

Northern Planning Committee

Agenda

Date: Wednesday, 5th September, 2012
Time: 2.00 pm
Venue: The Capesthorpe 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 an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Meeting** (Pages 1 - 8)

To approve the Minutes of the meeting held on 15 August 2012 as a correct record.

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

4. **Public Speaking**

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

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

- 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. **12/2578M Oakdean Court, Wilmslow SK9 4ED - Demolition of existing redundant sheltered housing block and construction of 29 no dwellings, consisting of 6 no bungalows, 6 no 2 bedroom houses and 17 no 3 bedroom houses (Pages 9 - 20)**

To consider the above application.

6. **12/1513M Birtles Bowl Pavilion, Birtles Lane, Over Alderley, SK10 4RS - Demolition of pavilion and store, construction of stables, manege and horse walker and the associated use of land for the keeping of horses (Pages 21 - 32)**

To consider the above application.

7. **12/2883M Bexton Primary School, Blackhill Lane, Knutsford WA16 9DB - Application to vary condition 7 (Removal of existing classrooms) of planning permission 12/0313M (Pages 33 - 38)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 15th August, 2012 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, B Burkhill, A Harewood, O Hunter, L Jeuda, J Macrae,
D Mahon, D Neilson, P Raynes and D Stockton

OFFICERS PRESENT

Miss J Adeniran (Lawyer), Mr P Hooley (Northern Area Manager), Mr S Irvine
(Development Management and Building Control Officer), Mr N Jones
(Principal Development Officer), Ms S Orrell (Principal Planning Officer), Miss
L Thompson (Planning Officer) Mr P Wakefield (Principal Planning Officer) Mr
B Vass (Cheshire East Rural Housing Enabler) and Miss B Wilders (Principal
Planning Officer)

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors, L Brown, K Edwards and
Mrs H Gaddum.

35 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor D Stockton declared a non-pecuniary interest in application 12/1361M-
Alterations & Extensions To Create Medical Practice (D1 Use) And Ancillary
Facilities And New Entrance To The Hall, Festival Hall, Talbot Road, Alderley
Edge for Dr S Merchant however he remained in the room during consideration of
the application.

Councillor R West declared a non-pecuniary interest in application 12/1532M-
Erection of 8 No Affordable Houses, Associated Parking and Landscaping,
Construction of Vehicular Access, Land off Truthall Lane, Plumley for MCI
Developments Ltd and Peaks & Plains Housing Trust by virtue of the fact that he
was a Board Member of Peaks and Plains who were the applicants. In
accordance with the Planning Protocol of Conduct prior to the consideration of
the item he left the room and returned only after the decision on the application
had been made.

Councillor J Macrae declared a non-pecuniary interest in application 12/0596M-
Redevelopment of existing golf club comprising demolition of clubhouse and
associated buildings, erection of single detached country manor house with
ancillary granny annex, detached garage building, landscaping, associated

external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed country manor house dwelling, Mobberley Golf Club, Burleyhurst Lane, Mobberley for Ollerton Leisure LLP, however he remained in the room during consideration of the application.

In the interest of openness Councillor Miss C Andrew declared a non-pecuniary interest in respect of application 12/1361M-Alterations & Extensions To Create Medical Practice (D1 Use) And Ancillary Facilities And New Entrance To The Hall, Festival Hall, Talbot Road, Alderley Edge for Dr S Merchant, however she remained in the room during consideration of the application.

36 MINUTES OF THE MEETING

RESOLVED

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

37 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

38 12/1361M-ALTERATIONS & EXTENSIONS TO CREATE MEDICAL PRACTICE (D1 USE) AND ANCILLARY FACILITIES AND NEW ENTRANCE TO THE HALL, FESTIVAL HALL, TALBOT ROAD, ALDERLEY EDGE FOR DR S MERCHANT

Consideration was given to the above application.

(Mr Russell Jenkins, an objector, Martin Sinker, representing the Patient Reference Group and Edwin Thompson, representing 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 update report, that the application be approved subject to the completion of a Section 106 agreement comprising the following Heads of Terms:-

For Legal Services to ensure that Cheshire East Council legal requirements are reflected with an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990

Monitoring costs for the Travel (£5000 in total over 5 years in the form of £1000 per annum)

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A03EX_1 - Medical extension - materials to be submitted
3. A03EX - Materials to match existing Festival Hall entrance

4. A02LS - Submission of landscaping scheme (hard and soft)
5. A04AP - Development in accord with revised plans (numbered)
6. A04LS - Landscaping (implementation)
7. A03TR - Construction specification/method statement
8. A06GR - No windows to be inserted
9. A06LP - Front extension to be used for medical purposes only
10. A14GR - Business hours for medical user (excluding Sundays)
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. A25GR - Obscure glazing requirement (side and rear facing windows of medical uses adj to the Talbots)
14. Window fabrication, roof materials, door fabrication, portico details of front extension to be submitted prior to commencement
15. 2nd floor internal layout as submitted plans without further permission
16. refuse store for medical user - details inc elevation to be submitted and implemented prior to first use
17. details of any air conditioning units for medical centre to be submitted for medical user/pharmacy
18. details of car parking barrier to be submitted prior to medical use commencing
19. Pharmacy use only (permitted development rights removed within Class A1)
20. lighting scheme to be submitted
21. details of long term cycle storage for staff of medical extension part of development to be submitted
22. travel plan
23. On site directional advertisement for festival hall entrance'

(The meeting adjourned at 3.35pm until 3.45pm)

(Prior to consideration of the following item, Councillor R West left the room and Councillor B Livesley, the Vice Chairman was the Chairman for that item).

