

# Northern Planning Committee

## Agenda

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**Date:** Wednesday 5th June 2013  
**Time:** 1.00 pm  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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Members of the public are requested to check the Council's website the week the Northern Planning Committee 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.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/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 8 May 2013 as a correct record.

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

#### 4. **Public Speaking**

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

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

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

5. **13/1165M - The Grange, South Park Drive, Poynton, Stockport, Cheshire, SK12 1BS: Demolition of Detached Dwelling House and Associated Buildings, and Erection of Eight Family Dwelling Houses and Associated Works for Hillcrest Homes Ltd (Pages 7 - 22)**

To consider the above planning application

6. **13/0107M - Bramble Cottage, Free Green Lane, Lower Peover, Cheshire, WA16 9PT: Extension Over Existing Single Storey and Other Alterations (Revised From 12/1758M - Now Proposed To Be Set Back From Front) for Mr Alan Moran (Pages 23 - 32)**

To consider the above planning application

7. **13/1050M - Peter Ashley Ltd, Styal Moss Nurseries, 38, Moss Lane, Styal, Wilmslow, SK9 4LG: Change of Use from a Mixed Use of Landscaping Contractors Business and the Parking Of 200 Motor Vehicles unconnected with the Landscaping Contractors Business to a Mixed Use of Landscaping Contractors Business, the Parking of Motor Vehicles Unconnected with the Landscaping Contractors Business and the Development of a Wildlife and Nature Area for Community and Educational Use. The Removal of all Buildings (Pages 33 - 46)**

To consider the above planning application

8. **13/0599M - Old Labour Exchange, Peak House, South Park Road, Macclesfield, Cheshire, SK11 6SH: Conversion of Existing B1 Office Use to 13No Residential Dwellings with Parking for 3DM (Pages 47 - 54)**

To consider the above planning application

9. **13/1813M - Zeneca Plc, Charter Way, Macclesfield, Cheshire, SK10 2NA:  
Erection of New and Existing Temporary Cabins on an Existing Vacant Site  
for David Ayres (Pages 55 - 60)**

To consider the above planning application

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 8th May, 2013 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

**PRESENT**

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

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

**OFFICERS IN ATTENDANCE**

Mrs P Evans (Planning Lawyer), Mr P Hooley (Northern Area Manager) and  
Mr N Jones (Principal Development Officer)

139 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor K Edwards.

140 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of application 13/1071M, Councillors L Brown, Mrs Gaddum and Mrs Harewood declared a non pecuniary interest by virtue of the fact that they were Governors at Kings School. They left the meeting prior to consideration of the application and returned once the decision had been made.

In respect of the same application, Councillor D Neilson declared a non pecuniary interest by virtue of the fact that he had been a Governor at Kings School up until recently. He left the meeting prior to consideration of the application and returned once the decision had been made.

In the Interest of openness in relation to the same application, Councillor Miss Andrew declared that she had been a Governor a number of years ago at Kings School.

In respect of application 13/0484M, Councillor B Livesley declared a non pecuniary interest by virtue of the fact that he lived close by to the application site. He left the meeting prior to consideration of the application and did not return.

141 **MINUTES OF THE MEETING**

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman subject to the resolution in relation to application 12/3779M being amended to include the following additional conditions which had been omitted from the minutes in error:-

- 21 cheme to limit surface water run off
- 22 scheme to manage the risk of flooding from overland flow of surface water
- 23 reeding birds
- 24 Decentralised Energy Supply
- 25 Submission and approval of a car parking management plan

In addition to the conditions above, reference should have been made to an informative to be included on the Decision Notice ensuring that Officers liaised with Local Ward Councillors in relation to the submission and approval of a car parking management plan.

142 **PUBLIC SPEAKING**

**RESOLVED:**

That the public speaking procedure be noted,

143 **13/1071M-REORGANISATION OF EXISTING PLAYING FIELDS/ SPORTS PITCHES INCLUDING PROVISION OF FLOODLIGHTING TO HOCKEY PITCH. RELOCATION AND REORIENTATION OF SPORTS PAVILION. RELOCATION OF SCHOOL PARKING AND COACH DROP OFF, TO INCLUDE A NEW ACCESS AND EGRESS ONTO WESTMINSTER ROAD. REPLACEMENT OF EXISTING GROUND MAINTENANCE BUILDINGS AND ASSOCIATED HARDSTANDING, KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD FOR JONATHAN SPENCER-PICKUP, KING'S SCHOOL, MACCLESFIELD**

Consideration was given to the above.

**RESOLVED:**

That for the reasons in the report the application be approved subject to the completion of a S106 Agreement comprising of the following Heads of Terms:-

A financial contribution of £4000 to fund the implementation of waiting restrictions on Westminster Road, in order to improve highway safety.

And subject to the 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. A03TR - Construction specification/method statement
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Details of Cowling of Floodlights & Lighting Scheme Prior to Erection of Floodlights
8. Details of backboard covering prior to Commencement (Noise Mitigation)
9. Use of Sports Facilities- 09.00 To 21.35 Mon-Sun
10. Floodlights- 09.00 to 21.35 Mon-Sat, 09.00 to 19.35 Sun
11. Birds - Prior to Undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a Detailed Survey is required to check for nesting birds
12. Pitch Details- Design and Layout required prior to Commencement
13. Community Use- Scheme Required Prior to Commencement.
14. Trees- Construction/ Method Statement Required For Car Parking In Root Protection Area of Trees
15. Hours of Construction-

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil
16. Pile Foundations
17. Land Contamination
18. Visibility Splays
19. Drainage
20. Construction method and Phasing Statement
21. Development in accordance with Badger Mitigation Method Statement

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

144      **13/0484M-PROPOSED ERECTION OF A NEW CHANGING FACILITY AND ALL WEATHER PITCH WITH FLOODLIGHTS, RELOCATE THE EXISTING BIKE SHEDS AND RECONFIGURE THE EXISTING FENCE AND GATES, ALL HALLOWS CATHOLIC COLLEGE, BROOKLANDS AVENUE, MACCLESFIELD FOR ALL HALLOWS CATHOLIC COLLEGE**

Consideration was given to the above application.

(David Casani, an objector and Nick Cooper, the Architect for the Applicant attended the meeting and spoke in respect of the application).

**RESOLVED:**

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved revised plans
3. A06EX - Materials as application
4. Submission of Community Use Agreement (To Inc. Sports Development Plan)
5. Submission of Maintenance & Management Plan
6. Restriction on hours of use
7. No public address system to be used
8. Use not to coincide with peak periods of staff parking
9. Submission of details of acoustic barrier
10. Cowls to be attached to specific floodlights
11. Rubber inserts to be used on pitch perimeter fence
12. Submission of root protection barrier details
13. Tree retention
14. Tree protection
15. Tree management Plan
16. Landscaping scheme
17. Implementation of landscaping scheme

145 **TREE PRESERVATION ORDER - 9 JACKSON LANE,  
KERRIDGE, BOLLINGTON**

(During consideration of the item, Councillor Mrs L Jeuda left the meeting and did not return).

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

**RESOLVED:**

That, for the reasons set out in the report, the Tree Preservation Order at at 9 Jackson Lane, Kerridge, Bollington be confirmed without modification.

