

Northern Planning Committee

Agenda

Date: Wednesday, 25th July, 2012
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 absence.

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

To provide the opportunity for Members and Officers to declare any personal and/or prejudicial interests and/or any disclosable pecuniary 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 of the meeting held on 4 July 2012 as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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. **12/0410C-Residential Development Off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park, Land off Brook Street, Congleton, Cheshire for Mrs Nichola Burns, Morris Homes Ltd (Pages 7 - 22)**

To consider the above application.

6. **12/1513M-Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the associated use of land for the keeping of horses, Birtles Bowl Pavillion, Birtles Lane, Over Alderley for Mr & Mrs C Harris (Pages 23 - 36)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 4th July, 2012 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, K Edwards, H Gaddum, L Jeuda, D Mahon
and D Neilson

OFFICERS IN ATTENDANCE

Mrs A Berry (Senior Planning Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr C Hudson (Principal Forestry and Arboricultural Officer), Mr N Jones (Principal Development Officer), Mr M Lomas (Planning Officer), Mr B Vass (Cheshire East Rural Housing Enabler) and Mr P Wakefield, (Principal Planning Officer)

17 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B Burkill, Mrs A Harewood, O Hunter, W J Macrae, P Raynes and D Stockton.

18 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor H Gaddum declared a Pre determination in respect of application 12/1485M-Demolition of Existing Garages and Erection of Four New Three Bedroom 5 Person 2 Storey Houses, Adjacent No. 16 Bell Avenue, Sutton for Peaks & Plains Housing Trust and in accordance with the Code of Conduct she exercised her right to speak as Ward Councillor and then left the room prior to consideration of the application.

Councillor R West declared a personal and prejudicial interest in the same application by virtue of the fact that he was a Board Member on Peaks and Plains who were also the applicants and in accordance with the Code of Conduct he left the meeting prior to consideration of the application.

Mr P Hooley, an Officer declared a personal and prejudicial interest in the same application by virtue of the fact that he was a Governor at the School who were objecting to the application. In addition as he lived in the locality he knew many of the people objecting to the application and in accordance with the Code of Conduct he left the meeting prior to consideration of the application.

Councillor H Gaddum declared a personal interest in application 12/1833M-External Chimney Stack to side Elevation, 23 Ashford Road,

Wilmslow for Councillor Wesley Fitzgerald by virtue of the fact that she had served in the Cabinet when the applicant had been Leader of the Council and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillor R West declared a personal and prejudicial interest in the same application by virtue of the fact that in his role as Mayor he had attended a number of ceremonies with the applicant and in accordance with the Code of Conduct he left the room prior to consideration of the application.

19 MINUTES OF THE MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to the resolution under minute No.14 (a) being amended to say 'Section 106 Obligation' rather than 'Section 106 Agreement'.

20 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

21 12/1144M-THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/ DAYROOMS ANCILLARY TO THAT USE, LAND LYING TO THE NORTH WEST OF MOOR LANE, MOOR LANE, WILMSLOW FOR MR JOHN ALLAN

Consideration was given to the above application.

(Councillor G Barton, the Ward Councillor, Councillor W Fitzgerald, the Ward Councillor and Mr Sleigh, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, that the application be refused for the following reasons:-

1. Insufficient ecological and tree information
2. Inappropriate development in the Green Belt and harm to openness

(Prior to consideration of the following application, Councillor R West vacated the Chair and Councillor B Livesley took over the role of Chairman for that application).

22 12/1485M-DEMOLITION OF EXISTING GARAGES AND ERECTION OF FOUR NEW THREE BEDROOM 5 PERSON 2 STOREY HOUSES, ADJACENT NO. 16 BELL AVENUE, SUTTON FOR PEAKS & PLAINS HOUSING TRUST

(During consideration of the application, Councillor D Neilson left the meeting and did not return).

Consideration was given to the above application.

(Councillor H Gaddum, the Ward Councillor, Parish Councillor Mrs Lewis, the Chairman of Sutton Parish Council, Hilary Evans, a representative of Bell Avenue Residents Action Group, Peter Yates, an objector, Christine Eyre, an objector and Sue Kilby, Representing the Applicant attended the meeting and spoke in respect of the application.

RESOLVED

That the application be deferred to a future meeting of the Northern Planning Committee for the following reasons:-

- (1) To allow a full assessment of the noise levels within the site,
- (2) To receive further comments from Highways,
- (3) For further information on the proposed cascade provision
- (4) For further consideration to the Planning policies including the ones referred to by the objector in his speech.

(Note: That the Officers original recommendation was one of approval which was then amended to one of deferral).

(The meeting was adjourned at 3.35pm and reconvened at 3.45pm).

(Prior to consideration of the following application, Councillor B Livesley vacated the Chair and Councillor R West returned to the meeting and retook Chairmanship of the meeting).

23 12/1822C-PROPOSED NEW DETACHED DWELLING WITH DETACHED GARAGE AND ASSOCIATED SOFT LANDSCAPE WORKS, HEATHFIELD, BLACKDEN LANE, GOOSTREY, CREWE FOR MR & MRS D KENNEALLY

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor and Mr Derry Kenneally, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Officers update to Committee, that the application be approved subject to the following conditions:-

1. Standard 3 years
2. Approved plans
3. All external materials of dwelling and garage to be submitted and approved in writing by the LPA
4. Landscaping and tree protection to be implemented in accordance with Barnes Walker plan M2051.01
5. Boundary details to be submitted to and approved in writing by the LPA
6. Surfacing Materials to be submitted to and approved in writing by the LPA
7. Demolition of existing dwellinghouse within 1 month of the first occupation of the dwellinghouse
8. Submission and implementation of a scheme of electromagnetic screening measures
9. Construction hours limited to Monday – Friday 08:00 – 18:00, Saturdays 08:00 – 13:00, and not at all on Sundays or Bank Holidays
10. Recommendations of the Ecological Report to be implemented

24 12/1223M-DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NO. NEW DWELLINGS (RESUBMISSION), MEADOW HEY, BOLLIN HILL, PRESTBURY MACCLESFIELD FOR MS S WAUGH, THE ESTATE OF MRS JESSIE CHRISTIE

(Prior to consideration of the application, Councillor P Findlow declared a personal interest in the application by virtue of the fact that he lived in close proximity to the development site and in accordance with the Code of Conduct he exercised his right to speak as Ward Councillor and then decided to leave the meeting prior to consideration of the application).

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Parish Councillor Mrs Jackson, representing Prestbury Parish Council and Mr Reeve, an objector, attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the update report, that the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Submission of samples of building materials
3. Obscure glazing requirement

4. Protection from noise during construction (hours of construction)
5. Construction of access
6. Closure of access
7. Protection for breeding birds
8. Landscaping - submission of details
9. Submission of additional landscape details
10. Landscaping to include details of boundary treatment
11. Landscaping (implementation)
12. Development in accord with approved plans
13. Restriction on Hours of Pile Driving
14. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement ref: CW/CW/6519-AS1 and Tree Protection Drawing numbered CW/6519-P-DP-1 dated 19th June 2012.
15. The development shall be undertaken in strict accordance with the mitigation measures outlined within the surveys titled 'Badger Survey' dated February 2010, 'Protected Species Survey' dated June 2010 and amended September 2010, and 'Bat Survey' dated 2010.

25 12/1513M-PROPOSED DEMOLITION OF PAVILLION AND STORE AND CONSTRUCTION OF STABLES, MANEGE AND HORSE WALKER AND THE ASSOCIATED USE OF LAND FOR THE KEEPING OF HORSES, BIRTLES BOWL PAVILLION, BIRTLES LANE, OVER ALDERLEY FOR MR & MRS C HARRIS

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor and Mrs Harris, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the development on the surrounding countryside.