39 12/1532M-ERECTION OF 8 NO AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING, CONSTRUCTION OF VEHICULAR ACCESS, LAND OFF TROUTHALL LANE, PLUMLEY FOR MCI DEVELOPMENTS LTD AND PEAKS & PLAINS HOUSING TRUST

Consideration was given to the above report.

(Mr Peter Hooley, the Northern Area Manager read out a written statement from Councillor G Walton, the Ward Councillor who was unable to attend the meeting in person to speak).

(Parish Councillor John Wright representing Plumley Parish Council, Rebecca Booth, a Planning Consultant representing the Objectors, Roy Spruce (the agent for the Applicant and Nigel Bennett, representing 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 update reports, that the application be delegated to the Development Management and Building Control Manager for approval in consultation with the Vice Chairman and relevant Ward Councillor

1. For the Development Management and Building Control Manager to consider the issues arising from the ecology survey and making an assessment against the test of the Habitats Directive, and if necessary determine appropriate mitigation.
2. For Legal Services to ensure that CEC legal requirements are reflected with an agreement

For any matters considered anything other than minor or if legal requirements cannot be met the application will be brought back to Committee to allow members to reconsider the proposal.

Subject to the legal agreement including the following matters:-

- All eight 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:

1. Residents of Plumley
2. Residents of adjoining parishes within Cheshire East
3. Residents of parishes within Knutsford rural sub area as identified in the Council's SHMA 2010.
4. Residents of Knutsford
5. Residents of Cheshire East.

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.

- commuted sum of £24,000 to be paid to the Council in lieu of on site public open space

And subject to the following conditions:-

- 24.A03FP - Commencement of development (3 years)
- 25.A01AP - Development in accord with approved plans
- 26.A02EX - Submission of samples of building materials
- 27.A01GR - Removal of permitted development rights to be submitted
- 28.A22GR - Protection from noise during construction (hours of construction)
- 29.A23GR - Pile Driving to be submitted
- 30.A17MC - Decontamination of land
- 31.A04NC - Drainage details to be submitted
- 32.A17EX - Specification of window design / style (timber)
- 33.A12EX - Fenestration to be set behind reveals
- 34.A10EX - Rainwater goods
35. Lighting details to be approved
36. Development carried out in accordance with Ecology statement
37. Safeguarding breeding birds
38. Details of features for breeding birds to be submitted
39. Submission of a Landscaping Scheme
40. Implementation and schedule of landscapae maintenance to be submitted

(This was a change in the Officers original recommendation from one of approval to one of delegation).

(Prior to consideration of the following item Councilor B Burkhill left the meeting and did not return)

(Prior to consideration of the following item, Councillor B Livesley vacated the Chair and Councillor R West returned to the Chair).

- 40 **12/0596M-REDEVELOPMENT OF EXISTING GOLF CLUB COMPRISING DEMOLITION OF CLUBHOUSE AND ASSOCIATED BUILDINGS, ERECTION OF SINGLE DETACHED COUNTRY MANOR HOUSE WITH ANCILLARY GRANNY ANNEX, DETACHED GARAGE**

BUILDING, LANDSCAPING, ASSOCIATED EXTERNAL WORKS AND RETENTION OF EXISTING 9 HOLE GOLF COURSE FOR USE IN CONNECTION WITH THE ENJOYMENT OF THE PROPOSED COUNTRY MANOR HOUSE DWELLING, MOBBERLEY GOLF CLUB, BURLEYHURST LANE, MOBBERLEY FOR OLLERTON LEISURE LLP

Consideration was given to the above application.

(Mr Nixon, an objector, Mr Williams, the agent for the applicant and Mr Webb, 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 update report, that the application be refused for the following reasons:-

- 41.R05LP - Harmful to appearance of the countryside
- 42. Inappropriate development in the Green Belt

(The meeting adjourned at 5.25pm and reconvened at 5.40pm)

- 41 **12/2073M-CHANGE OF USE OF GROUND AND FIRST FLOORS OF NO. 36 CASTLE STREET FROM OFFICE (CLASS B1) TO RETAIL (CLASS A1), INTERNAL SUBDIVISION AND ALTERATIONS TOGETHER WITH THE DEMOLITION OF RETAIL UNITS NOS 22, 24 AND 26 CASTLE STREET AND NOS 25, 25B, 25C CASTLE STREET MALL TO FACILITATE THE DEVELOPMENT OF A TWO STOREY BUILDING TO ADJOIN NO.36 CASTLE STREET FOR THE PROVISION OF THREE RETAIL UNITS (GROUND AND FIRST FLOOR) WITH OFFICES ABOVE (SECOND FLOOR), EXTERNAL ALTERATIONS AND ASSOCIATED WORKS,**

Consideration was given to the above report.

