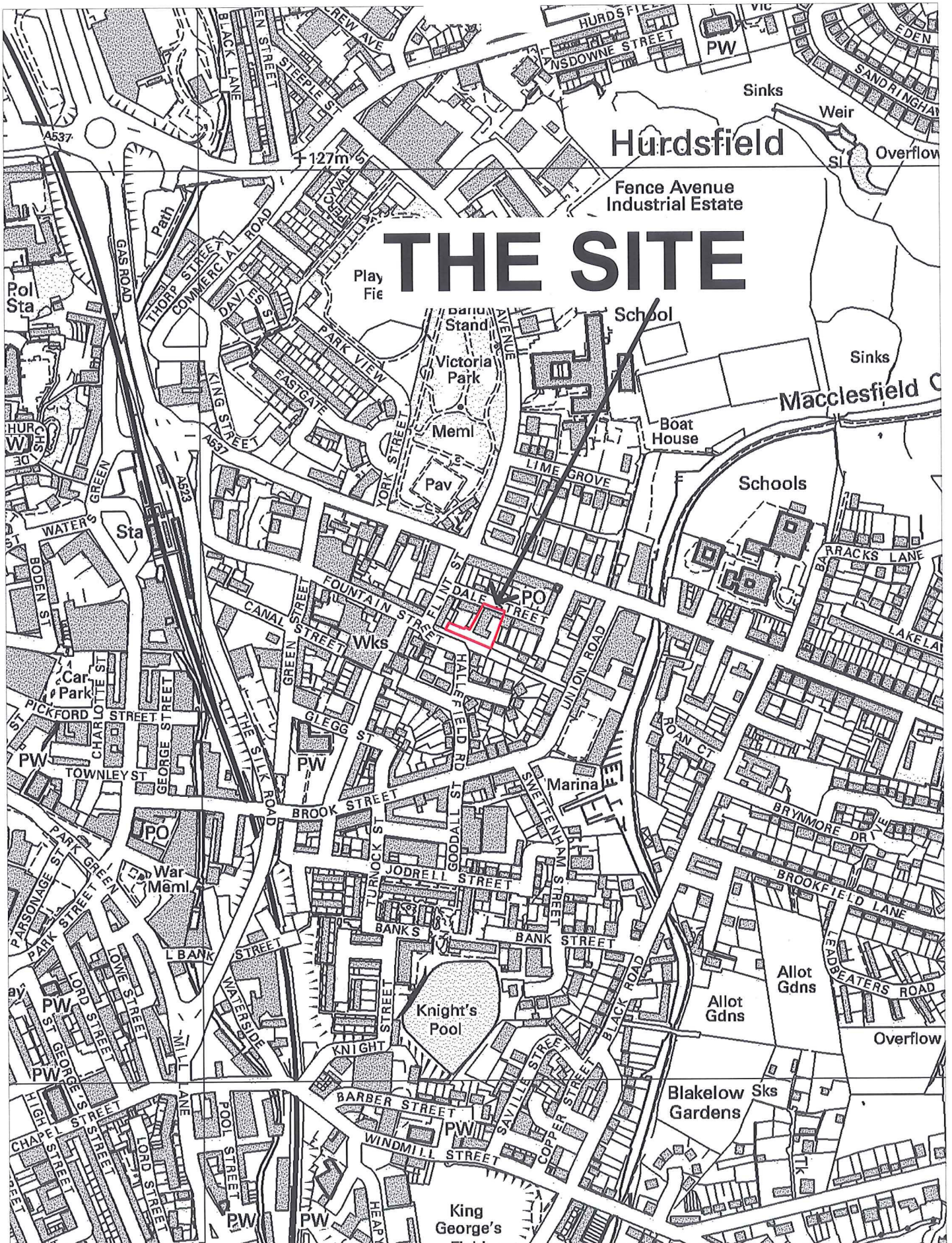
On the basis that the building is on the list of locally important buildings, it is considered that it is necessary for the applicant to substantiate the claim that the building is beyond reasonable repair. It is considered that there is considerable merit in the Conservation Officers argument to retain a substantial portion of this historic building. Any scheme to retain the building would necessitate consideration of how the access/egress would work.