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor R West (Chairman)

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Application No: 13/1165M  
Location: The Grange, South Park Drive, Poynton, Stockport, Cheshire, SK12 1BS  
Proposal: Demolition of Detached Dwelling House and Associated Buildings, and  
Erection of Eight Family Dwelling Houses and Associated Works.  
Applicant: Hillcrest Homes Ltd  
Expiry Date: 09-May-2013

**Date Report Prepared: 23 May 2013**

<b>SUMMARY RECOMMENDATION</b>	<b>Approve subject to conditions and a S106 legal agreement</b>
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#### **MAIN ISSUES**

- The impact on the low density housing area
- The impact on the amenity of nearby residential occupiers
- The impact on existing trees and landscaping on and adjacent to the site
- Access and parking arrangements
- The impact on nature conservation interests
- Design

#### **REASON FOR REPORT**

This application has been referred to Committee at the discretion of the Northern Area Manager as the previously withdrawn application (13/0148M) was called into committee by the local ward Member Cllr Saunders for the following reasons:

- Breach of low density housing policy H12
- Loss of trees, some of which are covered by Tree Preservation Orders (TPO's)
- Threat to continued well being of trees, some of which are covered by TPO's
- Contrary to interests of nature conservation
- Negative impact on the character of the area
- Potential for noise and other forms of pollution

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the south of South Park Drive in Poynton. Vehicular access is taken from South Park Drive. It presently contains a large, detached dwelling and various ancillary outbuildings set within a site area of 2.79 hectares. A large lake is located to the rear of the dwelling. Existing residential properties are located to the east, south and west of the site with Poynton Park to the north. Princes Incline, a public right of way and an area of protected woodland is also located to the south of the site. The site contains a large number of mature trees and mature landscaping, some of which are protected by TPOs.

The site is allocated as a predominantly residential area and a low density housing area on the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the demolition of the existing buildings on the site and the erection of 8 detached dwellings. A single, amended access point to be shared by the dwellings would be formed off South Park Drive.

This application follows the withdrawal of an identical scheme in March 2013.

## **RELEVANT HISTORY**

13/0148M - The proposed development comprises of 8 No. family dwellings, to replace a large family house and associated outhouses. Withdrawn 07.03.13.

11/3085M - The demolition of a detached dwelling and associated buildings and the erection of 10 dwellings. Withdrawn 06.10.11.

05/2011P - SINGLE STOREY SIDE LINK EXTENSION TO FORM HOBBY ROOM, SINGLE STOREY REAR EXTENSION AND CANOPY OVER SIDE ENTRANCE. Approved 04.10.05.

72478P - ERECTION OF BUILDING FOR GARAGING OF VINTAGE/CLASSIC CARS AND STORAGE OF GARDEN MAINTENANCE AND POND MAINTENANCE EQUIPMENT. Approved 21.12.92.

51952P - PORCH CONSERVATORY FACILITIES FOR SWIMMING POOL AND EXTENSION TO WORKSHOP. Approved 25.02.88.

Additionally, 2 formal pre application enquiries have been submitted in respect of the proposals.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality  
L4 Regional Housing Provision  
L5 Affordable Housing  
RT2 Managing Travel Demand  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM5 Integrated Water Management  
MCR3 Southern Part of the Manchester City Region

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H12 Low Density Housing Areas  
H13 Protecting Residential Areas  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping Scheme  
DC9 Tree Protection  
DC38 Space, Light and Privacy  
DC40 Children's Play Provision and Amenity Space  
DC41 Infill Housing Development or Redevelopment  
DC46 Demolition

### **Other Material Considerations**

The National Planning Policy Framework.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Poynton Supplementary Planning Document.

Macclesfield Borough Council SPG on S106 agreements.

### **CONSULTATIONS (External to Planning)**

**Highways:** comments awaited. No objections were raised to the previously withdrawn application which was for an identical proposal as the proposed access and parking arrangements are considered to be acceptable.

**Environmental Health:** comments awaited. No objections were raised to the previous application subject to the imposition of conditions regarding noise, hours of construction, pile driving, dust control and contaminated land.

**Housing:** the size of the site area at over 0.4 hectares triggers a requirement for affordable housing to be provided. Due to the nature of the dwellings proposed, they are not considered suitable for affordable housing and as such in this case a commuted sum in lieu of on site provision would be acceptable.

**Leisure:** the size of the site area at over 0.4 hectares triggers a requirement for the provision of Public Open Space and Recreation/Outdoor sports facilities. In the absence of provision on site, a commuted sum is required.

**Environment Agency:** no objections subject to the imposition of conditions regarding surface water run off and overland flow of surface water.

**Manchester Airport:** no safeguarding objections.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Poynton Town Council:** recommend refusal on the following grounds:

- Breach of policy H12
- Not previously developed land
- Loss of and threat to protected trees
- Threat to habitat of protected species
- Loss of privacy on the basis of overlooking, the development is several feet higher than surrounding properties
- Cramped development
- Development unneighbourly
- Impact on the character of the area
- Would like archaeology service to be consulted to assess the impact on the lake, a 200 year old feature

## **OTHER REPRESENTATIONS**

To date, representations from 8 different addresses have been received in relation to the application objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of concern raised are listed below:

- Adverse impact on the residential amenity of nearby residents
- Adverse impact on the low density housing area
- Contrary to policies contained in the Local Plan

- Concern about use of motorised boats and jet skis on the lake
- Overdevelopment of the plot
- Breach of established building line along South Park Drive
- Loss of area of greenspace
- Noise generation from increased number of dwellings and associated traffic
- Impact of access road on existing yew hedge adjacent to Tower Gardens
- No account taken of tree protection zones
- Proposal will unduly impact on the ecology of the site
- Concern about narrowness of access road, lack of passing places, driveway lengths and parking spaces
- No street lighting proposed, if it was concern about impact of this
- Potential to pollute Poynton Pool as lake is a feeder pool
- Concern about opening up of the footpath around the site
- Increased congestion
- Impact on off site trees
- Do not consider that space available for adequate planting to mitigate the impact of the development
- Would set a precedent for infilling other gardens in the area
- No pavement along the access road and narrow width of access road
- No objection in principle but feel that 8 houses is too many
- Existing high standard of privacy not maintained
- Proposal likely to increase crime as access road gives access to the rear of properties
- Ecological report out of date and does not relate to the proposed development
- Submitted documents difficult to assimilate and do not contain measurements
- Supporting documents give misleading information
- Existing house has some historical value and this should be explored
- Not a brownfield site as is suggested
- Lack of visitor parking
- Concern about weedkiller to be used
- Concern about flooding due to culvert nearby and potential for blockage.

#### **APPLICANT'S SUPPORTING INFORMATION**

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

- Planning Statement
- Design & Access Statement
- Financial Assessment of the development
- Ecology Report
- Bat Report
- Tree Report
- Flood Risk Assessment
- Statement of Community Involvement

Full copies of these documents can be viewed on the application file.

#### **OFFICER APPRAISAL**

## **Principle of Development**

The site is located within a low density housing area within predominantly residential area. As such the principle of new housing can be acceptable subject to compliance with relevant policies and in particular, Local Plan policy H12 which relates to low density housing areas.

## **Low Density Housing Area**

Local Plan policy H12 states that within low density housing areas, new housing development will not normally be permitted unless the following criteria are met:

- The proposal should be sympathetic to the character of the established residential area, particularly taking account of the physical scale and form of new houses and vehicular access
- The plot width and space between the sides of housing should be commensurate with the surrounding area
- The existing low density should not be exceeded in any particular area
- Existing high standards of space, light and privacy should be maintained
- Existing tree and ground cover of public amenity value should be retained

In addition, in respect of Poynton Park, along South Park Drive the existing frontage building line should be maintained. Within this particular low density housing area, there is no specific requirement for minimum plot sizes.