(Chris Potts, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

- 43.A03FP - Commencement of development (3 years)
- 44.A02EX - Submission of samples of building materials
- 45.A01AP - Development in accord with approved plans
- 46. Submission of detailed elevational and cross sectional drawings of windows

47. The retail use of the development hereby approved shall be restricted to non-food retail only, unless a detailed servicing plan has first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any food retail use. The servicing plan shall include details of any extraction and refrigeration equipment required as well as the details and management of goods delivery vehicles to and from the site. The approved servicing plan shall be implemented prior to the commencement of any food retail use of the site
48. No films or transfers shall be attached to the windows internally or externally without the prior written consent of the Local Planning Authority
49. details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
50. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
51. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
52. Drainage details to be submitted to and approved in writing by the Local Planning Authority
53. Receipt of revised plans

(This was a change in the Officers original recommendation from one of delegation to one of approval).

The meeting commenced at 2.00 pm and concluded at 6.15 pm

Councillor R West (Chairman)

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Application No: 12/2578M

Location: OAKDEAN COURT, WILMSLOW, SK9 4ED

Proposal: Demolition of existing redundant sheltered housing block and construction of 29 no dwellings, consisting of 6no bungalows, 6 no 2 bedroom houses & 17no 3 bedroom houses.

Applicant: Rachel Hollins, Equity Housing Group

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION - Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

- Housing policy and supply
- Affordable Housing Provision
- Accordance with the Development Brief
- Impact of character and appearance of the area
- Impact on residential amenity
- Impact on trees
- Implications for education infrastructure
- The Heads of Terms for the S106 Agreement

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, that any major development on a Council owned site should be determined by Committee. The application seeks permission for 29 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site lies within the predominantly residential area of the Lacey Green housing estate. Presently the site comprises a dominating, vacant 3 storey building which was previously in use as sheltered accommodation for the elderly. The building has been vacant and boarded up for approximately 4 years. Presently Oakdene Court is accessible to vehicular traffic via Egerton Road and Nightingale Close and there is pedestrian route into the site via Mount Pleasant to the south.

There are a number of mature trees set throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. A number of trees on the boundary are subject to Tree Preservation Orders.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 29 residential units arranged off a cul –de-sac. The scheme is intended as 100% social rented accommodation. The Borough Council will remain in freehold ownership of the site, however, Equity Housing Association will develop and thereafter manage the site on a long leasehold.

The residential mix is :

Six no 2 bedroom bungalows

Six no 2 bedroom houses (2 storey)

Seventeen no 3 bedroom houses (2 storey)

The main vehicular access will be via Egerton Road, as was previously the case for Oakdean Court, however, two bungalows will be accessed via Nightingale Close. The existing pedestrian route via Mount Pleasant will be closed. The 6 no Bungalows will be arranged around a central courtyard , adjacent to the remaining area of open space on Nightingale Close. The other houses will be arranged in a linear street formation in generally pairs of semi-detached properties, with the exception of the main entrance which anchors the development with a terrace of properties on either side of the street.

RELEVANT HISTORY

04/2568P - Alterations & change of use of existing 3 storey 58 dwellings for persons over age 60, to 31 dwellings for elderly/special needs & extra care facilities – Permission granted 14-12-2004 – Not implemented

POLICIES

The National Planning Policy Framework (NPPF)

Paragraph 215 of the Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

L2 – Understand Housing Markets

L4 – Regional Housing Provision

L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Affordable Housing
H13 Protecting Residential Areas
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

Cheshire Replacement Waste Local Plan (Adopted 2007)

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

Other Material Considerations

Interim Planning Policy Statement – Affordable Housing
Interim Planning Policy Statement on the Release of Housing Land
Strategic Housing Land Availability Assessment (SHLAA)

By Design – better places to live; Safer Places – the Planning System and Crime Prevention
– A Companion Guide to PPS1

Oakdene Court Development Brief 2008 (revised)

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions.

Environmental Health (Contaminated Land) - No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

Environmental Health (Noise and Amenity) – No objection subject to conditions regarding hours of work/deliveries and the incorporation of measures to minimise dust during construction.

Nature Conservation (Ecology) – No objection. Survey information is accepted and demonstrates no implications for protected species.

Housing Strategy Manager – No objection. The SHMA 2010 shows that for Wilmslow there is a requirement for 255 units between 2009/10 – 2013/14, this equates to a requirement for 51 new affordable units per year, this is made up of need for 2 x 1bed, 17 x 2bed, 17 x 3bed, 9 x 4bed and 6 x 1/2 bed older persons units.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 299 applicants who require rented accommodation in Wilmslow. The number of bedrooms these applicants require are 80 x 1bed, 113 x 2bed, 73 x 3bed, 7 x 4bed (26 applicants have not specified how many bedrooms they require).

Manchester Airport (Safeguarding): No reply at the time of preparation of report.

Leisure Services - No objection subject to the provision of a commuted sum of £45000 required for children's play off site. The amenity element of the open space requirement is being provided on site

Education - 29 family sized units will generate 5 primary aged pupils and 4 secondary aged pupils. There is sufficient capacity within the primary sector but there will be a requirement for secondary provision comprising 4 additional spaces. This equates to a S106 requirement of 4 x £17,959 = £65,371.

United Utilities – No objection subject to the site being drained on a separate system

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow PC - Support the proposal and recommend approval

OTHER REPRESENTATIONS

One representations raising objections and concerns to the scheme on grounds of –

Development is closer to 44 Mount Pleasant than the previous block and people will be able to see the occupiers of that property. Layout turning heads to accommodate refuse vehicles could be amended.