That is not to say that the site cannot be re-used. The submitted reports identify the building's rear portion as exhibiting the most severe structural issues. In this context, officers consider that it would be possible to devise a scheme which would incorporate the retention of part of the building. For example, the narrow eastern part of the building (which fronts Dale Street) could be demolished in order to provide a new access adjacent to no. 28 Dale Street and the rear part of the building could also be demolished. These are the less important parts in terms of their 'local distinctiveness'. This would retain the part of the structure which is considered to be the most capable of restoration and architecturally interesting. It may then be possible to devise a scheme to include the retention/re-use of the largest part of the building, development land to the rear of the site together with an 'in-out' service arrangement. An indicative proposal of this nature has been discussed with

the applicants' agent. However, at the time of report's preparation the applicant wishes the scheme to progress as originally submitted.

Officers are aware of buildings of far worse condition which have been saved and converted. There would appear to be options which would result in a good proportion of the historic building being converted and the financing of this would be aided by the new dwellings. In the absence of proper justification for the building's complete demolition, a recommendation of refusal is made.





08/2670P DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE, SK10 1NH

NGR: 392,300m - 373,490m

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Application for **Outline Planning**

**RECOMMENDATION : Refuse for the following reasons**

1. The Council is not satisfied that the existing building is beyond reasonable repair



## STRATEGIC PLANNING BOARD

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**Date of meeting:** 17<sup>th</sup> June 2009  
**Report of:** Head of Planning and Policy  
**Title:** Erection of an Energy from Waste Facility with Associated Buildings, Car Parking and Hardstanding Areas.

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**Planning Application Reference:** 09/0738W formally County Council reference 8/2009/CCC/3

### **Proposal:**

Erection of an Energy from Waste facility with associated buildings, car parking and hardstanding areas.

### **Site Address:**

Land off Pochin Way, Middlewich.

### **Introduction**

The purpose of this report is to outline the main components of the current proposal by Covanta Energy Ltd for the construction and operation of an Energy from Waste Facility, as well as to provide an overview of the key considerations which will be important in the determination of the planning application and to update members in relation to progress with the application. Members are not being asked to determine the application at this stage but rather to familiarise themselves with the proposal in advance of the full report and recommendations of the Head of Service, Planning and Policy. A proposed site plan outlining the site area and position relative to its surroundings will be available at the meeting.

It should also be noted that due to the scale and nature of the proposed development an Environmental Impact Assessment has been carried out and the findings of this are detailed in the Environmental Statement (ES) which accompanies the planning application.

### **Details of Proposed Development**

Covanta Energy Ltd have submitted an application for an Energy from Waste (EfW) plant, commonly known as a waste incinerator, on 9.5 ha of land situated between Pochin Way and the railway line to the east of the centre of Middlewich. The development would process 370,000 tonnes of non-hazardous wastes annually and includes a mechanical treatment facility that

would receive a proportion of the waste (up to 185,000 tonnes) for pre-treatment enabling the recovery of predominantly ferrous and non-ferrous metals. A bottom ash facility is also proposed to handle the incineration residues enabling further recycling. Heat from the process would be used to raise steam and produce 35 megawatts of electricity, with surplus heat being available to adjoining industrial units such as British Salt who have expressed an interest.

The three main buildings proposed are the mechanical treatment facility, the bottom ash recycling facility and the main and largest building the EfW facility which would be 48m high with chimney stack of 80m high.

The construction period is anticipated to be between 33 and 36 months with a life expectancy for the EfW plant of 35 years. Whilst the combustion process will be a continual one, delivery of waste vehicles would be restricted to 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturdays.

A short (100m) length of the Middlewich bypass would be constructed to facilitate access into the site.

### **Main Issues**

There has been considerable public interest in the proposal and several hundred letters and e-mails of objection have been received. Members may be aware of some of the concerns raised as they have been canvassed directly by the public.

