

Strategic Planning Board

Agenda

Date:	Wednesday, 23rd June, 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**

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 - 12)

To approve the minutes of the meeting held on 2 June 2010.

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 application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council

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

- Local Representative Group/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/1323M - Renewal of Planning Permission 03/3214P (Relocation of Existing Garden Centre and Landscape Contractors Business - Outline Planning Permission), Land North of Bollington Lane and West of Congleton Road, Nether Alderley, Macclesfield for I & W Urquhart (Pages 13 - 26)**

To consider planning application No. 10/1323M.

6. **10/0832M - Demolition of Existing Buildings on Site and Erection of Residential Development Comprising 124 Dwellings, Levels Changes, New Access, Off Site Footpath and Highways Improvement, Circulation and Parking Area; R H Stevens, Gunco Lane, Macclesfield, SK11 7JL for P E Jones (Contractors) Limited (Pages 27 - 44)**

To consider planning application No. 10/0832M.

7. **Appeal Summaries (Pages 45 - 46)**

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 2nd June, 2010 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, P Edwards, M Hollins, D Hough, W Livesley,
J Macrae, C Thorley, G M Walton and J Wray

OFFICERS IN ATTENDANCE

Mr J Baggaley (Nature Conservation Officer) Mr A Fisher (Head of Planning and Policy), Mrs N Folan (Planning Solicitor), Mr B Haywood (Principal Planning Officer), Ms P Lowe (Development Manager), Miss E Mellor (Design Officer), Miss H Parish (Principal Planning Officer) and Mr C Wilshaw (Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W J A Arnold, D Brown and S Wilkinson.

2 DECLARATIONS OF INTEREST

Councillor Mrs R Bailey declared a personal interest in application 09/4331N-Change of Use of Land as a Residential Caravan Site for 8 Gypsy Families, each with 2 Caravan, including Improvement of Access, Construction of Access Road, Laying of Hard-standing and Provision of Foul Drainage, Land Off, Wettenhall Road, Poole, Nantwich, Cheshire for Mr T Hamilton (Error on previous report which stated it was a Mr T Loveridge) by virtue of the fact that she was a Ward Councillor and the application had raised considerable interest and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillors W J Hammond, C Thorley and Mrs M Martin (a visiting Councillor), all declared personal interests in application 10/0861N-Proposed New Campus for Disabled Sports, The Provision of Support Services for SEN Schoolchildren and Enabling Development in the Form of a Low Density Retirement Park, Land at Groby Road, Crewe for Cheshire Academy of Integrated Sports and Arts by virtue of the fact that they were former Members of Crewe & Nantwich Borough Council and in accordance with the Code of Conduct they remaining in the meeting during consideration of the application.

3 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED

That the minutes of the meetings held on 26 April and 5 May 2010 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 09/4331N-CHANGE OF USE OF LAND AS A RESIDENTIAL CARAVAN SITE FOR 8 GYPSY FAMILIES, EACH WITH 2 CARAVAN, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF ACCESS ROAD, LAYING OF HARD-STANDING AND PROVISION OF FOUL DRAINAGE, LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE FOR MR T HAMILTON (ERROR ON PREVIOUS REPORT WHICH STATED IT WAS A MR T LOVERIDGE)

Consideration was given to the above application.

(Parish Councillor Penny Butterill ,the Vice Chair for Worleston Parish Council), Mr Stephen Kinsey, an objector and Maggie Smith-Bendell, from the Romani Gypsy Advisory Group, Supporter and the Ward Councillor S Davies attended the meeting and spoke in respect of the application. As it was only known after the supporter had spoken that the Ward Councillor S Davies had also wished to speak, the supporter was allowed to make further comments in respect of any matters raised by the Ward Councillor).

(During consideration of the application Councillor J Wray arrived at the meeting and in line with the procedures he did not take part in the debate or vote on the application).

RESOLVED

That the application be refused for the following reasons:-

1 The Development represents an inappropriate and unjustified visual intrusion in the open countryside due to the introduction of hardcore and the siting of caravans which is considered to have an adverse impact on the character and openness of the surrounding area contrary to the provisions of Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

2 The application fails to provide sufficient information for the Local Planning Authority to assess the appropriate mitigating measures for the loss of wildlife habitat contrary to the provisions of Policy NE.5 (Nature

Conservation Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3 The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policy RES.13 (Sites for Gypsy and Travelling Showpeople) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within Circular 01/2006.

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

(Prior to consideration of the following application Councillor Mrs R Bailey left the meeting and did not return).

6 **10/0276W-CHANGE OF USE FROM INDUSTRIAL LAND TO COMPOSTING AND WASTE STORAGE WITH ASSOCIATED OVERFLOW PARKING (SITE A), NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH FOR MR NICK BROOKES, NICK BROOKES RECYCLING LTD**

Consideration was given to the above application.

RESOLVED

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

1. Standard conditions
2. Approved plans
3. Boundary treatment scheme submitted within 1 month and implemented within 3 months and planted in the next available planting season;
4. Noise limits set
5. Noise mitigation scheme submitted for approval
6. Bio-aerosol best practice, mitigation and monitoring as per risk assessment
7. Odour management and best practice as per application
8. Dust monitoring, control and best practice as per application
9. Open windrows stockpile heights limited to no more than 3 metres height bars provided
10. Recyclable waste material stockpiles reduced to 4 metres in height within 3 months of the date of the permission and maintained at a maximum of 4 metres throughout the life of the development

11. Stacked skips limited to 4 metres in height
12. Drainage
13. Waste/materials stated in the application only permitted
14. Standard compost conditions detailing waste types in accordance with the 15. EA permit excluding putrescible and food waste
16. No burning of wastes on site
17. Hours of operation as stated with the application
18. Waste treatment and storage shall only take place on the concreted areas of the site
19. Standard operational conditions
20. Limits on volume of material as stated within the planning application.

The following informatives should be attached to any decision notice.

Highways

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

United Utilities

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Environment Agency

This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. It should be ensured that all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the Duty of Care regulations.

It should be ensured that there is no possibility of contaminated water entering and polluting surface or groundwater.

If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance at: www.environment-agency.gov.uk/subjects/waste/

7 10/0277W-TEMPORARY USE OF LAND FOR THE STORAGE OF SOILS, AGGREGATES AND MINERALS (SITE B), NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH FOR MR NICK BROOKES, NICK BROOKES RECYCLING LTD

Consideration was given to the above application.

RESOLVED

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

1. Approved plans
2. Temporary permission for 12 months from the date of the permission and site restored within 3 months in accordance with a submitted restoration and aftercare scheme
3. Site only used for storage of recycled aggregate products and construction and demolition waste that has been pre-sorted as stated in the application
4. Hours of operation as stated with the application
5. Written notification of completion of restoration
6. Noise limits set
7. Noise mitigation scheme submitted for approval
8. Dust monitoring, control and best practice as per application

9. Stockpile heights reduced and restricted to 6 metres within 3 months of the date of the permission and maintained to a maximum of 6 metres throughout the life of the permission

10. Standard operational conditions

11. Drainage

The following informatives should be attached to any decision notice:-

Highways

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

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If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance on: www.environment-agency.gov.uk/subjects/waste/

(The meeting adjourned at 3.50pm and reconvened at 4.05pm).