Two occupiers of Mount Pleasant consider that there should be no access to the site via Mount Pleasant, which has a current footpath access and vehicles have parked up in Mount Pleasant to visit Oakdean Court and blocked residents in.

APPLICANT'S SUPPORTING INFORMATION

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

- Supporting Planning Statement
- Design and Access Statement

- Ecological Assessment (Bat Report)
- Arboricultural Impact assessment
- Affordable Housing Statement
- Draft Heads of Terms

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

OFFICER APPRAISAL

Principal of Development

National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises that;

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme which is located within an existing residential area, with Wilmslow Railway Station being circa 1500m to the south-east having access to a range of local amenities the site is considered to be in a highly sustainable location. The proposal also involves the redevelopment of a previously developed site within the existing urban area. As such, the proposal comprises sustainable development in NPPF terms.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the benefits of the proposal.

These issues are considered below.

Impact of character and appearance of the area

Local Plan policies BE1, H2, H13, DC1 and DC35 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. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal comprises a small development of mainly semi-detached, two storey dwellings that are in keeping with the area, which itself has a mixed residential character, with modern older persons flats within Nightingale Close, and older two storey semi-detached dwellings located top the west of the main road frontage.

The cul-de-sac layout of houses would be broken-up by changes in roof pitches of the dwellings, parking is set generally behind the building lines and corner properties are designed to address both frontages.

The creation of the footpath link through the site adds to social inclusion by virtue facilitating direct foot access through the site from Nightingale Close to Egerton Road. The use of block paving as traffic island at the entrance indicates to drivers that they are entering a pedestrian priority area.

Whilst this development incorporates greater coverage of the site than the existing building and areas of hardstanding/parking, a considerable number of mature trees to the periphery and an established area of open space within Nightingale Close will be maintained. Whilst some trees/ shrubs within the development area are removed, replacement planting is proposed which will safeguard the amenity of the area.

The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties.

It is considered that the proposed development would reflect local character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environmental and would comply with policies BE1 and DC1 of the Local Plan.

Trees

An Arboricultural Tree Survey was submitted with the planning application. A number of Protected trees are located either on the boundary of the site or in neighbouring gardens.

The scheme has been revised during the course of the application to address social proximity concerns expressed by the Arborist with specific regard to Plots 5,6 and 7. The Arborist is now satisfied that the revised layout can be achieved without damaging important trees either within or adjoining the site None of the trees to be removed are protected and a significant

belt of trees will be retained to the site periphery. The Council's Arborist has considered the proposals and raises no objection to the scheme

Compliance with the Development Brief

The proposal is not strictly in full accordance with the Development Brief for the site. The first priority within the 2008 Development Brief for this site was to either re-use the existing building or re-develop the site for affordable housing purposes for key workers and priority purchasers. This scheme is 100% for affordable rent with local people on the current Homechoice waiting list being the likely occupiers.

The Brief advises that a mixed scheme of 2 and 3 bed roomed units (in the ratio of 10:1 between the 2 bed as opposed to the 3 bed roomed. The Brief also envisaged the site being part of the Resale Covenant scheme, rather than a 100% affordable rented development. The majority of the units are 3 bed roomed units rather than the 2 bed roomed units indicated as being preferred in the Brief

The Brief considered that up to 38 units would be appropriate level of density on the site, however, this would have been likely to have been achieved in a flatted type of development of up to the 3 storeys, as in the case of the present building on site. Areas of garden/ private open space within the site were also considered to be areas where the Brief did not envisage development. The ideal type development envisaged by the Brief could only be accommodated by a similar development of conversion of the building presently in situ. With the exception of the Open Space on Nightingale Close, which is retained within the development as Public Open Space, the areas of private garden space have been developed within the current scheme of family sized dwellings.

It is considered the policy context and the housing need within this area has moved on since the Brief was adopted and that the weight to be given to the Brief as a material consideration is outweighed by the requirements of the NPPF to deliver sustainable housing development.

Education

Members will note that the Education Department have requested a financial contribution for education provision as a result of their calculations of the infrastructure implications of this development. They advise that Wilmslow High School is currently over capacity and the forecasts predict that this will remain the case for the foreseeable future.

The CIL Regulations, however, require such contributions to be fair and reasonable and must pass the test to make the development acceptable in planning terms.

This application differs from most applications recently received in the Wilmslow area in that it concerns the provision of 100% affordable rented accommodation within Wilmslow. As Members can see from the Housing Strategy Manager's advise above, the Homechoice waiting list for family sized accommodation in Wilmslow , for people who currently reside in Wilmslow is 299 families.

The 29 units provided within the scheme are entirely likely to be allocated to local residents who already reside in Wilmslow and who already utilize local education provision and whilst there may be existing local accommodation freed up by the new residents vacating it, which

in turn will become available to other residents on the Homechoice waiting list, those residents would need to comply with the Homechoice selection criteria. On this basis, this application is not considered to be likely to result in any additional demands being placed on Wilmslow High School, particularly given the size of the Homechoice waiting list.

This can be controlled via S106 Agreement concerning the cascade provision for the allocation of the units. In these circumstances, it is not considered that the additional pupil numbers predicted by the Education department are likely to migrate into the area as a consequence of this development and in these particular, unique circumstances, the education commuted sum payment is not considered to be fair and reasonable.