The objectors concerns do mirror the main issues that need to be considered within the final report and these include;

- the traffic impact, were there is a local perception that traffic levels are already unacceptably high,
- the possibility of health impacts from traffic increases and emissions from the incinerator particularly dioxins and particulate matter ,
- the visual impact of what would be a very large and obvious building with a high chimney stack,
- the site is not identified as a preferred site within the Cheshire Replacement Waste Local Plan,
- and the need for the facility bearing in mind the company are no longer involved with the Cheshire household waste contract and the recently approved incinerator at the Ineos works in Runcorn and outstanding appeal for an incinerator in Ellesmere Port.

### **Conclusion**

This is a large, technically complex and controversial application supported by an Environmental Statement. There has been wide consultation on the application which has generated numerous requests for clarification and further information to enable a full assessment to be. There are still important consultees that have yet to complete their consideration of the application and respond; these may result in further requests for information to be supplied by the applicant.

Whilst it is not yet possible to finalise a report for the reasons set out above, or confirm which date the item will be on the Board agenda, it is however considered

appropriate to update members on the progress in processing the application and the main issues that are likely to be of consideration when a report is brought before Board. It is also considered that members would benefit from an opportunity to visit the site and it is therefore recommended that Members undertake a site inspection prior to the full report being presented to Board.

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## **STRATEGIC PLANNING BOARD**

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**Date of meeting:** 17<sup>th</sup> June 2009  
**Report of:** Head of Planning and Policy  
**Title:** Bryancliffe, Wilmslow Park South, Wilmslow – Judicial Review of decision to grant planning permission

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### **1.0 Purpose of Report**

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

### **2.0 Decision Required**

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

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

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

### **4.0 Legal Implications**

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

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

## **5.0 Risk Assessment**

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

## **6.0 Background and Issues**

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

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

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

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



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

## **7.0 The Issues**

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

## **8.0 Reasons for Recommendation**

- 8.1 To ensure that members of the Strategic Planning Board are aware of the decision of the High Court, and are aware that changes in the

content of Officer's reports will need to be implemented to ensure that the situation does not arise again. It is equally important to note the areas of challenge that were not upheld, and to ensure that as Cheshire East these points, where relevant, are maintained as a minimum.