8 10/0861N-PROPOSED NEW CAMPUS FOR DISABLED SPORTS, THE PROVISION OF SUPPORT SERVICES FOR SEN SCHOOLCHILDREN AND ENABLING DEVELOPMENT IN THE FORM OF A LOW DENSITY RETIREMENT PARK, LAND AT GROBY ROAD, CREWE FOR CHESHIRE ACADEMY OF INTEGRATED SPORTS AND ARTS

Consideration was given to the above application.

(Councillor Mrs M Martin, the Ward Councillor, Mr Taylor, the applicant and Mr Chalmers also the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The erection of the proposed academy and retirement park within the open countryside would be contrary to the provisions of Policies NE.2 (Open Countryside), RT.6 (Recreational Uses on the Open Countryside) and RES.5 (Housing In The Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP4 (Make the Best Use of Existing Resources and Infrastructure) and Policy RDF1 (Spatial Priorities) of the North West of England Plan Regional Spatial Strategy to 2021, which seek to safeguard the open character and appearance of the countryside for its own sake. In the opinion of the Local Planning Authority the applicant's circumstances and the community benefits arising as a result of the development, are insufficient material considerations to outweigh the provisions of development plan policy and the disbenefits to the community resulting from development in the Open Countryside.

2. The proposed development by virtue of its scale, size and siting would represent a dominant and intrusive feature within the rural landscape, when viewed from surrounding roads and other public vantage points, to the detriment of the open character and appearance of the surrounding countryside, contrary to policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and RT.6 (Recreational Uses on the Open Countryside.) of the Borough of Crewe and Nantwich Replacement Local

Plan 2011 and Policy DP 7 Promote Environmental Quality of the North West of England Plan Regional Spatial Strategy to 2021.

3. The site is in an unsustainable location, which is remote from the town centre and would not be conducive to the use of sustainable modes of transport contrary to Policies TRAN.3 (Pedestrians) and TRAN.5 (Cycling) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP9 (Reduce Emissions and Adapt to Climate Change), RT2 (Managing Travel Demand), RT3 (Public Transport Framework) RT9 (Walking and Cycling) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PP3 (Housing) and PPS13 (Transport)

4. The applicant has failed to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policies BE.4 (Drainage, Utilities and Resources) and NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provisions of PPS.25 (Development and Flood Risk).

5. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation.

- 9 **10/0692W-TO CARRY OUT DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS ATTACHED TO 7/P05/1326 TO EXTEND THE OPERATION LIFE OF THE MAW GREEN LANDFILL FACILITY TO 31 DECEMBER 2017, RESTORATION BY 31 DECEMBER 2018, PERMIT A VARIATION TO THE SEQUENCE OF PHASING OF OPERATIONS ALONG WITH MINOR RE-CONTOURING TO THE SOUTH EAST OF THE SITE, MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE FOR 3C WASTE LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to a deed of variation to the existing Section 106 Planning Obligation to secure:

- diversion and maintenance in perpetuity Fowle Brook;

- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

Subject to the all the conditions attached to permission 7/P05/1326 unless amended by those below and;

1. Approved plans
2. Revisions to existing approved restoration plan – replace with in interim and final restoration plan and associated restoration conditions
3. Revisions to existing phasing plans and associated phasing conditions
4. Revisions to existing pre-settlement contours, and associated contouring conditions
5. Additional surface water lagoon plan
6. Extension of time to 31st December 2017 with interim restoration of the site within 12 months or no later than 31st December 2018
7. Final restoration as final restoration plan to be no later than 12 months following the cessation of production of leachate and landfill gas
8. Interim and final restoration proposals to be amended to include rough tussocky grassland to provide suitable habitat for ground nesting birds
9. Liaison Committee Scheme
10. Noise limits
11. Noise Monitoring Scheme
12. Best practical site management for noise/ dust/ odour/ flies/ vermin/ birds/ litter control as per ES
13. Securing the RAMS outlined in both the ES and the updated Ecological Report to be implemented throughout the life of the development in accordance with the approved ES and Ecological Report; and
14. Amend the interim and final restoration proposal to also include the provision of two additional ponds to mitigate for those lost to the re-capping in cell 10b.

The following informatives should be attached to any decision notice.

Natural England

The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Environment Agency

Fowle Brook is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of Fowle Brook.

This site already has a permit. The changes are minor in nature and would not require a variation to the permit.

Network Rail

The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains, without Network Rail approval. Soakaways should not discharge towards and/or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Public Rights of Way

No change to the surface of the right of way can be approved without consultation with Cheshire East Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that;

There is no diminution in the width of the right of way available for use by members of the public;

No building materials are stored on the right of way;

No damage or substantial alteration, either temporary or permanent is caused to the surface of the right of way;

Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;

No wildlife fencing or other ecological protective features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way; and

The safety of members of the public using the right of way is ensured at all times.

Any variation to the above will require prior consent from Cheshire East Council's ProW Unit.

(Prior to consideration of the following application Councillor C Thorley left the meeting and did not return).

- 10 **10/0872W-OPERATION OF DRILLING MACHINERY AND ASSOCIATED PLANT BETWEEN THE HOURS OF 18:30 AND 07:30 MONDAY TO FRIDAY AND 16:00 TO 07:30 SATURDAY AND FOR CONTINUOUS DRILLING OPERATIONS ON SUNDAYS, HILL TOP FARM, WARMINGHAM FOR EDF TRADING GAS STORAGE LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the completion of a S106 Agreement Section and imposition of existing relevant conditions attached to 7/2008/CCC/15 and subject to the following conditions:-

1. Standard time
2. In accordance with submitted plans and conditions attached to 7/2008/CCC/15
3. Use of straw bale barrier to reduce noise
4. Subject to maximum night-time noise level of LAeq 1 hour 42db

5. Lighting to be subject to approved scheme
6. Compound 4 drilling to be limited to between the hours of 0730 to 1800.

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

11 CONSERVATION AREA APPRAISALS-1.MOODY STREET, CONGLETON 2.WEST STREET, CONGLETON

Consideration was given to the above report.

RESOLVED

1. That Cabinet be recommended to approve the amended extensions to the boundaries of the Conservation Areas for formal designation and that Cabinet be recommended to adopt the Conservation Area appraisals.
2. That Cabinet be recommended to undertake the formal procedures and notices to amend the Conservation Area boundaries; including notifying all property owners, land charges and G.I.S.

(It was noted that Councillor W J Macrae abstained from voting on this item).

12 STATEMENT OF COMMUNITY INVOLVEMENT

This item was deferred to a future meeting.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)

Application No: 10/1323M
Location: LAND NORTH OF BOLLINGTON LANE AND WEST OF, CONGLETON ROAD, NETHER ALDERLEY, MACCLESFIELD
Proposal: RENEWAL OF PLANNING PERMISSION 03/3214P - (RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE CONTRACTORS BUSINESS - OUTLINE PLANNING PERMISSION)
For I & W URQUHART
Registered 06-Apr-2010
Policy Item Yes
Grid Reference 384248 374531

SUMMARY RECOMMENDATION - Refuse extension of time on grounds of insufficient information in respect of flooding and protected species and the lack of a satisfactory S106 Agreement

MAIN ISSUES

Whether there has been a significant change in circumstances or policy
 Whether there is sufficient information submitted to enable an extension of time to the original outline permission 03/3214P to be granted.