Highways

The site is directly adjacent to the public transport network, it is a sustainable location being located close to the bus stops on Lacey Green and Styal Road. Wilmslow town Centre is within reasonable walking distance.

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles

The proposal incorporates off road car parking for each dwelling, the larger units having 2 car parking spaces. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

There are no highway objections raised to the application subject to conditions.

Amenity

Relationship with Nearby Dwellings

Interface distance standards as expressed in Local Plan Policy DC38 are generally adhered to by careful siting and positioning of windows within each individual plot. Mainly, neighbouring buildings are offset and not directly overlooking the proposed dwellings. Accordingly, the layout within the site does not result in any direct overlooking.

Concern was raised initially with the relationship of plots 6& 7 with nos 9,11 and 13 Egerton Road. However, revised plans have been received which are considered to provide an acceptable interface with these properties. In this regard, the plots are respectively located between 22m and 24m from the rear habitable windows in the proposed development. The interface standard for back to back relationships within the Plan is normally 25m. Noting that a good distance of over 20 metres will be maintained which is consistent with the spacing standards of surrounding properties, it is not considered that a significant or harmful loss of privacy would result and the proposal is therefore in accordance with policy DC3 of the Local

Plan. It is recommended that permitted development rights for extensions are removed to ensure that an adequate privacy distance is maintained in the future.

Internal Relationships

The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearingness, daylight or privacy. However, there are some breaches of spacing standards between some facing principal elevations, particularly the relationships between the entrance blocks comprising plots 1 to 4 and 28 to 30. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants. It should also be noted that the layout has been designed and informed by the principles of Manual for Streets, and Secure by Design principles which can often result in lower spacing standards, at the expense of improved public realm and greater surveillance and proximity of built development to the back of pavement at a critical locations. Overall, it is considered that the relationships at the entrance point would not be so injurious to future amenity to justify refusal in this instance.

Renewable energy

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the Design & Access statement has not considered the incorporation of such measures. No information is submitted in support of this application in respect of renewable resources however this could be dealt with by planning condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

The scheme is considered to be a sustainable development of a brownfield site where there is a presumption in favour of the development. For the reasons outlined above; the scheme, in the main, complies with relevant Development Plan policy. The design of the scheme is acceptable and sympathetic to the existing urban environment. The impact of the development on adjoining land uses and the living conditions of neighbours is within acceptable standards and can be controlled by condition.

The proposal will have no adverse impact in terms of highway safety, trees, landscape or ecology.

Whilst there is some conflict with the Brief, overall, the numerous benefits and this schemes contribution to the housing need, particularly the need for affordable rented family sized accommodation in this part of the Borough is considered to outweigh the requirements of the Brief.

RECOMMENDATION

Grant Conditional Planning Permission:

SUBJECT TO

The satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of commuted sum in lieu of on site provision of Childrens off site Play - £45,000
- Provision of a Cascade for the occupation of the dwellings -
 - 1 Wilmslow,
 - 2, Former borough Macclesfield boundary,
 - 3, From within Cheshire east .

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The commuted sum in lieu of children's play space is necessary, fair and reasonable, as the proposed development will provide 29 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no children's play being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