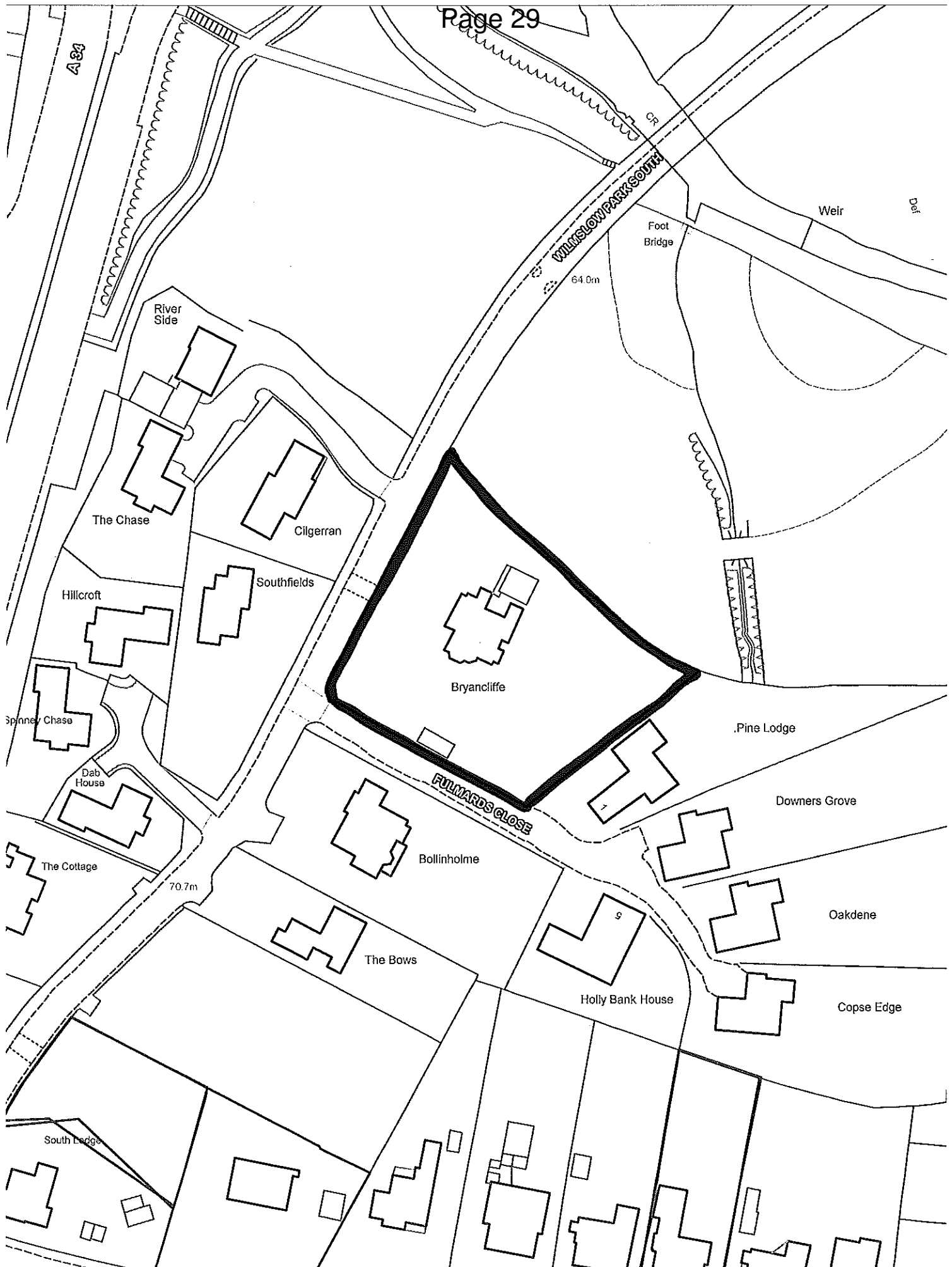
***For further information:***

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**BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW**



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## STRATEGIC PLANNING BOARD

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<b>Date of Meeting:</b>	17 <sup>th</sup> June 2009
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Attendance by Substitute Members

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### **1.0 Report Summary**

- 1.1 This report proposes alternative arrangements to restrict the appointment of substitute members for planning matters.

### **2.0 Recommendations**

- 2.1 That Members indicate whether they would wish the proposals contained in Paragraph 11.4 to be brought forward to Governance and Constitution Committee and Council.

### **3.0 Reasons for Recommendations**

- 3.1 To canvass a suggestion by the Chairman and the Portfolio Holder

### **4.0 Wards Affected**

- 4.1 All wards

### **5.0 Local Ward Members**

- 5.1 N/A

### **6.0 Policy Implications**

- 6.1 There are no corporate policy implications but the proposal is intended to ensure propriety and consistency in the application of planning policies.

### **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 The rules regarding political proportionality are fixed by the Local Government and Housing Act 1989 and subordinate legislation contained in the Local Authorities (Committees and Political Groups) Regulations. Departures from the normal rules are only possible on a “nem con” vote basis. These proposals are intended to reduce the scope for legal challenge to planning decisions.

**10.0 Risk Management**

10.1 Legal challenge and the related award of costs would have a significant impact on the Council’s development control function.

**11.0 Background and Options**

11.1 The Local Government and Housing Act 1989 Sections 15 – 17 (“the Act”) prescribe a regime of proportional representation for political groups on Committees. The Local Government (Committees and Political Groups) Regulations 1990 (“the Regulations”) provide more detailed working rules – in particular that seats allocated to political groups can only be filled by the nominations of the Group Leaders (not by Council or a Committee) and that seat allocations must be revisited at least annually and at or as soon as possible after the first meeting of the authority each year.

11.2 The responsibility for constitutional change and for the allocation of seats to groups rests with full Council on the advice of Governance and Constitution Committee. Council has given Strategic Planning Board special powers regarding the makeup of planning committees.