(Note: This decision was against the Officers recommendation of refusal).

(Prior to consideration of the following application, Councillor R West vacated the Chair and Councillor B Livesley took over the role of Chairman for that application).

26 12/1833M-EXTERNAL CHIMNEY STACK TO SIDE ELEVATION, 23 ASHFORD ROAD, WILMSLOW FOR COUNCILLOR WESLEY FITZGERALD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report, that the application be approved subject to the following conditions:-

1. Development in accord with approved plans
2. Commencement of development (3 years)

(Prior to consideration of the following application, Councillor B Livesley vacated the Chair and Councillor R West returned to the meeting and retook Chairmanship of the meeting).

27 TREE PRESERVATION ORDER-FORD HOUSE, PRESTBURY

The Committee considered a report regarding the above Tree Preservation Order.

(Parish Councillor Mrs Marilyn Leather representing Prestbury Parish Council and Thelma Jackson, representing Prestbury Amenity Society attended the meeting and spoke in respect of the application).

RESOLVED

That, for the reasons set out in the report, the Tree Preservation Order at Ford House, Prestbury SK10 4DG without modification.

The meeting commenced at 2.00 pm and concluded at 6.00 pm

Councillor R West (Chairman)

Application No: 12/0410C

Location: LAND OFF BROOK STREET / MILL STREET, CONGLETON,
CHESHIRE

Proposal: Residential Development Off Brook Street, Congleton for 54 no.
Residential Dwellings With Public Open Space And A New Footbridge
Crossing Over River Dane To Congleton Park

Applicant: Mrs Nichola Burns, Morris Homes Ltd

Expiry Date: 08-May-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Land Supply
- c) Loss of Employment Land
- d) Affordable Housing
- e) Viability and Deliverability
- f) Design & Layout
- g) Highways
- h) Drainage and Flood Risk
- i) Trees and Landscaping
- j) Ecology
- k) Public Open Space Provision
- l) Residential Amenity
- m) Environmental Health Considerations

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a major development.

2. DESCRIPTION AND SITE CONTEXT

The application site is located within Buglawton, in close proximity to the Congleton town centre. The site comprises 2.34 ha of largely previously developed land. Dane-in-Shaw Brook runs along the northern boundary of the site before merging with the River Dane, which travels along the western boundary of the site.

The site contains approximately 6800m² of vacant industrial floorspace split between six units varying in size. Two buildings account for the majority of this floorspace. Whilst the buildings and site appear to have been reasonably well maintained, they are showing signs of age having been constructed in the years between 1950 and 1975.

The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook. However, there are a number of ornamental trees in the southern half of the site adjacent to buildings and along the site boundary to Brook Street.

Pedestrian and vehicular access to the site can be gained from either Brook Street, via an access off Bridge Row, or from a smaller access off Mill Street in the northeastern corner of the site.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do however exist on the site's immediate eastern boundary along Bridge and Mill Street.

Due to the sites proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 1, 2 and 3 and has been known to flood (the last event having occurred in 1998).

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 54 dwellings with public open space, and a new footbridge crossing over the River Dane to Congleton Park.

4. RELEVANT HISTORY

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2nd February 2011)

5. POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping

GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Regional Spatial Strategy

- 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'
- W1 'Strengthening the Regional Economy'
- W3 'Supply of Employment Land'
- W4 'Release of Allocated Employment Land'
- L4 'Regional Housing Provision'

Other Material Considerations

Interim Policy on the Release of Housing Land
Interim Planning Statement on Affordable Housing
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

Highways:

No objection - The impact of traffic from the development onto the A54 via the new junction that is proposed for the residential area is negligible when considered against the potential generation from the existing use-class.

The potential traffic generation of the existing use is greater than the traffic generation calculated for the proposed development. It is also reasonable to consider that the reduction in heavy commercial vehicle generation is also considered to offer betterment on the local highway network.

The proposed junction design for the residential development would provide; geometry, visibility and kerb radii to be served at standard from the A54 Brook Street and as an alternative to the access serving the existing site and use-class from Bridge Row. This will offer significant betterment in terms of traffic generation and turning movements.

The proposed development would be acceptable in highways terms subject to conditions and subject to a S106 Agreement comprising of financial contributions of £20,000 towards improvements to local sustainable links including existing footways and £24,000 for the improvement of local bus stops.

Green Spaces:

Following the identification of an additional playground within the vicinity of the development site, which was not taken into account on the outline application observations, and a reduction in the number of dwellings there has been found to be a surplus in the quantity of provision for Children and Young Person's Provision. However, a qualitative deficit has been identified giving the opportunity to enhance and upgrade facilities in Congleton Park to increase its capacity and cater for a wider range of age groups including teenage provision. The financial contributions sought from the developer are;

Enhanced Provision: £ 16,024.75

Maintenance: £ 52,237.50

If the development were to be granted planning permission, there would be a surplus in the quantity of Children's and provision, having regard to the local standards set out in the Council's Open Space Study/Council's adopted local standards.

The response identified a surplus of amenity Greenspace within the area and advised that the provision of on-site Greenspace was therefore unnecessary. However, they also noted that the proposed POS formed an important part of the strategy to ensure flood protection for the site.

Education:

No contribution is required as there is sufficient provision to accommodate the 9 primary and 7 secondary aged pupils generated from the proposed development.

Archaeology:

No objection – Whilst the previous application required archaeological mitigation, the present application area does not include the land between the Dane in Shaw Brook and the Dane. This contains the Washford Mill, which formed the main interest on the site. Consequently, the main justification for the proposed archaeological mitigation does not apply to the present application and no further work is advised.

United Utilities:

United Utilities have not raised any objection to the proposed development provided that the site is drained on a separate system with only foul drainage connected to the main sewer. UU also

noted that existing sewers run across the site which would need to be either diverted or protected by a 6m easement. They advise that if the applicants intend to use Sustainable Urban Drainage Systems to drain the site, further discussions would be needed with UU, the applicants and the Councils drainage engineer.

Environment Agency:

No objection to the development subject to the imposition of conditions. They advise that they are satisfied that the applicants have successfully demonstrated the site can be given an adequate level of protection from fluvial flood risk associated with the River Dane and Dane-in-Shaw Brook.

NATURAL ENGLAND:

No objection, but advise that consideration should be given to the incorporation of features within the scheme which are beneficial to biodiversity.

Friends of Congleton Park:

As part of any planning approval there will be a requirement for the developer to contribute Section 106 funding / Community Infrastructure Levy. Due to the close proximity to Congleton Park of the proposed development, the provision of a direct link from this to the park via a new footbridge, the nature of the dwellings looking to be built which will attract families who need an opportunity to enjoy further the attractions of the park and the fact that quite understandably the removal of a small unsuitable play area from the scheme, we hope that Cheshire East Council when considering Section 106 / Community Infrastructure Levy will favourably support our proposal to use this funding mechanism to develop extra leisure provision in Congleton Park.