It is important to understand the degree of consistency of this policy with the Framework so that the appropriate weight can be attached to it in reaching a decision. One of the core planning principles set out in paragraph 17 of the Framework is that policies and decisions should take account of the different roles and character of different areas. Policy H12 is considered to be in conformity with this objective in terms of protecting the qualities of low density housing areas. Bullet point 3, which requires that the existing low density should not be exceeded in any particular area is not a policy that is directly supported in the Framework. Where it can be demonstrated that a higher density would harm the distinctive character of an area then it is considered that this could be given more weight.

Each of the above criteria will be considered in turn.

### *Impact on character of the area*

Generally speaking, the site is well screened from public vantage points, with an extensive landscape belt located along the front boundary of the site adjacent to South Park Drive. It appears that the majority of this screening would be retained as part of this proposal. Glimpses of the dwellings are likely to be obtained from Waters Reach, South Park Drive and Millers Close.

One vehicular access point is to be maintained off South Park Drive to serve all of the proposed dwellings. This would be located further east along South Park Drive and subject to detail, it is not considered that the re-located access would have a detrimental impact on the character of the area. With regard to the proposed houses, these would all be detached and

relatively large with 5 different designs proposed. All of the house types are two storey, contemporary dwellings to be constructed from a mixture of painted render, timber panels, slate and timber/powder coated aluminium windows and doors. The surrounding area is characterised by a mixture of dwelling sizes and types and as such no objections are raised to the design and scale of the dwellings proposed as it is not considered that they would have a detrimental impact on the character of the area.

### *Plot widths and space between sides of housing*

Again, as with house types, there is a variety of plot widths and space between the sides of houses within the low density housing area. The smallest plot width proposed is 24m, with the smallest gap between the sides of the houses proposed being 7.5m. These are considered to be commensurate with the surrounding area.

### *Existing low density*

The site would be developed at less than 4 dwellings per hectare, which is a very low density. However, this includes the lake. Excluding the lake and considering the developable area of the site, the development would be at 7.4 dwellings per hectare. This is comparable to other existing housing densities within the low density housing area.

Figures supplied on behalf of the applicant's state that the existing density for the low density housing area is 6.16 dwellings per hectare and that this would increase to 6.27 dwellings per hectare were permission granted for the 8 dwellings proposed. Whilst it is acknowledged that there would be an increase in density, this is considered to be marginal and would not result in any harm to the character of the low density housing area.

### *Existing standards of space, light and privacy*

The assessment of space, light and privacy between the proposed houses and existing residential properties will be considered under the amenity section of the report.

### *Existing tree and ground cover*

The impact of the proposal on existing tree and ground cover will be considered under the trees and landscaping section of the report.

With regard to the frontage building line, the position of Plots 1 - 3 relative to Wenning and Mere House are considered to be acceptable and compliant with H12.

To conclude on the low density housing area, subject to sufficient space, light and privacy being maintained between dwellings and subject to the retention of tree and ground cover of amenity value, it is not considered that the proposal would result in a breach of Local Plan policy H12. This is due to the fact that the impact of the proposal on the character and appearance of the area would be acceptable.

## **Amenity**

As discussed, Local Plan policy H12 requires existing high standards of space, light and privacy to be maintained. Additionally Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

Policy DC41 also deals with infill housing and redevelopment. Policy H12 sets standard for low density housing areas, but the general policy for redevelopment of sites is also applicable. The policy sets the following criteria:

1. In areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard;
2. The proposal should not result in overlooking of existing private gardens;
3. The proposal should not lead to excessive overshadowing of existing habitable rooms;
4. The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose;
5. The proposal should not result in excessive amounts of new traffic into a quiet area or on unsuitable roads. Within the site the location and amount of vehicle space should not lead to annoyance or intrusion to neighbouring properties;
6. The proposal should normally enjoy open outlook onto a highway or open space from one elevation. Tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic
- 7 Car parking should be provided in accordance with the standards set out in appendix 10 (no longer relevant)
- 8 Vehicular and pedestrian access should be safe, particularly by the adequate provision of visibility splays.

The key elements of policy that the Members should consider are those in relation to existing standards of amenity. It is considered that the proposal will not result in any direct overlooking of private gardens. There will be some overlooking, but these do not breach guidelines set out in policy DC38 and existing overlooking of those gardens needs to be considered. Criterion 6 seeks to avoid backland development where this would result in substandard outlook, overlooking and disturbance by through traffic. The proposal does involve housing to the rear of the existing dwelling, but the relationship of the housing and the access drives to the neighbouring property is not considered to a level of disturbance that could justify a refusal of planning permission.

Concerns have been expressed by some residents about the direct impact of the development on their properties with other local residents expressing more general concerns regarding the impact of the proposal on amenity. The impact on each of the properties directly affected by the proposal is considered in turn below.

With regard to Lake House, this property is set at a slightly lower level than the application site and has principal windows to habitable rooms located on the rear elevation facing towards the site. An existing outbuilding to the Grange is located to the rear of Lake House, within close proximity of the boundary. The proposed Plot 7 would be located to the rear of Lake House, with the bulk of the new house being offset from the rear elevation and the attached garage being located immediately to the rear of Lake House. The distance between the rear elevation of Lake House and the garage would be between 21.5m and 22.5m, which is in excess of the requirements of policy DC38. Whilst the front elevation of the Plot 7 would be visible from the rear elevation of Lake House, it would not contain any habitable room windows. As such it is not considered that there would be any loss of privacy to Lake House as a result of the proposal. Similarly, whilst the proposed house would be higher than the existing outbuilding, it would be further away from Lake House. It is not therefore considered that it would have an overbearing impact on Lake House. Whilst the access road to Plot 7 would be located immediately to the rear of the boundary, it would only serve one dwelling and a turning head and as such it is not considered that the comings and goings associated with the road would cause significant noise and disturbance to the residents of Lake House.

The relationship between proposed Plots 7 & 8 and Wenning to the west is also considered to be acceptable as the distance between the proposed dwellings and the eastern elevation of Wenning is well in excess of what is required by policy DC38. Plot 1 would be located to the north east of Wenning and has a first floor balcony on the rear elevation located within 7.5m of the boundary with Wenning. However, it is not considered that the balcony would result in an unacceptable level of overlooking and loss of privacy to Wenning given existing screening along the side boundary between the properties.

With regard to Mere House, the nearest dwellings to this property would be Plots 3 & 4. Given the distances between and relative positions of these dwellings, it is not considered that there would be any significant loss of amenity to the occupiers of Mere House.

The south western elevation of Tower Gardens faces towards proposed Plots 4 & 5 with Plot 3 located adjacent to the access road to Tower Gardens. However, the only principal windows to habitable rooms located within this elevation are bedroom windows located a distance of 29m from the nearest point of the dwelling at Plot 4. This is well in excess of the requirements of policy DC38. Whilst the front elevations of Plots 4 & 5 will be visible from the rear elevation and garden of Tower Gardens, the front elevations will not contain any habitable room windows and as such it is not considered that any loss of privacy or overlooking would occur. Additionally it is not considered that the new dwellings would be overbearing to Tower Gardens given the separation distances proposed. With regard to the proximity of the access road to the garden boundary of Tower Gardens, it is not considered that the comings and goings associated with access to three properties (Plots 4, 5 & 6) would cause a significant amount of noise and disturbance to the occupier of Tower Gardens. Similarly it is not considered that any lights from vehicles using the access road at night would cause issues of amenity given that they would be low level and given existing and proposed boundary screening between the two sites.

The rear elevation of 6 Millstone Close faces towards the application site and appears to contain a number of habitable room windows at ground and first floor. It is located at an angle to and faces towards proposed Plot 5, with a minimum distance of 31.5m between the two properties. The side elevation of Plot 6 would be located to the south west of 6 Millstone

Close. However, this elevation would not contain any habitable room windows. It is not therefore considered that the proposal would result in a loss of privacy to 6 Millstone Close. As with Tower Gardens, it is not considered that the comings and goings associated with the access road or lights from vehicles would result in an adverse impact on the amenity of this property.

