

Northern Planning Committee

Agenda

Date: Wednesday, 21st September, 2011
Time: 2.00 pm
Venue: The Assembly 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.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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

1. **Apologies for Absence**

To receive any apologies for business.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

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

To approve the Minutes as a correct record.

4. **Public Speaking**

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

Contact: Sarah Baxter
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A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

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

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/0144M-Single Storey Extension, St. Peters Church, The Village, Prestbury for St. Peters Parochial Church Council (Pages 7 - 18)**

To consider the above application.

6. **11/1621M-New Build Residential Development Comprising 4no. 2 Bed Houses, 2no. 2 Bed Bungalows for Rent, Forming a New Car Park and Access, and Extending Existing Car Park, Thorntree Bungalows, Salters Lane, Lower Withington, Macclesfield for Cheshire Peaks & Plains Housing Trust (Pages 19 - 36)**

To consider the above application.

7. **11/0268M-Extension, Refurbishment and Alteration of the former Yesterdays Nightclub, Hardern Park, Alderley Edge to create a 68 Bed Hotel with Ground Floor Bistro and Spa together with associated car parking for 79 car parking spaces, landscaping and associated works, former Yesterdays Nightclub, Hardern Park, Alderley Edge for Towerbeg Ltd (Pages 37 - 50)**

To consider the above application.

8. **Appeal Summaries (Pages 51 - 52)**

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 10th August, 2011 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor B Moran (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, G Boston, L Brown, B Burkhill, H Gaddum,
A Harewood, P Hoyland, O Hunter, P Raynes, L Roberts and D Stockton

OFFICERS PRESENT

Mrs N Folan (Planning Solicitor), Mr N Jones (Principal Development Officer),
Ms S Orrell (Principal Planning Officer), Mr N Turpin (Principal Planning
Officer), Mrs E Tutton (Principal Planning Officer) and Mr B Vass (Cheshire
East Rural Housing Enabler)

32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Jeuda.

33 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor P Hoyland declared a personal interest in application 11/2085M-Erection of Parsonage (resubmission of 10/0904M), St.Martins Church, Shrigley Road North, Higher Poynton for The Parochial Church Council of St George with St Martin Poynton by virtue of the fact that he was a member of Poynton Parish Council Planning Committee who had considered the application, however he had not taken any part in the discussions and in accordance with the Code he remained in the meeting during consideration of the application.

It was noted that Councillor H Gaddum that she had received a phone call in relation to the same application from one of the Church Wardens, however she advised that it was inappropriate for her to make any comments regarding the application.

Councillor O Hunter declared a personal interest in application 11/1621M-New Build Residential Development Comprising 4no. 2 Bed Houses, 2no. 2 Bed Bungalows for Rent, Forming a New Car Park and Access, and Extending Existing Car Park, Thorntree Bungalows, Salters Lane, Lower Withington, Macclesfield for Cheshire Peaks & Plains Housing Trust by virtue of the fact that she was a Board member of Cheshire Peaks and Plains Housing Trust, the applicant and in accordance with the Code of

Conduct she remained in the meeting during consideration of the application.

Councillor G Boston declared a personal interest in application 11/1322M-Extension of Existing Care Home with Associated Landscaping and Car Parking, Hope Green Residential Home, London Road, Adlington for Maria Mallaband Care Group Ltd by virtue of the fact that she was Vice Chair of an organisation providing care and support for older people in Cheshire and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillor P Hoyland declared a personal interest in the same application by virtue of the fact that he was a member of Adlington Parish Council and in accordance with the Code of Conduct he remained in the meeting during consideration of the application.

34 MINUTES OF THE MEETING

RESOLVED

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

35 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

36 11/2085M-ERECTION OF PARSONAGE (RESUBMISSION OF 10/0904M), ST.MARTINS CHURCH, SHRIGLEY ROAD NORTH, HIGHER POYNTON FOR THE PAROCHIAL CHURCH COUNCIL OF ST GEORGE WITH ST MARTIN POYNTON

(Prior to consideration of the application Councillor C M Andrew left the meeting and returned during consideration of the application. In accordance with the Code of Conduct she did not take part in the debate nor vote on the application).

Consideration was given to the above application.

(Mr Fitzgerald, an objector and Reverend Rob McLaren, acting on behalf of the applicant).

RESOLVED

That the application be refused for the following reason:-

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore

contrary to policies GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of this policy. The development is similarly contrary to national policy guidance relating to development within the Green Belt and the provision of occupational workers dwellings (PPG2 and PPS7). It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.

37 11/1621M-NEW BUILD RESIDENTIAL DEVELOPMENT COMPRISING 4NO. 2 BED HOUSES, 2NO. 2 BED BUNGALOWS FOR RENT, FORMING A NEW CAR PARK AND ACCESS, AND EXTENDING EXISTING CAR PARK, THORNTREE BUNGALOWS, SALTERS LANE, LOWER WITHINGTON, MACCLESFIELD FOR CHESHIRE PEAKS & PLAINS HOUSING TRUST

Consideration was given to the above application.

(Councillor Mrs L Smetham, the Ward Councillor, Parish Councillor Rachel Robinson, the Co-Chairman of Lower Withington Parish Council, Mr Rudland, an Objector, Professor Garrington, a Technical Consultee and Mr Nigel Bennett, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order to provide further information with regards to drainage, the impact on Jodrell Bank and the provision of affordable housing for people from Lower Withington within the S106 Agreement.

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

(The meeting adjourned at 4.50pm and reconvened at 5pm).

38 11/1322M-EXTENSION OF EXISTING CARE HOME WITH ASSOCIATED LANDSCAPING AND CAR PARKING, HOPE GREEN RESIDENTIAL HOME, LONDON ROAD, ADLINGTON FOR MARIA MALLABAND CARE GROUP LTD

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

Consideration was given to the above application.

RESOLVED

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

1. Commencement of development (3 years)
2. Details of materials to be submitted

3. Development in accord with approved plans
4. Provision of car parking
5. Landscaping - submission of details
6. Tree retention
7. Tree protection
8. Protection for breeding birds
9. Protection from noise during construction (hours of construction)
10. Pile Driving
11. Provision of cycle parking
12. Landscaping (implementation)
13. travel plan to be submitted
14. dementia care use only

39 11/1007M-REFURBISHMENT OF A CAR SHOWROOM INTO A TRAVIS PERKINS SHOWROOM WITH NEW GROUND FLOOR EXTENSION TOGETHER WITH ASSOCIATED SERVICING, CAR AND BIKE PARKING FACILITIES. ALSO THE DEMOLITION OF AN EXISTING WORKSHOP UNIT AND THE CONSTRUCTION OF A NEW 10,000 SQ FT STORAGE UNIT, WITH ASSOCIATED SERVICING & CAR PARKING FACILITIES, BOUNDARY TREATMENTS INCLUDING CLOSE BOARD TIMBER FENCES, PALIDIN FENCES & PALISADE FENCES, FORMER POLAR FORD, FENCE AVENUE, MACCLESFIELD FOR TRAVIS PERKINS

(During consideration of the application Councillor B Burkhill left the meeting and did not return).

Consideration was given to the above application.

(Mr Williams, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Head of Planning and Housing in consultation with the Chairman to allow further discussions to take place with the applicant regarding the siting of the uses within the site with a view to securing the most favourable layout for the residents and following those discussions the application be delegated to the Head of Planning and Housing in consultation with the Chairman for approval subject to the completion of a Section 106 Agreement securing a commuted sum of £24822.51 for Public Open Space for local parks, in particular Victoria Park, and subject to no adverse comments from the Environment Agency being received within the consultation period that cannot be dealt with by condition, and subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with revised plans
3. No external storage
4. Construction of access
5. Provision of car parking
6. Details of materials to be submitted
7. Turning facility
8. Cycle parking
9. Opening hours 07.30 to 17.00. No Sunday opening or bank holidays
10. Delivery hours 08.00 to 17.00 No Sunday opening or bank holidays

The meeting commenced at 2.00 pm and concluded at 5.50 pm

Councillor B Moran (Chairman)

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Application No: 11/0144M
Location: ST PETERS CHURCH, THE VILLAGE, PRESTBURY
Proposal: SINGLE STOREY EXTENSION
Applicant: ST PETERS PAROCHIAL CHURCH COUNCIL
Expiry Date: 22-Mar-2011

Date Report Prepared: 8 September 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- The impact upon the listed building
- The impact upon the Conservation Area
- The impact upon trees of amenity value

REASON FOR REPORT

The application was considered by the Northern Planning Committee on 13 April 2011 where Members resolved to delegate the application to the Head of Planning & Housing in consultation with the Chairman and Vice Chairman to approve the application subject to the receipt of revised plans that amend the extension so that it did not encroach in front of the eastern gable of the church. The revised plans have been received, however due to the significant local interest in the proposal, and a concern that the original report did not adequately refer to national planning policy PPS5, the Head of Planning & Housing has referred the application back to the Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a Grade I listed church building with surrounding burial ground. Within the grounds lie the remains of a Saxon Cross, which is designated a Scheduled Ancient Monument, a Norman Chapel which is Grade II listed in its own right, and Hearse House, which is also Grade II listed. The Lychgate and west wall of the churchyard are also Grade II listed. The site lies within the heart of the village in the Prestbury Conservation Area, as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect an extension to the side / rear of the existing church. Within the extension, the church are seeking to provide a vestry and robing room for the clergy and choir, rehearsal space, space for young church and other groups, toilet facilities, mix and mingle area for refreshments after services, and archive storage.

It should be noted that the Church of England benefits from "*ecclesiastical exemption*" from listed building and conservation area consent. This provides the Church with an element of autonomy to develop its buildings. The Church does have its own system of control – the "faculty" system, which requires plans to be submitted to the Diocesan Advisory Committee for formal review. Consequently, there is no requirement for listed building consent from the local authority in this case.