11.3 A local protocol contained in the Constitution provides that no member can sit or be a substitute on a planning committee without planning training. Following previous discussion by the members of the Strategic Planning Board support for further restrictions were recommended. It is intended that such proposals if supported by this Board would be considered by Governance and Constitution Committee and Council. This report is written to articulate a proposal from those Members. It should be noted that any such scheme is an exception to the strict rules on proportionality and can only be effected if passed at Council with no member voting against it.

11.4 The proposals are that: -

a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member may come from a different political group.

**Reasons:**

- Planning decisions should not be political in any event
- The potential for inconsistency is an inherent weakness of an area planning committee approach to development control. Although cases are sometimes moved north or south when workload or special circumstances dictate, this proposal would provide further assurance.
- The proposal mitigates the effect on small groups by giving them a wider scope for substitution.

b) No substitutions shall be made to the Strategic Planning Board.

**Reasons:**

- The Board may have to decide an application on which an area planning committee have made a resolution contrary to policy. It would be inappropriate for a member of that area planning committee to participate at the Board.

The Board has a monitoring role over the Area Committees and this should not involve area committee members.

**12.0 Overview of Year One and Term One Issues**

12.1 None relevant

**13.0 Access to Information**

No background papers

***For further information:***

*Officer: Chris Chapman*

*Tel No: 01270 686013*

*Email: Chris.Chapman@cheshireeast.gov.uk*

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# **STRATEGIC PLANNING BOARD**

## **APPEALS**

**Application Number:** 08/1864P

**Appellant:** Mr Kenneth Mead

**Site Address:** The Wharf, Bullocks Lane, Sutton, Macclesfield, SK11 0HE

**Proposal:** Outline application for single dwellinghouse

**Level of Decision:** Delegated

**Recommendation:** Refuse

**Decision:** Refused 30.10.08

**Appeal Decision:** Dismissed 05.03.09

**MAIN ISSUES:**

The appeal site is within the Green Belt, the Macclesfield Canal Conservation Area and an area of Special Country Value.

A Certificate of Lawfulness was granted in 1990 for the use of the site by a roofing contractor. The business comprised the repair and maintenance of roofs and chimney stacks, including the storage of materials and vehicles ancillary to the business.

It was agreed by all parties that the proposal represented inappropriate development within the Green Belt; the key consideration was whether there were any Very Special Circumstances or other considerations to outweigh the harm caused by reason of inappropriateness.

**INSPECTOR'S REASONS:**

The Inspector considered that the replacement of three small storage buildings with a single storey dwelling would not have an adverse effect on the openness of the Green Belt, however, he considered that the form of residential development proposed would be at odds with the countryside setting. He also considered that the change in character that the scheme proposed would represent an overt encroachment of urban form in the countryside, contrary to the guidance in PPG2 (Green Belts), and the proposal would adversely affect the character of the countryside and the character of the Conservation Area, contrary to policies NE1 and BE3 of the Local Plan.

He was not satisfied that the fallback position (re-use of the site by a roofing contractor) would be implemented to such an extent that would cause as much harm to the openness, character and appearance of the area as the appeal scheme.

The Inspector considered that the material considerations put forward did not represent a Very Special Circumstance, and did not outweigh the harm to the Green Belt, Countryside or Conservation Area and as a result the appeal was dismissed.

**IMPLICATIONS FOR THE COUNCIL:**

The Inspector agreed with the Local Planning Authority that the development would have an adverse effect on the Green Belt, character of the countryside and Conservation Area. He gave weight to the guidance contained within PPG2 (Green Belts), GC1, NE1 & BE3 of the Local Plan. Interestingly, he considered that the replacement of existing buildings with a new building within the Green Belt would not harm openness. This approach should be fully considered in other similar cases.

**Application Number:** P08/1109

**Appellant:** Mr Mark Hulme

**Site Address:** 8 Furnival Street, Crewe, CW2 7LH

**Proposal:** Conversion of a house into 2 flats

**Level of Decision:** Development Control Committee (Crewe)

**Recommendation:** Approve with conditions

**Decision:** Refused 04/12/2008

**Appeal Decision:** Allowed with conditions 20/05/2009

**MAIN ISSUES:**

The Inspector considered that the main issues of the appeal proposal were the impact on the living conditions of the occupiers of the adjacent houses with respect to noise disturbance and the impact on highway safety, particularly the car parking provision.