Plot 6 would be located to the rear of 11 Millstone Close. The rear elevation of 11 Millstone Close appears to contain habitable room windows, however these are positioned at an angle to the front elevation of Plot 6. Additionally the front elevation of Plot 6 would not contain any habitable room windows. As such given the distances involved and given existing and proposed boundary treatment, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of 11 Millstone Close.

The relationship between the proposed houses is considered to be acceptable.

### **Trees and Landscaping**

A Tree Report was submitted with the application together with a number of tree constraint plans. Additionally an indicative landscaping scheme has been submitted. The Council's tree officer and landscape officer have been consulted on the application.

The tree officer notes that the development proposals require the removal of 14 individual trees (7 due to condition), 5 tree groups, 7 hedges and 8 shrub areas. However, whilst a significant number of trees, shrubs and hedges require removal to facilitate the proposed development, only 1 tree is considered to be a category A species and none of the trees to be removed form part of the existing TPOs.

On balance the tree officer is comfortable that the development can be implemented without having a detrimental or negative impact on the retained individual specimen trees or the wider woodland aspect. The loss of the single category A tree can be mitigated by a suitable specimen landscape scheme and woodland management plan with the retained trees and hedges protected in accordance with current best practice. A number of tree related conditions are proposed.

With regard to landscape impact, the Council's landscape officer raised no objections to the previous application subject to appropriate conditions regarding landscaping, boundary treatments, tree retention and woodland management. It is not considered that the submitted landscape scheme is sufficiently detailed and can only therefore be treated as indicative.

### **Highways**

A new site access is proposed off South Park Drive and more than 200% parking provision is proposed for each of the dwellings, with each dwelling having an attached double garage together with in curtilage parking provision.

The Strategic Highways and Transportation manager has been consulted on the application and raises no objections to the proposal noting that adequate visibility will be provided at the site entrance. As the intention is for the site access to be gated, it would not be adopted except for the access point itself. It is not clear whether the proposed turning heads would be

large enough to accommodate refuse vehicles and the road width of the internal access roads seems narrow. However, as the development will remain private and given that the access is designed to a good standard, no highways objections are raised.

The comments made in representation regarding highways matters have been noted and considered. However, for the reasons outlined above, no highways objections are raised to the proposal.

### **Ecology**

An ecological survey and a bat report have been submitted in support of the application and the Council's Nature Conservation Officer has been consulted.

No objections have been raised by the Nature Conservation Officer noting that the proposed development is unlikely to affect badgers. However as the status of badgers on a site can change within a short period of time a condition is recommended should consent be granted requiring an updated badger survey to be carried out and submitted to the Council immediately prior to the commencement of development. Additionally conditions are suggested regarding breeding birds.

A number of representations received have expressed concern regarding the impact of the proposal on protected species. However, for the reasons outlined above, it is not considered that the proposal would result in an adverse impact on protected species.

### **Housing**

As the application site area exceeds 0.4 hectares, in line with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for affordable housing to be provided in association with the development. In this case given the scale and nature of the dwellings proposed, it is considered more appropriate for a commuted sum to be provided in lieu of on site provision. It is concluded that £150,000 would be the minimum amount required to feasibly provide 2 affordable housing units in the locality.

Whilst normally provision of affordable housing would be sought on site, regard should be had to low density housing policies that apply to the site. To comply with policy H12 of the Local Plan, the developer is required to meet higher standards in terms of the low density housing provided. Insisting on affordable housing provision on site would conflict with these objectives and would require a higher density of housing to be provided when considering redevelopment in low density housing areas. The Council's policy does allow in principle for off-site contributions. This is considered to be an application where it is the most appropriate solution.

The applicant has now agreed the £150,000 contribution towards affordable housing provision, which would need to be secured through the completion of a s106 legal agreement.

### **Public Open Space and Recreation/Outdoor Sport Provision**

Due to the size of the site area there is also a requirement for public open space and recreation/outdoor sports provision in association with the development. As no provision is

proposed on site, the leisure services department advise that a commuted sum of £28,000 is required. The commuted sum would be used for the nearby Poynton Pool/Park and Princes Incline.

The applicant has agreed to meet the required commuted sum, which would need to be secured through the completion of a s106 legal agreement.

### **Design**

As stated, the proposed dwellings are contemporary in style and would be constructed from a mixture of painted render, timber panels, glass and timber/powder coated aluminium doors and windows. Given the nature and location of the site and given the mixture of property types and styles in the locality, no objections are raised to the design proposed.

### **Archaeology**

The Town Council and objectors raised a query regarding the archaeological potential of the site and the impact of the development on the lake. The Council's Archaeology Service has been consulted on the application. Whilst it is acknowledged that the lake lies approximately 170m to the south west of the site of the former Poynton Hall, given the distance of the lake from the hall, the lack of any structures within the development on the earliest available mapping, and the extent of disturbance from previous development, it is not considered that the proposal would have any archaeological implications.

### **Flooding/Drainage**

A Flood Risk Assessment was submitted with the application and the Environment Agency was consulted.

No objections are raised by the Environment Agency subject to the imposition of conditions regarding surface water run off and flood risk management.

Whilst comments made in representation relating to flooding have been considered, given that no objections have been raised by the Environment Agency, it is considered that subject to the imposition of the suggested conditions, there are no sustainable grounds to reject the proposal on the basis of flooding.

### **Other Matters**

With regard to other issues raised in objection, the applicant's have confirmed that the site would not be opened up to the public but that the land to the rear of the dwellings and the lake would be for the use of occupiers of the development only. It is proposed that a woodland management company be set up with each dwelling signing up to this to ensure the future maintenance of the woodland and communal areas. Additionally it is not proposed to use the lake for motorised boats or jet skis etc and the applicants would be willing to accept a planning condition to restrict the use of the lake. It is not considered that the development would set a precedent for the infilling of other gardens in the area as each case would be assessed on its merits. Similarly it is not considered that the proposal would result in an

increase in crime as the proposal is for a private development which would if anything, provide more surveillance of the area. The existing house is not listed or locally listed and as such, there are no objections in principle to its demolition. Whilst it is agreed that the site is not a brownfield site, as it lies within a predominantly residential area, there is no objection in principle to its development for housing providing that the impact on the character of the area is considered acceptable. In terms of any weedkiller that is proposed to be used, this is not something that would be controlled by the planning process but rather would be covered by other legislation. However, the concerns raised in relation to this matter will be passed onto the applicants.

It is understood that there is concern that the applicant's had previously been advised by the Planning department that no more than 4 or 5 houses would be acceptable on the site. It appears that this number of dwellings was suggested to the applicants by the Planning Officer who dealt with the withdrawn application (11/3085M). However, subsequent to that, the applicants have engaged in formal pre application discussions with the Council, with two formal pre application responses being issued. The most recent letter accepted the principle of 8 dwellings on the site subject to site planning issues being resolved. Whilst pre application response letters are not formal determinations on applications, they are material considerations to be given weight in the determination of subsequent applications. The Council is not bound by the advice it has previously given, and that is made clear in the pre-application process.

## **HEADS OF TERMS**

The completion of a s106 legal agreement is required. This includes the following Heads of Terms:

- The payment of £150,000 in lieu of on site provision of affordable housing
- £28,000 for off-site provision of Public Open Space and Recreation Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Poynton Pool/Park and Princes Incline.