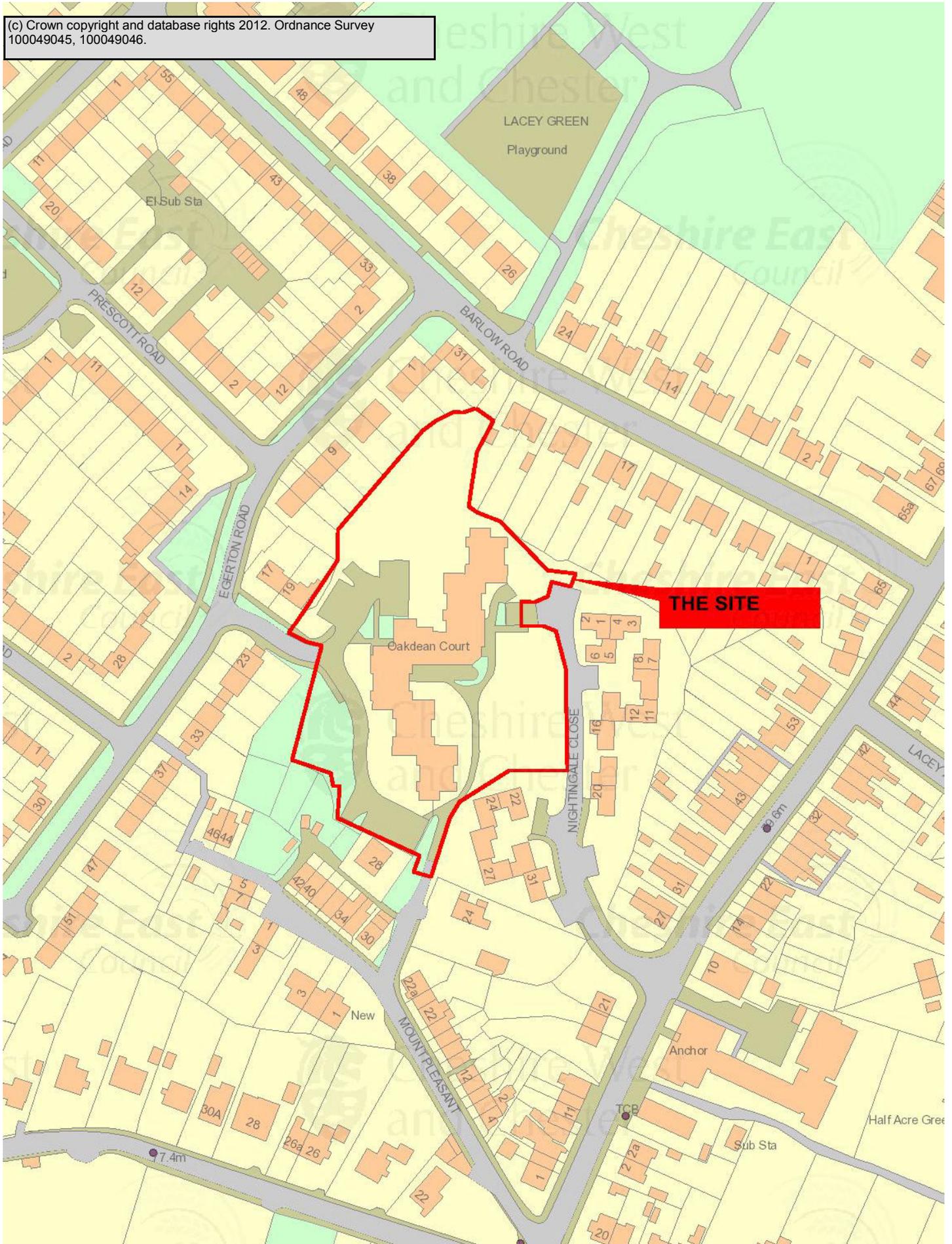
Application for Full Planning

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

1. A03FP - Commencement of development (3 years)

2. A04AP - Development in accord with revised plans (numbered)
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A05EX - Details of materials to be submitted
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement
9. A12LS - Landscaping to include details of boundary treatment
10. A06NC - Protection for breeding birds
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. A32HA - Submission of construction method statement
14. dust control
15. phase ii contaminated land survey
16. removal of pd rights - extensions
17. 10/% renewalew energy provision

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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, Manège 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

Approve subject to conditions

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 24th August 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 has been deferred twice in order for Members to undertake a site visit and for a revised scheme to be submitted for consideration.

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 within 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.

Due to concerns raised regarding the size, scale and materials of the proposed stables, the number of stables proposed and the use of the site as a livery rather than for personal use, revised plans have been received. This report will therefore discuss the revised scheme against the relevant planning policies.

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 boxes are 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

Received during the course of the original consultation period

12 representations 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; and it would prevent flytipping from happening in the future.

Two 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;
- 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;
- The culvert beneath the drive is not designed to take heavy loads and concern is raised regarding the driveway notwithstanding the construction traffic needed to build the development and the subsequent horse boxes; and
- 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 currently stables their horses). She wishes to clarify some of the statements that have been made in the submitted planning statement. 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.

Received during the course of the new consultation period

One further representation was received that stated they supported the application; that they'd like permission to be granted as soon as possible so that the land is looked after and has a purpose.

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.

A further Bat Survey was received following the comments made by the Nature Conservation Officer and The Wildlife Trust, and a revised Design & Access was received due to the scale and nature of the development changing from the scheme that was originally submitted.

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 pavilion and brick built store that were previously used in connection with the cricket pitch. The revised drawings show the erection of a prefabricated stable building that would comprise three stables and a tack room. They would be arranged in a straight line and would be positioned to the south of the existing buildings and would have a parking/turning area located to the front. The building would measure 14.9 metres by 3.8 metres (5 metres if the roof overhang is included), would have an eaves height of 2.6 metres and a ridge height of 3.4 metres. It would be constructed of a timber frame with timber weatherboard cladding.

Policy DC32 of the Local Plan and the Equestrian Facilities SPG outline specific requirements in respect of the scale and materials of proposed stables. The revised design for the stables would comply with these policies and would meet the definition of 'small scale' stables. It is therefore considered that the proposed stable building is of an acceptable design and scale for its intended use and is required in the interests of animal welfare as indicated in policy DC32 of the Local Plan.

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 this would need to be conditioned accordingly. It is also proposed to change the use of the land for the keeping of horses.

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. Justification has therefore been demonstrated for the need to provide a larger than average manege.

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

to 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 given the high level of screening. The use of limestone chippings is not considered acceptable given their colour and therefore the proposed surfacing materials should be conditioned for approval. Subject to the imposition of these conditions it is not considered that the proposed development would be highly prominent 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.

For the reasons outlined above it is considered that the revised scheme would now comply with policies BE1 and DC32 of the Local Plan and the Equestrian Facilities SPG and is therefore not considered to have a detrimental effect on the character or appearance of the surrounding countryside/street scene.

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.

The policy has been saved in the Local Plan in respect of the change of use of 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 revised scheme now proposes 3no. stables and a tack room, a manege, a horse walker and associated development. As described above, the stables would comply with the measurements and materials outlined in policy DC32 and the Equestrian Facilities SPG and would meet the definition of *'small scale'* stables. The stables would now be solely used by the applicant and therefore would involve a personal use rather than a commercial livery. Sufficient land is available for the grazing of three horses and horse passports identify that the applicant does own three horses. The revised design for the proposed stables is therefore considered to have overcome the previous concerns and would not comprise inappropriate development in the Green Belt. The proposed stables would therefore comply with policy GC1 of the Local Plan and the NPPF.

