

Northern Planning Committee

Agenda

Date:	Wednesday, 23rd January, 2013
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 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 - 6)

To approve the Minutes of the meeting held on 19 December 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. **12/4247M-The use of land for the stationing of caravans for residential purposes for 1No - gypsy pitch, together with the formation of additional hard standing and utility/dayroom ancillary to that use, Land to the North West of, Moor Lane, Wilmslow for John Allan (Pages 7 - 20)**

To consider the above application.

6. **12/4294M-Demolition of the existing dwelling and construction of a replacement 2 & 1/2 storey dwelling with a basement and attached triple garage and associated landscaping, 20, Fletsand Road, Wilmslow, Cheshire for S Mulchand (Pages 21 - 30)**

To consider the above application.

7. **WITHDRAWN-12/4169M-Demolition of existing garage, erection of side and rear extensions to form new integral and detached garaging, extended living accommodation including remodelling of elevations, together with associated landscape works, 2, Holt Gardens, Blakeley Lane, Mobberley, Knutsford, Cheshire for Mr Gareth Russell (Pages 31 - 38)**

To consider the above application.

8. **12/4353M-Full planning permission for the demolition of the existing former County Hotel building and construction of 14 No. residential units with car parking and associated landscaping and external works, County Hotel, Harden Park, Alderley Edge, Cheshire for The Seddon Pension Scheme (Pages 39 - 50)**

To consider the above application.

9. **12/3845M-Variation of Condition 2 & 17 Planning Application 10/2927M relating to Windows and Trees, St John The Baptist Church, Church Street, Bollington, Cheshire for The Simply Group (Pages 51 - 56)**

To consider the above application.

10. **12/4636C-Garage Conversion into Ancillary Accommodation, 33, Millmead, Rode Heath, Stoke On Trent, Cheshire for Mr Andrew Barratt (Pages 57 - 62)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 19th December, 2012 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, H Gaddum,
A Harewood, L Jeuda, D Mahon, D Neilson, P Raynes and D Stockton

OFFICERS IN ATTENDANCE

Mrs S Dillon (Senior Lawyer), Mr P Hooley (Northern Area Manager), Mr
Jones (Principal development Officer) and Mr P Wakefield (Principal Planning
Officer)

83 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs O Hunter, B
Livesley and J Macrae.

84 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 12/4039M and
12/4038M, Councillor D Mahon declared that he was acquainted with the
applicant Mr P E Jones.

In the interest of openness in respect of applications 12/4039M and
12/4038M, Councillor L Brown declared that she was an acquaintance of
Councillor F Keegan who was the Ward Councillor.

In the interest of openness in respect of applications 12/4039M and
12/4038M, Councillor Miss C Andrew declared that she was an
acquaintance of Councillor F Keegan who was the Ward Councillor.

In the interest of openness in respect of applications 12/4039M and
12/4038M, Councillor D Stockton declared that he lived in the Ward and
that his apartment where he lived was managed by Emersons a
subsidiary company of the applicant P.E.Jones (Contractors) Limited.

In the interest of openness in respect of application 12/4219M, Councillor
B Burkhill declared that whilst he had called in the application to
Committee and made the public aware of its existence he had not pre-
determined the application.

In the interest of openness in respect of application 12/3438M which had
been withdrawn, Councillor P Raynes declared that he was a member

Campaign to Protect Rural England who had been consulted on the application.

85 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 28 November 2012 be approved as a correct record and signed by the Chairman.

86 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

87 WITHDRAWN 12/3438M-PROPOSED WIND TURBINE TO POWER SUTTON COMMON RADIO MAST, ERECTED ON A 23.6 METRE HIGH TOWER WITH A MAXIMUM BLADE TIP HEIGHT OF 34.2 METRES, LAND ADJACENT BT RADIO STATION, BUXTON ROAD, BOSLEY, CHESHIRE FOR MARSHALL WALLER

This application was withdrawn prior to the meeting.

88 WITHDRAWN 12/4125C-CONSTRUCTION OF 2NO SEMI DETACHED DWELLINGS, LAND ADJACENT TO HAWTHORNE COTTAGE, SWETTENHAM LANE, SWETTENHAM, CONGLETON, CHESHIRE FOR MR D GILES

This application was withdrawn prior to the meeting.

89 12/4194C-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 3NO DWELLINGS, INCLUDING ACCESS, THE ORCHARD, PADGBURY LANE, CONGLETON FOR EDWINA DARNELL

Consideration was given to the above application.

(Mr Hood, representing Westheath Action Group and Philip Bentley, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Northern Area Manager on behalf of the Ward Councillor, Councillor R Domleo).

RESOLVED

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

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years

4. Development in accordance with approved plans
5. Details of materials to be submitted
6. Hours of construction
7. Piling
8. Site compound
9. Contaminated land
10. Boundary treatment
11. Tree protection

90 12/4039M-ENGINEERING WORKS IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT, FORMER BEECH LAWN AND WOODRIDGE,BROOK LANE, ALDERLEY EDGE, CHESHIRE FOR P.E.JONES (CONTRACTORS) LIMITED

Consideration was given to the above application.

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

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A32HA - Submission of construction method statement
6. Bird Breeding Survey

91 12/4038M-AMENDED SCHEME FOR ERECTION OF 20 APARTMENTS IN TWO BUILDINGS. (RE-SUBMISSION), FORMER BEECH LAWN AND WOODRIDGE,BROOK LANE, ALDERLEY EDGE, CHESHIRE FOR P.E.JONES (CONTRACTORS) LIMITED

Consideration was given to the above application.

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

RESOLVED

That the application be delegated to the Development and Building Control Manager in consultation with the Chairman to approve subject to the completion of a Section 106 Agreement comprising of the following Heads of Terms:-

- The payment of £280,047 in lieu of on site provision of affordable housing
- £54,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £9,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) within Alderley Park and Chorley hall Playing Fields.

Subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A05LS - Landscaping - implementation
6. A22GR - Protection from noise during construction (hours of construction)
7. A17MC - Decontamination of land (details to be submitted)
8. Breeding birds survey
9. Noise mitigation scheme to be submitted
10. Details of piling operations to be submitted
11. Mitigation for the protection of local air quality to be implemented in accordance with submitted details
12. Development to be carried out in strict accordance with the submitted Arboricultural Statement and Tree Protection Plan
13. Development shall be carried out in strict accordance with the submitted Method Statement for Tree Protection in respect of T2 Silver Birch.
14. No occupation of dwellings until works approved under 12/4039M have been completed
15. Waste / recycling details to be submitted.

And subject to revised plans to provide visitor parking on site.

(The meeting adjourned for a short break at 4.05pm and reconvened at 4.15pm).

Consideration was given to the above application.

(Mr Beard, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A03TR - Construction specification/method statement (access track)
4. A07GR - No additional windows to be inserted - rear elevations
5. A25GR - Obscure glazing requirement - bathroom windows on rear elevation
6. A22GR - Protection from noise during construction (hours of construction)
7. Materials -samples of facing materials to be submitted
8. Windows - sample to be provided
9. Doors - wooden
10. Arboricultural works - in accordance with Report & Plans
11. Dust control - details to be submitted
12. Exterior lighting - details to be submitted
13. Noise generative equipment - restriction on hours of use
14. Phase 1 contaminated land survey
15. Vehicular access to the site to be limited to the new access track submitted as part of the application

93 12/4219M-SINGLE-STOREY SIDE EXTENSION, AND CHANGE OF USE OF LAND TO FORM PART OF THE RESIDENTIAL CURTILAGE, 19 CALDY ROAD, HANDFORTH, CHESHIRE FOR MR & MRS CLIVE BYRNE

Consideration was given to the above application.

(Lorna Searls, a Supporter and Mr Byrne, the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Northern Area Manager on behalf of Mr Kann, an objector).

RESOLVED

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application

The meeting commenced at 2.00 pm and concluded at 5.15 pm

Councillor R West (Chairman)

Application No: 12/4247M

Location: LAND TO THE NORTH WEST OF, MOOR LANE, WILMSLOW, SK9 6DN

Proposal: The use of land for the stationing of caravans for residential purposes for 1No - gypsy pitch, together with the formation of additional hard standing and utility/dayroom ancillary to that use

Applicant: John Allan

Expiry Date: 01-Jan-2013

Date Report Prepared: 10 January 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt, the effect on openness and the purposes of including land within it.
- The impact upon the character and appearance of the area.
- The effect on highway safety.
- The impact upon nature conservation interests.
- The suitability of the site in relation to access to services and public transport and availability of on-site services and utilities.
- The general need for gypsy and traveller sites in the region and borough.
- The needs and personal circumstances of the applicant.
- The availability of alternative sites

REASON FOR REPORT

This application has been referred to the Committee by the Head of Development due to the significant local interest in the proposal.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open land, the majority of which has an undisturbed / overgrown appearance. The application site area has been altered from the refused application site and now broadly includes only the area of land to be covered by hardstanding and the area for the proposed soakaway. The existing structures on the eastern boundary of the wider field, including a caravan and two small sheds, now fall outside of the application

site. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to change the use of the land for the stationing of caravans for residential purposes for 1no. Gypsy pitch with the formation of additional hard standing and utility / dayrooms ancillary to that use.

RELEVANT HISTORY

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 – Refused 06.07.2012

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles applicable to development management)

DP5 (Objectives to reduce the need to travel and improve accessibility)

DP7 (Criteria to promote environmental quality)

Local Plan Policy

NE11 (Protection and enhancement of nature conservation interests)

BE1 (Design principles for new developments)

GC1 (Control over new buildings in the Green Belt)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Requirements to provide and maintain landscape schemes for new development)

DC31 (Criteria for Gypsy sites)

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Policy for Traveller Sites (March 2012)

Cheshire East area is the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) (May 2007)

Draft North West Plan Partial Review (July 2009)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, noting that Moor Lane does provide access to a number of businesses and one of these is a caravan park just further along Moor Lane. This road is very narrow and certainly cannot accommodate many vehicle movements and any large development would not be acceptable in highway terms, although as this application is for only one caravan [pitch] it does not justify recommending a refusal on traffic impact grounds especially as there is an existing caravan park near the proposed site.

Environmental Health – No objections but issues raised relating to drainage, water supply, lighting, roadways, parking / hardstanding; and contaminated land.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council – Object on the following grounds:

1. The development represents inappropriate use of the green belt with no appropriate special circumstances identified;
2. Concerns as to the ecological impact of the development;
3. The potential increase in traffic and access problems on an already inappropriate road;
4. The lack of detail and ambiguous nature of the application; and
5. The danger of setting a precedent for further green belt development

Mobberley Parish Council – Object on the grounds that this is an inappropriate development within the greenbelt and no special circumstances have been shown to justify the harm that this application will cause to the openness of the greenbelt. Furthermore, we cannot understand why the applicants would want to build an ancillary building to enable the provision of washing and cooking facilities, surely this contradicts the whole Gypsy life style.

Chorley Parish Council - Object on the grounds that it is not suitable development in the Green Belt.