## **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 provision of a commuted sum payment in lieu of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 8 family houses, the occupiers of which will use local facilities as there is no public 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.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the demolition of the existing dwelling and associated outbuildings and the erection of 8 detached dwellings is acceptable and would not be harmful to either the character of the low density housing area or the amenity of nearby residential occupiers. The access and parking arrangements are acceptable. Whilst the proposal would result in the loss of a number of trees and existing landscaping on the site, on balance it is considered that the proposed development can be implemented without having a detrimental effect on retained individual specimen trees or the wider woodland aspect. There would be no adverse impact on protected species, there are no ecological objections to the proposal. Whilst the comments of Poynton Town Council and of local residents have been carefully considered, for the reasons outlined within the report, the proposal is considered to be acceptable and compliant with Development Plan policies.

Paragraph 14 of the NPPF sets out that sustainable development should be approved without delay, where development is in accordance with the Development Plan.

The application is therefore recommended for approval subject to conditions and the completion of a s106 legal agreement.

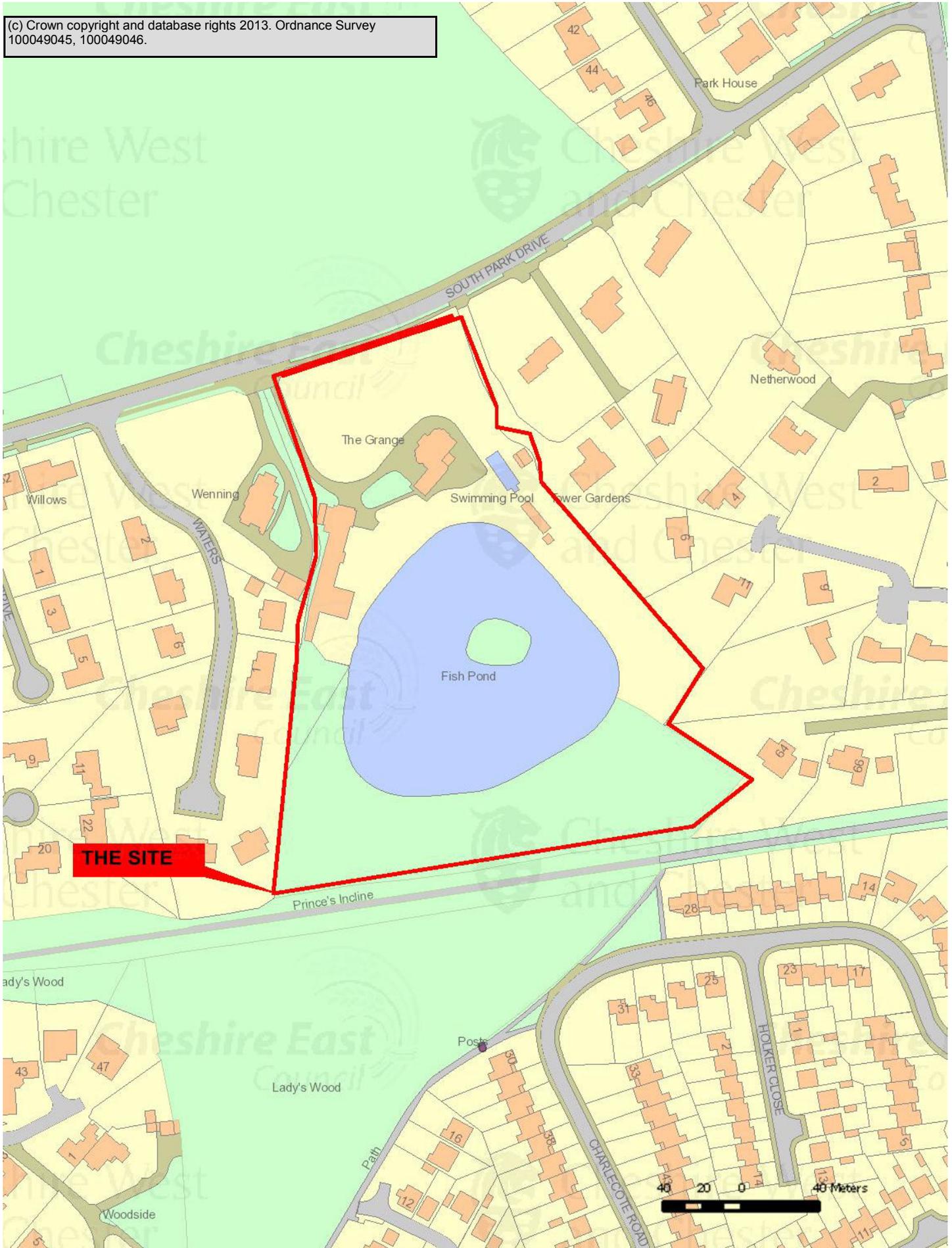
Application for Full Planning

**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. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A23GR - Pile Driving
7. A02HA - Construction of access
8. A32HA - Submission of construction method statement
9. A06HP - Use of garage / carport
10. A01LS - Landscaping - submission of details
11. A04LS - Landscaping (implementation)

- 12.A12LS - Landscaping to include details of boundary treatment
- 13.A16LS - Submission of landscape/woodland management plan
- 14.A17MC - Decontamination of land
- 15.A23MC - Details of ground levels to be submitted
- 16.A01TR - Tree retention
- 17.A02TR - Tree protection
- 18.A03TR - Construction specification/method statement
- 19.A04TR - Tree pruning / felling specification
- 20.A07TR - Service / drainage layout
- 21.A14TR - Protection of existing hedges
- 22.A06NC - Protection for breeding birds
- 23. Scheme to limit surface water run off to be submitted and agreed
- 24. Scheme to manage risk of flooding to be submitted and agreed
- 25. Scheme to minimise dust emissions to be submitted and agreed
- 26. No use of motorised equipment on the lake
- 27. Details of entrance gates and associated walls and fencing to be submitted and agreed
- 28. Details of proposals for incorporation of features suitable for breeding birds to be submitted and agreed

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Application No: 13/0107M  
Location: Bramble Cottage, Free Green Lane, Lower Peover, Cheshire, WA16 9PT  
Proposal: Extension Over Existing Single Storey and Other Alterations (Revised From 12/1758M - Now Proposed To Be Set Back From Front)  
Applicant: Mr Alan Moran  
Expiry Date: 08-Mar-2013

**Date Report Prepared: 23<sup>rd</sup> May 2013**

#### **SUMMARY RECOMMENDATION**

Approve, subject to conditions.

#### **MAIN ISSUES**

- Green Belt considerations
- Impact on the character and appearance of Lower Peover Conservation Area
- Impact on the setting of the adjoining grade II Listed Building

#### **REASON FOR REPORT**

This application is being brought to Northern Planning Committee at the discretion of the Northern Area Manager, as the application site has a complex planning history.

#### **DESCRIPTION OF SITE AND CONTEXT**

Bramble Cottage is a detached two storey brick built cottage. The building was originally an outbuilding to Barrow's Brow Farm; a grade II Listed Building, dating back to c1900. The outbuilding is not specifically referred to in the listing of Barrow's Brow Farm; however, the impact of any development at this site may affect the setting of the Listed Building.

The building has been substantially altered in the last two years, through the implementation of applications No. 10/5004M & 11/2048M, which granted permission for a two storey side and single storey rear extension and other alterations, including the reconstruction of the front gable of the original outbuilding.

The property shares an access point/driveway with Barrow's Brow Farm, and has an area of hardstanding to the front of the property for parking.

The application site is located within Lower Peover Conservation Area, and within a small ribbon of development in the Green Belt.