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.

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, located 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 revised drawing

outlines that limestone chippings would be used to create an area of hardstanding for the parking/turning of vehicles within the site which would extend to the access track.

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 is aware of the alternative access 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; and it would require the provision of a long access track within the site 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 providing the visibility splays are implemented.

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.

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 in respect of the requirement to provide a further Bat Survey. Whilst a further survey has been provided, this was the wrong type of survey. The agent has confirmed that the correct survey will be provided prior to the

committee meeting and further comments in respect of this matter will be provided to Members either within the Update Report or at the committee meeting.

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 both trees are considered individually to present low amenity value Category C.

The stables would stand 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-to-building relationship.

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

The revised drawings have reduced the scale and number of stables to a level that complies with the definition of 'small scale' stables. The proposed stables, manege, horse walker, the change of use of the land for the keeping of horses, and the associated development are not considered to have a detrimental effect on the openness of the Green Belt and would comprise appropriate facilities for sport and recreation. The development would therefore not comprise inappropriate development in the Green Belt.

Subject to conditions the development would not have a detrimental effect on neighbouring amenity, existing trees, the ASCV or the historic parkland. Highway safety would be achieved by the provision of the required visibility splays, which can be provided with little impact to existing trees and the character of the area. A Bat Survey is currently outstanding however the agent has confirmed that this will be provided prior to the committee meeting.

The application is therefore recommended for **APPROVAL** subject to the Bat Survey being submitted and subject to no objections or concerns being raised by the Nature Conservation Officer.

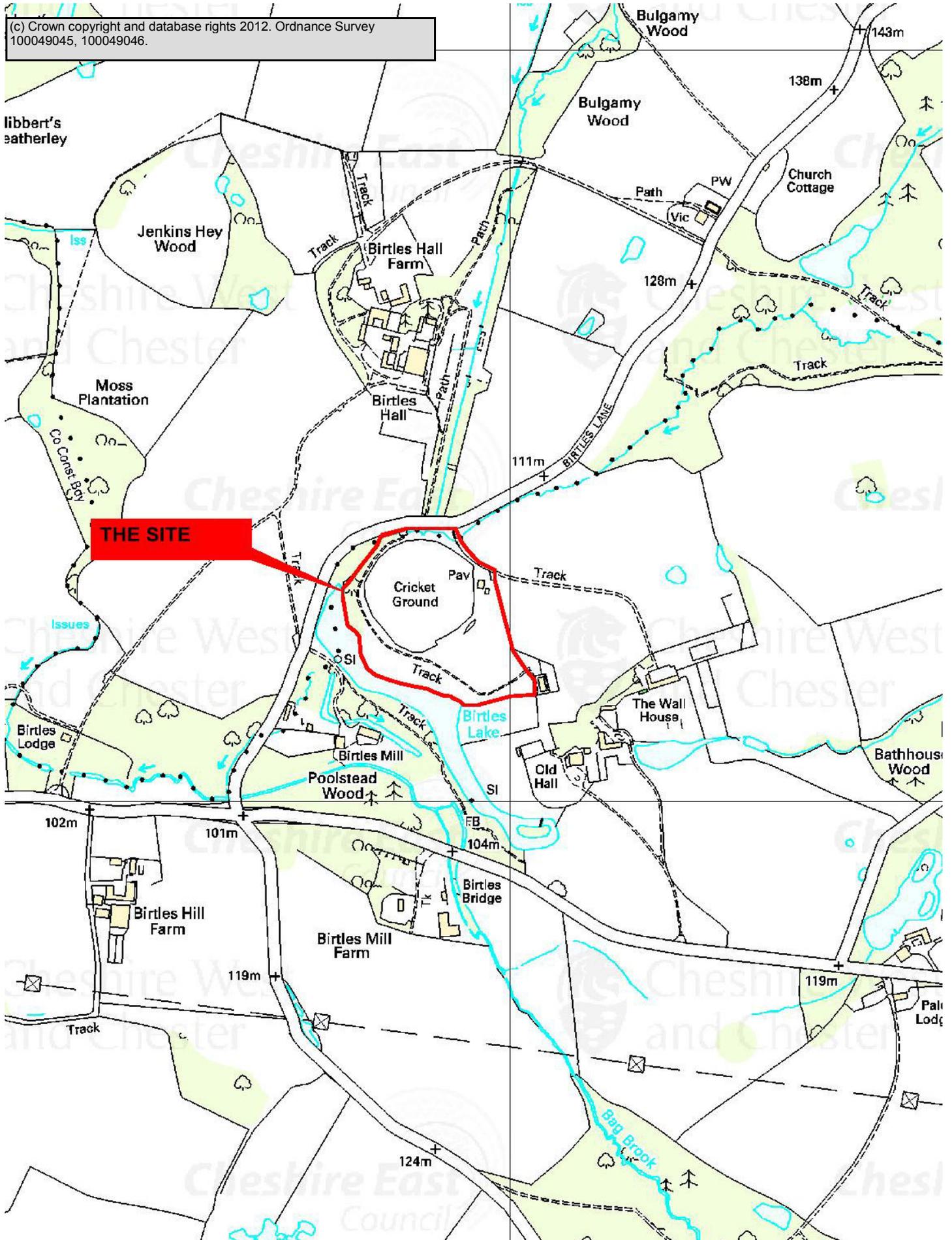
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A18GR - No commercial use of stables or manege
4. A03HA - Vehicular visibility at access (dimensions)
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A16LS - Submission of landscape/woodland management plan