OTHER REPRESENTATIONS

To date over 550 letters of representation have been received objecting to the proposal on the following grounds:

- Personal information the same as previous refused application
- Day room unnecessary given facilities in mobile home
- Use of plurals within design and access statement is misleading
- Application is vague / incomplete
- Could result in a business running caravan site for other gypsy families
- Permission could lead to further development
- Highway safety concerns due to single track nature of Moor Lane
- Inappropriate development in the Green Belt
- Pressure on existing schools
- Drainage concerns
- No provision on application form for waste storage / collection
- No parking provision on application form
- No very special circumstances
- Out of character with the area
- Noise and disturbance to quiet area
- Impact upon nature conservation (including Peat Bog)
- Japanese Knotweed exists on the site
- Housing previously rejected in this area
- Impact upon network of bridleways
- Impact upon property value
- Already a caravan site close by

- Can trees on the site be protected?
- Ecological survey inadequate
- Loss of openness
- Site is not a sustainable location
- Brownfield sites should be considered first – have they been considered by applicant?
- Gypsy sites already identified by Cheshire East Council and this is not one of them
- Risk of flooding
- If the applicant seeks to justify a ‘specific and identified’ need for a traveller site this should, as stated in Policy E, be only done through the plan-making process and not via a planning application
- Personal information put forward is not evidence based
- Other traveller sites closer to Manchester Eye Hospital
- Poor public transport links
- Has the archaeological impact been considered?

One letter of support has also been received.

APPLICANT'S SUPPORTING INFORMATION

A design and access statement and supporting letter have been submitted which outline:

- Site layout designed with reference to *Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites* and *Designing Gypsy and Traveller Sites: Good Practice Guide*, May 2008.
- Caravans will meet statutory definition of a caravan.
- Site is 3.5km from Wilmslow town centre, and the nearest bus stop is 1km away.
- Existing hedgerows, bunds and areas of vegetation will be retained and augmented where possible to minimise visual impact.
- Existing access to be realigned to improve access whilst better screening the development.
- Existing hard standing that is not required will be removed and replaced with grass.

A document briefly outlining the applicant's personal circumstances has also been submitted. The reasons put forward for the need of the site include unmet need for gypsy and traveller sites in the area; lack of alternative sites and the personal circumstances of the applicant and his family.

OFFICER APPRAISAL

Green Belt

Paragraph 79 of the NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;” Paragraph 89 identifies that the construction of new buildings within the Green Belt is inappropriate. The proposed development is not for one of the identified exceptions to this. The recently published *Planning Policy for Traveller Sites* (March 2012) reflects this by stating that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.” Inappropriate development is, by definition, harmful to the Green Belt.

The application site itself is rural in character, although there are other developed sites adjacent to it and on the opposite side of this section of Moor Lane, including the neighbouring Peat Farm and Joiner's Workshop. Approaching the site from the east along Moor Lane or Cumber Lane, the strong built up residential character of these roads is gradually replaced by more sporadic development and narrow lanes, which reinforces the rural character of the area. The site is located on a narrow section of Moor Lane that leads to a residential caravan site approximately 300 metres further along the road. The land to the north and south of the site is predominantly open.

As noted above, the application site comprises two small sheds and a caravan along the eastern boundary of the site. The proposed development will create a hard surfaced area, upon which will be sited a mobile home, a touring caravan and a brick built utility / day room.

Whilst there is currently some degree of hardstanding within the site (primarily the access tracks) the proposed hardstanding will create a large expanse of tarmac of approximately 480 square metres. The brick built utility / day room will increase the permanent nature of the structures on the site and in addition to the proposed mobile home and touring caravan, the parking of vehicles and other domestic paraphernalia all centrally located within the site will have a greater impact upon the openness and visual amenity of the Green Belt, than the existing structures and layout on site.

The site is screened from Moor Lane by existing vegetation, and further planting is proposed, which will help to significantly reduce the visual impact of the development. However, the new structures are larger than the existing and more spread across the width of the site, encroaching into the currently open aspect of the site, as opposed to the existing structures, which are tucked tight against the eastern boundary. In addition, whilst the intensity of the use of the site would be determined by several factors including the number of residents as well as their lifestyle, any significant increase in this regard would be likely to result in additional outside activity such as levels of vehicle movements and car parking which would have further effect on openness. The resultant reduction in openness would conflict with this most important attribute of Green Belts. This weighs against the proposal, and should be added to the harm through inappropriateness.

Character and appearance

As noted above the residential character of Moor Lane and Cumber Lane gives way to a more open rural landscape as the site is approached from the east, with intermittent residential and commercial properties within the immediate vicinity of the site. Some of these nearby properties have comparable areas of hardstanding to that currently proposed, and the site is generally well screened by surrounding hedgerows and woodland, and an existing earth mound within the site. The proposed development would be screened or filtered from Moor Lane, from the residential property at Foxholme Stables and from public footpath (Mobberley FP52) to the west by roadside hedges and other vegetation. The proposed on-site planting would provide further screening when mature.

Whilst the extent of hardstanding, additional structures, domestic activity and paraphernalia is at odds with the existing natural appearance of this Green Belt site, views of the development from public vantage points are extremely limited due to the extent of existing and proposed boundary landscaping. Paragraph 24(d) of *Planning policy for traveller sites* notes that sites should not be enclosed with so much hard landscaping, high walls or fences that create the

impression that the site and its occupants are deliberately isolated from the rest of the community. However, given that the boundary treatment is soft and itself is in keeping with the character of the area, the site would not be distinctly different to other nearby residential properties, and should not significantly impact upon the character and appearance of this section of Moor Lane. Similarly, given that there is a reasonably sized caravan site further along the Lane, such a use is not unduly out of character.

Ecology

One of the reasons for refusal of application 12/1144M was:

Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests and trees. In particular, adequate survey(s) of the site for the existence of water voles, badgers and reptiles, or a survey of the existing trees, were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with relevant national policy guidance and Development Plan policies relating to nature conservation and trees.

In order to address this, the applicant has submitted a protected species survey report. Following consultation with the nature conservation officer, it is now considered that:

Broad nature conservation value of the site

Due to the undisturbed nature of the site and the lack of any type of management tall ruderal and scrub habitats have been allowed to develop together with early successional habitats on the former areas of hard standing. It seems likely that these habitats would be lost or at least highly modified as a result of the proposed development. Whilst these types of habitats can support a number of widespread species they are not considered a priority for nature conservation and so do not present a constraint on the proposed development.

Reptiles

A survey for reptiles has been undertaken and no evidence of reptiles was recorded. Only five survey visits were made to the site and two of these were undertaken during periods of slightly high temperature. However, considering the relatively small size of the site and the number of survey tiles employed the nature conservation officer is satisfied that reptiles are likely to be absent from the proposed development site.

Water Voles and Badgers

Whilst both of these species are known to occur within the locality there is no evidence of them being present on the application site. It is therefore considered that reptiles, water voles and badgers do not present a constraint on the proposed development.

Bluebells

The site supports a small number of native bluebells (a Biodiversity Action Plan (BAP) Priority Species and hence a material consideration). For the most part this species is located on the bunds on the eastern boundary of the site. It is therefore recommended that these bunds be retained as part of the proposed development in order to safeguard this species.

Safeguarding of ditches

Whilst the ditch towards the eastern boundary of the site does not appear to be particularly valuable, the submitted protected species report recommends that no development occurs within 5m of it. This could be achieved by condition.

Common toad

Common toad (a BAP species and a material consideration) has been identified on site. Despite this finding, the nature conservation officer advises that the proposed development is unlikely to have a significant impact upon this species.

Bats and trees

The submitted protected species report has identified the trees on the eastern boundary of the site as having potential to support roosting bats. It appears from the submitted layout plan that these trees will be retained. The proposed development is therefore unlikely to have an adverse impact upon bats.

Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several metres around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

The Nature Conservation Officer has also considered potential impacts upon the adjacent Saltersley Moss SBI, and it is considered that there are no likely impacts associated with the proposed development. The exception to this might be the proposed soakaway however it is assumed that this would be designed in accordance with current best practice to avoid any potential pollution of the surrounding land. This matter could be the subject of a condition.

No significant ecological issues are therefore anticipated, subject to conditions.

Trees / landscaping

The Forestry Officer has confirmed that there appears to be no significant implications for existing trees within the site.

If the application is approved a detailed landscape scheme will be required. The landscape scheme should include details for the proposed use and long-term management of the northern area of the site. Japanese knotweed has colonised part of the site so appropriate ongoing measures should be established to eradicate this highly invasive plant.

Amenity

The nearest residential property is on the opposite side of Moor Lane at Foxholme Stables. Having regard to the scale of development and the distance to this nearest residential property, no significant amenity issues are raised.

Highways

The Strategic Highways Manager has assessed this application and notes that the lane does provide access to a number of businesses and one of these is an existing caravan park just further along Moor Lane. This section of Moor lane is very narrow and certainly cannot accommodate many vehicle movements and any large development would not be acceptable in highway terms. However, given that this application is for only one pitch, a refusal on traffic impact grounds would not be justified, especially as there is an existing caravan park near the proposed site. No significant highway safety concerns are therefore raised.

Archaeology

A number of letters of representation question whether there may be an archaeological impact arising from the proposed development given its proximity to Lindow Moss. The Council's archaeologist does not consider that further archaeological mitigation would be necessary. This is based on the fact that, although a number of late prehistoric bog bodies have been recovered from the moss, the application area lies beyond the limits of the deep peats, from which the bodies were recovered.

Sustainability

There are three primary schools within walking distance, and local shops are available at Lindow Parade on Chapel Lane also within walking distance, which would provide for most day to day needs and Wilmslow Town centre is approximately 3kms from the site. The nearest bus stop is approximately 500 metres from the application site on Moor Lane. The closest healthcare provision is again close to Wilmslow Town Centre at the corner of Bedells Lane and Chapel Lane. Some concern has been raised by third parties regarding the pressure upon local schools arising from the proposed development. However, the application is for one family, therefore any increased demand upon any local infrastructure would be minimal.

With regard to on site service provision, drainage has been raised within the representations as a particular concern. This issue could be controlled via condition, as could details relating to waste disposal facilities.

Strong, vibrant and healthy communities are a key aspect of the Government's view of what sustainable development is. In terms of peaceful and integrated co-existence between the site and the local community, the applicant's supporting statement outlines that the applicant's children attend the local primary school (although which school is not specified), and having a settled base will allow the children to attend school on a regular basis.

General need

Paragraph 8 of *Planning policy for traveller sites* requires local authorities within their plan-making to set pitch targets for gypsies and travellers which address the likely permanent and transit site accommodation needs of travelers in their area. At paragraph 9(a) the document states that local planning authorities should, in producing their Local Plan: "identify and update annually, a supply of specific deliverable site sufficient to provide five years' worth of sites against their locally set targets".

The main source of information on accommodation needs for gypsies and travellers within the Cheshire East area is the *Cheshire Partnership Area Gypsy and Traveller Accommodation*

and Related Services Assessment (GTAA) May 2007. This document identified an overall need for between 37 to 54 pitches within the Borough for the period between 2006 and 2016 (a pitch is generally defined as space for two trailers and a vehicle – a family unit).

In addition to this the draft *North West Plan Partial Review* July 2009 allocated a requirement of 60 pitches to Cheshire East for the period 2007 to 2016. However, given the anticipated revocation of the Regional Spatial Strategy, and its general uncertainty since 2010, it appears that this partial review document has not been progressed further. However, the level of need and the provision required by policy L6 of the partial review document, is similar to the higher figure identified in the GTAA for the Cheshire East area. There is clearly an identified need for additional gypsy and traveller sites across the Borough.

Since May 2007, 8 pitches have been supplied on privately owned sites and a further 2 are being developed on the local authority owned site in Astbury. Across Cheshire East there are a total of 13 private sites, with 112 permanent pitches and 2 transit pitches. The one Council run site has 16 pitches with 2 currently under construction. There is a further site that has temporary permission for 8 pitches. There are also 2 Travelling Showpersons sites in the Borough with 4 pitches. An appeal at the site at Thimswarra Farm, Dragons Lane (1 pitch) was allowed in September 2012 and an application for an additional pitch on that site was refused earlier this year.