## **DETAILS OF PROPOSAL**

Revised plans have been submitted since this application was on the agenda for the 27<sup>th</sup> March Northern Planning Committee, as concerns were raised about discrepancies on the plans, and Officers had concerns in respect of the scale of the cumulative extensions, having regard to its location in the Green Belt.

The revised proposals incorporate amendments to the previously approved schemes, comprising:

- First floor side extension over existing utility room
- Single storey porch extension to the rear of the existing utility (retrospective)
- Front porch (retrospective)
- Alterations to the shape of the chimney/chimney breast (retrospective)
- Other minor alterations from approvals 10/5004M & 11/2048M, such as additional rooflights and positioning of windows

The property will remain two bedroomed.

## **RELEVANT HISTORY**

- 12/1758M Extension over existing single storey and other alterations  
Refused 15/08/12
- 11/2048M Reconstruction of Gable End, Rear Extension and Other Alterations to  
Approved Plan 10/5004M  
Approved with conditions 15/08/11
- 10/5004M Alterations & extensions  
Approved 14/03/11
- 09/3536M Certificate of lawfulness for existing residential dwelling and  
associated garden  
Approved 28/01/10
- 79763P Change of use of barn to dwelling  
Refused 01/02/95  
Appeal allowed 06/12/95 for granny annex

## **POLICIES**

The Regional Spatial Strategy for the North West was revoked on 20<sup>th</sup> May 2013, and therefore no longer forms part of the Development Plan.

## **Macclesfield Borough Local Plan 2004 – saved policies**

BE1 (Design principles for new developments)  
BE2 (Historic Fabric)  
BE3 (Conservation Area)  
BE16 (Listed Building Setting)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC43 (Side extensions)  
GC1 (Green Belt New Build)  
GC12 (Control over extensions and alterations to dwellings in the Green Belt and Countryside)  
H13 (Protecting residential areas)

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties including the setting of the Listed Building, Conservation Area, countryside and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

### **National Planning Policy Guidance**

National Planning Policy Framework 2012

### **CONSULTATIONS**

#### **Conservation Officer:**

Original objection withdrawn, primarily due to the set back of the extension from the front elevation.

### **VIEWS OF THE PARISH**

Lower Peover Parish Council have been reconsulted on the revised proposals, their comments are awaited.

### **OTHER REPRESENTATIONS**

Representations were made from 8 households in respect of the original proposals. 3 households object, whilst 5 households support the proposals.

Full copies of these representations are available on the Council's website, but the following is a brief summary of the comments submitted:

Objections:

- The grounds that the last application was refused on are still applicable
- The nominal set back does not overcome the concerns raised
- The extensions would result in a dwelling out of keeping with its surroundings including the setting of the Listed Building
- The property is a converted agricultural building and has been extended extensively in the past, further extensions would be disproportionate
- The resultant dwelling would not remain subservient to Barrow's Brow Farm
- Further development of this former barn is unsustainable in context of it's setting and environmental value
- Further development of the barn would have a harmful impact on the character of the Green Belt
- The development would have an adverse impact on the character of Lower Peover Conservation Area
- The increase in size and potential occupancy with associated traffic /water effluent/noise would have a significant impact on this quiet, rural area.
- Loss of privacy due to the close proximity

Support:

- Both Barrow's Brow Farm and surrounding properties have had quite big alterations and extensions and in comparison, this extension is much smaller. Importantly, it will give the applicant better living conditions upstairs.
- The original approval for a 2 bedroom property was a compromise
- Building over the existing utility room will not be either visible to any other property or reduce the privacy of other residents.
- The alteration will better balance the aspect from the Peover Eye.
- The extension is discrete and set back from the front, matching the design of the cottage, and fits in perfectly
- The extension is entirely in keeping with the rural neighbourhood and the surrounding area
- Design of the extension is sympathetic to the existing dwelling

- Barrow's Brow Cottage and Barrow's Brow Farm have been significantly extended

**Neighbours/objectors/supporters have been reconsulted on the revised proposals. The last date for comments is on 30<sup>th</sup> May 2013; therefore an update report will be prepared prior to committee with any further comments received.**

#### **APPLICANT'S SUPPORTING INFORMATION**

The applicants have responded in detail to the objections raised. Their responses can be read in full on the Council's website, but in summary they make the following comments:

- Our proposed extension is extremely small – we are seeking to increase the floor space to 61% in total.
- The modest extension is to be built on the modern end of our cottage, in the same ribbon as Barrow's Brow Cottage and Barrow's Brow Farm which have been considerably extended
- Barrow's Brow Cottage has been extended by 177%, whilst Barrow's Brow Farm has been extended by 63%
- The extension is a significant distance from the neighbouring buildings (not overlooking and all-but-hidden from view), now set back from the front and on the modern side of the cottage
- Bramble Cottage stands over 35 metres away from Church View, and there are no windows which overlook any part of Church View
- This planning proposal has taken on-board the comments made Cheshire East in our previous planning application, and as a result, the proposed size has been reduced and it has been set back from the front elevation to ensure it is not unduly prominent or disproportionate
- The extension will be subservient
- The Planning Inspectorate has previously confirmed in its decision for Bramble Cottage that an addition to the western elevation (as in this case) could not affect the setting of the Listed Building as it is away from the Listed Building.
- The dwelling has at all times been a 2-bedroom house - as can be seen from previous plans.

In respect of the revised plans they advise:

- The proposals have been amended to take account of various points discussed with the Case Officer
- The first floor has been set back from the front elevation by 1.15m

- The first floor window on the extension has been omitted
- The proposal represents a 61% increase in floorspace over the original dwelling

## **OFFICER APPRAISAL**

### **Policy**

#### *National Planning Policy Framework & consistency with the MBC Local Plan*

Paragraph 215 of the NPPF states that *'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'*. Paragraph 216 goes on to say that *'from the day of publication, decision takers may also give weight to relevant policies in emerging plans'*.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF.

Paragraph 11 states that *'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*.

### **Green Belt**

Paragraph 89 of the NPPF permits *"The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*. Policy GC12 of the Macclesfield Borough Local Plan 2004 states that *"Alterations and extension to existing houses in the countryside may be granted for up to 30% of the original floorspace, providing that the character and appearance of the house is not significantly altered. Exceptions to the policy may be permitted where the proposal lies within a ribbon of development and the extension would not be prominent"*.

Therefore, one of the key considerations with this application is what the scale of the building was, when the certificate of lawfulness was granted for the use of the building as a dwelling, under application No. 09/3536M in 2010. As no survey drawings were submitted with the certificate application, we have to rely on the survey drawing submitted with planning application 10/5004M, which shows that the building had a floorspace of 107.1 m<sup>2</sup> (including the porch), when it became a dwelling in planning terms.

The property lies within a ribbon of seven houses, and therefore an exception to the 30% tolerance can be made, subject to the development not adversely affecting the character and appearance of the countryside.

Since 2010, Bramble Cottage has benefitted from planning permission for a two storey side extension and single storey rear extension, which has brought the floorspace of the dwelling to 153.7m<sup>2</sup>, an increase over the original floorspace by 58%. The proposed extensions would bring the floorspace of the dwelling to 175.04 m<sup>2</sup>, an increase over the original floorspace by **63%**.

Whilst each application should be considered on its own merits, Members should recognise that a number of the properties within this ribbon of development have been extended considerably. The agent has drawn our attention specifically to Barrow's Brow Cottage and Barrow's Brow Farm. These neighbouring semi-detached cottages used to be one building, which was extended and subdivided in two. Our records show that Barrow's Brow Farm has been extended by 56%. The owner of Barrow's Brow Cottage comments in his letter of objection that his property has been extended by 177%.