POLICIES

Regional Spatial Strategy

- DP1 – Spatial principles applicable to development management
- DP2 – Criteria to promote sustainable communities
- DP7 - Criteria to promote environmental quality

Local Plan Policy

- NE11 – Protection and enhancement of nature conservation interests
- BE1 - Design principles for new developments
- BE2 - Preservation of the historic environment
- BE3 - Development must preserve or enhance the Conservation Area
- BE16 – Protection of the setting of Listed Buildings
- BE18 – Design Criteria for Listed Buildings
- BE22 – Protection of Scheduled Monuments
- BE24 – Development of sites of Archaeological Importance
- DC1 - High quality design for new build
- DC2 - Design quality for extensions and alterations
- DC3 - Protection of the amenities of nearby residential properties
- DC6 – Safe and convenient access for vehicles, special needs groups and pedestrians
- DC8 - Requirements to provide and maintain landscape schemes for new development
- DC9 - Tree protection

Other Material Considerations

- Prestbury Conservation Area Appraisal (2006)
- Prestbury Village Design Statement (2007)
- Prestbury Supplementary Planning Document (July 2011)
- PPS1: Delivering Sustainable Development (2005)
- PPS5: Planning for the Historic Environment (2010)

PPS9: Biodiversity and Geological Conservation (2005)

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service – No objection subject to condition

Environment Agency – No response required

Natural England – No objection subject to conditions

United Utilities – No objection

English Heritage – No objection

Prestbury Parish Council – No objection, but raise concern over the proximity of the north wall to the boundary, which makes it impossible to maintain.

Environmental Health – No objection

Strategic Highways Manager – No objection

OTHER REPRESENTATIONS

128 letters of representation have been received. 102 of these letters either raise no objection or support the proposal for the following reasons:

- Extension provides required extra space.
- More accessible to young families, older people and the disabled.
- Modern facilities needed for vibrant and successful community.
- Extension will foster community spirit.
- Toilets, kitchen, meeting rooms and social rooms are all urgently needed.
- Extension is architecturally and historically sensitive.
- Village community will benefit from proposals.
- Facilities needed to maintain congregation.
- Extension will have a positive environmental benefit as whole church will no longer need to be heated for small meetings.
- Dedicated archive room is required

26 letters, including one from Prestbury Amenity Society, either raise concern or object to the proposal on the following grounds:

- Design of extension out of keeping with Grade I listed church
- Grand scale of extension not in keeping with village
- Ancient churchyard and graves should be left undisturbed
- Impact upon protected trees
- Scale of extension is too large
- Impact of construction vehicles on residential accesses and public highway
- Proposal detracts from the character and appearance of the Conservation Area

- Degree to which extension could be hired is unknown
- Impact upon graveyard during construction (storage of materials etc.)
- Facilities could be provided within the existing church.

APPLICANT'S SUPPORTING INFORMATION

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

Planning, Design & Access Statement

This statement outlines the need for the church to provide essential facilities, and the extension is the minimum that is possible to accommodate these facilities. The extension is sited to have least impact upon the listed building and the Conservation Area.

Additional ancillary accommodation can be provided at nearby Ford House, and the erection of the enabling residential development offers the opportunity to fund the requirements of this thriving and expanding church, as well as securing the future of this significant heritage asset.

The extension is fully compliant with relevant planning policies, and would bring benefits to the church and wider community.

Conservation & Design Statement

This statement examines the heritage significance of the site, the issues associated with the church, as well as the other heritage assets within the site.

Archaeological Desk Based Assessment and Watching Brief

These documents outline the archaeological potential of the site.

Protected Species Survey

The submitted bat survey identified the presence of common Pipistrelle Bats within the church building. A programme of mitigation is proposed within the statement.

Arboriculture Assessment

This report identifies that the extension will require the removal of several low value trees, as well as two moderate value trees.

Structural Report – St Peter's Boundary Wall

The Structural Report recommends that because of the risk of collapse and the proximity of the wall to the access road, the trees adjacent to the boundary should be removed and the bulges rectified through localised rebuilding.

OFFICER APPRAISAL

Listed Building / Conservation Area

The current proposal follows significant pre-application consultation with Council Officers and English Heritage. Revised plans have been received during the course of the application that pull the extension marginally away from the eastern (rear) gable of the existing church. This is an important façade of the church, which should not be obstructed by the extension.

It is evident from the submitted information and comments from local residents that St Peter's is a well attended church by people of all ages, and the facilities on offer are clearly constrained by the existing building. It is therefore accepted that there is a genuine requirement for additional accommodation to fulfil the needs of the congregation and wider community. The proposed facilities, and the alteration that would be required, would be unacceptable within the existing church due to its small scale and sensitive interior, which includes many original features and an almost complete scheme by Gilbert Scott (a renowned church architect) from the 19th century.

Policy HE1 from PPS5 promotes the reuse of existing heritage assets to mitigate the effects on climate change. This proposal is in line with that objective. Policy HE6 from PPS5 sets out the requirements for information required for a proposal affecting the setting and significance of a heritage asset. It is considered that the information contained within the submitted Conservation & Design Statement and the Planning Statement satisfies this requirement. These statements also contribute towards satisfying the requirements of policy HE7.

The proposed extension is located on the north east side of the existing church, and will replace the existing clergy vestry, which is a late 19th century addition. An options appraisal has been carried out which demonstrates an extension on this north east side is the least sensitive location in terms of impact upon the Conservation Area and impact upon the setting of the church and other designated heritage assets within the churchyard. It will have a relatively modern design, with the height adjacent to the northern boundary kept as low as possible and the plan form staggered to break up the perceived mass of the north elevation. The scale, mass and architectural approach of the extension is considered to be acceptable, which is a view shared by English Heritage. The design also minimises the impact of the extension upon the historic fabric of the building through the use, in part, of glazed roofing where it meets the existing structure. It is therefore considered to be in accordance with policy BE2 of the Local Plan.

Policy HE9.4 states that local planning authorities should weigh any harm to the historic asset against the wider benefits of the application. In this regard, it should be noted that the extension will provide a public benefit as it will help to secure the future of the church by providing much needed facilities and will provide a community resource in the form of meeting rooms and community space. Added to this are the benefits of keeping the church in viable use and securing the maintenance for the future. Furthermore, having regard to the degree of local support for the proposal and the local resource that will be provided, it is considered that the enhancement of the church facilities as proposed can contribute towards the maintenance of sustainable communities. The proposal is therefore considered to comply with the requirements of policies HE7, HE9 and HE10 of PPS5.

Due to its location at the rear / side of the churchyard, views from The Village will be limited by the boundary wall and intervening vegetation, which helps to minimise the impact upon the Conservation Area. Having regard to the acceptable design approach outlined above, the character and appearance of the Conservation Area is considered to be adequately preserved by the extension. The proposal is therefore in accordance with policy BE3 of the Local Plan as well as policies HE7 and HE9 of PPS5 relating to designated heritage assets.

Archaeology

The churchyard at Prestbury is recorded in the Cheshire Historic Environment record (CHER 1434). It notably contains the medieval parish church of St Peter, the separate 12th-century chapel and the fragment of an Anglo-Saxon cross (a Scheduled Monument), which may be as early as the 8th century.

Prestbury parish was, until re-organisation in the 19th century, the largest parish in Cheshire and made up of multiple townships. The Council's archaeologist notes that this suggests that Prestbury was, in origin, a pre-conquest minster church and one of the main early religious sites in the historic county.

The present proposals for an extension to the north-east of the church will be situated in an area that is considered to be a key location within the site. This assessment is based on the presence of numerous marked graves dating from the 18th century onwards and also the recognition that the area has been used for burial purposes for at least 1000 years. Human remains dating back to these earlier periods of usage are therefore likely to be present. In addition, structural evidence relating to earlier phases of church building may be present. All of these types of evidence have the potential to be disturbed and damaged by the proposals. In particular, many gravestones will have to be moved as part of the development and the burials and other buried remains are likely to be damaged by the proposed piling.

The burial ground is therefore potentially of high archaeological and historical interest, and the Council's Archaeologist has monitored pre-determination excavation works in the churchyard. He advises that burials were present in the excavated trenches but, crucially, these all appeared to be of later post-medieval date and were at a depth, which has removed evidence of earlier burials and structures. On the evidence of samples, it would be reasonable to conclude that a similar situation is present in the other localities where the piles are proposed. This means that, although it will be important to ensure that undisturbed burials are properly dealt within the unexcavated pile locations, there will not be a need for widespread excavation across the footprint of the proposed extension in order to deal with a complex sequence of earlier remains.

There is also the issue of the numerous vaults within the footprint. The Council's Archaeologist has been assured that the piles will not interfere with any of these structures and the piling plan does indicate that this will be the case. He advises that experience shows, however, that problems can arise on site during the piling process and robust procedures need to be in place to ensure that any vaults that do need to be disturbed (and the burials contained within) are subject to an appropriate level of recording. A further point concerns the grave slabs and table tomb tops that will be sealed beneath the floor of the extension. These have been recorded but, in order to ensure their adequate protection, the footprint needs to have a layer of terram matting set out before the slab or its aggregate base are established.

The Archaeologist notes that the interim report following recent evaluations has now been received. This now includes proposals for further mitigation. They outline an appropriate strategy and are in line with what was agreed at the various site monitoring meetings. They will form the basis of the detailed archaeological mitigation statement which should be secured by condition if planning permission is granted. The submitted desk based research,

the digging of trial holes, and the use of conditions will ensure that the proposal will comply with policies BE24 of the Local Plan and policies HE6 and HE12 of PPS5.

Trees / landscaping

The proposed extension will require the removal of two mature Lime trees. These trees have been identified as being of moderate value whose retention is desirable. The proposal will also require the removal of low category trees: two young Sycamore, a young Copper Beech and a Privet hedge perched on top of the retaining wall.

The removal of the two Lime trees is justified within a submitted structural engineer's report on the basis of safety management to stabilise the adjacent retaining wall. The Planning Statement and Arboricultural Report also suggest that the loss of these trees can be mitigated by landscaping and tree management works, although no such detail has been submitted by the applicant.

No detailed landscape or tree management proposals have been submitted to provide mitigation for the loss of the trees, and the associated impact upon the Conservation Area. It should also be noted that the Council's Structural Engineer examined the wall in September 2010 and he advised that there are no signs of imminent collapse to the sections of the wall where bulging has occurred and that it should be monitored to assess future movement. He also advised that it is possible to strengthen the wall without the need for the trees to be felled. As such, the Council's Arboricultural Officer considers that there is insufficient evidence to form a balanced judgement as to whether the trees need to be removed in the interests of health and safety.

In this regard, he concludes that the two Lime trees should be considered in relation to the proposed development and not in the context of the integrity of the retaining wall. Both trees are deemed B category trees and therefore recognised as worthy of retention in terms of their visual prominence and contribution to the landscape and character of the Conservation Area. Consequently, their removal would be contrary to policy DC9 of the Macclesfield Borough Local Plan.