SCOPE OF THIS APPLICATION

Extensions to the time

limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

The original planning permission (ref 03/3214P) granted outline planning permission for the relocation of an existing garden centre and landscape contractors business subject to

the satisfactory completion of a S106 Agreement. The outline permission was granted on 9 March 2005.

Condition 3 attached to that outline permission required the development to commence before whichever is the later of the following dates:

- (a) within five years of the date of the permission or
- (b) within two years of approval of the last of the reserved matters to be approved.

The last reserved matter application submitted in respect of this site was 08/0486P. That last reserved matter was approved on 18 April 2008.

Accordingly, the current application (received on 6 April 2010) was received whilst the original application was an extant permission. Whilst the guidance advises Applicants not to leave their applications to the last minute, it remains clear that this application was submitted in time and therefore falls to be determined.

The original report for the approved outline scheme is attached to this report as Appendix 1.

APPLICANT'S SUPPORTING INFORMATION

The Applicant does not consider there to have been any material changes in policy or other material considerations which would prevent their application from being approved.

The application is submitted in accordance with the Regulations as set out in the Town and Country Planning (General Development Procedure) (England) Order 2009.

CONSULTATIONS (External to Planning)

Environment Agency : The original application for this site (03/3214P) was submitted prior to Planning Policy Statement 25: Development and Flood Risk (PPS25) becoming a material consideration in December 2006. The Environment Agency have therefore not had sight of a Flood Risk Assessment.

The site lies within Flood Zone 1 therefore in line with PPS25 all development proposals over one hectare should be accompanied by a Flood Risk Assessment (FRA). None is submitted. An objection is raised in the absence of such information being submitted with the application.

Cheshire East Nature Conservation Officer: As a European protected species may be affected by the proposed development the Council must have regard to the tests prescribed by the Habitat Regulations when determining this application. An objection is raised on the grounds that a ecological survey has not been submitted in support of the application and therefore the application is has insufficient information to enable a judgement to be made.

Strategic Manager Highways : As there has been no material changes in highway terms since the previous application was approved, the same improvements agreed to the junction of Bollington Lane/ Congleton Road should be attached to this application.

Nether Alderley Parish Council: Object to the renewal on the grounds that the existing garden centre has relocated elsewhere and had been granted permission as a very special circumstance in terms of green belt policy. As these circumstances are no longer evident there is no justification for this application

OTHER REPRESENTATIONS

The Edge Association: Object on the grounds that the existing garden centre has relocated to Somerford Booths and had been originally been granted permission as a very special circumstance in terms of green belt policy . As these circumstances no longer apply there is no justification for this application. Also consider the works to the Bollington Lane/A34 junction as part of the by-pass, currently underway, to mean that the original proposed junction to be incorrect

Ten individual letters/emails have been received from local people and one local company which raise objections on the grounds that the very special circumstances that originally existed to granted the initial permission for SE Matthews to relocate from their original site in the grounds of Astra Zeneca over the road no longer exist given that SE Matthews have relocated to Somerford Booths. Other issues raised include the perception that the original permission is no longer valid and the relationship of this application to the Dobbies application (09/3109M) which remains to be determined.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

There are considered to be fundamental changes in policy ; and other important material considerations; namely changes in legal interpretation of protected species issues as interpreted by the Courts, since the original outline application was originally determined in March 2005.

The first change in the planning policy framework concerns the issue of flooding/potential surface water run off. In this regard, Planning Policy Statement 25: Development and Flood Risk (PPS25) was adopted in December 2006, after the original development was granted outline planning permission in 2005. No flood risk assessment (FRA) was submitted with the original application and a FRA was only submitted in support of this application on 9 June 2010 after the objection from the Environment Agency was received.

The application site lies within Flood Zone 1 defined by Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS25 requires that all development proposals above 1 hectare in size are submitted with a FRA. The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not

effectively managed. Paragraph E9 of PPS25 requires applicants for planning permission to submit a FRA when development on this scale is proposed in such locations.

This is an important material consideration which is fundamentally different to when the scheme to which this application seeks an extension was originally determined. In the absence of a detailed Flood Risk Assessment in support of this application, the precautionary approach must be taken.

At the time of writing this report, the flood risks resulting from the proposed development are unknown as they are still being considered by the Environment Agency.

There is a precautionary approach to development in flood risk areas set out in paragraphs 10 and E9 of PPS25. This matter will be further considered in the update report.

IMPACT UPON PROTECTED SPECIES AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

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

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

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

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

Circular 6/2005 (dated 16 August 2005) advises LPAs to give due weight to the presence of a European protected species on a development site to reflect .. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

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

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

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

Recent legal challenges and interpretation of the Habitat Regulations by the Courts are considered to result in a material change in circumstances in this case. No ecological reports or information/mitigation has been submitted in support of this application.

The site both supports and is close to a number of habitats where there is a likely presence of protected species. The proposal also involves the loss of a number of trees which could also potentially support protected species. The precautionary approach must be taken in terms of this issue. As no information is submitted it is not possible for the Council’s ecologist to reach a judgement and the recent changes in case law have clarified the matter to such an extent that this matter can not be dealt with by condition.

This is considered to be a significant change in circumstances since the proposal was originally considered, and a very important material consideration in the determination of this application.

SCALE PARAMETERS

Circular 01/06 introduced changes to the Planning System which included changes to information submitted in support of outline planning applications. For the first time scale parameters (i.e. maximum and minimum heights/widths/lengths of building) were required to be submitted to define the scope of built form in any outline scheme.

Condition 1 attached to 03/3214p reserved all matters pertaining to design, external appearance, siting, means of access and landscaping for future consideration. In this respect, whilst no specific scale parameters are submitted here, there was sufficient supporting information within the original application which would allow conditions which would address this particular change in circumstances. On this basis, no issue is raised.

THE IMPACT OF THE PROPOSAL IN THE LIGHT OF THE LACK OF ANY HEADS OF TERMS FOR A S106 AGREEMENT BEING SUBMITTED

Permission was originally granted for the application under consideration subject to a S106 Agreement that amongst other things required landscaping to be provided and maintained in perpetuity and specifically controlled the types of goods to be sold from the garden centre.