Whilst concerns were originally raised that the extension would elongate the building, the revisions have set back the first floor extension by 1.15m, so that it is not as prominent when viewed from the road (particularly due to the angle of the building). Similarly, the overall scale of extensions to the building have been reduced to 63% over the original dwelling certified in 2010, which are considered more acceptable from a Green Belt perspective.

### **Conservation Area/ Setting of Listed Building**

The property is not specifically referred to in the listing to Barrow's Brow Farm, and it remains unclear as to whether the buildings were built at the same time.

The Conservation Officer has withdrawn his original objection. He considers that the enhanced setback will make the extension less dominant, and he is prepared to accept this, subject to conditions in respect of matching materials.

The Planning Inspectorate have previously considered this issue, and concluded that an addition to the western elevation could not affect the setting of the Listed Building as it is away from the Listed Building.

### **Amenity**

The proposal is not considered to raise any significant amenity issues.

### **Highways**

There would be no adverse impact in terms of parking or highway safety as sufficient parking would remain within the site for a property of this size.

### **Ecology**

The proposal does not raise any ecological issues.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Bramble Cottage is situated in a ribbon of development within the Green Belt, where neighbouring properties have been extended considerably. Revised plans have been submitted since the application was on the agenda for the 27<sup>th</sup> March 2013 Northern Committee. The revisions have set the first floor side extension back from the front elevation by 1.15m, and have reduced the scale of the extension to 63% over the original floorspace. These reductions are considered to be a marked improvement to the scheme. The revised

plans also include minor alterations to the previously approved extensions and alterations, such as the addition of front and rear porches, changes to the shape of the chimney and alterations to windows.

From a Green Belt perspective, the revised extensions are considered to be acceptable, and will not harm the visual amenity or openness of the Green Belt. The proposal complies with policy GC12 and GC1 of the Local Plan and guidance within the Framework. The proposal is not an inappropriate form of development in the Green Belt.

The Conservation Officer has withdrawn his previous objection, as he is of the view that the enhanced setback will make the extension less dominant, and subject to conditions in respect of matching materials he is satisfied the extension will not harm the setting of the Listed building, or the character of the Lower Peover Conservation Area. There is therefore no harm resulting to a heritage asset and the proposal is in accordance with policies BE3, BE16 and guidance in the Framework aimed to ensure the preservation and enhancements of heritage assets.

The objections have been fully considered, however, the revised proposals are considered to be sympathetic to the character and appearance of the Lower Peover Conservation Area, and the Green Belt, and the proposals will not harm the setting of Barrow's Brow Farm and Cottage.

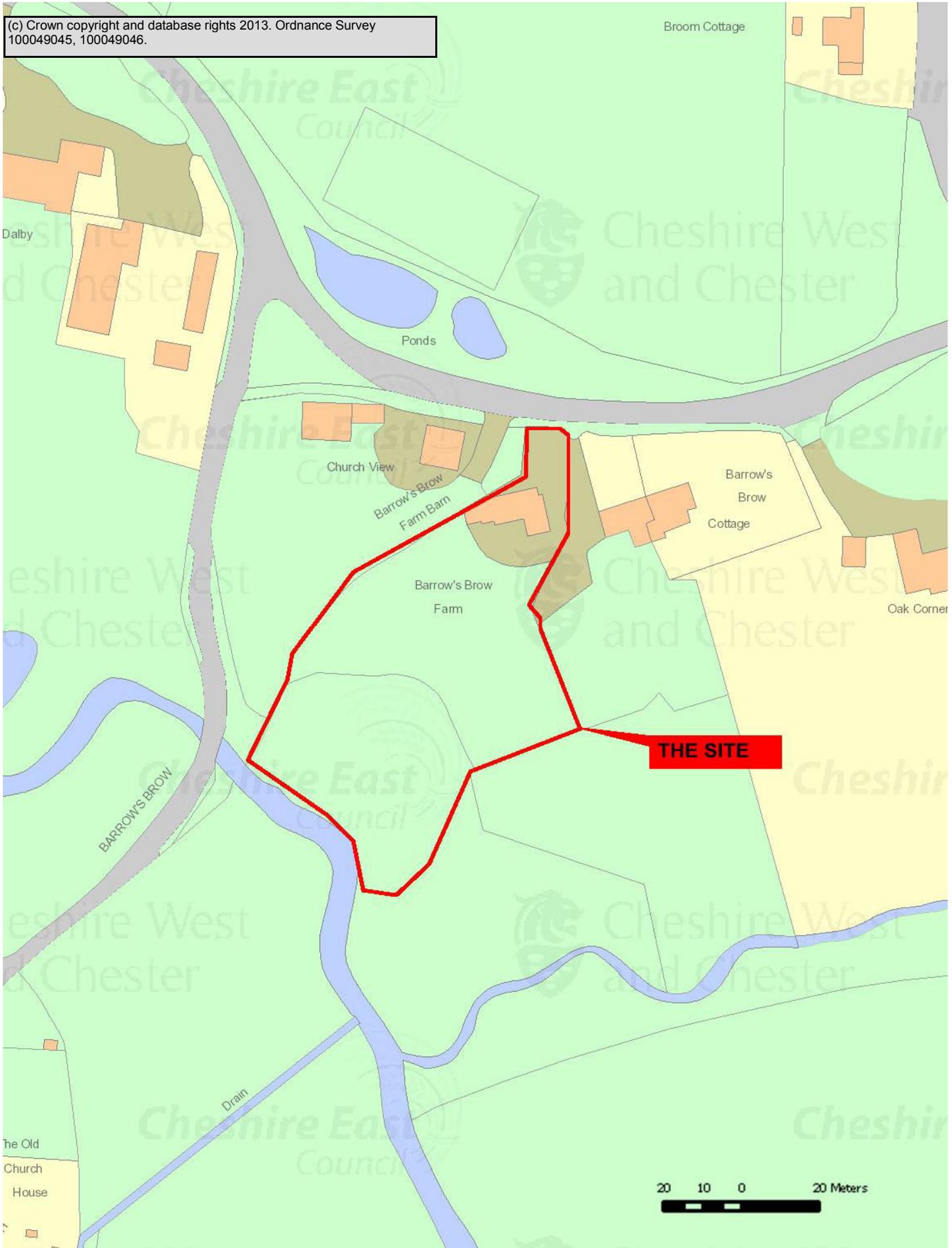
On this basis, and subject to the receipt of any further comments from the Parish Council and local residents, a recommendation of approval is made, subject to conditions.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A22GR - Protection from noise during construction (hours of construction)
2. A03FP - Commencement of development (3 years)
3. A04AP - Development in accord with revised plans (numbered)
4. A04EX - Materials to match existing building
5. A10EX - Rainwater goods
6. A18EX - Specification of window design / style
7. A01GR - Removal of permitted development rights
8. A06GR - No additional windows to be inserted

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Application No: 13/1050M

Location: Peter Ashley Ltd, Styal Moss Nurseries, 38, Moss Lane, Styal, Wilmslow, SK9 4LG

Proposal: Change of Use from a Mixed Use of Landscaping Contractors Business and the Parking Of 200 Motor Vehicles unconnected with the Landscaping Contractors Business to a Mixed Use of Landscaping Contractors Business, the Parking of Motor Vehicles Unconnected with the Landscaping Contractors Business and the Development of a Wildlife and Nature Area for Community and Educational Use. The Removal of all Buildings/Units on Site and their Replacement with One Single Storey Building to Include Office/Workshop and Store.