The comments from the Council's Arboricultural Officer are acknowledged and the loss of the two Lime trees is an issue that weighs against the proposal. However, as noted previously, the church is constrained in terms of the location of the extension, having regard to its prominence within the Conservation Area and the presence of other significant heritage assets and trees within the churchyard. Moreover, there is clearly an identified requirement for additional facilities. It is therefore considered that, on balance, having regard to the particular circumstances of the application, the loss of the trees can be accepted subject to the receipt of comprehensive landscaping proposals and mitigation for the proposed tree losses.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, 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 implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection:

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

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect:

“.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In PPS9 (2005), the Government explains that LPAs:

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

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises:

“[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

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

A bat survey was carried out by a qualified ecologist on behalf of the applicant who has identified limited bat activity on the site.

The proposed scheme to demolish the Vestry and extend the church should have no significant impact upon the protected species. However, some low level disturbance could occur during construction if some form of mitigation is not incorporated on site.

The proposal to extend the church will provide a valuable resource for the church and community, whilst securing the long term future of this Grade I listed building, together with the achievement of modern day energy efficiency standards in the extension.

The alternative to the extension would be to seek the required space through internal reorganisation. However, space is limited and the significance of the interior of this Grade I listed building means that this would not be a satisfactory alternative.

The mitigation proposes the supervised demolition of the property and the provision of replacement roosts in the form of bat boxes situated on retained trees. The proposed mitigation is acceptable and provided the proposed mitigation is implemented in full, the residual impact of the proposed development on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will provide a new habitat and will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities is an appropriate form of mitigation which in the long term will provide a more satisfactory habitat for the bats than the existing dwelling. It is considered that the mitigation put forward is a material consideration which, if implemented, will further conserve and enhance the existing protected species in line with Local Plan policy NE11. Therefore, on balance, it is considered to be acceptable.

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Amenity

Having regard to the distance to and relationship with the nearest residential properties, no significant amenity issues are raised.

Highways

The Strategic Highways Manager notes that the extension will be ancillary to the existing church use as it will provide extra facilities for users. The extension would not materially increase trips and parking to the site as visitors are already making a trip to the church. No significant highway safety issues are therefore raised.

CONCLUSIONS AND REASON(S) FOR THE DECISION

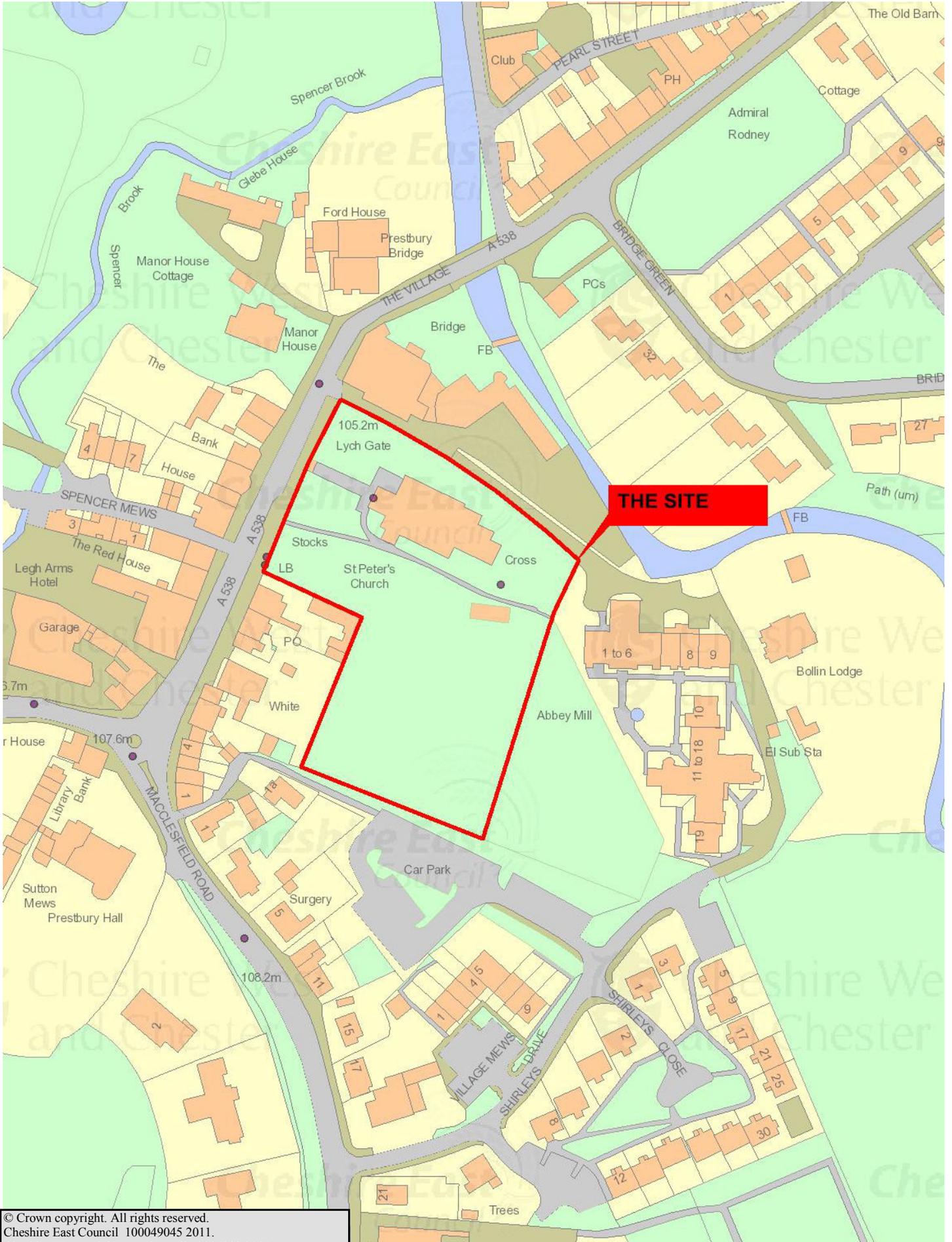
The application site is sensitive with outstanding heritage assets, trees of amenity value and a prominent setting within the Prestbury Conservation Area. Issues of archaeology have been satisfactorily addressed. The extension is sensitively designed and will provide needed accommodation whilst minimising the impact on the Listed Building and maintaining its historic integrity. Initial concerns raised by English Heritage have now been overcome by protecting the important East elevation of the Church. The proposal complies with national planning policy guidance PPS5 and relevant policies of the Development Plan in respect of design and conservation.

The loss of the two lime trees weighs against the proposal however their loss can be mitigated and the proposed location of the extension is the only realistic option to provide the accommodation proposed. Therefore, due to the limited impact of the extension, its scale and location, together with the benefits of ensuring the building has a secure future, and the potential community benefit that will derive from the extension, a recommendation of approval is made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Details of materials to be submitted
5. Details to be approved
6. Landscaping - submission of details
7. Landscaping (implementation)
8. Pile Driving
9. Submission of construction method statement
10. Protected Species Mitigation
11. Archaeology
12. Method statement for connection to existing building



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Application No: 11/1621M

Location: THORNTREE BUNGALOWS, SALTERS LANE, LOWER WITHINGTON, MACCLESFIELD

Proposal: New Build Residential Development Comprising 4no. 2 Bed Houses, 2no. 2 Bed Bungalows for Rent, Forming a New Car Park and Access, and Extending Existing Car Park

Applicant: Cheshire Peaks & Plains Housing Trust

Expiry Date: 05-Jul-2011

Date report prepared: 29th July 2011

Date report updated: 8 September 2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of the Development
- Sustainability of the site
- Whether there is a genuine need for affordable housing in Lower Withington
- Scale and design and layout
- Highways and Parking
- Residential amenity
- Impact on the telescopes and research carried out at Jodrell Bank by the University of Manchester
- Section 106 Agreement – Affordable Housing (social rented)

REASON FOR REPORT

This application has been called in by the Local Ward Member (Councillor Smetham), as concerns have been raised in respect of:

- Lack of Community facilities
- Drainage problems
- Site is not allocated for housing
- Unproven need in the context of neighbouring villages

- Design and layout not appropriate to the site and area

The application was deferred from the previous Northern Planning Committee to obtain more information in respect of the impact on the Jodrell Bank Observatory, drainage and the proposed legal agreement.

DESCRIPTION OF SITE AND CONTEXT

The application comprises a rectangular piece of land measuring 0.24 hectares located to the rear of Thorntree Bungalows, and Thorntree Farm on Salters Lane. Leach Lane lies immediately to the north of the site, whilst there is an open field to the east (rear) of the site.

The site is located on the northern edge of the village of Lower Withington, designated as “Countryside beyond the Green Belt” within the Macclesfield Borough Local Plan 2004.

The site has a rural character, it is currently grassland used informally as a garden area by the residents of Thorntree Bungalows. There are a number of garden sheds located to the rear of the site adjacent to the existing car park. There are a number of mature trees positioned to the north of the site, adjacent to Leach Lane.

The site is situated in a relatively isolated location, with no public transport links, and limited facilities available within the village. The closest larger villages to Lower Withington are Goostrey, (3 miles away), which provides limited local services and amenities and Chelford, (just over 4 miles away in the opposite direction), which provides more local services, such as a shop, post office, petrol station, village hall, market and farm supplies shop and public transport links.

DETAILS OF PROPOSAL

Full planning permission is sought by Cheshire Peaks and Plains Housing Trust - CPPHT (a local registered social landlord) for the erection of 6 No. rural affordable dwellings: 4no. two bedroom houses and 2no. two bedroom bungalows. Permission is also sought for the formation of a new car park to the north of the site, with vehicular access off Leach Lane and an extension to the existing car park to the south of the site, which currently serves Thorntree Bungalows.

The properties will be managed by CPPHT and will be available at an affordable rent to local individuals (through a cascade provision) who meet the Cheshire East Homechoice initiative criteria.

RELEVANT PLANNING HISTORY

10/1166M - New Build Residential Development to Include 4 No 2 Bed Houses and 3 No 2 Bed Bungalows for Rent – Withdrawn 23.07.10

5/5/12598 - Outline planning permission for No. 9 old person’s bungalows and a warden’s house – Approved with conditions 18/01/74

Please note, the nine bungalows approved above was in addition to the six existing Thorntree bungalows.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Growth
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

PPS7 states that housing in the Countryside should meet local needs as determined by local housing needs assessment, whilst Local Development Documents should specify where the development should take place. Further advice is available in PPS3, which relays the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas. The delivery of housing in rural areas should respect the key principles underpinning PPS3, providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages however, a further policy objective limits housing developments to suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Paragraph 30 of PPS3 is relevant and makes reference to Rural Exception Site policy.