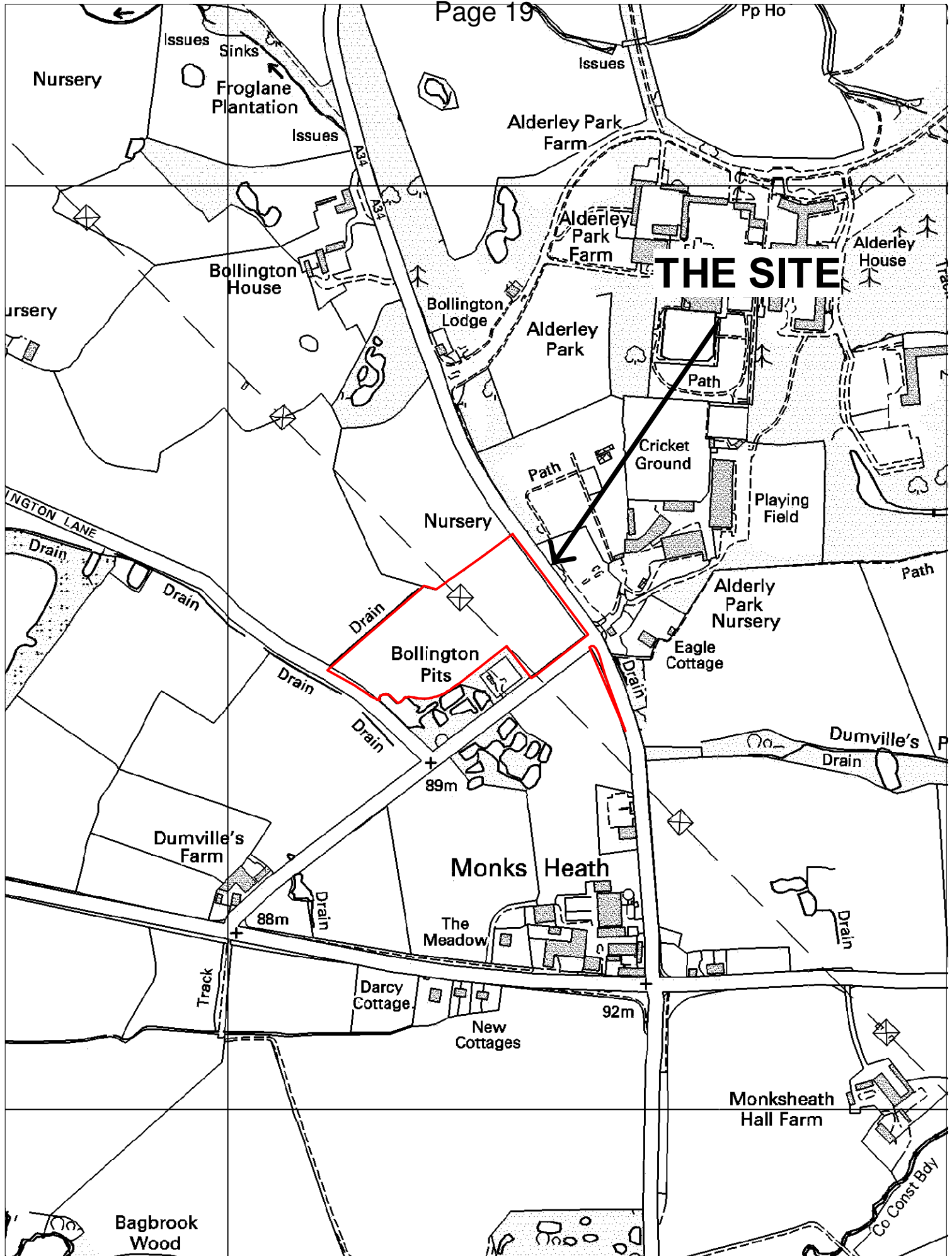
This is a stand alone application which requires a stand alone Legal Agreement. As no such undertaking has been submitted with this application, issues that were only previously considered to make the Matthews scheme acceptable on the basis of the relevant clauses in the Legal Agreement have not been adequately addressed in this renewal application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is recognised that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority. It is, however, considered that such support for time extensions to development schemes that have a planning permission can only be accommodated where there are no material changes in policy either at development plan level or at national government level.

In this case there are fundamental changes to the planning policy framework that require both a Flood Risk Assessment (FRA) and Habitat Surveys for both the Great Crested Newts and other European protected species such as Bats.

As no such supporting information is submitted, there is insufficient information to determine this application. This together with the lack of any Legal Obligation or Heads of Terms for the S106 renders this application to fail to meet the requirements of the Development Plan and other material considerations and on this basis it should be refused permission.



10/1323M - LAND NORTH OF BOLLINGTON LANE AND WEST OF CONGLETON ROAD NETHER ALDERLEY

N.G.R.; - 384.248 - 374.514

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Scale 1:10000

Application for Extension to Time Limit

RECOMMENDATION: REFUSAL

- 1. lack of information - flood risk**
- 2. lack of information - ecological survey**
- 3. insufficient info - impact on retaling and future maintenance of landscaping**

Application No: 03/3214P

Location: LAND NORTH OF BOLLINGTON LANE AND WEST OF CONGLETON ROAD (A34) NETHER ALDERLEY

Proposal: RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE CONTRACTORS BUSINESS (OUTLINE PLANNING PERMISSION)

Applicant: I AND W URQUHART

Expiry Date: 25-Jan-2004

**Date report
Prepared:**

POLICIES

The site lies within the North Cheshire Green Belt and an Area of Special County Value for Landscape as provided in the Macclesfield Borough Local Plan 2011.

RELEVANT PREVIOUS APPLICATIONS

None on this site.

03/1776P - Change of use from garden centre to new leisure facilities (cricket pitch) - approved September 2003 on the site of the existing garden centre.

CONSULTATIONS

The Head of Service Health and Public Safety raises no objections.

Nether Alderley Parish Council raised no objections.

The views of the Highway Authority are awaited.

PUBLICITY

Neighbour notification, site notice and newspaper advertisement, with a closing date for representations of 12 January 2004.

REPRESENTATIONS

The Wilmslow Trust questioned whether the site is appropriate in the Green Belt.

APPLICANTS' SUBMISSION

The application is accompanied by a supporting planning statement and transport assessment. These are concerned with a description of the background to the application, the application site and surroundings, an assessment of the proposed development, an appraisal of the development against planning policy and guidance, and a conclusion. The main points of the supporting statement are as follows:

The company has been located at this site for 55 years. The company has leased the site from AstraZeneca for that period of time. The lease will expire in 2004 and the company are uncertain as to whether a renewal will be given. Planning permission has been granted for enhanced open space and recreational facilities on the site of the existing garden centre to AstraZeneca. That use is an appropriate use in the Green Belt. The company need to find an alternative site to continue his business and retain its existing client base. It is acknowledged that the site is located within the North Cheshire Green Belt where there is a presumption against inappropriate development. Any alternative sites within the immediate area would also be subject to Green Belt policy. This statement has assessed the existing and proposed uses, and categorised these as either horticultural or non horticultural. The application proposes a substantial reduction in overall uses including non horticultural uses and the overall site area. The proposal results in an overall floor space reduction of nearly 60%. The existing prominent frontage to the A34 would become recreational open space enhancing the visual appearance of the area and the openness of the Green Belt. The relocated garden centre at the Bollington lane site would be reduced in scale and in a less prominent location. 32 full time and 14 part time jobs would be safeguarded. The Council would have a more stringent means of control over the development of the proposed garden centre. There is a requirement to improve the existing Bollington Lane and Congleton Road junction, but two to three trees along the hedgerow fronting the A34 may be lost. A full landscape strategy for replacement and enhancement will be submitted at the time of reserved matters.