It is evident that the number of pitches provided since 2007 makes little inroad in satisfying the need identified above. Paragraph 9 of *Planning policy for travellers* states that when producing their Local Plan local planning authorities should, “identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against locally set targets. The Council cannot demonstrate a five year supply. The identification and delivery of specific sites for occupation is likely to take some time. Therefore, there is considered to be a substantial unmet need for permanent residential pitches in Cheshire East and this lack of available sites does weigh in favour of the application, despite the Green Belt location of the site.

Paragraph 25 of *Planning policy for traveller sites* states that “if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of a temporary planning permission.” Given that paragraph 26 of this document requires local authorities to consider how they could overcome planning objections to particular proposals using planning conditions, and having regard to the identified need outlined above, a temporary permission should be considered. This is discussed further below; however five years would be necessary for there to be reasonable prospects of alternative sites becoming available to the applicant through the development plan process.

Applicant’s circumstances

The submitted supporting information states that the family are of Romany Gypsy descent. It is not clear where the applicants currently live. The personal circumstances state that immediately before this site the “family lived on the Frodsham Council run site for 3 years”. The wording implies that they no longer live there. However, the Council’s own research carried out by the Cheshire Partnership Gypsy Traveller Co-ordinator shows that they may still live on the site in Frodsham. Prior to the Frodsham site it is understood that the applicant

and his family were previously living on a site in Skipton. However the applicant's eldest son suffers from glaucoma and it was necessary to move closer to Manchester Eye Hospital, as they have to attend regular appointments at the Hospital and sometimes require emergency specialist treatment.

Mr Allen states that he works as a decorator and the three children attend the local primary school. Again, which "local primary school" is unclear. But it is believed to be a local school in Frodsham. They also state that the family are also registered with the local GP. But this is also unknown at this time.

Whilst which "local primary school" and which "local GP" are not specified within the application, clearly their access to health care and enabling the children to attend school on a regular basis would be facilitated by a settled base. The welfare and educational needs of the children could carry weight in favour of the proposal. The applicant's agent has been invited to expand on any information to support this application on a number of occasions. The information in respect of personal circumstances is very limited and it is considered can only be given very limited weight with the information available.

Availability of alternative sites

The lack of alternative sites is put forward within the supporting statement as a material consideration in favour of the development. However, this lack of alternatives is not qualified in any way. Given that the applicant's current situation is unknown, realistic alternatives are also unknown. The applicant has been given numerous opportunities to expand on their submitted information, including their accommodation options, and have provided no further details.

However, it should also be noted that the partial review document also identified a need for 825 additional residential pitches between 2007 and 2016 across the North West region. This figure derived from regional and sub-regional GTAAs, and together with recent appeal decisions the evidence does suggest that there is a serious shortage of accommodation suitable for gypsies and travellers within the region, which would add weight to the applicant's suggestion that there is a lack of available alternative sites.

Balance of issues

The proposal is identified as inappropriate development, which is, by definition, harmful to the Green Belt. Added to this "in principle" harm, is the resultant loss of openness and the encroachment into the countryside arising from the proposal. It is considered that substantial weight needs to be afforded to this identified harm to the Green Belt.

The applicant puts forward the following material considerations in favour of this application:

1. Unmet need for gypsy and traveller sites in the area;
1. Lack of alternative sites and,
2. The personal circumstances of the applicant and his family.

The level of detail submitted with the application is limited, particularly with regard to the applicant's current situation and personal circumstances, and the consequences of the refusal of planning permission upon the family are not known. Therefore as noted above, this severely restricts any consideration of alternative sites or the applicant's accommodation needs and the relative weight that can be afforded to these matters. Therefore, having regard

to the information that has been submitted only very limited weight can be attributed to these considerations.

In terms of the unmet need for gypsy and traveller sites in the area, this does carry considerable weight in the balancing exercise of the application. Members must weigh this against the harm to the Green Belt that would arise from the development. It is concluded that the unmet need alone is not considered to be sufficient to clearly outweigh the harm to the Green Belt from inappropriateness, loss of openness and encroachment. Therefore very special circumstances do not exist to justify the proposed inappropriate development. The proposal is therefore contrary to policies GC1 and DC31 of the Local Plan, and national policy contained within Planning Policy for Traveller Sites, and the NPPF.

Human Rights, Safeguarding Children and Race Relations

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The supporting information states that the applicants are of Romany Gypsy descent, a racial group protected from discrimination by the Equality act 2010. Local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the recent judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Based on the information provided, no significant issues are raised in this regard.

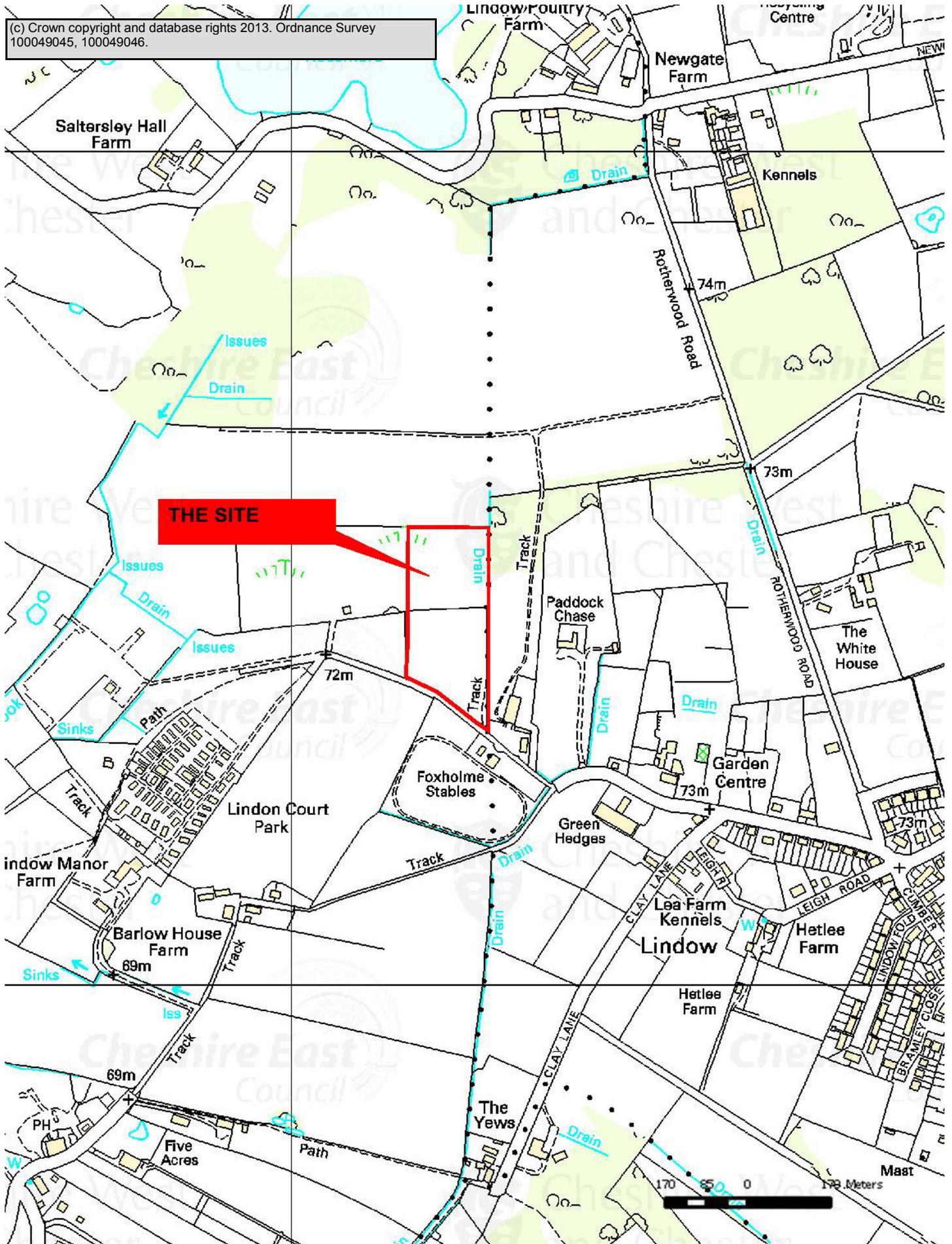
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is not considered to raise significant highway safety or residential amenity issues. The site is located within a reasonably sustainable location, and the development would not significantly harm the character and appearance of this rural area due to the extent of existing and proposed landscaping.

However, the proposal is an inappropriate form of development in the Green Belt, which reduces openness and encroaches into the countryside. Whilst the shortage of accommodation for gypsies and travellers in Cheshire East is acknowledged, this is not considered to be sufficient to outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policies GC1 and DC31 of the Macclesfield Borough Local Plan, the National Planning Policy Framework and Planning policy for traveller sites. Accordingly, a recommendation of refusal is made for the following reason:

- 1. The site lies within the North Cheshire Green Belt as defined by the Development Plan. The proposed development is inappropriate development in the Green Belt, and results in a loss of openness and encroachment into the countryside. It is not considered that the unmet need for gypsy accommodation in the area and other material considerations advanced by the applicant amount to very special circumstances that would clearly outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policies GC1 and DC31 of the Macclesfield Borough Local Plan, the National Planning Policy Framework and Planning policy for traveller sites.**

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Application No: 12/4294M

Location: 20, FLETSAND ROAD, WILMSLOW, CHESHIRE, SK9 2AB

Proposal: Demolition of the existing dwelling and construction of a replacement 2 & 1/2 storey dwelling with a basement and attached triple garage and associated landscaping.

Applicant: S MULCHAND

Expiry Date: 07-Jan-2013

Date Report Prepared: 10.01.2013

SUMMARY RECOMMENDATION	APPROVE, SUBJECT TO CONDITIONS
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MAIN ISSUES:

- Design/impact on the character and appearance of the area and the street-scene
- Impact on the amenity of neighbouring properties
- Highways safety
- Forestry/landscaping/ecological issues

REASON FOR REPORT

The application has been called to committee by the local ward member, Cllr Menlove, for the following reasons: Overdevelopment intrusive to neighbours, detrimental to the character of the neighbourhood and to the appearance of the street-scene.

DESCRIPTION OF SITE AND CONTEXT

The property to which the application relates is a two-storey, detached dwelling, of no particular architectural merit, set in a plot covering an area of approx. 0.217 hectares - the max. width of the plot at the front is approx. 41m and the max. depth approx. 68m. The site is well-screened by trees and foliage.

The area is characterised by relatively large, detached low density housing of varying ages and architectural styles, some sited within relatively deep plots. In recent years there have been a number of replacement dwellings erected in the Fletsand Road/ Torkington Road area.

The site lies within a Predominantly Residential, Low Density Housing Area, as defined in the Local Plan, and there are Protected Trees along the front of the site.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for demolition of the existing dwelling and construction of a replacement 2 & ½ storey dwelling with a basement and attached triple garage plus associated landscaping.