PPS4 mentions locating development in existing settlements where services and other services can be provided close together.

Regional Spatial Strategy

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Macclesfield Borough Local Plan 2004

H1 (Phasing policy to ensure that that the structure plan housing requirement is met but not exceeded and that previously developed sites will be developed before Greenfield sites)
H2 (High quality living environment in housing developments)
H5 (Criteria for the development of windfall housing sites)
BE1 (Design principles for new developments)
GC5 & GC6 (Development in Countryside Beyond the Green Belt)
NE11 (Protection and enhancement of nature conservation interests)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Standards for space, light, privacy and highway safety for housing redevelopment)
DC63 (Measures to control contaminated land including landfill gas)

OTHER MATERIAL CONSIDERATIONS

Draft Interim Planning Statement on Affordable Housing (2011)

The Council has recently produced an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

The Interim Planning Statement underwent a period of public consultation running from the 8th November 2010 - 20th December 2010 and was adopted at a Council meeting on 24th February 2011. It is a material consideration in the determination of this application.

Paragraph 3.10 of the Council's *Interim Housing Statement on Affordable Housing (2011)* advises:

"Planning Policy Statement 3 'Housing' advises Local Planning Authorities to consider releasing sites solely for affordable housing in rural areas where planning permission for housing development would not normally be allowed.... Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community.... Unless the survey indicates a need for such provision, planning permission will not be granted".

CONSULTATIONS

Environment Agency:

No objection, subject to a condition in respect of drainage.

Environmental Health – Public Protection and Health (Contaminated Land):

The Contaminated Land report submitted in support of the application did not identify any significant sources of contamination. It is recommended that an informative be attached to an approval in respect of Environmental Regulations.

Conditions are also recommended in respect hours of construction, and for the details of any pile driving to be submitted and approved, prior to the commencement of development, in the interests of amenity, having regard to the location of the site.

Forestry:

Initial concerns were raised by the Forestry Officer in respect of the new Leach Lane car park extending within the Root Protection Area (RPA) of the large mature off site Oak T18, the loss of T11 and the positioning of plot 1, which extends slightly within the RPA of the mature Oak T3. It was recommended that the whole development be moved south, to take plot 1 outside the RPA of the mature Oak T3.

Revised plans and additional information were submitted on the 26 July 2011 to address these concerns.

The Forestry Officer advises that the revisions are sufficient to overcome his initial concerns. A condition will be required in respect of a construction method statement for the elevation and interface associated with Plot 1 and T3.

Landscape:

The application does not raise any significant landscape or visual effects, and therefore no objections are raised.

A Visual Impact assessment was submitted with the application which we broadly agree with, however, it should be noted that the Assessment refers to the Cheshire Landscape Character Assessment 1994; this was superseded by a new Cheshire Landscape Character Assessment in February 2009.

Jodrell Bank Observatory (University of Manchester)

The University of Manchester opposes this application as it would harm the efficient operation of the telescopes at Jodrell Bank Observatory. The potential electrical interference generated from this development is of considerable concern, particularly because the dwellings lie to the south east of the observatory, and are also less than 3 miles from the site.

The University of Manchester have had a meeting with the architects relating to the reduction in the number of houses and bungalows and also a reduction in height, with all apertures pointing away from the telescope. It is noted that one bungalow has been removed, but no reduction in height or house numbers. The University of Manchester therefore object.

United Utilities:

No objections, subject to informatives.

VIEWS OF THE PARISH / TOWN COUNCIL

Lower Withington Parish Council object to the proposed development. In summary, their main concerns are in respect of:

- Lack of community facilities
- Drainage problems
- The site is not allocated for housing
- Unproven housing need in the context of neighbouring villages
- Design and layout not appropriate to the site and area

OTHER REPRESENTATIONS

Three letters of support have been received, these supporters recognise the need for affordable housing within the Countryside.

Fifteen letters of objection have also been received, including an objection from Plan 8 (Planning Consultant). The following concerns have been raised:

Unsustainable Location

The application site falls within Lower Withington, an area that offers limited / no employment opportunities.

The site is inaccessible to services.

Lower Withington has few facilities on offer in terms of schools, doctor's surgeries, post offices. The only bus service into the area runs once a week.

PPS7 encourages sustainable forms of development, with new development focused on existing towns or villages.

Whether there is a genuine need for affordable dwellings within this location?

A number of representations question whether there is a genuine need for affordable dwellings within the Lower Withington area. Mention is given to the Dooley's Grig site where little interest has been generated at all. 2 bedroom dwellings are still available to buy in this development.

Impact upon highway

Due to the unsustainable location there will be a heavy reliance on private vehicles to the proposed dwellings.

The increased level of traffic would impact upon Leach Lane.

Sewage & Drainage Issues

Sceptic tank run-off has previously been an issue in the area.

Concerns are raised with regards to how the proposal would impact upon surface water run-off. Flooding is an issue currently.

Impact upon character of the area

Is the design of the proposal appropriate within the location?

Loss of Open Space

Contrary to PPG17.

The application site is comprised of Greenfield land

The area is a Greenfield site and building upon it would result in loss of open space. (Contrary to PPS3).

The site does not comprise Previously Developed Land.

Priority should be given to previously developed land, unless no PDL is available.

No sequential assessment has been submitted to demonstrate why other previously developed land / derelict /vacant sites cannot be utilised.

The site was not put forward as part of the SHLAA, and has therefore not been assessed against sustainability criteria.

Housing Density

Concerns raised regarding the density of the dwelling within the rural context of the site.

Nature Conservation implications

The proposed compromised hedgerow is a priority habitat. Objections are raised to the loss of any hedgerow along Leach Lane.

Lack of reference made to the Section 106 agreement

Poor information provided with regards to the section 106 agreement.

Interim Planning Statement – Affordable Housing

IPS has been adopted without a Sustainability Appraisal or a Habitats Regulation Assessment as required by the T&CPA 2004, therefore document should be given no weight in the determination of this application

No reference within the rural exception policy to sustainability criteria. Without this criteria, housing could be located in the wrong location

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Development Statement
- PPS3 Housing Self Assessment Checklist
- Code for Sustainable Homes – level 4
- Register of Interest
- Community Consultation document
- Visual Impact Assessment
- Ecological walkover survey
- Phase 1 Desktop assessment (Land contamination)
- Heads of Terms

OFFICER APPRAISAL

Principle of Development

The site lies within the Countryside beyond the Green Belt in the adopted Macclesfield Borough Local Plan (2004). Policy GC5 gives a presumption against development unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Affordable housing is not specifically mentioned in Policy GC5, however, it is a use appropriate to a rural area where a local need is identified.

National policy PPS3 states:

*“In providing for **affordable housing in rural communities**, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in*

market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities”.

Sustainability

The application site is not considered to be a sustainable location, with limited access to facilities/shops/services and public transport, however, the same could be said about a number of villages in the Borough, and this does not change the position that there is a proven need for Affordable Housing. It could be argued that the development would assist in making the village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

Housing Need

The application is made as a Rural Exceptions site application for 4 x 2 bed houses and 2 x 2 bed bungalows in the parish of Lower Withington as the application is for a rural exceptions site there is a necessity to prove housing need.

A rural housing needs survey was carried out by the former Macclesfield Borough Council in 2008 in a number of parishes including Lower Withington, the survey was conducted by sending out a questionnaire to all the households in the survey area and there was a return rate of 31% for the Lower Withington parish. The rural housing needs survey for Lower Withington identified that there were 12 hidden households (households which have at least 1 adult in the household who wished to form a separate household), 6 of these 12 hidden households indicated they would consider rented accommodation, however only 1 had an income in excess of £25,000 therefore very few in housing need would be able to afford a home on the open market.

The survey also established that there are 4 people who moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return. This rural housing needs survey has identified there are a total of 16 persons with a direct local connection who are potential occupiers of affordable homes within the parish.

For the purposes of the SHMA (Strategic Housing Market Assessment) 2010 Lower Withington is in the Macclesfield Rural sub-area. There is a need for about 110 new affordable homes between 2009/10 and 2013/14, this equates to 22 new affordable homes per year.

This development would assist in meeting some of the evidenced affordable housing need in Lower Withington.

Should members approve the application, the houses would remain affordable in perpetuity secured by Section 106 Agreement.

Register of Interest

CPPHT have refreshed the Register of Interest. 11 of the 18 original respondents (who have a local connection) are still interested in renting a property in Lower Withington and comply with the criteria above.

Scale, Design & Layout

The proposed development could be accessed off either Salters Lane, or Leach Lane. The existing Thorntree Bungalow's car park would be extended to provide 4 additional parking spaces, whilst a new car park would be created off Leach Lane providing a further 9 spaces (including 2 disabled spaces).

All 6 dwellings would be sited towards the rear of the application site, facing west toward Salters Lane. The 4 no. two storey dwellings are located to the north of the site, whilst the 2 bungalows would be positioned centrally, plot 6 facing the end elevation of the existing bungalows. Each dwelling has its own private rear garden.

A Sustainable Urban Drainage System (SUDS) Storm Cell is proposed to the front of the application site, to provide drainage for the new dwellings, which is considered acceptable.

The northern boundary along Leach Lane is well screened by trees, a hedge and mature vegetation. A mature hedge separates the western boundary with Thorntree Farm. The southern and eastern boundaries are open facing a field and car park respectively. With the exception of the new opening in the hedge to provide access to the car park, and the removal of T11 to allow for the SUDS storm cell, all of the remaining trees and hedges are to be retained.

The dwellings are considered to be suitably positioned on the plot, with the 2 storey properties opposite the two storey farmhouse and the bungalows opposite the existing Thorntree bungalows. This layout is considered to be sympathetic to the local environment.

Construction and materials

The dwellings would be of an acceptable design constructed of a mix of Cheshire brick and off white render, with slate roofs. The surrounding development consists of a mix of house types and sizes, including large detached dwellings and bungalows. It is considered that the development would be in keeping with the character and appearance of the area and would not have any significant adverse impact on the street scene.

Highways and Parking

The Strategic Highways Manager advises that the applicant has now provided additional information regarding land ownership to ensure that visibility splays from the access points are achievable.

The Salters Lane access is to be improved and to serve an additional 10 spaces and Leach Lane will serve a small car park of 9 parking spaces.

In summary, he is now content with the application, subject to conditions in respect of visibility splays, and prevention of obstructions across the vehicular access, and an informative, requiring the applicant to enter into a S278 Agreement with the Highway Authority to provide the footway on Leach Lane.