7. VIEWS OF CONGLETON TOWN COUNCIL

No objection

8. OTHER REPRESENTATIONS

Letters from 2 neighbouring properties and a small petition signed by 9 residents have been submitted. The concerns expressed are as follows:

- The junction of Bridge Row, Brook Street and Buxton Road is very dangerous
- The road system won't cope with the extra traffic
- Parking for the residents on Bridge Row is already limited
- Proposal may add to bin storage issues on Bridge Row
- Proximity of development to properties on Bridge Row
- Plots 48 – 52 and the development should not be allowed access onto Bridge Row
- Amenities of Bridge Row will be affected
- These properties are susceptible to flooding. The levels and the road leading up to parking on Bridge Row may make this worse

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Ecological Assessment
Tree Survey / Landscape Assessment

Noise Impact Assessment
Affordable Housing Statement
Transport statement
Air Quality Assessment
Drainage Assessment and Flood Risk Assessment (FRA)
Phase II Ground Investigation Report
Viability Assessment

10. OFFICER APPRAISAL

Principle of Development

The principle of residential development on the site has been accepted previously by the council's resolution to approve an outline application for 'residential development, close care/retirement units and care home with access' (planning ref; 08/1236/OUT). This application is a full application and seeks approval for the residential development only.

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. The applicants must address a host of other issues including demonstrating that the development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

The proposals seek to utilise previously developed land, inside the settlement zone and in close proximity to Congleton town centre which offers a good range of shops and services and transport links. On that basis, the application would perform well when assessed against policies DP2 and DP4 of RSS which seek to foster sustainable communities and prioritise re-use of previously developed land within settlements.

This guidance is further supported in para 14 of the recent National Planning Policy Framework (NPPF) which states that at the heart of the framework is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, local planning authorities should have a clear understanding of housing needs in their area. This should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability.

The SHLAA has put forward a figure of 3.9 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5%. This buffer increases to 20% where there has been a record of persistent under delivery of housing. In Cheshire East, there has been an under supply of housing for some time. Consequently, there is still and clearly established need for housing within the Borough and the delivery of this site would assist in relieving the undersupply that currently exists.

Loss of Employment Land

The general thrust of policy E10 is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer financially viable or that its redevelopment would offer substantial planning benefit.

The applicant's previously advised that the remaining buildings are no longer viable for continued economic use with rental income failing to deliver an acceptable level of return when measured against on-going maintenance costs. They argued that their only remaining options, after the current short term tenancies expire, would be to struggle to let the buildings at a rental of 50p to £1 per square foot (purely to avoid having to pay empty rates) or demolish the buildings and clear the site. They consider that redevelopment of the site is acceptable because the buildings are no longer suitable for use and that the scheme offers substantial planning benefits such as removal of poor quality employment space, new employment generation from a care home, improvements to flood risk and removal of HGV movements.

More broadly, the applicant's argued that the borough has more than sufficient employment land supply and large amounts of existing floorspace currently vacant suggesting over-supply, lack of demand or both. At the Councils request, in order to determine whether the site could be redeveloped viably with new employment space, the applicants also submitted a detailed viability appraisal covering a range of development scenarios.

The report concluded that none of the employment development scenarios were viable producing largely negative or unviable returns ranging from - 19% to - 43% producing a maximum profit of only 4%. The applicants have showed that the current scheme would deliver a viable profit level of 20% and that the scheme is therefore deliverable in terms of the NPPF; an important consideration.

It has already been accepted that in general terms, the site is a potentially attractive residential site but has poor access for the present employment uses. Furthermore, the sites current condition, as well as that of the several large industrial warehouse units, is relatively poor and currently stands vacant.

In terms of the current buildings, the evidence presented by the applicants has demonstrated that the buildings are reaching the end of their useful economic life. Whilst such buildings can play an important role in providing low cost employment space, the units are likely to prove

difficult to re-let and require major renovation which has been proven to be unviable. As such, left in their current state, the likelihood is that they will continue to deteriorate or be demolished by the owners, neither of which is an acceptable proposition.

The assessment of the sites itself also serves to demonstrate that it would highly unlikely to be redeveloped for new employment uses. The viability assessment demonstrates redevelopment of the site solely for B1 office accommodation is unviable and that even when a significant amount of residential development is included to provide cross subsidy, the scheme still only demonstrates marginal viability.

It must also be noted that the site is in its present form represents inefficient use of land, with approximately half the site cleared and vacant. The fact that the buildings have reached the end of their useful economic life, and refurbishment or redevelopment has been proven unviable, mean that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 have thus been satisfied.

Affordable Housing

Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing with a tenure split of 65% social rent, 35% intermediate tenure usually sought. This equates to a requirement of 16 units of affordable housing split as 10 social rent and 6 intermediate tenure. The application includes an undertaking for the provision of 54 homes within the site of which only 20% (11 units) would be affordable. The tenure split being offered is 55% social rent and 45% intermediate tenure housing with a mixture of 2 and 3 bed homes.

The Housing Manager has stated that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 5 units short of the 16 required. However, the Housing Manager has stated that they would be satisfied with this level of provision provided that there are genuine viability issues.

Viability and Deliverability

The applicants state that the site is subject to a number of abnormal costs and as such, the application is subject to a financial viability appraisal. The abnormal costs identified within the financial viability report are surface water drainage, road abnormal, bridge to Congleton Park, site clearance, retaining walls, foundations, remediation and demolition, Japanese Knotweed, renewable energy, acoustic works.

Whilst it is clearly unfortunate that a higher level of affordable provision cannot be secured in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision.

Furthermore, the guidance contained within 'Planning for Growth' and the recently adopted National Planning Policy Framework (para 173) makes it clear that Councils will be expected to

consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The report submitted to support the applicant’s case was prepared on behalf of DTZ. The report reaches the conclusion that the site abnormal costs and the assumed Gross Development Value would be such that in order to achieve a 20% increase over and above the existing use value, they can only realistically provide 20% affordable provision to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed housing. On the whole the figures contained within the Viability Report are considered to be robust and are accepted.

This figure reflects the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Without such reduction, pressure would be placed on other contributions and positive planning benefits such as the provision of the footbridge lining the development and wider area to Congleton Park. This would be to the detriment of the viability and deliverability of the scheme.

Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Design & Layout

The proposed layout offers an attractive layout focusing on an area of public open space which, whilst acting also acting flood protection zones, would provide an attractive focal point for the site allowing views and pedestrian access across the river and towards Congleton Park.

The applicants have agreed to provide a footbridge, to connect the site to Congleton Park. In this respect, it is seen as an important feature to enhance pedestrian and cycle connections through the area more generally whilst providing access for the residents of the proposed dwellings to Congleton Park.

In general terms, this proposed layout would encourage views to terminate on active frontages and would reduce the need for long stretches of blank boundary walls except on the private side of the development.

Notwithstanding the mews properties, which would be locate towards the northeast of the site, the houses types would vary in terms of their architectural detail but would all be of a similar character and style. The units positioned towards the western portion of the site would be larger detached units to help assist with the transition with the areas of open space and views across to Congleton Park to the west.

Overall, the proposed development would complete the development of this part of Congleton, and as the surrounding development is mixed in terms of its design and style. The proposal would not materially harm the character or appearance of the area and would be acceptable as viewed from the adjacent Dane in Shaw Brook.

Subject to the use of good quality materials, and high quality boundary treatments, which could be secured by condition, the proposed development would not materially harm the character or appearance of the area and would be acceptable in design terms. The scheme is therefore deemed to comply with local plan policy GR2.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

The application has been assessed in terms of its impact on the highway network in terms of safety and capacity. The Strategic Highways Manager (SHM) has advised that the difference in traffic flows between the proposed development when measured against the existing use class of the site is negligible and that much of the proposed traffic generation is mitigated by the removal of potential heavy commercial vehicles. He is satisfied that the proposed access directly onto Brook Street offers significant betterment in terms of traffic generation and turning movement over the existing site access from Bridge Row. This will also benefit existing residents along Bridge Row in terms of removal of HGV and car movements.