8. A02TR - Tree protection
9. A03TR - Construction specification/method statement
10. A04TR - Tree pruning / felling specification
11. A06TR - Levels survey
12. A01AP - Development in accord with approved plans
13. No use of limestone chippings
14. No floodlighting
15. Details of lighting other than floodlighting to be approved
16. Elevational details of horse walker, fencing around perimeter of manege and gates to be agreed
17. Provision of Two Barn Owl Boxes

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Application No: 12/2883M

Location: BEXTON PRIMARY SCHOOL, BLACKHILL LANE, KNUTSFORD, CHESHIRE, WA16 9DB

Proposal: Application to Vary Condition 7 (Removal of Existing Classrooms) of Planning Permission 12/0313M

Applicant: Mr P Yeomans, Cheshire East Council

Expiry Date: 20-Sep-2012

Date Report Prepared: 22nd August 2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Impact of the development on the Green Belt
- Design considerations
- Impact on residential amenity
- Highway safety

REASON FOR REPORT

The application has been referred to the Northern Planning Committee in line with the Cheshire East Borough Council Scheme of Delegation as the landowners and the applicants are Cheshire East Borough Council.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a Primary School which currently consists of two main buildings, five temporary classroom units, four of which are clustered together on the southern boundary. The main entrance and car park is accessed from Blackhill Lane, with a segregated pedestrian entrance on the north-east corner of the site. An additional pedestrian access is sited on Bexton Lane, which via a suburban housing estate connects to the A50 main road on the southern edge of Knutsford.

The site is bordered by residential development, but with open fields to the west.

Planning permission was granted under reference 12/0313M, approved on the 14th March 2012, for the erection of 2no classrooms and associated facilities and a link block between the currently unconnected halves of the school. Three of the four temporary classrooms units already on the site were proposed to be demolished.

DETAILS OF PROPOSAL

The proposal is to vary condition 7 on application 12/0313M. This condition states:

Upon occupation of the development hereby approved, the existing temporary classrooms as shown on plan number (2-)101 shall be completely removed from site.

Reason: In the interest of the visual amenities of the site and to comply with policy GC1 of the Macclesfield Borough Local Plan 2004.

The conditions required three of the five temporary classrooms on site to be demolished.

This application seeks to vary this condition so that one of the classrooms specified to be demolished is retained and vice-versa. The number of temporary classroom resulting on the site would be unchanged (one).

Classroom unit C is now proposed to be retained, with unit D to be demolished instead of unit C. The reason for requiring unit C to remain and unit D to be demolished is that it is considered that unit C is in better condition and would have a longer service life than unit D.

POLICIES

The North West Regional Spatial Strategy

DP1- Spatial Principles
DP2 Promote Sustainable Communities
DP7- Promote Environmental Quality
L1 Health, Sport, Recreation, Cultural and Educational Services Provision

Macclesfield Borough Local Plan Policy

GC1 Green Belt (New Build)
BE1 Design Guidance
DC1 Design - New Build
DC2 Alterations and Extensions
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways:

No Objection.

COMMENTS FROM THE TOWN COUNCIL

Knutsford Town Council- No Objection.

OTHER REPRESENTATIONS

None.

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted in support of the application and are available on the application file: -

Covering letter explaining the need for this application.

OFFICER APPRAISAL

Principle of Development

The principle of development in this location is acceptable, subject to Green Belt, design, amenity, highways issues as examined below.

Green Belt/ Design

In planning terms there is not considered to be a material differentiation between the two units C and D, nor the requirement to substitute the demolition of one for the other. The two units are of identical age and construction, are visually very similar, and they are adjacent to each other on site. The change would have no bearing on the appearance of the site from the public highway or nearby properties. It is also noted that the retained unit would now be further away from the site boundary.

Furthermore, Unit D is larger in footprint than the unit originally intended for demolition, unit C, by 41m² (gross). Therefore it is considered that the proposed retention of Unit C would have less of an impact on the character, appearance and openness of the Green Belt and locality than the retention of Unit D.

All other elements of the scheme are to remain the same as with the extant permission 12/0313M. Site circumstances have not changed since that permission and so all of these elements are considered acceptable in Green Belt and Design terms as per application 12/0313M.

Highways

The Highways and Transportation Manager raises no objections. The proposals would have no impact on the highway network and would comply with policy DC6.

Amenity

No objections have been received.

Overall the development is considered to comply with policies DC3, DC38.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The development would have an acceptable impact on the character and appearance of the Green Belt, neighbouring amenity and highway safety and is considered to be in compliance with the relevant policies of the Development Plan. Accordingly, the application is recommended for approval subject to conditions.

Application for Variation of Condition

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
3. A04EX - Materials to match existing
4. Noise
5. Pile Driving
6. Float Floor Finishing
7. Demolition

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