Revised plans have been submitted during the course of the application in response to issues raised by the Officer. The amendments made primarily include the following (full details of the amendments can be read on file):

- Reduction in the mass at the rear of the proposed/extent to which it extends beyond the rear elevations of the 2 No. immediate neighbouring properties (numbers 22 and 18).
- Reduction in depth of the front single-storey element on the eastern side of the plot.
- Re-positioning of 1 No. velux window serving bedroom 7 (so that this doesn't face the side elevation of number 22) and re-positioning of other velux windows so that they are at a height of 2m above internal floor area.
- Ground level dropped in height by 0.3m.
- Pitched roof on single-storey rear section replaced with a flat roof/lantern style design.
- Additional screening planting proposed along boundary with number 22 (details to be agreed).

RELEVANT HISTORY

63621p Alterations and extensions to house and resiting access to highway.
Approved, 24.07.1990

POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)
DP7 (Criteria to promote environmental quality)

Macclesfield Borough Local Plan – saved policies

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)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
H12 (Low Density Housing Area)
H13 (Protecting residential areas)
NE11 (Protection and enhancement of nature conservation interests)
H12 (Preserving character of low density housing areas)

Policies BE1, H13 and DC1 seek to ensure a high standard of design for new development and that new development is compatible with the character of the immediate locality of the site. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policy DC8 seeks appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value. Policy H12 is specific to Low Density Housing Areas and seeks to preclude development unless specified criteria are met. The policy aims to ensure the proposal is sympathetic to the character of the established residential area taking into account the physical scale and form of new houses and vehicular access; plot widths and spacing between buildings should be commensurate with the surrounding area; existing high standards of space, light and privacy should be maintained and trees of public amenity value should be retained.

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Heritage & Design – Forestry:

No objections, subject to conditions related to: protection of trees during the development.

Environmental Health

No objections, subject to conditions related to: restrict hours of operation, require details of pile driving and floor floating (if required), details of dust control and a contaminated land risk assessment.

Heritage & Design – Nature Conservation:

The Nature Conservation Officer is satisfied that no ecological surveys are required in this instance.

United Utilities:

No objections, subject to informatives related to: discharge of surface water, meter supply, connection to water mains/public sewers

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council:

No objections

OTHER REPRESENTATIONS

6 No. of representations have been received from the occupants of neighbouring properties. Details can be read on file. Many of the representations do not object in principle to the demolition of the existing and replacement with a new dwelling nor do they object to the front elevation. However, a summary of the issues raised is provided below:

- Too large/excessive size (12800 sq ft), footprint over 50% of the plot, overdevelopment of the plot.
- Side elevations intrusive to neighbours.
- Fails to meet criteria in policies H12 and DC3.
- Includes what appears to be an additional self contained unit.
- Out of character with the area.
- Little garden space remaining.
- Water run off (contributing to local flooding).
- Loss of amenity (to number 22 – feeling of being hemmed in due to rear single-storey aspect extending considerable depth into rear garden area and close to boundary).
- Disruption to neighbourhood from development and damage to road.

APPLICANT'S SUPPORTING INFORMATION

The applicant submitted a *Design & Access Statement* with the application, details of which can be read on file and a summary of key points is provided below. It is also noted that some *comparative figures* have also been submitted during the course of the application.

- Primarily a two-storey house with a basement (swimming pool and leisure facilities) and habitable space in the attic (2 No. bedrooms, bathroom and utility). Integral triple garage.
- Design is high quality modern Arts & Crafts with dormer windows, fully glazed feature gable windows, decorative chimneys and flowing roof-lines to break up the mass.
- Site area approx. 0.217 hectares. Currently dwelling footprint covers approx. 0.045 hectares.
- Site in a sustainable location – 1.2m from Wilmslow Town Centre.
- Site is well screened by trees & foliage.
- Character of the area is predominantly detached dwellings, substantial properties in deep plots, naturally screened with mature gardens. No single unifying architectural style.
- Existing access utilised. Courtyard area widened to improve use/provide increased off-road parking.
- Proposed of an appropriate scale that sits comfortably in the plot, is in keeping with the area and protects residential amenity.
- Proposed complies with relevant planning policies.

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to adhering to relevant Development Plan policies.

Policy

The relevant policies are listed above and relate to the issues identified.

Design/impact on the character and appearance of the area and the street-scene

The proposed dwelling broadly comprises the following: Leisure facilities in the basement (swimming pool and gymnasium); drawing room, family TV room, study/games room, kitchen/dinning room, dinning room and prayer room on the ground-floor and 7 No bedrooms and associated bathrooms etc. on the first and second floors.

Style/materials

As noted in the *Design & Access Statement*, the design of the proposed is described as modern Arts and Crafts. The mass is broken up with different roof heights and roof slopes oriented in different directions, dormer windows and glazed front gables. The materials to the finishes are broadly brick and stonework with a slate roof.

At the front of the site a courtyard area is retained. This space is made larger than currently exists primarily by reducing the size of the single-storey aspect that projects off the front elevation on the eastern side of the plot.

Size

There is an increase in maximum roof ridge height from approx. 8.1m (the existing main ridge running south-east to north-west) to approx. 9.6m (the main ridge which also runs south-east to north-west).

The site area is approx. 2175sqm. The existing footprint is approx. 446sqm (i.e. approx. 20% of the site area). The existing floor area over 2 No. floors (i.e. ground and first) is approx. 504sqm. The footprint of the proposed is approx. 649sqm (i.e. approx. 30% of the site area). The proposed floor area over ground and first floor is approx. 822sqm (i.e. approx. 63% increase in floor area when compared to the ground and first floor floors of existing). A significant amount of additional floor area is provided, though this is located in the basement and the attic.

Character and appearance of the area

Although the proposed dwelling would amount to a significant increase in footprint, floor area and volume over the existing dwelling, it is noted that a) the area consists of relatively large properties of varying styles. b) a substantial amount of floor area and volume is located in the basement and attic, c) 70% of the site area would remain undeveloped, d) numerous other properties in the area have relatively long single-storey extensions at the rear (eg. number 18 next door) and e) the boundary treatments comprise mature trees and hedges thereby significantly screening views of the proposed from public vantage points. For these reasons it

is considered that the proposed would have an acceptable impact on the character and appearance of the area.

Street-scene

The street-scene illustrates a stepped height between the proposed dwelling and the immediate neighbouring properties to the south-east and north-west, with a decrease in height running from number 22 (south-east) down to number 18 (north-west). With a) the variation in roof heights, b) the roofs to the sides of the proposed dwelling being hipped in from the side boundaries and c) the increased courtyard area to the front, it is considered that the proposed has an acceptable relationship with the street-scene.

Overall, it is considered that the design is acceptable and that the proposed has an acceptable impact on the character and appearance of the area and street-scene. The proposed accords with relevant design policies, i.e. BE1, DC1, DC3, DC38, DC41, H12 and H13.

Impact on neighbour amenity

The resultant distance from the front of the proposed dwelling to the front of the dwellings opposite is over 30m. The recommended distance for new dwellings (front to front) in policy DC38 is 21m.

The distance from the proposed side elevations to the side elevations of the 2 No. neighbouring properties either side of the proposed dwelling remains virtually the same as it is at present.

Number 22 has a bedroom window on the first-floor of its north-western facing elevation. This would have an outlook over the roof of the single-storey element of the proposed (at the eastern corner of the site) towards part of the roof slope running north-east to south-west. The distance from the window to the nearest part of the roof slope is approx. 17m the recommended distance for such a relationship in policy DC38 is 14m.

The single-storey ancillary accommodation at the rear of the proposed projects approx. 23m beyond the rear elevation of number 22 and is positioned approx. between 3-6m away from the boundary. The revised plans show that the flat roof design would project approx. 0.6m above the existing boundary fence. It is noted that there are existing trees and hedges along the boundary and that the applicant has offered to provide additional screening along the boundary (details to be agreed).

Bearing the above comments in mind it is considered that the impact of the proposal on the amenities of the occupants of number 22 is acceptable.

There are no significant windows affected on the eastern side of number 18. It is considered that the reduced depth/bulk at the rear of the proposed results in there being no significant impact on the amenities of the occupants of number 18.

Hence, bearing all the above in mind it is considered overall that the extent to which the proposed impacts on the amenities of neighbouring properties is acceptable.

Highway safety

The existing access to the site is being retained. The courtyard area at the front of the property is increasing in size, thereby creating more space for turning/parking vehicles, and a triple garage is included in the plans. Bearing these factors in mind it is considered that the proposed does not create any highways safety issues.

Forestry/landscaping/ecological issues

The Arboricultural Officer notes that the proposed would result in the loss of 2 No. Cypress trees located to the rear of the site. As regards Protected Trees on site, the relationship between the proposed replacement dwelling and Protected trees would be no worse than the existing relationship.

Much of the landscaping on site remains as existing. The applicant has proposed additional screening to the boundary with number 22 (details to be agreed).

As noted above, the Nature Conservation Officer is satisfied that an ecological survey is not required in this instance. No significant ecological issues are therefore anticipated.

Subject to conditions regarding tree protection and landscaping details it is considered that the proposed does not create any significant forestry, landscaping or ecological issues.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, it is acknowledged that the proposed dwelling is considerably larger than the one it is to replace. However, given a) that a significant amount of additional floor-space is in the basement and attic, b) the increase in height is acceptable in the street-scene and c) 70% of the plot would not be built on, it is considered that the /size and scale of the proposed is acceptable as is the impact on the area and the street-scene. It is considered that the proposed has an acceptable impact on the amenities of neighbouring properties, highway safety, trees and landscaping. Bearing these points in mind, the proposed accords with relevant Development Plan policies, as such it is recommended the application be approved, subject to conditions.

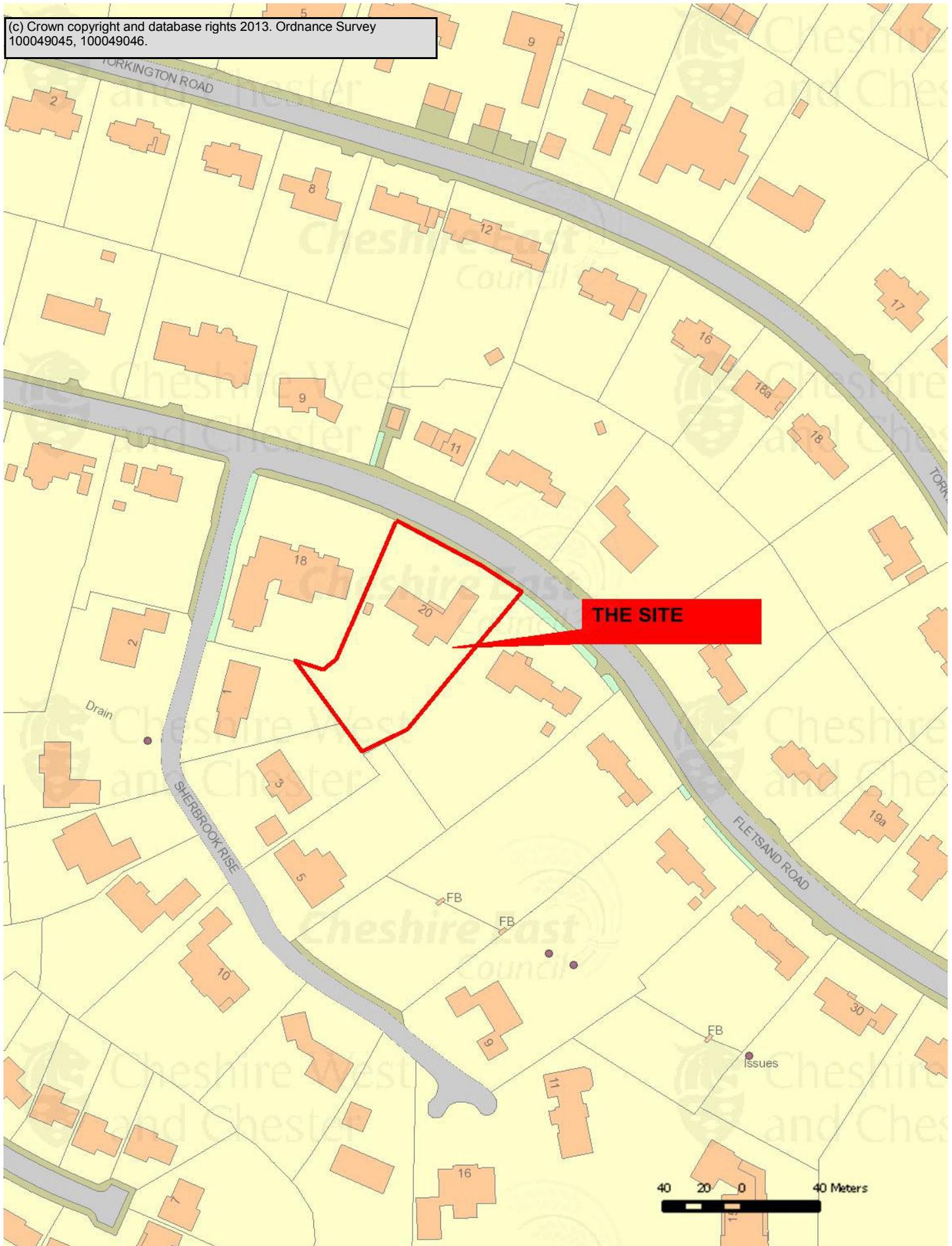
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A06GR - No windows to be inserted
5. A22GR - Protection from noise during construction (hours of construction)