The SHM has requested an additional sum to improve local sustainable links including footways and bus services (including 2 no. local bus stops) which should be secured within the S106 Agreement. The developer has agreed to pay financial contributions of £44,000 towards these improvements (£20,000 to improve sustainable links and £24,000 towards local bus stop provision).

With respect to parking provision, 86 spaces are proposed (excluding garaging) this equates to 200% for the 3-4 bed properties and 150% for the 2 bed properties. This is considered to be sufficient off-street parking provision within the development site to accommodate the parking requirements of the proposed new dwellings. It should also be noted that whilst the residents of Bridge Row are concerned that the occupants of plots 48 – 52 may park on Bridge Row, the local planning authority cannot control or enforce against parking on public highway. The development would provide sufficient parking within the site to prevent the need and to discourage residents from parking on Bridge Row. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Drainage and Flood Risk

Because the site lies directly adjacent to the River Dane and Dane-in Shaw Brook, it has been known to flood; the last event having occurred in October 1998. As a result, the site is categorised to varying degrees within flood zones 2 and 3a (3a being categorised as active floodplain as thus most severe).

The applicants propose a number of methods for tackling flood risk which, for the most part, comprises significant cut and fill operations to alter site levels. Site levels would be cut adjacent to the river thus reducing levels and increasing flood capacity while other areas of the site would be filled to increase their height in order to manage flood risk. Areas with reduced height would then be used to form public open space and provide additional flood capacity to compensate for the areas where fill operations had been undertaken. This is a perfectly acceptable approach although it means that the Greenspace Section will not adopt these areas for management. Other methods involve raised floor levels and footways which would also be designed to channel any overland flow back to the rivers.

Following a detailed assessment of the scheme, the Environment Agency have confirmed that they are satisfied that the applicants have successfully demonstrated an adequate level of protection from fluvial flooding from the River Dane and Dane-in- Shaw for the scheme subject to conditions. On the basis of this advice, the applicants have addressed the requirements of paragraph 94 of the NPPF.

Whilst an objection was received expressing concern about the structural integrity of the riverbank and erosion, the Environment Agency, the responsible body for such matters, have raised no concerns about the proposed development in this respect. United Utilities have not objected to the application provided that the site is drained on separate system.

Trees and Landscaping

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. There are belts of trees along the watercourses and around the boundaries of the site and ornamental trees within the site. The existing tree cover includes some high quality Grade A specimens and trees of nature conservation value.

In landscape terms, the proposed layout appears to have a reasonable relationship with the river Dane and Dane in Shaw Brook. The provision of pedestrian access throughout the site, with the footbridge linkage to Congleton Park is a key benefit of the scheme.

The report notes that whilst the ornamental trees are attractive and generally have good form, they would be difficult to retain due their proximity to buildings for demolition and requirement to break out hard surfacing more generally across the site. It goes on to advise that river line trees contribute most to the local environment and that these will need to be afforded greatest protection during construction.

Following an assessment of the tree survey, the Senior Landscape Officer agrees with the view that trees lining the river and brook be afforded the greatest consideration as part of the redevelopment of the site but expresses some reservations over the ability to assess the impact of cut and fill operations on protected trees and the loss of some Grade A and B specimens.

However, officers are satisfied that the majority of trees along the river line fall outside the boundary of the cut and fill works thereby ensuring any impact is kept to a minimum and that those trees to be lost would not be significant enough to warrant a refusal of permission given that they are not protected. The applicant's agent has confirmed that the cut and fill design undertaken in conjunction with the Arborist in order to minimise the potential impact. As an

additional safeguard, many trees also fall within an 8m bank top zone where development is generally restricted.

Officers are therefore satisfied that, subject to conditions which secure a detailed scheme for tree protection measures, the impacts from the development can be minimised and requirements of policy NR1 addressed.

Ecology

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

Bats

The initial submitted ecological assessment stated that there are no trees present on site with potential to support roosting bats. There is however, a tree on the edge of the River Dane in close proximity to the proposed bridge that has potential to support roosting bats. Having communicated this with the agent, updated information has been received and this has been verified by the Council's Nature Conservation Officer. He is satisfied that the development will not harm bats but recommends that features for bats are incorporated into the development. In addition there should be no illumination of trees or boundary features that could be used by foraging commuting bats. Proposed lighting should therefore be low level and directional. This also should be made the subject of a condition if consent is granted.

Water Vole

The initial survey was undertaken during an inappropriate time of year to determine the presence/absence of this species and also concern was raised about the impact that the proposed pedestrian footbridge would have on this species. Old evidence of this species was recorded during the 2008 ecological assessment undertaken at this site. In response, the agent has carried out further survey work. The submitted ecological assessment states that an 8m underdeveloped buffer zone will be provided along the watercourses. It is advised that this would be adequate to safeguard any water voles present. The provision of this buffer zone should be made a condition if consent is granted.

Breeding Birds

The boundary features associated with the site have the potential to support breeding birds. As such, conditions requiring surveys to be undertaken are recommended if development is to be carried out during the bird breeding and nesting season. Features for breeding birds (including house sparrow) should be incorporated into the development and should be secured by condition.

Non-native invasive plant species

Two non native invasive plant species, Japanese Knotweed and Himalayan Balsam are present on site. It is recommended that if planning consent is granted a planning condition is attached requiring the submission of a method statement detailing proposals for the eradication of these two species.

Subject to these recommendations being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Public Open Space Provision

The Greenspaces section have confirmed that the site has access to a sufficient level of amenity Greenspace but that the upgrade of the existing play equipment at Congleton Park is required as well as a financial contribution towards its future maintenance. The contributions sought are; £16,024.75 for enhanced provision and £52,237 for future maintenance, both of which can be secured as part of the S106 Agreement.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties (including those on Bridge Row), the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the northeast, located on Bridge Row.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. There are ground floor windows proposed within the south-eastern side elevations facing the opposite dwellings which would be only 15 metres away and as such it is recommended that these be obscured. Elsewhere, there would be no significant overshadowing, direct overlooking or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Environmental Health Considerations

Noise

The sites location within a mixed-use area directly adjacent to a main road necessitated submission of a detailed noise assessment. The survey concluded that the dominant noise source was road traffic noise, as opposed to industrial, and that noise levels fell into PPG24 Noise Exposure Category B where planning permission can be granted provided steps are taken to ensure an adequate level of protection against noise. These include the provision of a noise attenuation measures for the 2 most sensitive units (i.e. plots 1 and 54 directly fronting Brook Street). These measures would include a 1.8 metre high fence around the private amenity space and the provision of thicker glazing. On that basis, Environmental Health have confirmed that they have no objection to the proposed development subject to conditions securing such noise mitigation.

Contamination

The application was accompanied by a Phase 1 Desk Top Study. Environmental Health has confirmed that they have no objection to the proposed development subject to the imposition of a suitably worded contaminated land condition. It is therefore considered that the proposed development has satisfied requirements of local plan policies GR7 and GR8.