KEY ISSUES

- 1 The application follows that granted in September 2003 for the redevelopment of the existing garden centre into an area for new leisure facilities (cricket pitch and open space) for AstraZeneca. The AstraZeneca site is of regional strategic significance in employment terms. The applicants are proposed to relocate the business on the opposite side of the A34. The application is in outline with matters of access and layout of buildings applied for. Subsequent details will be required for design and external appearance of the buildings and landscape. The application does not propose a total relocation for the uses but involves a substantial reduction, with existing retail franchises not being transferred. The proposal does not involve the relocation of residential accommodation which would remain on site. A comparison of existing and proposed floor space is available. Access to the site would be taken directly off Bollington Lane.
- 2 The key issues in considering this application are national policy, the Development Plan, access and highway issues and the impact of the development on the area.
- 3 National policy is set out in PPG2 on Green Belt in which it is indicated that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open. There is a presumption against inappropriate development which should only be approved in very special circumstances. New buildings in the Green Belt are inappropriate unless they are required in the essential interests of agriculture, forestry or other rural enterprises. The applicants have sought to demonstrate that the proposal would involve a significant reduction in floor space and the removal of some existing development, whilst their existing site would be developed only for open uses.

- 4 Green Belt policy is also contained within the Cheshire Structure Plan and Macclesfield Local Plan Alterations 2011. The site also lies within the Area of Special County Value for Landscape where the Council seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance.
- 5 The existing site and the uses on it have expanded over time but have done so in a sporadic manner, the opportunity being given now to have control over the future development of the business. The proposals for the relocation of the garden centre do involve a reduction in floor space and built development, but also in a less prominent location. Taking the overall impact of the two sites, it is concluded that there would be no reduction in openness and that the impact of the proposed relocation could be minimised by appropriate conditions, particularly at the reserve matters stage and also in terms of landscape enhancement. The existing business would be on a smaller scale than the existing one, there would be a reduction inappropriate uses (particularly retailing ones) within the Green Belt and there is an opportunity to increase the openness of the Green Belt at this point. The proposal is also a relocation of an existing business. For these reasons it is concluded that very special circumstances may exist here so as to allow the Council the opportunity to consider the application sympathetically.
- 6 There would be a reduction in the overall sight size, including plant growing and retailing. The franchises would close, as some of them have already done. There has been an emphasis in recent years to the landscaping contracting aspect of the business. A further consideration is the retention of the business and the jobs provided by the company in the area. It is acknowledged that the use provides a combination of appropriate and inappropriate uses in the North Cheshire Green Belt, but having regard to the circumstances outlined above, it is concluded that a policy objection to the application would not be appropriate in this situation.
- 7 A transport assessment accompanies the application and gives detailed consideration to the garden centre's relocation. A key issue is the improvement of the Bollington Lane/Congleton Road (A34) junction which is currently substandard. Improvements to visibility splays in both north and south bound directions are necessary in order to meet highway requirements. It is understood that the County Council are looking already at this junction in terms of the potential impact of additional traffic at either end of the Alderley Edge Bypass. The applicants have proposed a junction solution in order to improve visibility splays which would include removal of an existing area of hedgerow and possibly up to three mature trees that lie within that hedgerow. It is acknowledged that their loss is likely to have some impact on the landscape character around the area. In that the loss of these trees may, in any event, be required for an improvement to highway visibility arising from the construction of the Alderley Edge Bypass, it is

concluded that no objections be raised in principle to their loss, subject to adequate mitigation and compensatory planting.

- 8 In order to meet highway requirements 67 car parking spaces are proposed together with an overspill area of 15 spaces. The views of the Highway Authority on both the access arrangements, junction improvements and car parking proposals are awaited, although it is understood that they are unlikely to be recommending refusal of the application.
- 9 A number of other issues are needing to be addressed. The hours of opening of the business at present are 9.00am until 6.00pm Monday to Saturday and 10.00am until 6.00pm on Sunday. The applicants wish to retain these trading hours if possible and in the circumstances it is considered appropriate to incorporate them in a planning condition should Members be minded to support the application. It is also likely that HGV and service vehicle movements would remain the same, or would indeed slightly reduce given the loss of the franchises.
- 10 A further issue concerns the schedule of goods to be sold at the site which are predominately goods directly related to garden and outdoor products with some seasonal products. The list is based upon other sites within the North Cheshire Green Belt and elsewhere. The list of products proposed does involve a reduction in the list of types of goods sold at the site at present and could be the basis for an appropriate legal agreement. It is concluded that the list of goods was not excessive for this type of use.
- 11 This is an outline application with many matters reserved for subsequent approval. The development will, in any event, only proceed if the company has to relocate from their existing site. It is concluded that in these circumstances it would be appropriate to enter into a legal agreement to secure a sequence of development following their vacation of the existing site, to secure the highway improvement works, the landscape mitigation works and to provide for the list of approved goods for sale at the site.
- 12 Having regard to the nature of this application, it is concluded that as an outline application it can be recommended for approval, although it is to be noted that the views of the County Highways Authority are awaited.

SUBJECT TO

The views of the County Highways Authority and subject to the prior completion of a Section 106 Agreement along the lines indicated above, grant planning permission subject to the following conditions.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. AOP11 - submission of reserved matters (1)
2. AOP21 - time limit - reserved matters

3. AOP31 - time limit on outline permission
4. AOP41 - submission of reserved matters (2)
5. ALSA1 - submission of landscaping scheme
6. ALS21 - implementation of landscaping scheme
7. ATRA1 - Tree retention
8. ATRB1 - Tree protection
9. ATRF1 - Trees - levels survey
10. ATRH1 - Protection of existing hedges
11. POL01 - Policies
12. AD07 - Other material considerations
13. The hours of trading at the site shall be 0900 to 1800 Monday to Saturday and 1000 to 1800 on Sunday.
14. Accordance with approved plan
15. Visibility splay
16. Gate, bollards and chains
17. Junction
18. Turning facilities
19. Parking
20. Cycle Store
21. Drains and surfaces
22. Pedestrian visibility splays
23. Surface water
24. Information on transport
25. non standard

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Application No: 10/0832M

Location: R H STEVENS, GUNCO LANE, MACCLESFIELD, SK11 7JL
Proposal: Demolition of Existing Buildings on Site and Erection of Residential Development Comprising 124 Dwellings, Levels Changes, New Access, Off Site Footpath and Highway Improvement, Circulation and Parking Areas

For P.E. Jones (Contractors) Limited

Registered 05-Mar-2010
Policy Item Yes
Grid Reference 392244 372589

SUMMARY RECOMMENDATION

Approve with conditions and subject to satisfactory completion of a Legal Agreement under S106 of the Act

MAIN ISSUES

Whether the proposed loss of employment land is acceptable and whether the use for residential purposes is appropriate

Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided

Whether the layout and design is appropriate

Whether any permission granted should be accompanied by a Section 106 Agreement, and what these Heads of Terms would comprise

REASON FOR REPORT

This is an application for a major housing development which due to the scale of the development needs to be determined by Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The site comprises 2.5 hectares which is in use as a haulage yard by RM Stevens. To the east lies the Canal, which is elevated above the site, and beyond which is open countryside which is mainly used as a golf course. To the west lies the Gunco Lane frontage which is predominantly a mixed employment area with a variety of employment type uses. To the south and west of the site lies residential properties.

The site itself is laid out as mostly hardstanding, utilised as HGV parking with sizeable warehouse buildings. The wider area is mixed in character, with residential land uses and industrial uses predominating.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 124 two storey residential units on an existing brownfield site. The housing is generally laid out in small terraces of four, two storey dwellings, all within enclosed rear gardens, set back off the street frontage behind a small front area of landscaping and two allocated parking spaces per unit.