6. A02LS - Submission of landscaping scheme and boundary treatments
7. A04LS - Landscaping (implementation)
8. A01TR - Tree retention (retain trees shown on plan)
9. A02TR - Tree protection (details to be submitted)
10. Pile driving (details to be submitted/restriction on hours of operation)
11. Dust control (details to be submitted)
12. Floor floating (details to be submitted)
13. Contaminated land (risk assessment to be carried out)
14. Run off (details to be submitted)

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Application No: 12/4169M

Location: 2, HOLT GARDENS, BLAKELEY LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7LH

Proposal: Demolition of existing garage, erection of side and rear extensions to form new integral and detached garaging, extended living accommodation including remodelling of elevations, together with associated landscape works.

Applicant: Mr Gareth Russell

Expiry Date: 31-Dec-2012

Date Report Prepared: 10th January 2013

SUMMARY RECOMMENDATION Refuse

MAIN ISSUES

- Scale, design and layout and impact upon the character and appearance of the locality and Green Belt
- Impact upon the residential amenity of neighbouring properties
- Highway Issues
- Impact on Protected Trees
- Impact on Nature Conservation

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Macrae (Mobberley Ward) for the following reasons:

- Concern that the development is un-neighbourly by nature of the size, siting and design of the dwellinghouse
- Concern that the development would adversely impact on the character and appearance of the Green Belt

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a detached two storey dwelling located within a group of six dwellings in the Green Belt. Three of the properties including the application property are visually separated from the other three properties by a 3m conifer hedge that runs the entire length of the shared driveway.

The properties in this group were all built in the 1970s, although they are all of a variety of sizes and architectural styles. The application site has a number of protected trees within and adjacent to its curtilage. The application property has not been extended previously. Protected trees lie to the north-eastern corner of the site.

DETAILS OF PROPOSAL

The proposals are for the remodelling of the dwelling, which would incorporate the demolition of the existing attached forward projecting garage and front porch, the demolition of some internal and external walls and the erection of a two storey side extension incorporating replacement attached garage, single storey rear orangery extension and single and two storey front extensions. A detailed method statement has been submitted to show how the demolition works will take place, to ensure that the existing dwelling is not demolished during the process. This is considered to be acceptable.

RELEVANT HISTORY

None.

POLICIES

Local Plan Policy

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

H13 – Protecting Residential Areas
BE1- Design Guidance
DC1- New Build
DC2- Extensions and Alterations
DC3- Amenity
DC6- Circulation and Access
DC8- Landscape
DC9- Tree Protection
DC38- Space, Light and Privacy
DC43- Side Extensions
GC1- Green Belt New Build
GC12- Green belt Alterations and Extensions
NE11- Nature Conservation

Regional Spatial Strategy

DP1- Spatial Principles
DP7- Promote Environmental Quality

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Comments not received at time of report preparation

VIEWS OF THE PARISH COUNCIL

Mobberley Parish Council object to the development on the following grounds:

They see no justification for this excessive development in the Green Belt. There are also concerns with the close proximity of the second garage to the neighbouring property.

OTHER REPRESENTATIONS

Occupier of 1 Holt Gardens does not object but requests that if the application is approved, a condition is attached requiring the shared driveway to be kept clear at all times and that any unavoidable obstruction is not permitted before 08.15 on weekdays.

APPLICANT'S SUPPORTING INFORMATION

A supporting design and access statement has been submitted with the application and can be viewed on the planning file, as well as a protected species survey and tree protection survey.

OFFICER APPRAISAL

Design / Green Belt

Paragraph 89 of the National Planning Policy Framework states that whilst the construction of new buildings in the Green Belt is inappropriate, exceptions to this can include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the original building.

Furthermore, policy GC12 of the Macclesfield Borough Local Plan states that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered. However exceptions to this policy may be permitted where the proposal lies within a group of houses and the extension would not be prominent.

Policy GC12 also states that an extension to provide a domestic outbuilding in the curtilage of the dwelling can also be considered an exception.

In both cases, the development would also still have to not adversely affect the character and appearance of the countryside.

Dwelling

In this case, the proposed extensions and alterations would result in a 48% increase in floor space over the original dwelling. In volume terms, the increase would be 21%. The width of the property would extend from up to 15.4m to up to 21.6m.

It is noted that the property lies within a very large plot, and as a result the proposed extensions and alterations are not considered to constitute overdevelopment of the plot, as there would be some 8.5m remaining to either side boundary of the curtilage.

It is also noted that the visually prominent single storey front garage would be removed, together with the relatively incongruous vernacular of the front porch.

The objection from the Parish Council has been carefully considered. However, on balance, the proposals are not considered to constitute disproportionate additions over the original dwelling, given the particular site circumstances. In addition to the partial demolition of the existing dwelling, the ridge height of the dwelling would remain the same at 7.6m. It is noted that the proposed gables to the front would add some bulk and massing to the dwelling, the larger gable to bedroom 4 would project 2.4m forward of the existing front elevation and the smaller gable 1.4m. The removal of the existing forward projecting garage will help to offset this increase. The dwelling would also still be 11.2m from the highway, and so again, after careful consideration, on balance the development is not considered to be unduly overbearing on the street scene or overly dominating and prominent in relation to the other two dwellings in this row.

Whilst it is noted that other properties in this group of dwellings have not been extended to such an extent as the proposed development, they are of varying scale and design, with neighbouring 1 Holt Gardens in particular being of a large scale and massing. The scheme is overall considered to comply with the exception criteria in policy GC12 and the development is not considered to adversely impact on the character and appearance of the countryside nor be unduly prominent in the countryside or street scene to a sufficient enough degree to warrant refusal of the application on these grounds.

In design terms, whilst the design would change considerably, the resultant dwelling is considered to be appropriate in this location and as stated previously all of the dwellings are of differing size and design and so the proposed scheme would not be unduly out of keeping with the surrounding properties.

Furthermore the main two storey side extension would remain subservient to the main bulk and mass of the existing dwelling, with a ridge height 0.5m lower than the main ridge.

Policy DC43 states that side extensions to properties should not normally encroach within one metre of the side boundary, in order to prevent a terraced street effect. In this case the distances to the side boundaries are some 8m, and so the development would accord with Macclesfield Local Plan policy DC43.

Garage

The proposed detached garage to the side of the dwelling would measure 5.9m wide x 8.3m deep, with a ridge height rising to 4.7m high. The garage would be set back some 7m from the front of the dwelling and 1.4m from the side boundary, which currently has a 1.6m high

fence along it. Trees would need to be removed and trimmed as a result of the proposed garage development, however these are not protected and are not considered to be of merit.

The detached garage would not be unduly prominent in the street scene and is not considered to adversely impact on the character, appearance and openness of the Green Belt.

Overall the development of the dwelling and the detached garage is deemed to accord with Macclesfield Borough Local Plan policies H13, BE1, DC1, DC2, DC43 and the relevant paragraphs of the National Planning Policy Framework relating to design.

The proposed development is also considered not to constitute disproportionate additions to the original dwelling, nor would it adversely impact on the character and appearance of the countryside and therefore is deemed to accord with Macclesfield Borough Local Plan policies GC1, GC12 and paragraph 89 of the National Planning Policy Framework.

Amenity

Dwelling

The only side facing window on the neighbouring property 3 Holt Gardens to the West is a first floor window to a bedroom. Whilst this is the principal window to this room, the side extensions on this side of the house would be 15m away, which would accord with Macclesfield Local Plan policy DC38 in terms of distance. Overall the extensions on this side are not considered to adversely impact on this window in terms of loss of light, overbearing impact or overlooking. No side windows are proposed at first floor level except one to a bathroom, which can be conditioned to remain obscurely glazed in order to retain privacy levels.

The side extensions to the East would be 22m from the side of neighbouring 1 Holt Gardens and this distance would also comply with Macclesfield Borough Local Plan DC38. Overall a commensurate degree of space, light and privacy would remain to this property.

To summarise the proposed extensions to the dwelling would have an acceptable impact on all neighbouring properties and as such the development would comply with Macclesfield Borough Local Plan policies DC3, DC38.

Garage

The proposed garage would be 13m away from the side elevation of 3 Holt Gardens. Whilst this would be a distance below the 14m stipulated in policy DC38, it is noted that the only side window to this property, the first floor window to a bedroom, would be higher than the ridge of the proposed garage and overall a commensurate degree of space, light and privacy would remain to this neighbouring property and the development would accord with Macclesfield Borough Local Plan policies DC3, DC38.

Highways

Comments from the Strategic Highways Manager are awaited. However, no significant highway safety issues are anticipated. A replacement garage is proposed and adequate space for parking to the front of the property would remain for at least 2no vehicles. Should the application be approved a condition could be attached restricting the hours of construction, to minimise possible access issues with the neighbouring properties and the shared driveway. Overall the development would comply with Macclesfield Borough Local Plan policy DC6.

Trees

Two protected Horse Chestnut trees lie to the north-eastern corner of the site.

Local Plan policy DC9 states that development which would result in a threat to the continued wellbeing of, or unsatisfactory relationship with trees which are the subject of a tree preservation order will not normally be allowed.

The Arboricultural Officer has raised concerns regarding the proposal, which are outlined below.

The design and position of the tree protection as shown does not sufficiently take into account the requirements for access for construction activity/ scaffolding etc and would likely require additional pruning of the tree in order to accommodate both the footprint and requirement for construction space.

BS5837:2012 Trees in Relation to Design, Demolition and Construction is quite clear on these points that development should take into account constraints posed by trees (Section 5.2) and that factors such as working space (Section 5.2.3 (c)) and the effect of construction requirements on the amenity value of trees d) and requirement to protect canopies of tree e) and the potential end use of space adjacent to trees g) should be taken into account. Section 5.3.4 of the British Standard also requires design to take account of the impact of proposed development on trees and their characteristics, with due allowance for future growth and maintenance requirements.