Air Quality

Due to the potential for dust emissions during demolition works, Environmental Health have requested a condition be imposed on any permission to secure an Environmental Management Plan to include details of a dust mitigation strategy to control emissions. This can be secured by

a suitably worded condition thereby satisfying the requirements of policies GR7 and GR8 of the local plan.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of residential development has already been accepted on the site. The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use because the buildings have realistically reached the end of their useful economic life.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION:

Grant approval subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below and subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

- a) Provision of 20% affordable housing, with a tenure split of 55% social rent and 45% intermediate tenure
- b) Financial contribution of £24,000 towards the provision of two quality partnership standard bus stops;
- c) Financial contribution of £20,000 towards improvements to local sustainable links including existing footways;
- d) Provision of a financial contribution of £16,024.75 towards enhancement of Children and Young Persons off site play equipment in Congleton Park and an associated maintenance contribution of £52,237.50;
- e) Applicants to purchase and install a bridge between the application site and Congleton Park with the precise design, specification and timescale for implementation to be

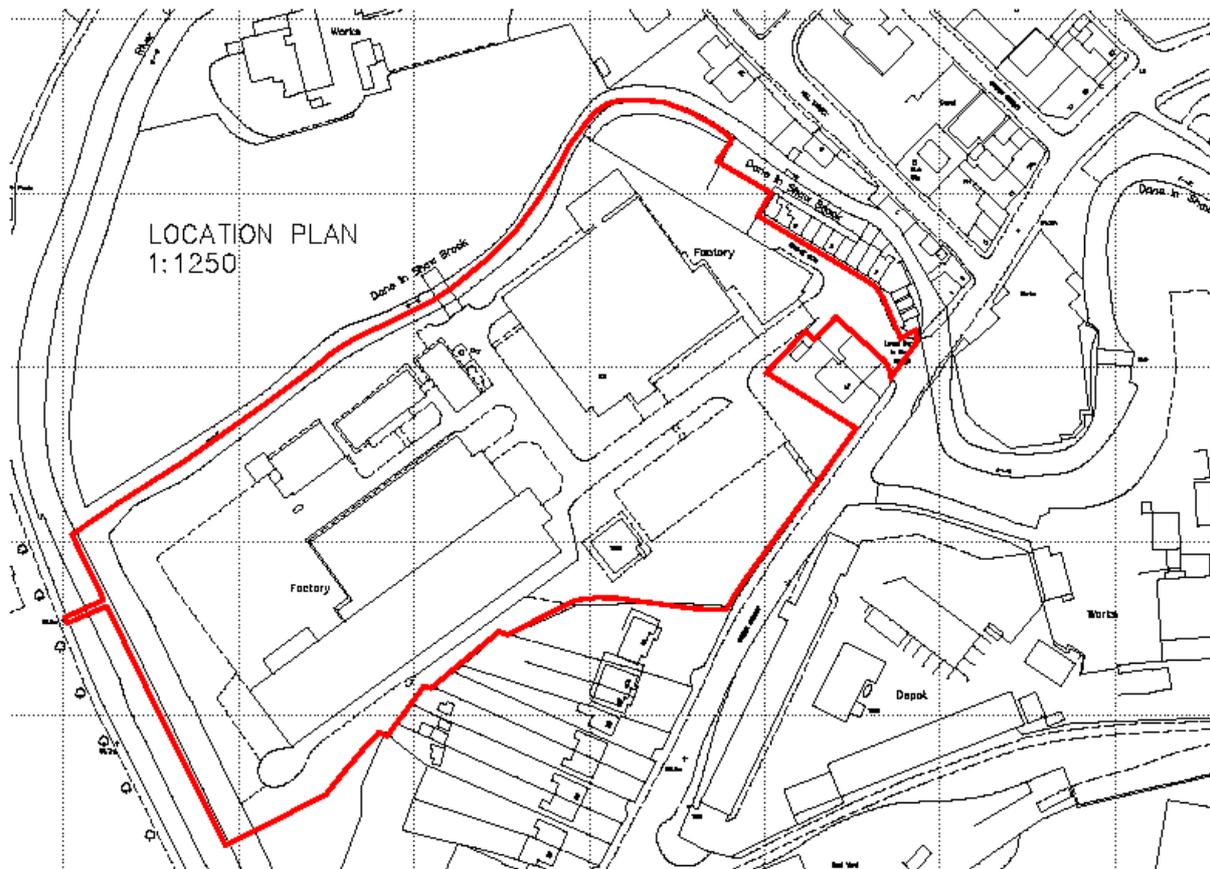
first agreed by Cheshire East Council (the maintenance and upkeep of which shall be the applicant's responsibility); and

f) Private Management Plan for the on-site amenity green-space and proposed bridges (to Congleton Park and within the application site itself) to be submitted and approved by the Local Planning Authority.

Conditions

1. 3 year time limit
2. Development in accordance with submitted plans inc. access
3. Hours restriction – construction including delivery vehicles.
4. Hours restriction - piling activity.
5. Contaminated land Phase 2 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats
12. Submission/approval and implementation of a programme of remedial works to retained trees.
13. Levels in accordance with submitted details
14. Materials to be submitted to and approved
15. Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
16. Detailed scheme for dust mitigation during demolition and construction
17. Details of external lighting strategy to be submitted and agreed
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
21. Surface water regulation to be submitted and agreed
22. Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
23. Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing

24. New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
25. Site Waste Management Plan to be submitted and agreed
26. Scheme to generate 10% of its energy requirement from low carbon sources in accordance with Policies EM17 and EM18 of the North West Regional Spatial Strategy
27. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
30. Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
31. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam.
32. Details of bin storage to be submitted to and approved
33. Removal of PD classes A-E plots 48 - 52



Application No: 12/1513M

Location: Birtles Bowl Pavillion, BIRTLES LANE, OVER ALDERLEY, SK10 4RS

Proposal: Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the Associated Use of Land for the Keeping of Horses

Applicant: Mr & Mrs C Harris

Expiry Date: 18-Jul-2012

SUMMARY RECOMMENDATION

Refuse:

- The proposed development comprises inappropriate development in the Green Belt and the very special circumstances put forward do not clearly outweigh the harm cause by reason of inappropriateness.
- The proposed development is contrary to policy DC32 of the Local Plan and the SPG: Equestrian Facilities due to the scale, materials and design of the stable building.

MAIN ISSUES

Impact on:

- The character of the surrounding area
- The Area of Special County Value
- Highway safety
- Existing trees
- Protected species

Whether the proposal comprises inappropriate development in the Green Belt and whether very special circumstances have been demonstrated that clearly outweigh the harm caused by inappropriateness and any other identified harm

Date Report Prepared: 22nd June 2012

Updated 16th July 2012

REASON FOR REPORT

The application comprises a large-scale major as the application site comprises an area of land that exceeds 1ha.

The application was deferred at the last meeting in order for Members to undertake a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises just over 4ha of land located on the southern side of Birtles Lane, Over Alderley. The site was previously used as a cricket pitch but has lain vacant for a

number of years. The application site falls with the Green Belt and an Area of Special County Value.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing pavilion and store and construct a stable building, manege and horse walker. Permission is also sought to change the use of the land for the keeping of horses.

Formal pre-application advice was obtained by the applicant and his agent prior to submitting the planning application.

RELEVANT HISTORY

None

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

Local Plan Policy

NE1 (Protection and conservation of Areas of Special County Value)

NE11 (Protection and enhancement of nature conservation interests)

BE1 (Design principles for new developments)

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 (Landscaping)

DC9 (Tree protection)

DC32 (Principles for equestrian facilities)

GC1 (New buildings in the Green Belt)

Other Material Considerations

Pre-Application Response Letter issued by the LPA

Supplementary Planning Guidance: Equestrian Facilities

The National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways: No objection subject to a condition

Environmental Health (Contamination): No objection subject to the standard Land Contamination note.

Natural England: Broadly happy with the mitigation proposals put forward for Great Crested Newts.

Wildlife Trust: Request that a further bat survey is undertaken prior to determination and that two rather than one barn owl box is erected. All other aspects are considered acceptable.

VIEWS OF THE PARISH / TOWN COUNCIL

Henbury Parish Council: The Council was delighted to receive this application which may be a suitable and acceptable development at Birtles Bowl. The land formerly occupied by Birtles Cricket Club has lain waste for at least 16 years and is now somewhat of an eyesore as the pavilion and other buildings rot away due to neglect.