Residential Amenity

Policy DC3 of the Local Plan stipulates that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, overbearing effect, loss of sunlight and daylight, noise, vibration, smells, fumes, smoke, soot, ash, dust or grit, environmental pollution, hazardous substances and industrial processes, traffic generation, access and car parking.

The proposal fully complies with the separation distances set out in policy DC38, and therefore the development is not considered to raise any significant residential amenity issues. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future.

Having regard to the residential amenities of the occupiers of the neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

Ecology

The hedgerows surrounding the site are a local BAP (Biodiversity Action Plan) priority habitat and hence a material consideration. It is recommended that as much of the hedgerow as possible should be retained and enhanced as part of the development. It is also recommended that a native species hedge is provided on the western boundary to mitigate for any vegetation lost from the site and to deliver an enhancement for nature conservation as required by PPS9.

Conditions are recommended in respect of the retention of the Oak tree for foraging bats, retention of boundary hedge on Leach Lane boundary (with the exception of the access point), no directional lighting and protection of breeding birds.

Jodrell Bank Telescope

The University of Manchester has objected to this proposal as they consider that it would harm the efficient operation of the telescopes at the Jodrell Bank Observatory. They state that the potential for electrical interference caused by the proposed development is of considerable concern given that it is less than 3 miles to the south east of the observatory.

Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation, however, this has to be balanced against the

nature of the site, size of the development and the recognised need for affordable housing in the area.

Members may recall that a similar objection was received from The University of Manchester in respect of the proposal for 13 rural affordable houses at land to the north of Twemlow Lane, Twemlow Green earlier this year. Members of the Southern Planning Committee concluded that the need for affordable housing and the ability to mitigate the development with appropriate insulation outweigh the objections raised.

DEFERAL OF APPLICATION

Members will recall that this application was deferred from the 10th August Northern Planning Committee, in order to provide further information in respect of:

- The drainage scheme
- The impact of the development on Jodrell Bank Observatory
- The legal agreement, particularly in respect of the Cascade Provision, and to define Local Connection

DRAINAGE

“In Site” Surface Water

The site is currently, effectively, a large lawned area, i.e. all rainwater that falls onto it percolates naturally and evenly away. When the new residential units, car park and footpaths are formed, the rain falling onto the site becomes concentrated where roofs and the car park discharge into gutters, downpipes and gulleys. This needs to be collected at a suitable position and for it ultimately to percolate into the ground. In order to avoid localised flooding or ponding in storm conditions, it is necessary for this store to have sufficient capacity to hold the water and allow it to percolate into the ground slowly and across a generous area of the landscaping.

The storm cell proposed as part of the application, and to serve the new houses and bungalows, is a widely recognised method of attenuation and is designed to replicate, as closely as possible, the percolation conditions prevalent on the site, as if the new properties and hard surfaces were not there.

Site investigations, including an appraisal of the level of the water table, and percolation tests have been carried out to establish the baseline criteria for the design and in order to prove the system.

“Off Site” Surface Water - intermittent and localised flooding - Leach Lane

Leach Lane experiences intermittent localised flooding. It is an adopted highway, including the verges, and therefore is the maintenance responsibility of the Highway Authority.

As it is outside of the application site boundary, the periodic and localised flooding in Leach Lane could be considered to be a problem that the Highway Authority responsible for maintaining the adopted road should resolve. However, recognising the fact that the application includes creating a new access point onto Leach Lane the applicant has suggested a solution.

Consultation with Highways has resulted in agreement to provide a footpath from the site along Leach Lane to the junction with Salters Lane. In addition to this, and to address the flooding issue, it has been agreed that a "french drain" be constructed within the verge of the highway to channel floodwater from the point of flooding. The french drain would extend along the adopted verge of a section of Leach lane adjacent the site, thus serving as a holding channel until it reaches a point where it will dissipate freely into the ground.

Foul Disposal

The foul drainage is separate from the surface water, and discharges to self-contained, below ground collection tanks located under the new car parking areas. The drainage for the new units is separate from the septic tank serving the existing Thorntree Bungalows.

Final technical details of the system will be developed up and a full Building Regulation application submitted and approved prior to commencing work on site.

JODRELL BANK OBSERVATORY

The Case Officer wrote to University of Manchester (Jodrell Bank Observatory) following the deferral of the application in August, posing a number of questions to establish the harm the development would have on the effective functioning of the telescopes.

The University of Manchester have responded, and provide the following additional information:

Due to the short distance from the site to the MK2 telescope (1.5km) and the positioning of the development to the south east, shielding measures are insufficient to prevent electromagnetic interference with the telescope. The orientation of the buildings could be aligned so that there is more self-shielding and additional levels of shielding could be incorporated, to reduce the harm. Even a single dwelling could cause interference.

Jodrell Bank appreciate the need for affordable housing in the area, and therefore requested that the proposal be reduced by 50% to 3 or 4 dwellings, and for those dwellings to be single storey to reduce the harm.

It is not straightforward to make measurements from a typical dwelling in a controlled environment. Many domestic devices and appliances produce radio emission, whether intentionally or otherwise, across a wide range of frequencies, and unintentional emissions occur at frequencies used at Jodrell Bank and internationally for radio astronomy.

Observations are already affected to some degree by radio interference from many sources. The fact that Jodrell Bank can still make world-class observations is because in most cases, strong, short-lived interference can be recognised and removed from the data. Lower-level continuous interference can increase the general noise level which means that in general, observations need to be made for longer and hence at greater cost to achieve a given sensitivity.

In practice, the strength and nature of interference varies greatly, as does the ability to mitigate the effects of interference using sophisticated signal processing techniques and careful editing of data.

Astronomers at Jodrell Bank Observatory are able to operate at present, and carry out world-leading experiments but they often rely on a wide range of techniques to reduce the impact of interference. This takes considerable effort and every increase in interference requires more effort and further developments in signal processing and analysis. Moreover, each increase in interference has the potential to make certain observations impossible, depending on the characteristics of the new source of interference. Increased interference means that in general observations take longer, either due to an increase in the noise level, or because affected observations need to be repeated.

They consider that cumulative effect of new housing will result in an increase in interference for several reasons: the total number of devices producing radio emission at the frequencies where observations are made increases and the probability of having a very strong source of emission (such as a faulty device) increases. Jodrell Bank does not have detailed data on the population of Lower Withington, but we estimate that this new development would increase the number of houses at this distance by 5-10%. The strength of emission from a source at a particular distance falls as the square of the distance, plus any allowance for propagation loss due to low-level clutter (buildings, trees, etc). Sources of interference at lower heights suffer more propagation loss due to clutter.

If the telescope points directly at a source of interference, then the effect is greatly magnified: the maximum gain of the Lovell Telescope at 1.4 GHz is approximately a factor of 700,000.

The Lovell telescope is generally used 24hr/day except for maintenance periods scheduled for approx 6 hrs one weekday per week and painting/engineering work (often daytimes only) during the summer. The Mk2 telescope is also used 24/7 except for fortnightly maintenance and any summer repair work.

The activities within all buildings within the grounds of the Observatory which are owned by the University are governed by their own procedures (currently including a ban on mobile phones). Within the Observatory, it is generally much easier to trace any potential or actual source of interference and remove or modify it, than to do so outside the Observatory. Actions taken in this regard range from removing and shielding particular computers and electronic equipment to building bespoke radio frequency shielded rooms, which reduce radio emission by a factor of one million.

CONCLUSION ON THE JODRELL BANK OBSERVATORY

The representations from the University of Manchester maintain their objection to the proposal. This is a technical objection and the contents of the technical objection are not disputed. The technical objection is a material consideration which weighs against this proposal. The objection must be weighed in the balance of considerations in assessing this proposal.

However, the Jodrell Bank Observatory does not exist in a vacuum and the housing needs of the local population should carry significant weight in favour of this proposal. The proposed

housing is not a new isolated development but it is a small housing scheme set against the existing ribbon of housing development in Lower Withington. The objection is based on a cumulative impact. The affordable housing provision would be an *exception* and the normal strict control of development in the countryside and in the Jodrell Bank zone will continue to apply to other development proposals in this area. Conditions can be imposed that limit the harm to the observatory, and whilst this may not overcome the objection it will minimise any harm. It is considered that the identified harm is not sufficient to outweigh the benefits of providing a small scale and appropriate affordable housing development in this location.

LEGAL AGREEMENT – HEADS OF TERMS

All six dwellings are to be made affordable, in perpetuity. The dwellings shall be made available through a Cascade Provision to residents who have a Local Connection, as set out below.

It is recommended that the following Cascade Provision is incorporated into the legal agreement:

The selection of prospective Occupiers given priority in the following order;

1. Residents of Lower Withington
2. Residents of Adjoining Parishes
3. Residents of Adjoining Parishes 2 (listed below)
4. Residents of Cheshire East

Adjoining parishes 2 would be - Marthall, Nether Alderley, Henbury, Gawsworth parish, North Rode, Eaton, Hulme Walfield, Somerford, Brereton, Holmes Chapel, Cranage, Allostock, Nether Peover, Peover Inferior, Toft and Ollerton.

Local Connection shall be defined as:

A person who has:

- i. A minimum period of 5 years permanent residence in the relevant area of the Cascade Provision, or
- ii. A strong local connection including a period of residence of 5 years or more within the last ten years in the relevant area of the Cascade provision, or
- iii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iv. An essential functional need to live close to his or her work in the relevant area of the Cascade Provision

And priority shall be given to prospective occupiers in the order as set out above, provided that this is in accordance with the priorities set out in the Cascade Provision to ensure a prospective Occupier from the Parish shall take precedence over a prospective Occupier from an Adjoining Parish, as so forth through the categories contained within the Cascade Provision.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Rural affordable housing is considered acceptable when there is a genuine need for affordable housing in the area. A Rural Housing Needs Survey carried out in 2008 indicated that there was a potential need for 16 additional affordable houses in the parish of Lower Withington. The Strategic Housing Market Assessment confirmed that there was a need for about 110 new affordable homes between 2009/10 and 2013/14 in the Macclesfield Rural sub area, which Lower Withington falls within. This equates to 22 new affordable dwellings per year. The proposed development would clearly help in meeting the demand for affordable housing in the area.

The site is not considered to be a sustainable location for transport, however, this will inevitably be the case for many rural villages in Cheshire East, and does not change the position that there is a proven need for Affordable Housing. It could be argued that the development would assist in making the Village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

The scale, design and layout of the development is considered to be sympathetic to the local environment, and the proposal is not considered to raise any significant amenity issues.