The general layout is arranged off one access point via Gunco Lane. The development is in the form of a series of cul de sacs with an elongated linear terrace of dwellings adjoining the canal to the rear of the site. A tall leylandii screen of trees/hedge adjoins the boundary with dwellings in Beech Grove and Byrons Lane.

The scheme also includes alterations to the Gunco Lane/ Byrons Lane junction and footpath widening to Gunco Lane within the red edge of this application.

RELEVANT HISTORY

00/1717P - Residential Development For 94 Dwellings, Associated Roads, Sewers, Fences And Boundary Walls On Site Of Former Haulage/ Storage Yard - refused 2.01.2000

01/2582P - Residential Development (Outline Application) - Refused 7.01.2002

63872P - Residential Development - Refused 5.11.1990

09/2568M Demolition Of Existing Buildings On Site & Provision Of Commercial & Residential Development Comprising 114 Dwellings, 465 Sqm B1 Office Space, Levels Changes, New Access , Footpath Improvements, Circulation & Parking Areas. Withdrawn 2.10.2009

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make the Best Use of Existing Resources & Infrastructure)

DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)

DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)

RT2 (Managing Travel Demand)

EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets
L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

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

Local Plan Policy

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 (Provision of Affordable housing)
H9 (Delivery of Affordable housing)
H13 (Protecting Residential Areas)
T2 (Transport)
E1 (Employment land Policies)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC36 (Road layouts and Circulation)
DC37 (landscaping)
DC38 (Space, Light and Privacy)
DC40 (Open Space standards)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing , PPS4: Planning For Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Environment Agency – No objection subject to condition.

Environmental Health (Contaminated Land) - No objection

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

Highways- No objection subject to conditions. Off site works will need to be included in a S278 Agreement

Children and Young Persons Services - No reply in respect of this application, however, in the previous application it was confirmed that in both the Primary and Secondary sector there are sufficient surplus places for the 'in-catchment area' to meet the potential 'child yield' generated by the potential building scheme, both currently and anticipated by our pupil place forecasts up to 2014. The site is within the catchment of Puss Bank School and Tytherington High Schools.

Forestry Officer - Raises no objection subject to conditions

Housing Strategy and Needs Manager - Fully supports the application, subject to the provision of 25% Affordable Housing (31 units – 15 of which are to be social rented units and 16 of an intermediate tenure)

Landscape Officer - The Landscape Officer raises no objections subject to conditions.

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

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

British Waterways - Have no objection subject to a condition to safeguard the canal bank during construction. Have requested a financial contribution of circa £12,750 to upgrade the canal towpath and future maintenance of the works.

OTHER REPRESENTATIONS

6 letters of objections has been received to date. These raise objection on grounds of need for additional dwellings, impact on traffic and parking congestion on Gunco Lane, loss of trees, impact on protected species, impact upon the Canal Conservation Area and issues of land contamination. An adjoining commercial occupier considers that the levels of security he currently enjoys (security fencing and barbed wire) should be maintained. One

person considers the site could be better utilised as old persons accommodation.

APPLICANT'S SUPPORTING INFORMATION

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

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment
- Landscape Assessment
- Flood Risk Assessment
- Transport Statement
- Waste Audit
- Marketing report
- PPG3 housing statement
- Public Participation Consultation Statement August 2009
- Public Participation Consultation Statement Update Dated January 2010
- Planning & Sustainability Statement February 2010

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

It is the applicant's essential case that this scheme will deliver a high quality housing scheme that will meet an identified housing need in the Borough. The Applicant, in their marketing and Employment Land Assessment of the site consider the site is largely a poor quality, contaminated site which is incapable of economic repair and upgrading for other occupation. It is further considered that the costs of bringing the site forward for good quality/modern office or warehouse development is significant and not feasible given rental returns achievable. Access to the site for employment purposes is poor and would be considered inadequate by modern employment occupiers and others such as car showrooms which would be detrimental to the marketability and ultimate values that the current use of the site could achieve.

The site has been marketed since 2007 and there is no demand for the site, either in part or whole

The Applicant is willing to comply with the affordable housing requirements of the Council including entering into a Legal Agreement to deliver these policy requirements

OFFICER APPRAISAL

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

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

Principal of Development

The principle issues surrounding the determination of this application are the acceptability of the loss of the existing employment site to a residential land use, the impact of the proposed development on residential amenity, the character and appearance of the surrounding area, the existing trees, any impact on protected species or the adjacent canal conservation area, and any highway issues regarding access and parking.

Loss of employment use of the site

Government guidance in Planning Policy Statement 3: Housing (PPS3) promotes the effective and efficient use of previously developed land. In paragraph 44, it indicates that local planning authorities should consider whether sites allocated for industrial use could be re-allocated for housing.

However, Planning Policy Statement 4: Planning For Sustainable Economic Growth (PPS4) is also clear that LPAs should use evidence to plan positively to ensure that sufficient land is available for business, readily capable of development and well-served by infrastructure. A choice and variety of employment sites, to meet different needs, will facilitate competition and stimulate economic activity.

Similarly, RSS Policy W3 requires LPAs to ensure a supply of employment land; that the most appropriate range of sites is safeguarded for employment use; the sites can meet the full range of needs; and at least 30% are available at any one time.

This site is specifically allocated for employment purposes under policy E4. This policy states that general industry (class B2), warehousing (class B8) and office uses will normally be permitted. In addition, Local Plan Policy E1 states that both new and existing employment areas will normally be retained for such employment purposes.

It is therefore incumbent upon the Applicant to demonstrate that the re-use or redevelopment of the site for employment purposes is not achievable.

Accordingly, supporting information incorporating a marketing report and assessment of the site for employment use have been submitted with this application.

A significant issue relating to the application site relates to the viability of development for employment uses, given the major constraints including access and potential remediation and the likely values that could be achieved from any redevelopment for employment uses.

The Employment Land & Market Overview Feasibility Analysis demonstrates that there is a lack of demand for employment uses on this site.

In terms of employment land supply, recent monitoring suggests there is a 25 year supply given recent take up rates for employment development in the Macclesfield area. However, this includes a significant proportion of land (around 42ha) which is constrained and is not currently available at the South Macclesfield Development Area and Parkgate Industrial Estate, Knutsford. Excluding these sites would leave 11 years supply, with a mixture of sites including higher quality sites such as Tytherington Business Park and more traditional industrial estates such as Hurdsfield.

In terms of existing supply of office and industrial space within Macclesfield, at the time of this application being submitted, overall there are 24, 000 sqm of existing office space and 48,000 sqm of industrial space immediately available within Macclesfield. The supporting information indicates that there is circa a 4 year supply of office and industrial space available in terms of current take up rates, if no more space were to come to the market - which is unlikely to happen.

The marketing information states that the site has been marketed since 2007 and there has been no demand for the units, either in whole or in part. Companies looking for sites locally have steered away from the application site due to its poor accessibility, the costs of bringing the site forward for high quality modern employment uses.

Given these circumstances, there is no objection in land use planning terms to the loss of the existing employment use of the site.