It is the Arboricultural Officer's view that the juxtaposition of the proposed development in relation to the two protected Horse Chestnut will increase the requirement for frequent remedial pruning to contain the trees growth and address seasonal inconvenience of shedding leaves and fruits (conkers). The submitted method statement is advocating facilitation of the pruning of the trees to accommodate the development which suggests that there is a recognition that the design has not adequately addressed those issues highlighted above and that the development exceeds the constraints on the site.

Both Horse Chestnut trees have not yet reached full maturity and have significant future growth potential. It is the Arboricultural Officer's view therefore that it is highly likely that if this development was allowed, the Council would receive increasing requests to regularly prune the two Horse chestnut trees in order to allow adequate space between canopy and the development footprint and possibly future requests to fell due to the increased social proximity.'

For these reasons the proposed development is not considered to comply with Macclesfield Borough Local Plan DC9.

Nature Conservation

The Nature Conservation Officer raises no objection, subject to conditions. The submitted protected species scheme concluded that there was no presence of a major bat roost in the roof of the property, however the occasional transitory bat cannot be discounted. It is therefore recommended that before the proposed structural demolition of the roof occurs, the roofing tiles at the gables and eaves would need to be carefully removed by hand and under the supervision of a suitably qualified bat worker. Subject to this the development would comply with Macclesfield Borough Local Plan policy NE11.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would result in an unsatisfactory relationship with trees which are the subject of the Tree Preservation Order, in terms of the impact on the trees on private amenity and social proximity interests. The long term protection of these trees would therefore be prejudiced and would therefore be contrary to Macclesfield Borough Local Plan policy DC9 and the National Planning Policy Framework.

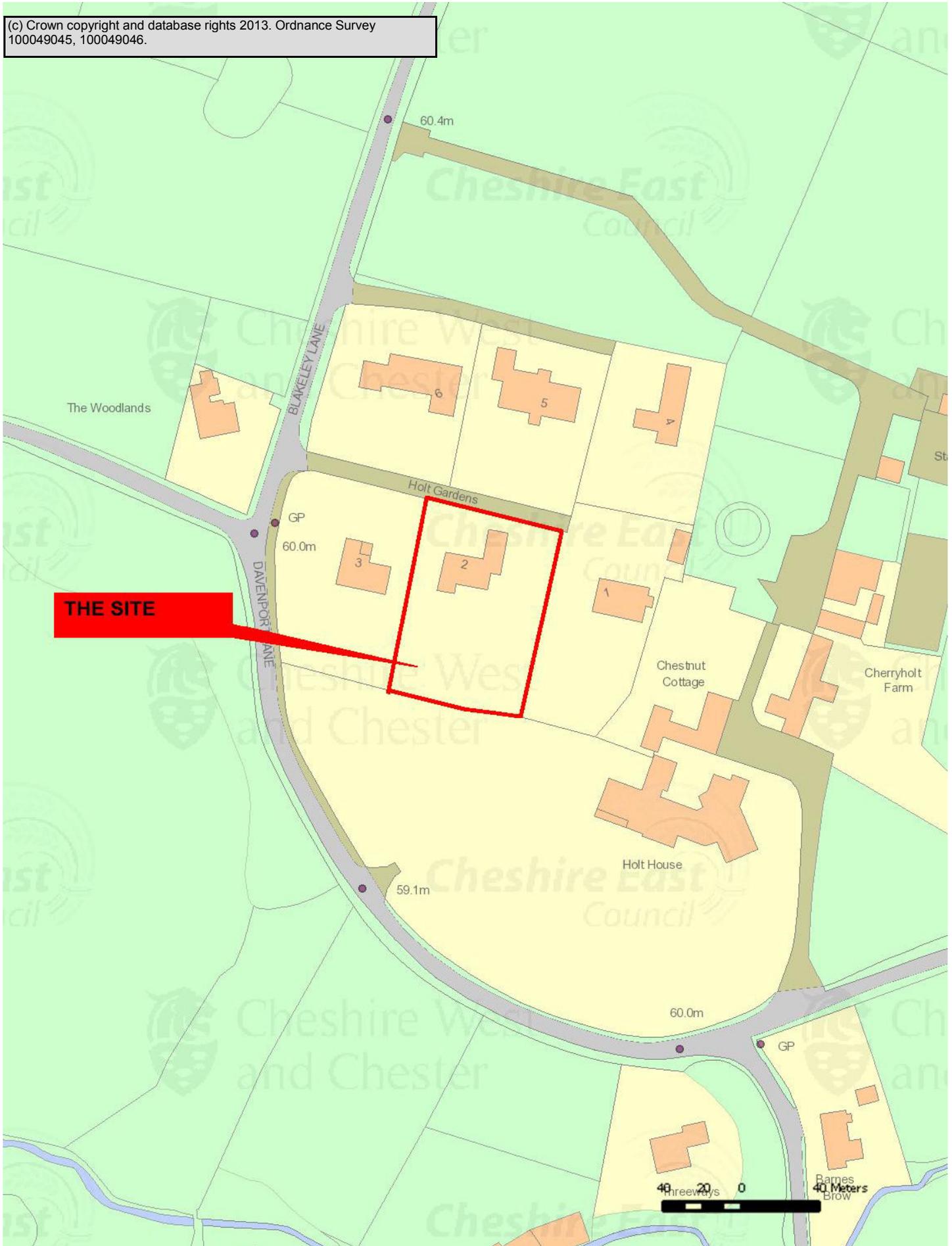
For this reason, a recommendation of refusal is made.

Application for Householder

RECOMMENDATION: Refuse for the following reasons

1. R04TR - Relationship to protected trees

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Application No: 12/4353M

Location: COUNTY HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: Full planning permission for the demolition of the existing former County Hotel building and construction of 14 No. residential units with car parking and associated landscaping and external works.

Applicant: The Seddon Pension Scheme

Expiry Date: 12-Feb-2013

Date Report Prepared: 11 January 2013

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

REASON FOR REPORT

Due to the scale of the proposal, the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the existing County Hotel building, associated car parking area and outdoor amenity area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing former County Hotel building and construct 14 No. residential units (apartments) with car parking, associated landscaping and external works.

RELEVANT HISTORY

There have been a number of applications for extensions and signage associated with the hotel. However, the most recent application was:

11/4542M - Full planning permission for the extension, refurbishment, alterations and conversion of the former County Hotel to create 6 residential apartments; erection of new four storey block of 8 residential apartments; together with car parking, landscaping and associated external works – Withdrawn 06.03.2012

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Make the Best Use of Existing Resources and Infrastructure
- DP7 Promote Environmental Quality
- DP9 Reduce Emission and adapt to climate change
- L4 Regional Housing Provision

Local Plan Policy

- NE11 Nature Conservation
- BE1 Design Guidance
- GC1 Green Belt – New Buildings
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- DC1 New Build
- DC2 Alterations and extensions
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC35 Materials and Finishes
- DC37 Landscaping
- DC38 Space, Light and Privacy
- DC40 Children's Play Provision and Amenity Space
- DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Highways – Comments not received at time of report preparation

Environmental Health – No objections subject to conditions relating to noise mitigation, construction activities, and contaminated land

Leisure Services – Comments not received at time of report preparation

United Utilities – Comments not received at time of report preparation

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council – No objections

OTHER REPRESENTATIONS

None

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a bat report, arboricultural statement, transport statement, design & access statement and planning statement. The planning statement concludes that:

- The removal of the building would significantly enhance the appearance of the site in this key prominent location.
- The site should be regarded as previously developed land where the redevelopment of the site would be appropriate development in the Green Belt as it has no greater impact on the openness of the Green Belt than the existing development
- The proposed building has been sensitively designed to reflect the character and appearance of the existing building and be in keeping with surrounding buildings. Extensive hardstanding areas would be reduced significantly and replaced by soft landscaping.
- The building would result in an increase in floor area of 14.7% above ground floor level. However, this has to be considered alongside the significant reductions in the footprint and hardstanding areas. The overall height of the building would also be no higher than the existing.
- The existing site has a negative impact on the character and appearance of the area and the landscape.
- The site is within a highly sustainable location.
- There should be a presumption in favour of the grant of planning permission for new dwellings in accordance with the Framework
- There would no harm to highway safety or the amenity of neighbouring residential properties as a result of the proposed development due to the nature of the use and the distances between buildings.

OFFICER APPRAISAL

Housing

Paragraph 47 of the Framework requires that there is a five year supply of housing plus a minimum buffer of 5% to improve choice and competition. The Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 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.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The site is a previously developed site within the Green Belt, and is located approximately 1km from Alderley Edge village centre and its associated shops, services and public transport links, which are within walking / cycling distance. The site is therefore considered to be in a relatively sustainable location and the principle of a residential use is accepted.

Sustainable development is development that meets economic, social and environmental objectives. The location of the site for housing development does not conflict with any of these objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development or if specific policies in the Framework restrict the development.

Green Belt

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The proposed building is clearly larger than the one it replaces. The submitted floorspace figures indicate that whilst there is a 17% reduction in footprint of the building, there is a 37% increase in floorspace including basement, and a 14% increase excluding the basement

However, the key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate largely to the overall scale, bulk, massing and siting of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt.

The increase in the size of the proposed building is perhaps most evident in the area above the existing single-storey elements at the northern end of the building. The extent of this increase does have an impact upon the openness of the Green Belt, compared to the existing building. However, the reduction in footprint helps to compensate for this, and it is also accepted that the extent to which the existing use impacts upon the openness of the Green Belt is more than just the existing building; there is also the amount of hardstanding, and associated car parking, and level of activity that also currently impact on openness during the operation of the existing hotel / pub use. It is important to note that there is a significant reduction in these areas compared to the existing. The application indicates that there is a

43% reduction in hardstanding areas compared to the existing. This reduction results the removal of 1,277 square metres of hardstanding. Such an area could accommodate a significant number of parked vehicles, which would also have a considerable impact upon the openness of the Green Belt. Having regard to the factors noted above, overall, the proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. Therefore the proposal is not considered to be inappropriate development as identified under paragraph 89 of the Framework.

Design / character

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. 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. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

The design of the proposed building replicates the existing building and therefore it is considered that the design approach is adequately in keeping with the character of the area. The proposed building is relatively long with a constant ridge line. However, there are a number of design features at roof height that serve to break up the perceived roof line. Furthermore, due to the positioning of the building within the site, and the existing boundary vegetation, it will be difficult to view the building as a whole, with different sections visible from different vantage points. There are also other substantial buildings within the immediate area. The proposal is therefore considered to have an acceptable impact upon the character of the area.

The reduction of hardstanding will also facilitate the creation of a landscaped frontage to Alderley Road, which will represent a significant visual benefit compared to the existing situation.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

There are residential properties to the north, east and south of the site. The property to the north is approximately 40 metres from the proposed building and does not face directly onto it. The property to the south is over 50 metres away and its relationship to the proposed building will be similar to the existing. To the east the dwellings will be approximately 37 metres from the front elevation of the apartment building with intervening vegetation. Overall, the proposal meets the recommended distance guidelines set out in policy DC38 of the Local Plan. An adequate amount of space, light and privacy for neighbouring properties would therefore be retained. The bedrooms within the basement area of the proposed building are

all served by light wells, which should allow adequate light to be received to ensure an acceptable standard of living for these rooms.