The objection from Jodrell Bank Observatory is acknowledged, and has been carefully considered. On balance, it is considered that the need for affordable housing, the small scale nature of the development and the ability to shield the development to some extent by construction techniques outweigh the objection raised.

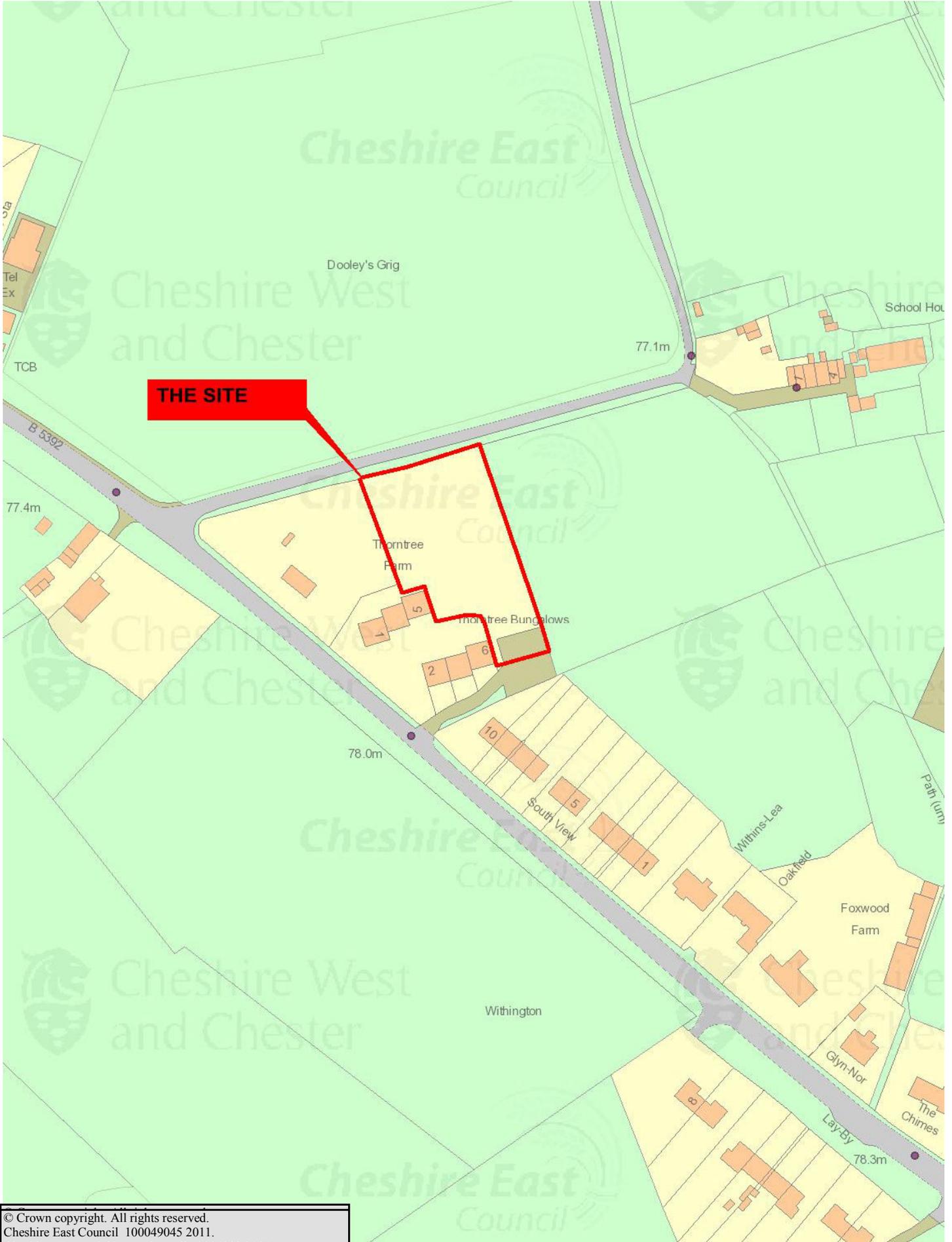
On the basis of the above information, a recommendation of approval is made, subject to a legal agreement, and the conditions set out below.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with revised plans (numbered)
3. Materials as application
4. Electromagnetic protection (Jodrell Bank)
5. Protection for breeding birds
6. Landscaping to include details of boundary treatment
7. Landscaping (implementation)
8. Construction specification/method statement
9. Pile Driving
10. Protection from noise during construction (hours of construction)

11. Removal of permitted development rights
12. Refuse storage facilities to be approved
13. Vehicular visibility at access (dimensions)
14. No gates - new access
15. Revised landscaping scheme
16. Retention of Oak tree and boundary hedge on Leach Lane, with the exception of the opening for vehicular access into the site
17. Details of any external lighting to be submitted, no directional lighting towards tree canopy or boundary hedge



Application No: 11/0268M

Location: FORMER YESTERDAYS NIGHTCLUB, HARDEN PARK, ALDERLEY EDGE, SK9 7QN

Proposal: EXTENSION, REFURBISHMENT AND ALTERATION OF THE FORMER YESTERDAYS NIGHT CLUB, HARDEN PARK, ALDERLEY EDGE TO CREATE A 68 BED HOTEL WITH GROUND FLOOR BISTRO AND SPA TOGETHER WITH ASSOCIATED CAR PARKING FOR 79 CAR PARKING SPACES, LANDSCAPING AND ASSOCIATED WORKS

Applicant: Towerbeg Ltd

Expiry Date: 07-Jul-2011

Date Report Prepared: 9 September 2011

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Compliance with Green Belt policy and are there any very special circumstances that would justify the inappropriate development
- Are there any material considerations which would outweigh the harm caused by reason of inappropriateness
- Ecological Impact
- Impact on residential amenity
- Highway safety and accessibility
- Design and layout
- Assessment of viability
- Sequential Assessment
- Flood Risk Assessment

REASON FOR REPORT

The proposal requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The site lies in the North Cheshire Green Belt and is located off a private road known as Harden Park. The site is within the buffer zone between Alderley Edge and Wilmslow and is located circa 300 m north of the village envelope of Alderley Edge and circa 500m south of Wilmslow. This access is shared by a small number of private dwellings. The County Hotel is located opposite. Ryleys School playing fields, where an all weather pitch is currently being

developed lies adjacent to the north. The grounds within which the buildings sit have become rather overgrown and the site is sloping away towards the rear by circa 3.5m. A lake is located within the grounds beyond which is the slightly elevated Wilmslow to Alderley Edge/ West Coast main railway line. The existing building on the site is an imposing Victorian villa that was formerly in use as a small hotel (circa 6/8 bedrooms with a basement nightclub, some outbuildings (mews style) that appear to have been used in connection with the former hotel use. Overall, gross internal floorspace is submitted as being 3000 sq m. The building itself is in a run down condition and has been vacant for a considerable period of time. The building lies in spacious grounds with a large garden areas to the north and west of the buildings. Mature woodland exists to the south and very good boundary screening exists along the north, west and southern boundaries. Several residential properties are located adjacent to the north and northeast boundary of the site; these properties have rear gardens that adjoin the site.

DETAILS OF PROPOSAL

The proposal involves the demolition of rear extensions and upper parts of the main hotel building, the removal of outbuildings and disused swimming pool to the rear of the existing hotel. This demolition work will facilitate the redevelopment of the building via the extension of the main frontage building incorporating an additional second floor, the erection of a 3 storey rear/side extension and external terrace to that building, and associated works within the grounds, including a replacement bat barn as mitigation for the loss of habitat within the roof of the hotel and a ramped access to an underground car park. Overall, the extensions and conversion works will contain 68 spa hotel bedrooms and supporting accommodation such as kitchen, dining room, bar, lobby, external terraces, a basement gym, pool, spa treatment rooms and an underground car park for circa 45 cars, surface level parking for 34 cars, a bat barn and pontoon by the pond.

RELEVANT HISTORY

The site has a long planning history, much of which is not relevant to the determination of this application

02/2741P Demolition and site clearance of existing buildings and erection of 18 no. Detached dwellings (outline planning) - Refused 02/04/2003

02/0340P Use Of Part Car Park And Erection Of A Portacabin For Office Use In Association With 24 Hour Taxi Business Refused 29/08/2002

17664P Extension To Hotel To Provide Luxury Suites - Planning permission granted 30/04/1979

POLICY

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; ; W1 Strengthening the Regional Economy; W7 Tourist Attractions; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during Construction and Development)

Policy 11 (Development and waste recycling)

Local Plan Policy

Relevant policies of the Local Plan include: NE11 relating to nature conservation; GC1 New build in the Green Belt; BE1 Design Guidance; RT13 Tourism; DC1 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

Other Material Considerations

National policy guidance set out in PPS1 Delivering Sustainable Development, Planning and Climate Change Supplement to PPS1; PPG2: Green Belts, PPS4: Planning for Sustainable Economic Growth, PPS9 Biodiversity and Geological Conservation, PPG13 Transport; the Good Practise Guide on Tourism (2006), are of most relevance to this development proposal.

Ministerial Statement March 2011 – Planning for Growth

Draft National Planning Policy Framework

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; 11/2005 Green Belt Direction and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive, the Conservation of Habitats Regulations and Species Regulations 2010, Wildlife and Countryside Act 1981

CONSULTATIONS (External to Planning)

Manchester Airport: No objection from the perspective of aerodrome safeguarding subject to conditions

Strategic Highways Manager: No highway objections subject to conditions. Has considered the framework Travel Plan submitted and considers it to be acceptable

Environment Health Officer : No objections subject to conditions

United Utilities: No objection subject to drainage being on a separate system

Cheshire East Visitor Economy : Offers general observations about the nature of tourism within Cheshire East. Generally supports the application since it will add to visitor facilities within the region.