OTHER REPRESENTATIONS

12 representations (8 from neighbours living within the Birtles Hall complex, 4 from properties in close proximity to the application site) were received that offered their support to the planning application as they consider that the development is appropriate for the Green Belt location; it would bring the existing site back into use and improve its appearance; it would prevent flytipping from happening in the future.

One of the representations, whilst supporting the application, did raise some concerns regarding the proposed development including:

- The land should be returned to parkland and the inappropriate trees removed and replaced by indigenous trees;
- The drains need to be properly maintained;
- The stables should be positioned so that they do not threaten the mature trees on the land; and
- Many cars travel along Birtles Lane at a faster speed than they should for safety. The line of sight for a vehicle turning right into the driveway to 'The Wall House' is very limited and indeed dangerous. Planning permission was obtained for an alternative and safer entrance when the land was being used as a cricket ground and the sight lines for this entrance are or could, with small amendments, be much safer. This alternative entrance should be used as the entrance to the development.

A further resident (a neighbour whose driveway and access point onto Birtles Lane would be used for the proposed development) state that whilst they are delighted at the proposals they raise the following concerns:

- The safety factor needs much further thought as they do not feel that the applicant has properly considered entrance arrangements. They consider that the entrance that was previously used to access the cricket ground that was constructed by the previous owner without consent should be used by the proposed development. They feel that the Council will not know of its existence due to it being constructed without consent.
- They have a problem with their drive being referred to by the applicant as an informal track.
- The culvert beneath their drive is not designed to take heavy loads and they are concerned that the driveway will not stand up to the construction traffic needed to build the centre and the subsequent horse boxes. They request that the applicant agrees with them the action that will be taken if any damage does occur.
- The residents of Birtles Hall are concerned that whatever the applicant builds should be as unobtrusive as possible so as to not compromise the outlook from the lane.

One representation was received from the owner of Finlow Hill Stables (where the applicant and her riding partner currently stable their horses). She wishes to clarify some of the statements that have been made in the submitted planning statement, with particular reference to:

- Paragraph 1.2 that states that the stables are due for imminent closure,

- Paragraph 4.24 that states that the care of horses is not a profitable business and the stables are being forced to close.
- Paragraph 4.28 that states 'with the closure of Finlow Hill Stables...'

She states that her family own the stables; they are currently leased and the lease has a further two years to run until it expires. They have not received notice from the leaseholders nor have they been asked about a renewal. The leaseholder has verbally told her that she is giving up the business due to family ill health. They are still receiving rent for the stables. They go on to state that the adjacent Oldhams Wood Liveries are also owned by her family and run as a successful business by the current leaseholder who is caring for horses.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement, a Planning Statement, an Extended Phase 1 Habitat Survey, an Arboricultural Survey and Constraints Report, horse passports and a Vehicle Access Note were submitted with the planning application.

OFFICER APPRAISAL

Policy

Since the NPPF was published on 27th March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. With the exception of one word changing within the relevant Green Belt policy (which will be discussed in more detail below) the Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Design

It is proposed to demolish the existing timber clubhouse and brick built store that were previously used in connection with the cricket pitch. A stable building would be erected south of the existing buildings and would comprise a U-shaped design. Six horse boxes, a store, a feed store, a tack/WC/mess, a wash area and covered areas for farrier visits would be provided beneath a pitched roof. The building would be constructed of masonry block work covered in timber boarding with a slate covered roof. The stable building would be positioned on top of an area of concrete hardstanding and an area of limestone chippings would be located to the north and east of the building to provide areas for the parking and turning of vehicles. A manege measuring 60m by 20m and a horse walker would be positioned within the area that previously housed the cricket pitch with the manege positioned to the west of the stable building and the horse walker positioned to the northwest. No elevational drawings have been provided for either of these structures and therefore they would need to be conditioned accordingly. It is also proposed to change the use of the land for the keeping of horses.

Concern is raised regarding the scale of the proposed stables building and the proposed materials. Policy DC32 of the Local Plan states that buildings should normally be of timber construction with a low pitched roof. This is further emphasised within the Equestrian Facilities SPG. The proposed stables would have an overall height of 4.5 metres; the height for stables specified by the Equestrian Facilities SPG is between 2.7 metres and 3.4 metres. Due to the materials to be used, the proposed stables would comprise a more substantial building than is usually the case with stables. The scale of the building is in excess of what is usually considered acceptable and is contrary to policy DC32 of the Local Plan and the

Equestrian Facilities SPG. It is therefore considered that the proposed stables building is of an unacceptable design and scale for its intended use and is not required in the interests of animal welfare as indicated in policy DC32 of the Local Plan.

The proposed manege is larger than the 40m by 20m size that is usually permitted by the Local Planning Authority however the applicant has advised that a larger manege of the dimensions stated is required due to completing at a particular level in dressage competitions. This element may therefore be justified.

The buildings/structures would not be highly visible from Birtles Lane or the surrounding parkland due to the existing tree cover and the existing mound that surrounds the majority of the former cricket pitch. The Landscape Officer does not consider the proposed development would have a detrimental effect on the Area of Special County Value subject to a number of conditions (see below). Some concern is raised regarding the parking of vehicles and horse boxes within the application site however they are unlikely to be highly visible from the surrounding area. The use of limestone chippings is not considered acceptable given their colour and therefore the proposed surfacing materials should be conditioned for approval. No information has been provided in respect of how the proposed area of hardstanding within the site would adjoin into the existing driveway that leads to 'The Wall House' (it currently comprises part of the grassed parkland) and therefore this should be conditioned accordingly. Subject to the imposition of the above conditions it is not considered that the proposed change of use of the land or the proposed buildings would be highly visible from the surrounding area.

The Conservation Officer has assessed the application given the site's setting within a historic parkland. Whilst he has no objection to the proposed change of use he raises concern that the future development of the site could change the setting of this site and should be guarded against.

The proposed stable building would not comply with policies BE1 or DC32 of the Local Plan or the Equestrian Facilities SPG as the building does not use appropriate materials, its scale is not required in the interests of animal welfare, and it would result in a permanent rather than temporary structure within the countryside. The design of the building is therefore considered unacceptable.

Green Belt Policy

The application site is located within the North Cheshire Green Belt and therefore policies GC1 and DC32 of the Local Plan, the SPG: Equestrian Facilities and the NPPF are applicable.

Local Policy Constraints

Policy GC1 of the Local Plan states that new buildings in the Green Belt comprise inappropriate development unless it is for one of a number of purposes. One such purpose, as outlined at criterion 2 of the policy, is where the building is for *'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'* The reasoning to the policy outlines at paragraph 4.11 that essential facilities for sport and recreation include *'small changing rooms, unobtrusive spectator accommodation or small stables.'*

Policy DC32 of the Local Plan and the Equestrian Facilities SPG go on to define 'small stables'. They state that *'small structures/stables shall be taken as referring to the development of up to and including three loose boxes (where a loose box is normally taken to be a 12ft x 12ft bay) plus a similar sized bay for the storage of feed, bedding, tack etc'*. The policy and SPG goes on to state that between 1 and 2 acres of grazing land is required per horse and the SPG specifies certain height limitations that stables need to conform to.

No policy has been saved in the Local Plan in respect of the change of use land in the Green Belt.