**INSPECTOR'S REASONS:**

The site is situated within the Crewe Town Settlement boundary and is one dwelling within a row of terraced properties. The Inspector notes the Council's concerns about the increase in domestic activity at the appeal site and the consequent noise disturbance that would be caused to residence of the adjacent properties. The Inspector states that the conversion may potentially result in an increase in activity, but it does not necessarily follow that a significantly greater level of noise would ensue, compared to the house being occupied by a single family as a single house. The Inspector notes that both flats will be accessed from the existing front door to Furnival Street, and that both kitchens and bathrooms are located to the rear of the property which will mitigate to some degree the extent of noise disturbance encountered by residents of both neighbouring houses. The Inspector does not believe that noise disturbance from televisions, radios, opening and closing doors or movement on the stairs will be any more than that which would arise from a single family house. The appellant proposes to install sound insulation to mitigate any potential increase in noise disturbance that may arise between the two flats and the neighbouring houses. Therefore, the Inspector considers that with the addition of sound insulation (provision of which is conditioned); the proposal will accord with Local Plan Policies BE.1 and RES.9.

In relation to the impact on highway safety and parking, the Inspector notes that the Council states that two additional spaces should be provided in line with parking standards for residential provision; however the appellant argues that in theory no greater requirement should arise from the proposed

conversion. The Inspector states that the property is within walking distance of local amenities; a bus service, the town centre and the railway station and that there is potential for bicycle storage on site (provision of which can be conditioned). The Inspector considers that the relatively small size and 'affordable' nature of the proposed flats, which result in a net addition of one dwelling, would generate the need for no more than one additional parking space. The Inspector notes that the Council's appeal statement argues that on-street parking at this point is saturated. However no evidence was provided to support the assertion, and contrary to this the Council's committee report states that a Council Officer only found a small number of cars parked on the street at three different times of the day, as did the Inspector on their site visit at late afternoon. Therefore the Inspector considers that there is adequate capacity for an additional car to park safely on the street without any detriment to highway safety, and therefore the proposal in accordance with Local Plan Policies TRAN.9 and RES.9.

The Inspector notes concerns raised by the Council in relation to the continued subdivisions of terraced properties, which could eventually change the character and appearance of the street. However, the Inspector states that every application must be considered on its own merits and to date only one other application in Furnival Street for subdivision to flats has been approved and considers that the combination of the two permissions will not significantly change the character of the area from the existing predominance of single dwellinghouses.

The Inspector therefore considers that the proposed conversion will not have an unacceptable effect on the living conditions of the neighbours by reason of noise or any other disturbance, and consider the parking adequate and therefore allows the appeal.

#### **IMPLICATIONS FOR THE COUNCIL:**

This is a very significant decision for the Council, which deals with a significant number of proposals to change the use of terraced dwellings to 2 flats particularly in Crewe. The former Crewe and Nantwich Borough Council Development Control Committee had very strong concerns regarding parking provision for the area, amenity impact on neighbouring properties due to the intensification of the residential use, and the implications of changing the character of terraced areas by allowing numerous flat conversions. Historically the Highway Authority have also refused to support such proposals because they fail to meet adopted parking standards. However, the counter-argument has always been, in the light of Government advice that car use can be discouraged by reducing opportunities to park at sites in sustainable locations, that the lack of off-street parking provided was mitigated by the sustainable location of the flats, close to the town centre and the local transport network, and amenity impact could be reduced through mitigation methods.

In this case the Inspector has highlighted the importance of the sustainability of the site considering the proximity of the development to surrounding local amenities and facilities, the local transport network, and also on-site mitigation

measures that could be implemented. The Inspector also highlights that an intensification of activity does not necessarily result in greater noise disturbance, particularly when noise insulation measures are proposed. The proposed development was deemed to be in accordance with Policies BE.1 (Amenity) and RES.9 (Houses in Multiple Occupation). This decision will hold considerable weight as a material consideration in the determination of future planning applications for similar sub-division of dwellings proposals.