OTHER REPRESENTATIONS

A very detailed letter of objection has been submitted by a Planning Consultant on behalf of the group of residents adjoining the site. The full submission can be viewed online. The objections are summarised as:

- The development is contrary to local plan policies and national guidance
- The proposal amounts to inappropriate development in the Green Belt and there are no very special circumstances
- It would be detrimental to the openness of the Green Belt contributing to its erosion, contrary to PPG2
- The site being circa approx 1km from the centre of Alderley Edge is an unsustainable location
- The use is a main town centre use which requires a sequential site selection. That undertaken is inadequate, only 3 sites in Wilmslow, Prestbury and Alderley Edge have been submitted and little evidence to justify why those 3 have been discounted
- The proposal is contrary to the advice of PPS4
- The creation of the jobs generated does not outweigh the harm caused

APPLICANT'S SUPPORTING INFORMATION

The application forms and plans are accompanied by a planning statement; transport statement; arboricultural statement; ecological surveys; design and access statement; a tourism report, landscape visual impact assessment and a development appraisal and viability report. These documents can all be viewed on the file online as background papers. The planning statement concludes:

The proposals:

- Are an inappropriate development but there are very special circumstances that justify the proposal
- Comprises a rear extension which is a modern design to compliment the existing building without competing with it and extends the existing building without being a pastiche
- The no of bedrooms is needed to provide the financial return necessary to make the scheme viable.
- Is a sustainable economic development set out in the Government's Supplement to PPS4 and they meet a significant need for tourism facilities in the locality; the site is accessible by a choice of means of transport.
- The scale of development is needed in viability terms – if not developed at the desired scale ' the site will simply be left to continue to decline and present a poor visual impact in the local area..' (P.50 Planning Statement)
- It is forecast to generate 66 jobs
- Will be very well screened within the landscape

These considerations are put forward to outweigh any harm to the Green Belt by reason of inappropriateness. The applicant considers significant weight should be given to the fact that the site is in a sustainable location and this will, in his opinion, bring forward sustainable economic development.

OFFICER APPRAISAL

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

In this case the development plan consists the saved policies of the North West of England Plan (Regional Spatial Strategy), the Cheshire structure Plan, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

Principle of Development and Policy

The site lies in the North Cheshire Green Belt. New buildings and materials changes in the use of land are strictly controlled within the Green Belt as advised in national guidance PPG2 and Local Plan policy GC1. The proposed development falls to be considered as inappropriate development in the Green Belt as defined by PPG2 and Local Plan policy GC1, as the proposal does not meet any of the exception criteria.

Inappropriate development is, the by definition, harmful to the Green Belt. There is a general presumption against inappropriate development in the Green Belt, and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.

Before assessing any considerations put forward by the Applicant as the 'very special circumstances' necessary to justify the development, it is important for Members to evaluate any additional harm arising for the proposed development by reason of its inappropriateness.

The proposed building would have a floorspace over 6 times greater than the existing building on the site, and would increase the amount of building from approximately 1000 sq m to over 6000 sq m.

The existing building has a maximum height of approx 10.6 metres at its highest point; the proposed extension to the roof will result in an extended frontage building that would have a maximum datum height approximately 2 metres higher than the existing building for the full frontage of circa 24 metres width. The proposed extension which would be to the side and rear and continue for a distance of circa 76 metres to the rear of the existing building and comprise basement car park, ground, external terraces and 2 upper floors of hotel rooms, however the footprint and bulk of the proposed building would be significantly greater than the existing building, and in real terms the height of the building would be greater due to the variation in ground levels away extending into the site, for instance the height of the extension is 14 metres.

In addition to the mass of the proposed building and the proposed extension it is also proposed to have a large basement area with a landscaped terrace above, as well as the formalised car park to the front of the building. The resultant development in terms of footprint, floorspace and mass would involve a significant erosion of openness of the site and would also dramatically alter the character and spacious setting of the site. Openness is the most important attribute of the Green Belt and therefore significant weight should be afforded to this loss of openness.

In terms of visual amenity from outside the site, the site benefits from very good mature screening from public vantage points in the wider landscape. Views of the development would therefore be reduced to glimpses through the trees and shrubs in the summertime but as the trees surrounding the site are generally deciduous, the scale/bulk/massing and incongruous design of this development would be visible from the wider area/ main road during the winter months. The Visual Impact Assessment submitted in support of this application was undertaken in the summer-time, no such similar assessment has been submitted in respect of the winter months, however, given the deciduous nature of the foliage within and surrounding the site, the harm to visual amenity from public vantage points is considered to be much greater in the winter months; and importantly given the increased bulk, scale, massing and site coverage of the extension even the glimpsed vantage points though tree belts would offer a noticeable reduction in openness of the site.

In order to justify the inappropriate development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness and any other harms outweighed by other considerations.

These are now considered below;

Design and site layout

Local Plan policies BE1, H2, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Attention is drawn to such matters as materials, height and mass. Guidance in PPS1 seeks to ensure that new developments take opportunities to enhance the characters and distinctiveness of places.

In design terms, the scheme has two distinct elements, these being the roof extension of the existing building to create an additional floor of accommodation and the side/rear extension.

The roof extension utilises the same design treatment as the existing building with dormers in the extended roof, utilises the same buff brick and slate roofing materials.

The proposed rear extension is a significant structure in its own right and is of a height, scale, length and mass that literally overwhelms the existing Victorian Villa. The design treatment is, in addition, a modern treatment, which utilises render, flats roof and curved walls and glazed balconies as well and timber cladding which has an uncomfortable juxtaposition with the traditional detailing of the existing building.

The sheer mass and scale of the proposed extensions to this building, which erodes the Victorian Villa character of the site and this, combined with the alteration of grounds levels and inappropriate, the incongruous and alien and excessively bulky design result in a building which is not considered to be sympathetic to the site, or the surroundings, and which is contrary to policies BE1, DC1 and national guidance in PPS1.

Policy EM18 of the RSS requires new development, including extensions, over 1000 sq m to secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated that it is not feasible or viable. The information submitted infers to a high energy efficiency of the proposed building, with solar panels, air source and ground source heat pumps, rainwater harvesting are amongst the green energy initiatives which are being evaluated by the Applicant with the potential for a BREAM rating of 'very good'. This is to be welcomed, but renewable energy requirements are not sufficiently addressed and therefore more information would be required in this respect.

Overall, it is considered the scheme fails to deliver design to a sufficient standard to comply with the design policy in the Plan or the policy as expressed in other material considerations.

PPS4 Sequential Assessment and Need for the scale of the Development

Hotels are listed as town centre uses in paragraph 7. Therefore the town centre policies in PPS4 are relevant to this application. The main thrust of PPS4 in relation to uses listed in paragraph 7 is that they should be located in town centres first. Then only if there are no suitable sites available, should edge of centre sites be considered. Out-of-town centre sites are the least sequentially preferable.

A PPS4 Sequential Assessment undertaken by the Applicant.

This is considered to be a weak sequential analysis that only looks at three sites in the local area. It is noted that a site in Wilmslow town centre and a site in Alderley Edge district centre and a none specified site in Prestury have been reviewed and discounted. This is as far as the Applicant's catchment area goes.

Whilst the outcome of the assessments on these sites is not disputed, the area of 'need' as submitted in the Sequential Assessment is stated to be within Cheshire. The demand generators for the hotel are spread out within a 28 mile radius of Alderley Edge. The applicant considers the local market to be within 15-20 minutes drive time (this would encompass Didsbury, other parts of South Manchester, Altrincham, Hazel Grove, Knutsford, Wilmslow, Congleton, Holmes Chapel, Sandbach and beyond). The catchment market that the proposed development would serve therefore covers large parts of north Cheshire and south Manchester. However, none of these areas have been sequentially assessed by the Applicant

The sequential analysis should also demonstrate flexibility in terms of scale, format and car parking provision. No such flexibility has been demonstrated.

Policy EC17 of PPS4 states that proposals for town centre uses not located in an existing town centre and not in accordance with an up to date development should be refused planning permission where (inter alia) the applicant has failed to demonstrate compliance with the sequential approach (as expressed within Policy EC15 of PPS4)

The need for an adequate and rigorous assessment is particularly important because a key issue, particularly in the light of recent Governmental advise; in determining the application is whether very special circumstances exist to clearly outweigh the harm to the Green Belt and any other harm to the Development Plan. That is to say, that if a local, over-riding need for the economic/tourist offer is identified, greater weight may be accorded to that need if the applicant could demonstrate that the need could not be met elsewhere at sequentially preferable sites. A more robust Sequential Assessment has not been forthcoming.

Ecology

The proposal involves significant works to the roof of the existing building, which involve the removal of the roof and the insertion of an upper floor.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:
- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range.

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

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

Local Plan Policy NE11 seeks to protect the interests of nature conservation.

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

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

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.” The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Council’s nature conservation officer has advised that two relatively common and widespread bat species have been confirmed as roosting within the former night club building. It also appears likely that a third uncommon bat species is present.

Two bat species are likely to be using the building in a transitory manner, however one species is thought to be using the building as a maternity roost. This roost must therefore be considered as being of significant nature conservation value.

In the absence of mitigation the proposed development would have a significant adverse impact on bats due to the loss of the roosts and the risk of killing or injuring any bats present when the works are undertaken.

The ecological report submitted in support of this application recommends the creation of a 'bat barn' within the grounds and the installation of bat boxes as a means of compensating for the loss of the roost. It also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are undertaken. A replacement bat barn is submitted, however, no details have been submitted. The information has been requested and will be the subject of an update to Committee.

Bats are a European protected species and as such the local planning authority has a statutory duty in the way it determines planning applications that may affect their habitat and resting place under the EC Habitats Directives.

In addition to being a material consideration regulation 9(5) the 2010 Habitats Regulations places an obligation upon planning authorities to give consideration to bats (and other European protected species) in the exercise of their functions. The recent 'Wooley' and 'Morge' judicial reviews have clarified the position of planning authorities in respect of this legislation.

In this instance, it is not considered that there is an over-riding public interest in favour of this development, given the number of contraventions of planning policy. On this basis, and following the 'Wooley' and 'Morge' clarification of the law, Natural England would not be able to grant a licence for derogation of the legislation in this instance and for this reason this application as a matter of law can only be refused planning permission.

In addition, other protected species (Great Crested Newts and Badgers) are noted within the Ecological Assessment as potentially being present and affected by the proposed development. The submitted ecological assessment recommends that further surveys are undertaken in respect of these species. In addition the Nature Conservation Officer has also requested a barn owl survey be undertaken. No surveys for these species have been submitted by the applicant and the presence/absence of these species each of which is an material consideration is unknown.

Accordingly, in addition to this scheme being unable to justify a Natural England Licence to effect works to the existing roost, there is insufficient supporting information with regard to Badgers, Great Crested Newts and Barn Owls. Great Crested Newts are a European protected species and their presence on site may require further consideration to be given to the Habitat Regulations.

Although not European protected species further information is also required to establish the presence of Badgers and Barn Owls, prior to granting any planning permission.

Landscape and trees

The landscape impact from public vantage points outside the site is limited due to the ground levels and good screening of the site with mature trees. An arboriculture statement has been submitted with the application and an assessment of this from the Council's officer for arboriculture has raised no objection to the loss of a considerable number of trees.