National Policy Constraints

The NPPF has recently been formally adopted and states at paragraph 89 that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it is for one of the listed exceptions. One such exception is the *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*. The policy has altered slightly since that contained within PPG2 and Local Plan policy GC1 in that facilities now have to be *'appropriate'* rather than *'essential'*. As policy DC32 and the Equestrian Facilities SPG outline that *'appropriate'* stables should be small scale and they define what size of stables would be acceptable, it is considered that these policies are still consistent with the new wording within the NPPF and therefore should be afforded full weight when considering this application.

Paragraph 90 of the NPPF states that certain other forms of development (other than new buildings) are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The policy lists what these types of development are and equestrian use is not one of them.

Does the proposed Development Comprise Inappropriate Development?

There is no saved policy within the Local Plan in respect of changes of use or other operations within the Green Belt and the NPPF does not list equestrian use as one of the exceptions. However, Members should consider whether the proposed use preserves the openness of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt.

The development proposes 6no. stables, a store, a separate feed store, a tack room/wc/mess and covered areas for the washing of horses and for use by the farrier when he visits. Whilst the individual stables would comply with the floorspace measurements outlined in policy DC32 and the Equestrian Facilities SPG, the overall number of stables and additional store rooms/other areas would exceed the policy definition of *'small scale stables'*. The proposed stable building therefore comprises inappropriate development in the Green Belt.

The manege and horse walker are considered to comprise appropriate facilities for outdoor sport and recreation that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. These are therefore considered to not comprise inappropriate development in the Green Belt and would comply with policy GC1 of the Local Plan and the NPPF.

Assessment of any harm in addition to that of inappropriateness

The associated stable building would result in the requirement to provide an area of hardstanding on which the stables would be sited as well as an access drive across part of a field, an internal access road and an area for the parking and turning of vehicles. The additional areas of hardstanding would result in additional harm to the Green Belt.

Whilst the applicant lives, as the submitted Planning Statement outlines, 'a two minute walk' from the site, it also states that the facility would be shared with Jaine Bailey who would stable her three horses within the building. Jaine Bailey is the applicant's dressage teacher. The statement goes on to outline that Jaine Bailey and Leanne Gibson who currently work at a nearby stables where the horses are currently stabled would be employed by the applicant to work at the proposed stables. The proposed development would result in the stables being a commercial development rather than stables for personal use. It would result in the applicant's employees having to travel to and from the site on a daily basis and would result in a need for them to park at the site. The parking of vehicles would result in additional harm to the Green Belt.

The applicant states within the submitted Planning Statement that she and Jaine Bailey both compete in dressage competitions. The horses that would be stabled at the application site would therefore need to be transported to and from competitions, resulting in a requirement for a horse box or boxes being parked on the site. This would result in additional harm to the Green Belt.

Policy DC32 and the Equestrian Facilities SPG outline that large-scale developments (those exceeding 3 stables and a tack room) have to utilise redundant buildings or be sited within a complex of buildings. Whilst it is acknowledged that the timber clubhouse building would not be capable of conversion, the brick built store could be converted and used for some of the purposes that the applicant is applying for. The proposed development fails to utilise this opportunity, with the Planning Statement outlining that '*it is preferable to come forward with a composite scheme that will be designed to a high quality rather than a collection of new and old buildings constructed in a more ad hoc way.*' The use of the existing building for some of the applicant's needs would comply with planning policy and would result in the requirement for a much smaller new building in the Green Belt. The failure to re-use this building results in additional harm to the Green Belt.

Assessment of considerations put forward in favour of the development

Paragraphs 87 and 88 of the NPPF state:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

The applicant has stated that there are also very special circumstances to support the proposed development should it be considered to comprise inappropriate development in the

Green Belt, however these are not outlined in a concise list and therefore the Case Officer has had to pull out from the statement what these may comprise.

1. The proposed stable building would have a similar floorspace and similar scale as the buildings that are proposed to be demolished.
 - The figures for the existing buildings include the floorspace of a building that has long since been demolished. It was outlined in the formal pre-application response letter that this could not be relied upon as floorspace.
 - The applicant fails to take account of the floorspace beneath the overhanging roof when calculating the floorspace of the proposed stable building.
 - Comparing the floorspace of the existing two buildings to the whole of the floorspace that would be created by the proposed stable building, the new building would result in an increase of 111.6%
 - The Planning Statement outlines that the height of the stables would be similar to that of the existing pavilion (4.5m versus 4.2m – figures that do not correspond when measuring from the submitted plans). The existing buildings however are not of a uniform height. The pavilion building's height fluctuates from 3.25m to 4m (Case Officer's figures) whilst the store building's height is 3.2 metres. The massing and height of the proposed stables building exceeds that of the existing buildings when the actual heights are compared rather than the maximum height of part of one of the buildings.
 - The existing buildings would have less of an impact on the openness of the Green than the proposed stable building therefore no weight is therefore attached to this consideration.

2. The proposals will not have any materially greater impact on the openness of the Green Belt than the established Class D2 leisure use.
 - The cricket use of the site and the associated buildings did not comprise inappropriate development in the Green Belt when they were built/when the change of use was undertaken.
 - The cricket use of the site has been abandoned, although it is acknowledged that the site's last use was for D2 purposes and therefore could potentially be reinstated.
 - The proposed change of use for the keeping of horses and the proposed stables building are inappropriate development in the Green Belt.
 - The proposed development would comprise a commercial rather than personal use and therefore a condition cannot be attached to restrict the use of the site to the applicants and their horses.
 - The proposed development would employ two people and would result in daily trips to and from the site.
 - It is accepted that the change of use of the land for the keeping of horses would have no greater impact on the openness of the Green Belt than the current D2 use as a cricket pitch and therefore substantial weight is given to this very special circumstance. However no weight is attached to this very special circumstance in respect of the proposed stable building as the existing buildings are compliant with Green Belt policy and are small scale, whilst the stables building and associated areas of hardstanding have a substantial impact on the openness of the Green Belt.

3. The development will involve the re-use of land

- A small scale equestrian use that is not inappropriate development would achieve the same outcome and be less harmful to the openness of the Green Belt.
 - No weight is attached to this consideration.
4. It would generate jobs within the local rural economy.
- The creation of jobs results in a need for people to travel to and from the site on a daily basis. The site is not located in a sustainable location.
 - Some weight is attached to this consideration.
5. The separate feed store, store and tack room are required due to the type of horses that are being stabled. Dressage horses require roughage bought seasonally in quantity to ensure consistency that results in a higher provision of feed storage space than a regular horse that grazes. Competition horses require a large amount of expensive tack which needs constant care in a dry, secure environment.
- The existing brick built store could be utilised without the need for such a large new building at the application site.
 - No evidence has been provided why three separate rooms are required for these purposes rather than one room.
 - No evidence has been put forward as to the exact quantities of feed and equipment that would be stored, to justify rooms of the sizes specified.
 - No information has been put forward as to why the feed or equipment cannot be stored at the applicant's dwellinghouse that is only a 'two minute walk' from the site.
 - Unsure why the applicant would want to store expensive equipment in an isolated building away from her property with the threat of theft.
 - Given the lack of information and as an existing building could be used for such a purpose, no weight is attached to this consideration.
6. Washing, toilet and refreshment facilities are required for staff working all day.
- The applicant's house is a 'two minute walk' from the application site. There is no need for such facilities to be provided within the stable building and are not facilities that feature within other stable developments in the Borough.
 - No weight is attached to this very special circumstance.

Conclusion on Green Belt

The proposed manege and horse walker would not comprise inappropriate development in the Green Belt and would therefore comply with policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF. These aspects of the development are therefore considered acceptable.

The proposed change of use of the land for the keeping of horses does not fall within one of the listed categories in the NPPF. However, the use of the land for the keeping of horses would not have any additional impact and it would have no greater impact on the openness of the Green Belt than the existing/last use of the site as a cricket pitch.