The Residential Use of the Site

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

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

PPS3: Housing

The Council produced new guidance in respect of housing developments titled “PPS3 Housing and Saved Policies Advice Note”. The Advice Note is based on a list of five criteria outlined in PPS3 which Planning Authorities should have regard to when determining planning applications for new housing. 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. 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)*.

A PPS3 Housing Self-Assessment Checklist was submitted with the planning application to address the criteria outlined in the Advice Note. The site is considered to be in a suitable and sustainable location and the site is considered to be sufficiently utilised (the proposed site density is 49 dwellings per hectare). Whilst the site itself is on the outer edge of an employment zone, the wider area is predominantly residential, and is within walking distance of public transport links, Macclesfield town centre and to services. The scheme would provide high quality housing of an appropriate mix and tenure type.

Additionally, the proposed development would provide 15 houses for social rent (14 x 2 bed and 1 no 3 bed) and 16 houses for intermediate shared equity. The Affordable Housing Officer supports the application. This scheme will meet a much needed demand for rented accommodation in this area.

For these reasons it is considered that the proposal broadly complies with the five listed criteria and thus complies with PPS3

The proposals comprise an efficient use of previously developed land in a sustainable location. The site is located within easy access of the town centre.

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

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

Density of development & mix of house types

The indicative layout indicates that the site is to be developed at a density of 49 dwellings per hectare. The areas indicated for development are brownfield land, having previously been developed or the site of the existing factory and complex.

Overall, a good mix of house types is proposed comprising:

2 x 1 bed fly-over apartments

75 x 2 bed houses in terraces

47 x 3 bed houses in terraces

The mix and density of housing proposed is considered to be in line with the requirements of Government policy to maximise density and is considered to be in keeping with the residential density in the wider residential area around the site.

Design and layout

The design comprises blocks of 2 storey dwellings in a mix of five different house types. The heights of the buildings range from 7.5m to circa 7.9m and the individual blocks within the street scene generally contain contrasting house styles with variety in the use of brick, render and soldier courses, all to stimulate elevational contrast in the street scene. Interfaces between the proposed dwellings and adjoining residential properties are acceptable.

Two allocated car parking spaces have been allocated to each 2 and 3 bedroomed dwelling. These are located generally in front of each dwelling. One parking court is provided and the houses which front onto Gunco Lane (Plots 24-42) have off street parking provided to the rear of the site. Two car parking spaces are available for adjoining residents if they wish to lease them from the Applicant.

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

Highways

A transport Assessment has been submitted in support of the application. This statement considers the accessibility of the site and provides a technical

assessment of the traffic generation associated with the proposed development as opposed to the vehicle movements associated with the current use of the site as a haulage yard.

The report also details the improvements proposed to junctions at Gunco Lane/Heapy Street. The assessment concludes the Gunco Lane/ Byrons Lane junction is expected to operate within capacity.

The Strategic Manager Highways has considered the Transport Assessment and raises no objections subject to conditions. It is considered that the proposal will not have any adverse impact upon the highway network. Whilst the views of neighbours are noted, they are not considered sustainable as reasons to refuse this application.

Members should note that the layout comprises 2 car parking spaces per dwelling (200%). This level of parking provision exceeds the maximum parking standard as expressed in PPG13 which requires one parking space per 2 and 3 bedroomed dwelling. It is considered that the provision of car parking will make this development, which is in a highly sustainable location close to the town centre, overly reliant on the car. It is recognised, however, that neighbours are concerned about the impact of the proposal upon the highway network and parking congestion experienced on Gunco Lane. Whilst the parking is excessive, conditions concerning the use of different materials to the parking hardstandings will assist in breaking up the area and can be imposed. On balance, whilst the parking is excessive it can be accepted given the concerns expressed by neighbours in this case.

Forestry

The development proposals can be implemented with the removal of mainly low value trees and shrubs, the loss of which will have limited impact within the immediate environment/wider amenity, and can be off set by a specimen landscape scheme.

The proposals have been amended since the previous application, mainly to address requests from adjoining residents in Beech Grove and Byrons Lane to retain the Leylandii between their properties and the site. This has been accommodated by the Applicant. A 25 metre length of this hedge is proposed for retention to the eastern boundary in order to maintain a physical separation between the area of proposed ecological mitigation and neighboring residential properties.

Landscaping

The soft landscape proposals are generally acceptable to the Landscape Officer subject to the addition of a shrub bed along the base of the proposed retaining wall to soften the structure. If the application is approved the Landscape Officer recommends that landscape and boundary conditions are imposed. No objection is therefore raised from a landscape perspective.

Nature conservation

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

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

and provided that there is

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

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

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

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

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

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. This report has established that there are no species of note on the site that are protected by the Habitat Directive. However, there are species present afforded protection under the 1981 Wildlife and Countryside Act.

A licence from Natural England is required to affect this habitat. This is a separate legislative framework, however, English Nature are unlikely to issue any licence in the absence of a valid planning permission.

The Nature Conservation Officer is satisfied with the mitigation proposed by the Applicants ecologist and has suggested conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency raises no objections to the proposals. On this basis, the flood risk is low.

Renewable Energy and Waste

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

It is also a requirement of Policy 10 of the Cheshire Waste Plan 2007 to minimise waste during development and subsequent occupation. A waste audit has been submitted which is considered to meet the development Plan requirements. A condition is recommended to ensure the requirements of the Audit are delivered.

S106 Legal Agreement

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the s106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this instance, there are requirements for commuted sum payments in lieu of on site provision of amenity and recreational space. In respect of these matters it is considered that the requirements stipulated are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development proposed.

Likewise the commuted sum payment is necessary to ensure this development complies with the adopted planning policy in lieu of recreation, sport and amenity open space provision also complies with point (a) to (c) above and both proposed elements of the S106 Agreement also relate directly to surrounding area of the site and are appropriate in scale and kind.

It is not considered that the CIL Regulations refer to the affordable housing elements of the S106 Heads of Terms as detailed below

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has been identified in the Macclesfield Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in meeting the requirement for the additional housing requirement of 400 dwellings per annum. Whilst, other material considerations such as recent Ministerial advice to Local Planning Authorities to treat new housing proposals on their merits rather than focussing on RSS targets for new housing development are noted, this scheme is considered to meet a housing need in the Borough that is known.

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby.

The proposal would bring environmental improvements and the Strategic Highways Manager is satisfied that the proposals to upgrade Gunco Lane in the form of pavement and junction widening are appropriate.

Whilst the original intent of the developer was to undertake direct works to Kings Fields in lieu of amenity/recreation commuted sum payments, it has now been agreed to provide commuted sum payments in line with the adopted S106 SPD. The request for a financial contribution from British Waterways is noted, however, it is not considered that this request meets the CIL tests and is unreasonable.