There are a considerable number of mature trees within the site and around the boundaries so apart from a partial view of the existing building from the A34 and Harden Park, within the landscape the site is very well screened during the summer months.

The boundary tree belts are deciduous and are not particularly deep (one row on the northern and southern boundaries and one or two rows on the eastern boundary plus some lower level lakeside vegetation). The development would involve the removal of internal trees and hedges, including a tall coniferous hedge between the site and the A34, so the large scale hotel building would be visible to some extent through the boundary trees during the winter, particularly during the late afternoon and evening when the hotel and the gardens were lit up.

The Assessment also fails to consider the visual impact of the development on the three residential properties immediately surrounding to the site – Harden Lodge, the Grange and Breeze. Occupiers of residential properties are considered highly sensitive receptors. The sheer scale, height and length of the extension to the rear, will dominate the landscape setting for the neighbours.

Harden Lodge is well screened by a wall, trees and evergreen shrubbery and the proposed development would be unlikely to have a visual impact on this property. The development would however have a significant visual impact on the Grange and to a lesser extent the adjoining property, Breeze (there is no boundary feature between their gardens). There is currently a single row of large, mature deciduous trees along the southern garden boundary of the Grange which would screen the development quite well (but not completely) when in full leaf. During the winter the three storey hotel would be visible from principal windows on the ground floor and the first floor of the Grange and from the patio and rear garden of the Grange and Breeze.

Highways

The Strategic Highways Manager has not raised objections to the proposal. Based on the technical assessment of the highways officer, the impact of the proposal on highway safety is considered to be acceptable.

In terms of public transport provision, bus services operate from Wilmslow town centre and the nearest railway station is at Alderley Edge within a reasonable walking distance (circa 800m away), with services to Wilmslow, Manchester, the local network and the west coast main line.

The site is therefore in a fairly accessible location to a choice of means of transport and accessible to a variety of services by foot in Alderley Edge. In addition, there is a weekday

half hourly bus service operating along Wilmslow Road to Macclesfield and Wilmslow and within easy walking distance of the site. The proposed car parking spaces are deemed to be appropriate for the site in highways terms based on the numbers of proposed hotel bedrooms and the spa, gym and fine dining facilities that are likely to be utilised by visitors who may not be staying at the proposed hotel. In accessibility terms the site is considered to be in a relatively sustainable location with a choice of means of transport being easily accessible to workers and visitors alike. However, it is also recognised that the likely target market for patrons of the proposed facility are unlikely to travel to this site by means other than the private car.

Residential amenity

The existing layout of the site includes a number of two storey outbuildings/ disused swimming pool which immediately adjoin the boundary with the most affected property to the north of the site. The proposed rear extension will be comprise 4 storeys overall including the basement car park, pool and spa/gym. The 2 upper floors will comprise a significant number of rooms overlooking the shared rear garden of the Breeze and 'The Grange'. The rear extension itself complies with distance standards set out in policy DC38 and sufficient separation distance exists with the rear elevations of those properties, such that there would be no detrimental loss of light. However, the mass of the proposed structure is close to the boundary of the property and its immediate neighbour. This is considered to have a significantly detrimental impact to the outlook from those properties and importantly increase their sense of enclosure from and would result in a harmful injury to amenity. The impact on the immediate neighbour 'The Grange' is considered to be particularly deleterious in terms of over-bearingness and loss of outlook. Whilst there is mature boundary landscaping to the effected boundary within 'The Grange' this is unlikely to be effective during the winter months. Noise and disturbance from the ramped basement car park access and hotel service area which is immediately adjoining the boundary must also be considered, whilst the lawful use of the property is as a nightclub and the scheme involves the removal of a number of outbuildings away from the boundary, no noise survey data is available that would demonstrate that the activities within the proposed service yard for a building of this scale will not introduce an overly intensive and noisy series of activities to the rear area. In terms of privacy, it is considered that there would not be any undue degree of overlooking from the building due to the angle between the buildings and existing private amenity space. However, for the reasons outlined it is considered that there would be a significant loss of residential amenity as a result of the rear extension contrary to policy DC3 of the Local Plan.

Flood Risk Assessment

Information submitted by the Applicant indicates that a Flood Risk Assessment has been undertaken, however, none has been received. On this basis, insufficient information has been submitted. Without adequate information this must be an additional reason to refuse this application.

REQUIRED HEADS OF TERMS

No draft heads of terms have been submitted with the application. However, the transport statement does supply a draft framework document for a travel plan if approved the proposal would require a legal agreement for the operation of a travel plan :

- Travel plan and monitoring costs

CONCLUSIONS AND REASON(S) FOR THE DECISION

There are benefits, namely the contribution to tourism, the re-use of a derelict site within a reasonably accessible location and the economic benefits that would be generated as a result of this proposal.

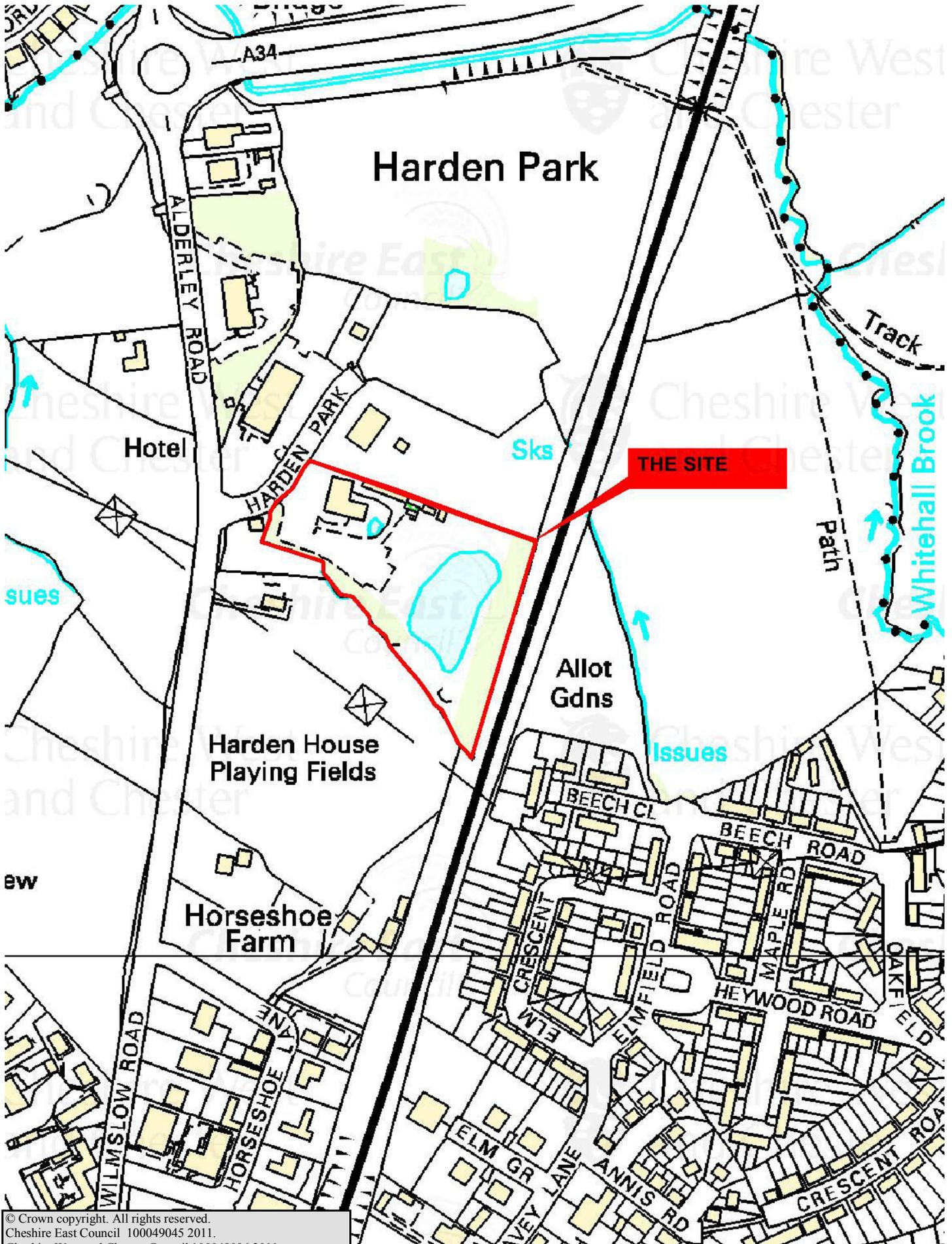
However, the proposal is inappropriate development in the Green Belt and as such very special circumstances must be demonstrated to justify the development. Very special circumstances will only exist if the harm by reason of inappropriate development and any other harm is clearly outweighed by other considerations in favour of the proposals. The additional harm identified that would result from the development is significant in terms of loss of openness, harm to the character and appearance of the site, poor design, harm to and insufficient information in respect of impact on European Protected Species and other species protected under the Wildlife and Countryside Act,. The proposed development would be contrary to policies GC1, DC1, DC3, RT13, S2, BE1 and NE11 of the Macclesfield Borough Local Plan and policies DP1, DP2, DP5, DP7, DP9, RT2, RT9 and EM1 of the Regional Spatial Strategy. The proposal has not be adequately assessed in terms of the sequential assessment. As such the application is recommended for refusal.

If Members were minded to approve this application, they are reminded that under the terms of the Green Belt Direction 2005, the application would need to be referred to the Secretary of State.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Contrary to Local Plan policies
2. Insufficient ecological information
3. Development unneighbourly
4. Insufficient information on Flood Risk
5. Adverse impact upon nature conservation interests
6. Inappropriate development in the Green Belt
7. Inadequate sequential assessment



Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/4283M	Holford House, Mossways Park, Mobberley, SK9 5PA	DEMOLITION OF HOLFORD HOUSE AND THE ERECTION OF A REPLACEMENT DWELLING, ALONG WITH THE RELOCATION OF TWO EXISTING PARK HOMES	Northern Committee	n/a	Refuse	Allowed 30/06/2011 Partial Costs awarded against Council
10/4213M	1- 3, ALBERT ROAD, BOLLINGTON, SK10 5HS	1 NO INTERNALLY ILLUMINATED FREE- STANDING DOUBLE-SIDED DISPLAY UNIT	delegated	n/a	refuse	Dismissed 1/7/11
10/2206M	CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ	CHANGE OF USE TO CHURCH (D1)- LBC		n/a	Not determined	Allowed 13/7/11
10/3535M	CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ	CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS	Northern Committee	n/a	refuse	Allowed 13/7/11

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