The proposed stables building and associated areas of hardstanding would comprise inappropriate development in the Green Belt. Additional harm would also be created from such a building and engineering operation. The very special circumstances put forward do not clearly outweigh the harm caused by reason of inappropriateness or the other identified

harm. The proposed stables building and associated areas of hard standing are therefore considered to be contrary to policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF.

Amenity

No residential properties are located in close proximity to the application site. The proposed development is therefore not considered to have a detrimental effect on neighbouring amenity and would comply with policy DC3 of the Local Plan.

Highways

The proposed development would utilise an existing access onto Birtles Lane that is used to gain access to the property known as 'The Wall House'. An existing gate approximately 70-80 metres along the access road would provide access into the application site, however this does not currently adjoin into the existing access track. A submitted drawing outlines that limestone chippings would be used to create an area of hardstanding for the parking/turning of vehicles within the site, however no details have been provided to show what surfacing would be proposed to allow vehicles to get from the access track into the site. As discussed above this could be conditioned.

The Strategic Highways Manager has assessed the application and considers that the proposed development is low key in terms of traffic movements and is seen as appropriate given the narrow nature of Birtles Lane. There are improvements to visibility required at the access and the submitted plan has indicated splays of 2.0m x 45m in each direction. This level of visibility is acceptable given the vehicle speeds. He therefore raises no objection subject to a condition requiring the visibility splays to be implemented. The proposed development is therefore considered to comply with policy DC6 of the Local Plan.

In response to the comments that have been received in respect of a different access onto Birtles Lane the Local Planning Authority was aware of it as it was discussed during the pre-application submission. Whilst the access point is still in place a large mound of earth is positioned behind and would require excavating; its removal would open up the site from views along the lane as well as longer view points; and it would require the provision of a long access track to the proposed stables. The use of the access was therefore discounted at the pre-application stage. In any event the Strategic Highways Manager has assessed the application and does not raise an objection to the proposed access from a highway safety perspective.

Ecology

Natural England

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and would therefore avoid affecting the favourable conservation status.

Cheshire Wildlife Trust (CWT)

One of the recommendations contained within the Extended Phase One Habitat Survey (2012) is for a bat emergence survey centred on the two existing buildings to be undertaken. No such survey results are included with the current application and therefore this survey needs to be undertaken prior to determination. The additional survey has been requested and is currently awaited.

Further to the recommendation in the survey, CWT supports the installation of not one but two barn owl boxes on site, in accordance with guidelines published on the RSPB's website.

CWT concurs with the other recommendations within the report in respect of badgers, birds, hedgehogs, otters, reptiles, rhododendrons, orchard trees, water voles and white-clawed crayfish. CWT concurs with the proposed 'Reasonable Avoidance Measures' in respect of Great Crested Newts.

CWT considers that, if present and/or breeding on the site, lapwing and grey partridge are likely to be adversely affected by the proposed new uses of the site, especially if the former area of the cricket field is to be grazed by horses. However, it is probable that the records of these species are not from the site itself but from adjacent agricultural or parkland areas within 1km of the site, and for this reason, no mitigation is required.

Nature Conservation Officer

Discussions have taken place with the applicant's agent both before and after the original committee meeting in respect of the requirement to provide a further Bat Survey. The required survey has not been forthcoming and as it is required prior to determination the application would also need to be refused on the grounds that the LPA has insufficient information to assess the application's impact on protected species. Should a Bat Survey be submitted prior to the committee meeting then Members will be updated. But as it stands the application is contrary to policy NE11 of the Local Plan and the NPPF.

Trees

The Birtles Bowl site has been neglected for many years with little pro-active tree management taking place since its inception. This has resulted in the extensive planting expedited some 20 years ago establishing a tangled mass of etiolated trees. Apart from the recently planted trees the site also contains a number of large mature specimens including Oak and Lime. These are considered to be high value trees, category A in terms of BS5837.

The development proposals, in terms of access and the location of the proposed footprint, broadly occupy the existing access track and hardstanding occupied by the redundant car park. The only alteration to this relates to the expanded turning area which extends close to the tree identified as T5524. No details have been included in terms of construction, but any hardstanding outside the existing sub-base would have to be implemented under a 'no dig' construction. The site plan identified the use of Limestone chippings; this would not be acceptable as the limestone would have an adverse effect on the health and longevity of the trees on the site as a result of leaching as part of rainwater runoff. The removal of a single tree (failed pine) has been identified for removal, this will probably need to be expanded to include a small Red Oak, but again both trees are considered individually to present low amenity value Category C.

The stable complex stands within the existing car park with any root development associated with both the adjacent semi-mature and mature trees considered to be reduced and limited under the hardstanding. Construction of the concrete hardstanding and building footprints will not have a negative impact on the adjacent trees providing excavation is kept to a minimum. A limited amount of pruning will be required in order to establish a reasonable tree/building relationship.

The position of the manege and horse walker have been located on the cricket ground outside the Root Protection Areas of the adjacent tree cover as identified within BS5837. This will not have a detrimental impact on the retained tree aspect.

In order to facilitate access and provide a reasonable visibility splay onto Birtles Lane a limited number of trees will require removal. These are considered to be poor specimens, category C with limited amenity value.

The application lacks specific detail in terms of addressing all of the arboricultural issues but on balance these could be addressed by condition. There is also an opportunity to address the neglected state of the woodland and copse planting schemes. This should be seen as a positive gain if this could be facilitated. For these reasons and subject to conditions requiring the submission of a Tree Protection Plan, a method statement for the proposed driveway and hard standing within the defined root protection areas of the retained tree aspect, a detailed levels survey, and a detailed 10 year woodland management plan for the trees located within the site edged red, it is considered that there are no objections from an arboricultural perspective. The application would therefore comply with policy DC9 of the Local Plan.

Landscape

The application site is located within an Area of Special County Value. The Landscape Officer has assessed the application and does not object to the proposed stables, horse walker and manege but recommends that the woodland, tree belts and orchard area should be fenced off to exclude the horses and should be managed to improve both the woodland and nature conservation status. Horse grazing should be restricted to specific areas of the site. If the application is approved the Landscape Officer suggests that conditions should be attached in respect of:

- A landscape plan for the whole of the site edged red showing the stables, manege, horse walker, areas of hardstanding, areas to be grazed and areas to be fenced off and managed for woodland improvement and nature conservation.
- A 10-year woodland and habitat management plan.
- Full details for the manege, horse walker, fencing, gates and hardstanding.

Subject to these conditions it is not considered that the proposed development would have a detrimental effect on the Area of Special County Value or the visual impact of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the principle of using of the site for equestrian purposes is considered acceptable and the siting and scale of the proposed manege and horse walker is agreed, the scale of the proposed stable block and the uses contained within it are contrary to planning policy in respect of Equestrian Facilities and would have a detrimental effect on the openness of the Green Belt. The very special circumstances put forward are not considered to clearly outweigh the harm caused by reason of inappropriateness and the other identified harm. The scheme should be reduced in size and / or the existing brick built building could be converted and used as part of the scheme.

The applicant has to date failed to provide a further Bat Survey that is required prior to determination. Insufficient information has therefore been submitted in order to fully assess the impact of the development on protected species and would be contrary to policy NE11 of the Local Plan and the NPPF.

The application is therefore recommended for **REFUSAL**.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R12LP - Stables Contrary to Green Belt / Open Countryside policies
2. R06MS - Equestrian development - scale, design and materials
3. R03NC - Insufficient ecological information



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