Environmental Health has noted that further information is required to ensure that a satisfactory level of amenity is maintained for future occupiers of the apartments due to the traffic related noise from the A34 road and by pass. It is therefore recommended that any approval is subject to a condition requiring an acoustic survey of the development, in order to ensure that internal noise levels defined within the "good" standard within BS8233:1999 are achieved.

In addition, the contaminated land officer advises that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. Therefore adequate gas protection measures are required which can be dealt with by condition

Highways

Formal comments from the strategic highways manager are awaited. However, having regard to the existing lawful use of the site as a hotel and vehicle movements associated with it, no significant highway safety issues are anticipated. 40 parking spaces will be provided to serve the 14 apartments, which is considered to be more than adequate.

Nature conservation

The nature conservation officer has commented on the proposal and advises that the application is supported by an acceptable ecological assessment undertaken by a suitably experienced ecological consultant.

Bats

Evidence of roosting by a relatively common bat species has been recorded within the buildings subject to this application. Roosting activity is likely to be limited to single or small numbers of animals using the building for short periods of time during the year there is no evidence of to suggest a significant roost is present. The loss of the roosts at this site due to the demolition of the buildings on this site, in the absence of mitigation, is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The works may however kill or injure any animals present when the works were undertaken.

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case it is considered that the proposal will result in a more sustainable form of development than the existing, particularly in terms of energy efficiency, and any alternatives are likely to involve significant works to the existing building, which would have a comparable impact upon the species. The submitted report recommends the installation of bat boxes on trees and the incorporation of features for roosting bats into the replacement residential building to compensate for the loss of the existing roosts and the supervision and timing of the works by a licensed bat worker to mitigate the risk posed to bats during the works.

The nature conservation officer advises the proposed mitigation/ compensation is acceptable and it is highly likely that the favourable conservation status of the species concerned will be unaffected by the proposed development. However, if planning consent is granted a condition requiring the development to proceed in accordance with the recommendations made by the submitted Ecological Scoping Survey is recommended.

Badgers, Common Toad and Hedgehog

Evidence of Badgers (a protected species) and Common Toad (a Biodiversity Action plan Species) have been recorded on site. In addition the habitat present has been identified as being suitable for Hedgehogs (a Biodiversity Action plan Species). The above species are a material consideration for the determination of this application.

The nature conservation officer advises that the proposed development is unlikely to have a significant impact on these species; however recommendations are made by the submitted ecological assessment to safeguard these species. If consent is granted these proposals can be secured through the imposition of the above condition.

Breeding Birds

Site clearance works may have an adverse impact upon breeding birds. Accordingly a condition requiring a survey for breeding birds is recommended.

Great Crested Newts

There are a number of ponds located near to the proposed development. The submitted ecological assessment identifies two ponds one 125m from the site and another 310m away. The submitted assessment concludes that the proposed development is unlikely to have an adverse impact upon great crested newts.

The Councils OS data indicates two ponds one at sj84487945 which is 107m from the existing hotel building and a second at SJ84437928 (within the grounds of the former Yesterdays nightclub) which is 92m from the proposed development. Clarification is being sought as to whether the presence of these ponds was considered during the assessment of the potential impact of the proposed development upon great crested newts, and will be reported to members in an update.

Trees / landscaping

The development proposals can be implemented with the removal of a limited number of low and moderate value trees which will have a modest impact on the immediate amenity and the wider landscape aspect.

In order to facilitate a second point of access and establish areas for new meaningful planting groups of trees have been identified for removal in this area. No objection is raised to their loss which can be mitigated in the long term as part of a meaningful landscape scheme. However, it is noted that the submitted landscape plan does not include replacement planting for this area. However, some will be required, which can be dealt with by condition.

The development footprint excluding the underground car park access stands broadly within the space occupied by the existing building. This negates any issues of direct impact in terms of both on and off site trees with construction feasible without causing any negative direct impact and social proximity factors an improvement on what exists at present.

Subject to appropriate conditions, the proposal will have an acceptable impact upon landscaping and trees within the site, in accordance with policy DC9.

Open space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. As it would not be appropriate to provide such facilities on site, commuted sums totalling £70,000 would be required.

The public open space contribution derives from the SPG which requires £1500 per bed space in apartments. 14 apartments comprising 3 bedrooms in each apartment results in a total of £63,000 for public open space.

The SPG also requires £500 per two bed space (or more) apartment for offsite provision, which would equate to a contribution of £7,000.

HEADS OF TERMS

A s106 legal agreement will be required to include the following heads of terms:

- £63,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £7,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure)

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 public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 14 apartments, the occupiers of which will use local facilities as there is no open space on site, 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 the development.

CONCLUSION

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. In these circumstances it is not considered that an objection can be raised in principle to housing on the site. The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, amenity, highway safety or ecological issues.

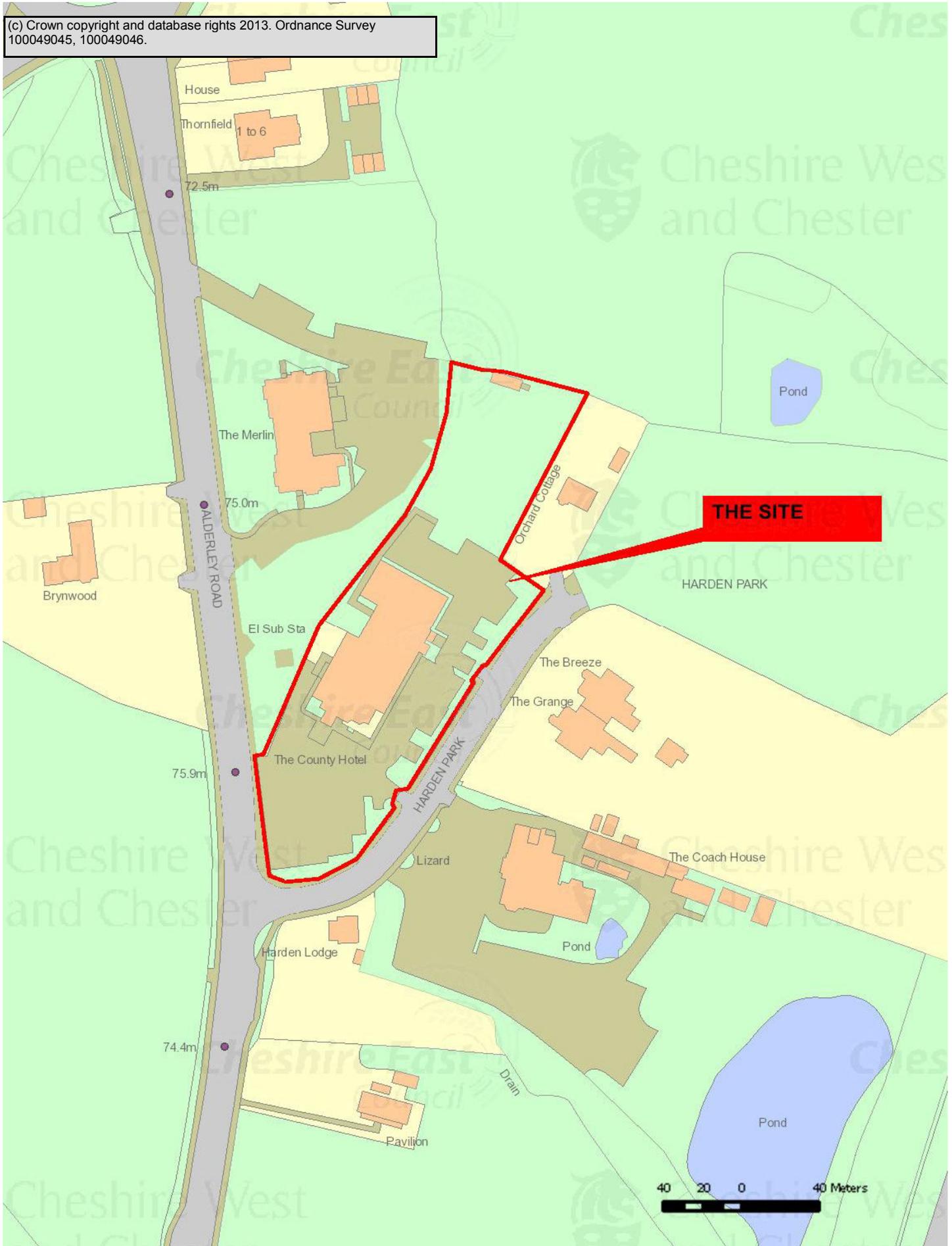
The proposal is in accordance with policies in the Framework and the relevant policies of the Local Plan that are consistent with the Framework. A recommendation of approval is therefore made.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A23GR - Pile Driving (details to be submitted)
6. A22GR - Protection from noise during construction (hours of construction)
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Scheme for noise mitigation to be submitted (acoustic survey)
10. Gas protection measures to be submitted
11. Arboricultural works to be carried out with submitted Arboricultural Statement
12. Development shall be carried out in full accordance with submitted Ecological Scoping Survey
13. Breeding birds survey to be submitted

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Application No: 12/3845M

Location: ST JOHN THE BAPTIST CHURCH, CHURCH STREET, BOLLINGTON, CHESHIRE, SK10 5PY

Proposal: VARIATION OF CONDITION 2 & 17 PLANNING APPLICATION 10/2927M RELATING TO WINDOWS AND TREES

Applicant: THE SIMPLY GROUP

Expiry Date: 22-Jan-2013

Date Report Prepared: 8th January 2013

SUMMARY RECOMMENDATION

Approve subject to conditions and variation of a s106 legal agreement

MAIN ISSUES

- Impact upon Listed Building / Conservation Area
- Impact upon arboricultural interests

REASON FOR REPORT

This application has been referred to Northern Planning Committee as it relates to the variation of conditions attached to a major planning application that was determined by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a vacant Grade II listed church building with surrounding graveyard. The site is allocated as an Area of Existing Open Space within Bollington Conservation Area, and is situated between an Existing Employment Area and a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

Application 10/2927M granted full planning permission for the conversion of the existing building into 13 duplex apartments and the creation of a parking area within the existing graveyard.

DETAILS OF PROPOSAL

This application seeks permission to vary condition 2 and remove condition 17 on application 10/2927M, approved on 29 June 2011. The conditions read:

- 2 - The development hereby approved shall be carried out in total accordance with the approved plans numbered E(050)RevA, E(100), E(200), P(050), P(921), P(110)RevA, P(111)RevA, P(112)RevA, P(300)RevB, P301, P(500) received by the Local Planning Authority on 27 July 2010 and P(113)RevB, P(920)RevF, P(200)RevC received by the Local Planning Authority on 18 October 2010.

17 - Notwithstanding the details shown on the approved plans, tree T11 shown on the Tree Survey Plan numbered 624.1 received by the Local Planning Authority on 27 July 2010 shall be retained.

The applicant is seeking to vary condition 2, so that plan no. P(200)Rev C is replaced with P(200)Rev D. Condition 2 would therefore read:

2 - The development hereby approved shall be carried out in total accordance with the approved plans numbered E(050)RevA, E(100), E(200), P(050), P(921), P(110)RevA, P(111)RevA, P(112)RevA, P(300)RevB, P301, P(500) received by the Local Planning Authority on 27 July 2010 and P(113)RevB & P(920)RevF received by the Local Planning Authority on 18 October 2010, and plan number P(200)RevD received by the Local Planning Authority on 4 October 2012.

The effect of this variation in plan numbers will allow a small amendment to be made to the stained glass windows to enable them to be opened for smoke ventilation, and allow the removal of a Lime tree within the site.