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

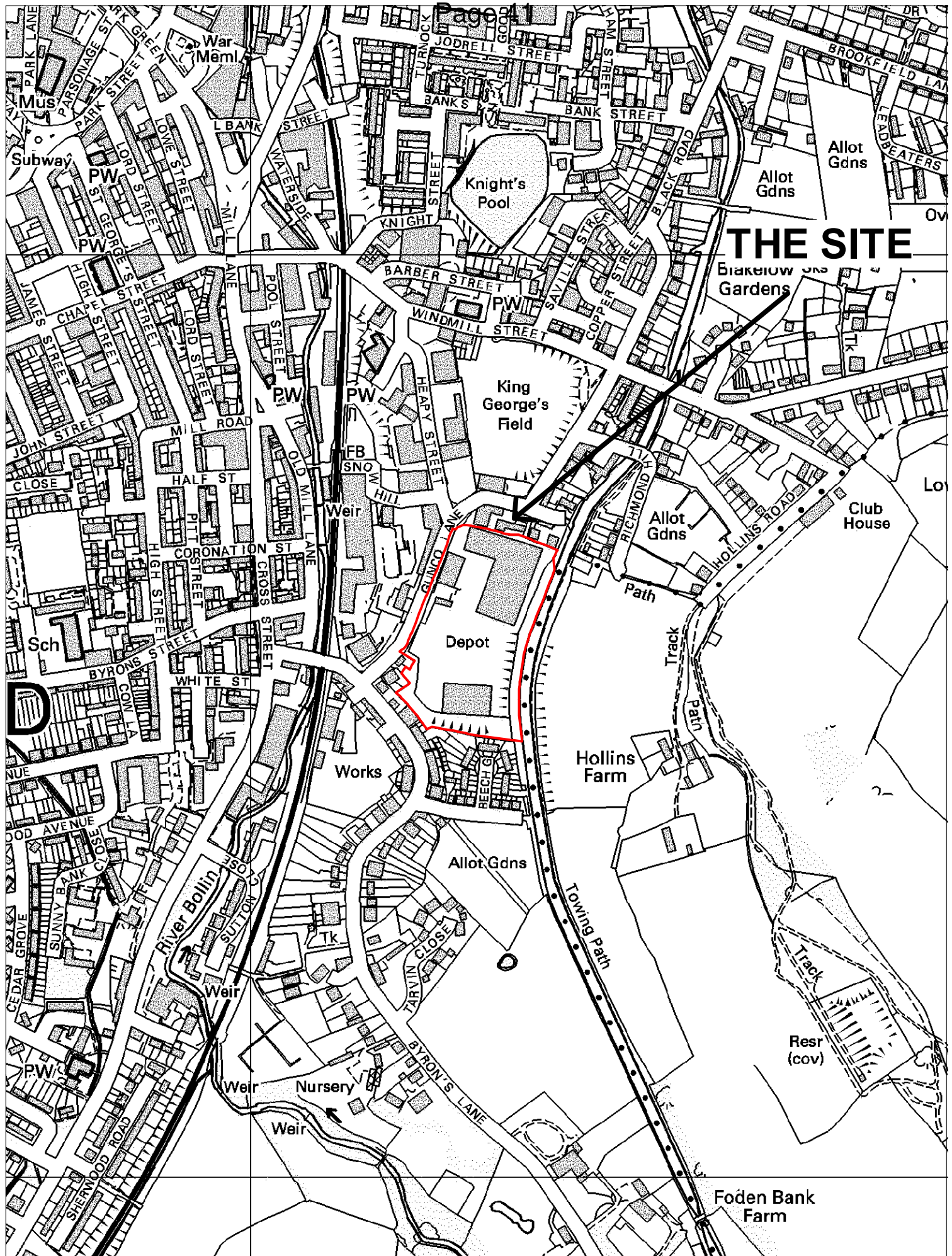
SUBJECT TO

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

HEADS OF TERMS

- Provision of a minimum of 25% genuinely Affordable Housing in the form of social rented housing (15 units) and intermediate housing (16 units).

- Provision of financial contributions in lieu of on site play and sporting provision (£372,000)
- Monitoring costs



10/0832M - R H STEVENS GUNCO LANE MACCLESFIELD

N.G.R. - 392.241-372.599

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Scale 1:10000

Application for **Full Planning**

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A01TR - Tree retention
5. A02EX - Submission of samples of building materials
6. A02FP - Commencement of development
7. A02TR - Tree protection
8. A03AP - Development in accord with revised plans (unnumbered)
9. A04LS - Landscaping (implementation)
- 10.A04TR - Tree pruning / felling specification
- 11.A06NC - Protection for breeding birds
- 12.A07HP - Drainage and surfacing of hardstanding areas
- 13.A12HA - Closure of access
- 14.A12LS - Landscaping to include details of boundary treatment
- 15.A23GR - Pile Driving
- 16.A23MC - Details of ground levels to be submitted
- 17.A30HA - Protection of highway from mud and debris
- 18.A32HA - Submission of construction method statement
- 19.SUDS to be submitted
- 20.works to trees to be in accordance with Arborists report
- 21.Bike store tbs for flyover apartments
- 22.Devt ro comply with Waste Audit (submitted)
- 23.parking areas palette of differing surfacing materials TBS
- 24.development to comply with air quality assessment
- 25.PHASE II CONTAMINATION
- 26.parking areas provided
- 27.bat roosts
- 28.hours of work
- 29.new junction details to be submitted

30. highways to comply with design guide

31. renewable energy

32. nesting birds survey tbs

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Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
09/0654M	20, GASKELL AVENUE, KNUTSFORD, WA16 0DA	GARDEN ROOM EXTENSION (LISTED BUILDING CONSENT)	Committee	Y	Rec - Approve Actual - Refuse	Dismissed 27/5/10
09/0568M	20, GASKELL AVENUE, KNUTSFORD, WA16 0DA	GARDEN ROOM EXTENSION (FULL PLANNING)	Committee	Y	Rec - Approve Actual - Refuse	Dismissed 27/5/10
09/3347M	OAK TREE GARAGE, WARRINGTON ROAD, HIGH LEGH, WA16 0RT	ALTERATION S/EXTENSION TO EXISTING GARAGE BUILDING TO FACILITATE USE AS AN MoT TESTING CENTRE	Delegated	n/a	Refuse	Allowed 13/05/2010
09/2844M	10, ANGLESEY DRIVE, POYNTON, SK12 1BT	ONE AND TWO-STOREY EXTENSION TO REAR OF PROPERTY	Delegated	n/a	Refuse	Dismissed 10/05/2010
09/3349M	MILTON BANK, TROUTHALL LANE, PLUMLEY, WA16 9RZ	REPLACEMENT ROOF TO EXISTING CONSERVATORY	Delegated	n/a	Refuse	Dismissed 30/04/2010
09/3132N	ASTON COTTAGE, WRENBURY ROAD, NEWHALL, NANTWICH, CHESHIRE, CW5 8DQ	PROPOSED DEMOLITION OF EXISTING CONSERVATORY, AND LEAN-TO UTILITY PROPOSED ERECTION OF OAK FRAMED ORANGERY	Delegated	n/a	Refuse	Upheld 28/04/2010
09/2184C	12A, JUBILEE ROAD, CONGLETON, CHESHIRE, CW12 3AJ	FRONT CANOPY ABOVE DOOR AND WINDOW. REAR DORMER WINDOW	Delegated	n/a	None determination	Upheld 13/05/2010 Costs Awarded
09/3232C	SCHOOL FARMHOUSE, WALNUT TREE LANE, BRADWALL, SANDBACH, CHESHIRE, CW11 1RH	OUTSIDE SHED FOR THE STORAGE OF GARDEN TOOLS	Delegated	n/a	Refuse	Upheld 04/05/2010

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