RELEVANT HISTORY

10/2927M - Conversion of existing building into 13 apartments including associated parking A/C 29-Jun-2011

10/2959M - Conversion of existing building into 13 apartments, including associated parking (Listed Building Consent) A/C 17-Nov-2010

POLICIES

Local Plan Policy

NE11 – Nature Conservation

BE1 – Design Guidance

BE3 – Conservation Areas

BE15 – Listed Buildings

BE16 – Setting of Listed Buildings

BE19 – Change of Use of Listed Buildings

RT1 – Open Space

H13 – Protecting Residential Area

DC2 – Extensions and Alterations

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC40 – Children's Play Provision and Amenity Space

DC42 – Subdivision of Property for Residential Purposes

DC63 – Contaminated Land

Other Material Considerations

- National Planning Policy Framework
- Supplementary Planning Guidance on s106 (Planning) Agreements – Macclesfield Borough Council – May 2004
- Bollington and Kerridge Conservation Area Appraisal 2006

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council: no objection

OTHER REPRESENTATIONS

None received to date

APPLICANT'S SUPPORTING INFORMATION

A supporting letter details why the changes are sought, the full details of which can be viewed online/on the application file, and are outlined below.

OFFICER APPRAISAL

Heritage and Design

This property lies within the Bollington Conservation Area and is grade II listed. Accordingly, the revised plans should be mindful of the need to preserve or enhance the character or appearance of the area as stated in the NPPF and the Macclesfield Area Local Plan Policy and the architectural and historic integrity of the building.

The Committee report associated with application reference 10/2927M stated: 'the existing stained glass windows on the east elevation fronting onto Church Street will be restored and retained'.

The applicant's agent has stated that the amendment to the proposed elevation includes opening windows as required for compliance with Building Regulations in relation to smoke ventilation. This involves removing the stained glass and refitting it into a new steel window frame. The Conservation Officer finds this an acceptable alteration.

Trees

Condition no. 17 was requested by Members on application 10/2927M. The arboricultural amendments associated with this application relate to the removal of the mature Lime identified as T11. The Arboricultural Officer raised no objection to the removal of this tree in 2010 and has commented on this application and notes that on balance the issues of social proximity prevail in terms of the trees amenity contribution, and unnecessary ongoing management commitment. An amended landscape scheme will be required to reflect the tree loss.

Other Matters

The original description of development read: 'variation of condition 2 & 17 planning app 10/2927M and Condition 2 10/2959M relating to windows and trees'.

The applicant's agent has been advised that a separate application for variation of condition will be required, to vary the conditions attached to 10/2959M (Listed Building Consent).

As such the description of development now reads: 'variation of condition 2 & 17 planning application 10/2927M'.

CONCLUSIONS AND REASON(S) FOR THE DECISION

These variations to the original permission are considered to comply with prevailing policy, and as such the application is recommended for approval subject to conditions and variation of a s106 legal agreement

LEGAL AGREEMENT - HEADS OF TERMS

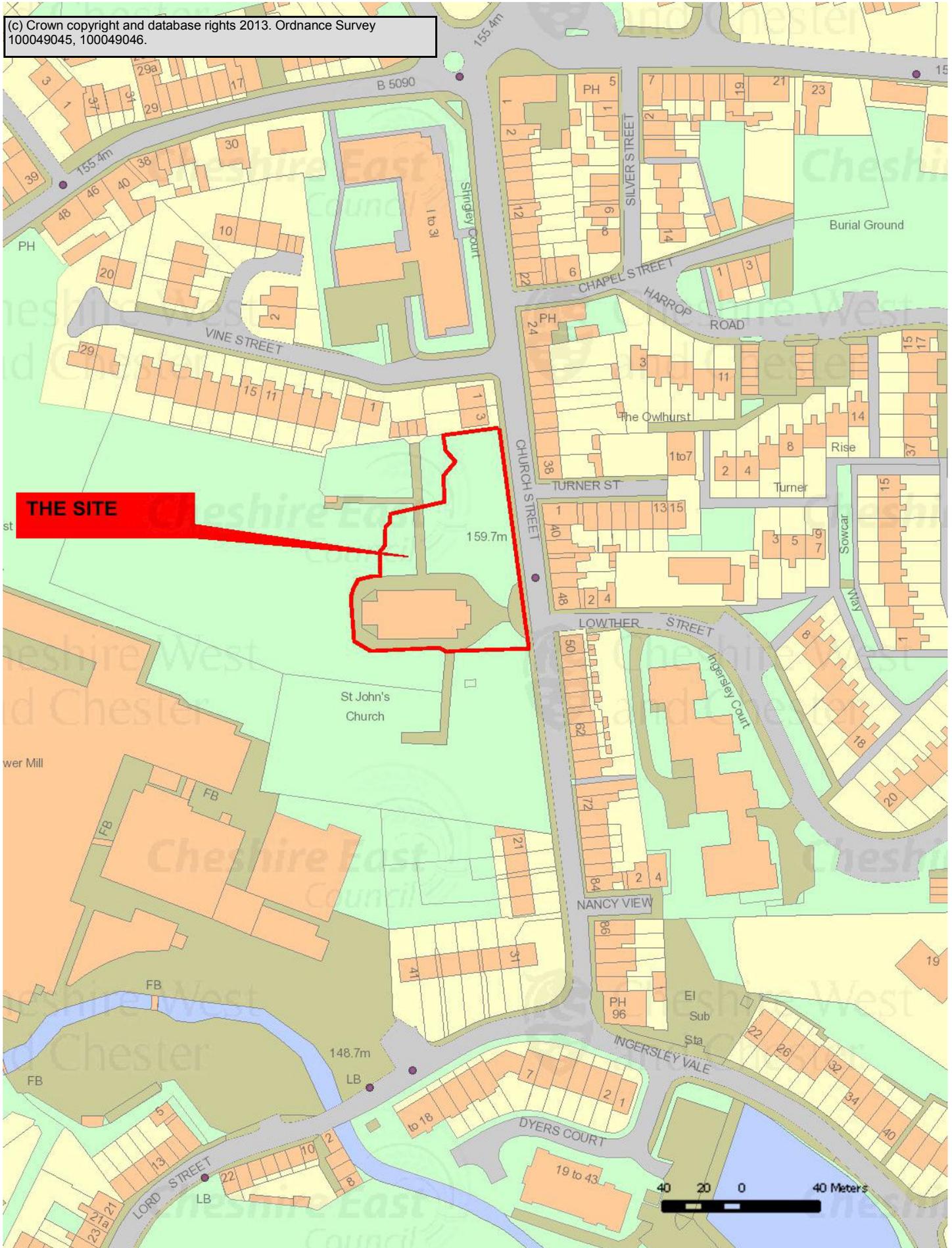
Deed of variation to the legal agreement attached to the original planning permission 10/2927P to refer to this application (reference number 12/3845M).

Application for Variation of Condition

RECOMMENDATION:

1. A03FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved - bin store
5. A02HA - Construction of access
6. A08HA - Gates set back from footway/carriageway
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A01LS - Landscaping - submission of details with replacement tree(s) of appropriate species
10. A04LS - Landscaping (implementation)
11. A03TR - Construction specification/method statement
12. A21EX - Roof lights set flush
13. Contaminated land
14. Enhancement for bats
15. External lighting details to be approved
16. Sample of air vent to be submitted

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Application No: 12/4636C

Location: 33, MILLMEAD, RODE HEATH, STOKE ON TRENT, CHESHIRE, ST7 3RX

Proposal: Garage Conversion into Ancillary Accommodation.

Applicant: MR ANDREW BARRATT

Expiry Date: 04-Feb-2013

SUMMARY RECOMMENDATION

Approved with conditions

MAIN ISSUES

- **Impact on residential amenity**
- **Impact on streetscene**

REASON FOR REPORT

This type of application would normally be dealt with under the Council's scheme of delegation; however it has been called into the Northern Planning Committee as the applicant is an elected member of Cheshire East Council.

DESCRIPTION OF SITE AND CONTEXT

The application site is found to the bottom of the residential cul-de-sac of Mill Mead. This application relates to a detached single storey garage that lies to the east of the main dwelling, 33 Mill Mead. The garage self it set back from the front elevation of Mill Mead and at an angle to the cul-de-sac of Mill Mead. Neighbouring dwellings lie to the north, east and south of the application site.

DETAILS OF PROPOSAL

The proposed development s the conversion of the existing detached garage to ancillary accommodation encompassing a bedroom, lounge, kitchen and shower room. The addition of a bay window in place of the existing garage door is the only external alteration. The proposed bay window will project from the existing front elevation by 1.5 metres, with a width of 3.2 metres and a total height of 3.5 metres.

The

RELEVANT HISTORY

64976P – First floor extension, porch roof and internal alterations – approved 1990
18348/3 – Garage – approve with conditions 1987
18138/3 – Internal alterations, pitched roof over flat roof areas
18116PB – Sun lounge extension
14863PB – Porch and WC extension

POLICIES

Congleton Borough Local Plan First Review 2005 Policy

GR 1 – New Development
GR 2 – Design
GR 6 – Amenity and Health
PS.5 – Villages in the Open Countryside and Inset in the Green Belt

National Planning Policy Framework

VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

None received at time of writing report

CONSIDERATIONS (External to Planning)

Canal and River Trust

No comment to make

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principal of Development

The proposal is for the conversion and alteration of a detached garage to provide ancillary accommodation to a dwelling within the Rode Heath infill boundary which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties

It is important to note that the conversion of outbuildings and detached garages, within the residential curtilage, to ancillary residential accommodation is considered to be Permitted Development under Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2008 (as amended).

Amenity

In terms of the residential amenity of neighbouring dwellings Policy GR.6 (Amenity and Health) of the Congleton Borough Local Plan allows for development where the proposal would not have an unduly detrimental effect on neighbouring residential property by reason of:

- Loss of privacy
- Loss of sunlight and daylight, and
- Visual intrusion

With the above in mind the application site is situated approximately 7 metres, at the closest, point from the neighbouring dwelling to the north.

Given this, and the orientation of the garage and the neighbouring dwelling it is not considered that the proposed development will have a significantly detrimental effect upon residential amenity.

There are to be no changes to the existing rear or side elevations with the existing door and windows remaining in place. Therefore, there will be no change to the amenity of the neighbouring dwellings to the east or south.

As a result the proposed development is in accordance with Policy GR.6 (Amenity and Health) of the Borough of Congleton Local Plan First Review.

Design

Policy GR.2 (Design) states that development should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of:

- Height, scale, form and grouping of buildings
- Choice of materials
- External design features, and
- The visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and the locality generally.

Mill Mead is home to a variety of housing sizes and types, with this in mind it is not considered that the addition of a bay window to the existing garage will have a detrimental impact upon the street scene of Mill Mead.

As a result the proposed development is in accordance with Policy GR.2 (Design) of the Borough of Congleton Local Plan First Review.

CONCLUSIONS

Overall it is considered that the proposed development will not have a significantly detrimental effect upon residential amenity.

The design of the proposed development is considered to be acceptable in terms of its size, scale and location and will not have a detrimental impact upon the streetscene of Mill Mead.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

1. Standard time
2. Approved plans
3. Materials as application

REASON(S) FOR THE DECISION

The proposed development respects the size and character of the existing building, host dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy GR.1 (New Development). The proposal therefore complies with Policy GR.2 (Design), Policy PS.5 (Villages in the Open Countryside and Inset in the Green Belt) and Policy GR.6 (Amenity & Health) of the Borough of Congleton Local Plan First Review 2005.

Application for Householder

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application

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