Applicant: Peter Davies, Peter Ashley Ltd

Expiry Date: 14-Jun-2013

**Date Report Prepared:** 23.05.2013

**SUMMARY RECOMMENDATION**

**REFUSE:**

**INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT; NO 'VERY SPECIAL CIRCUMSTANCES' THAT CLEARLY OUTWEIGH THE HARM.**

**MAIN ISSUES**

- Whether the proposal is inappropriate development in the Green Belt, and if so whether very special circumstances have been demonstrated.
- Design issues/impact on the character and appearance of the area (Green Belt)
- Impact on residential amenity
- Highways safety
- Landscape & nature conservation issues

**REASON FOR REPORT**

It is a constitutional requirement for the application is to be determined by the Northern Planning Committee, s it is an application for a commercial site covering an area between 1,000 and 9,999 sq m.

## **DESCRIPTION OF SITE AND CONTEXT**

The planning history needs to be borne in mind in order to clearly understand and appreciate the nature of the site and the context of the application.

Following the outcome of an appeal against the issuing of an Enforcement Notice, the site to which the application relates has a lawful mixed use comprising a) a landscaping contractor's business and b) parking for 200 motor vehicles (not associated with the landscaping contractor's business).

However, it is noted that at this point in time the applicant has not complied with the Enforcement Notice. It would appear that the applicant is awaiting the outcome of the current planning application.

The site covers an area of approx. 3.7 hectares and is accessed off Moss Lane, Styal. There are residential properties with relatively large curtilages to the east, west and south of the site. Beyond the northern boundary of the site is Manchester Airport's Operational Zone, an area of which is now used for parking vehicles.

At the southern boundary there are gates at the entrance to the site with a brick wall across the boundary; there are hedges to the eastern and western boundaries and there is a bank/earth mound at the northern end of the site.

The access into the site leads to an internal access road which runs parallel to the western boundary of the site and provides access to the whole site.

Within the site there are polytunnels, a glasshouse, shipping containers, a storage container, an implement store, a number of portacabins & portable structures (some used as offices), areas of hard-standing, areas used for the open storage of materials and areas used for the parking of vehicles (car parking for airport users).

The site lies within the North Cheshire Green Belt, as defined in the Local Plan.

## **DETAILS OF PROPOSAL**

The proposed seeks full planning permission for

*“Change of use from a mixed use of landscaping contractors business and the parking of 200 motor vehicles unconnected with the landscaping contractors business to a mixed use of landscaping contractors business, the parking of motor vehicles unconnected with the landscaping contractors business and the development of a wildlife and nature area for community and educational use. The removal of all buildings/units on site and their replacement with one single-storey building to include office/workshop and store.”*

It is noted that revised plans have been received during the course of the application reducing the area to be designated for airport car parking.

## RELEVANT HISTORY & RESULTANT POSITION ON SITE

The site has a complex history dating back to the early 1990s:

- 67156P      Permission granted in June 1991 for an implement store and internal access road.
- 68994P      Advertisement consent granted in November 1991.
- 68995P      Planning permission granted in November 1991 for construction of earth mound.
- 71618P      Retrospective application for change of use to garden centre. Approved subject to s106 restricting the sale and display of products or materials. Records show that the s106 was not completed. (Apparently garden centre was active between 1990 and 1998, when it was replaced by sale of Koi carp).
- 96/1093P    Planning permission granted in September 1996 for erection of glasshouse.
- 97/1093P    Application for a dwelling was refused in February 1997.
- 02/2423P    Planning permission granted for a 20m high column with 6 antennae and a 2.1m high palisade fence.
- 04/0718P    Planning permission granted for entrance gates and wall in May 2004.
- 04/1588P    Application for a dwelling with triple garage and new access was refused in August 2004.
- 04/2707P    Application for two-storey workshop withdrawn in February 2005.
- 05/0883P    Resubmitted application for two-storey workshop was refused planning permission in May 2005 and was later dismissed at Appeal in February 2006.
- 06/0032E    14 September 2006 – Enforcement Notice issued re alleged unauthorised material change of use of land from horticultural use to parking of motor vehicles unconnected with the horticultural use, siting of 3 No. portacabins and formation of areas of hard-standing. The requirements of the Notice were appealed (March 2008); appeal was dismissed but the Notice was corrected and varied but Inspector agreed with LPA that all vehicles not connected with the landscaping contractor's business should be removed from site. In July 2008 applicant successfully applied for permission to judicially review the decision made by the Planning Inspectorate. The High Court ordered re-determination of the appeal decision. A further Public Local Inquiry took place in January 2012. A new Inspector dismissed the appeal and the Enforcement Notice was corrected and varied again. Of particular relevance, the Inspector concluded that the parking of 200 cars on site (unconnected with the landscaping contractor's business) had occurred in excess of 10 years and therefore no enforcement action could be taken in respect of this number of cars. The applicant applied for

permission to appeal this decision but this was dismissed. The outcome concludes the situation as follows:

- The whole site was deemed to be a single planning unit
- Parking for a max. of 200 cars (not connected with the landscaping contractor's business) can take place on site, not restricted to any particular area of the site.
- The hard-standing (at the northern end of the site) laid in 2003/2004 has to be removed.
- The area of land from which the hard-standing has to be removed has to be seeded. However, this doesn't prevent cars from actually parking on the seeded area afterwards.
- The twin portacabin has to be removed.

## **POLICIES**

It is noted that the North West Regional Spatial Strategy has now been revoked

### **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 (Circulation and access)  
DC8 & DC37 (Landscaping)  
DC9 (Tree protection)  
NE3 (Conservation & enhancement of the rural landscape)  
NE11 (Nature conservation)  
NE15 (Habitat enhancement)  
NE17 (Major development in the countryside)  
NE18 (Access to nature conservation areas)  
GC1 (New buildings in the green belt)  
RT8 (Access to the countryside)  
T21 (Airport-related development)  
T23 (Airport operational area)

### **National Planning Policy Guidance**

National Planning Policy Framework

## **CONSULTATIONS**

### **Environmental Health:**

No objections, subject to conditions re hours of development and dust control.

**Manchester Airport:**

No objections, subject to conditions re landscape and pond design details, a restriction on bird feeding and an informative regarding use of cranes on site.

**Heritage & Design - Nature Conservation:**

No objections, subject to a condition re details of the wildlife/education facility.

**Heritage & Design - Landscape:**

No objections, subject to conditions re details of landscaping.

**Strategic Highways Manager:**

The Strategic Highways Manager has requested an automatic traffic count at the access to the site for a period of 7 No. days. However, no additional information has been submitted as of 23.05.2013.

**PARISH COUNCIL**

**Styal Parish Council:**

No objections

**REPRESENTATIONS**

1 No. representation has been received from the occupant of a neighbouring property. An objection is raised on the grounds of highways safety – the increase in independent car parking areas off Moss Lane has resulted in high volumes of vehicles along Moss Lane, many driving dangerously, and erosion of the road surface resulting in many potholes.

**APPLICANT'S SUPPORTING INFORMATION**

The following additional information has been submitted:

*Planning, Design & Access Statement*  
*Landscape Statement*

Details of the documents can be read on file. The case for the proposed (as outlined in the above documents) is summarised as follows:

- I. It is asserted that the proposed new building is an appropriate form of development in the green belt in accordance with para. 89 of the NPPF (i.e. a replacement building in the same use which wouldn't affect the openness of the green belt). It is suggested that if the LPA consider that the proposed building is an inappropriate form of development then 'very special circumstances' exist that outweigh the harm caused by inappropriateness.

- I. It is acknowledged that the provision of car parking on the site is an inappropriate form of development. However, it is asserted that 'very special circumstances' exist that outweigh the harm caused by inappropriateness.
- II. The 'very special circumstances' presented is the assertion that the proposed scheme is preferable to the 'fall-back' position (i.e. the resultant position following the outcome of the Enforcement Notice) in terms of a) impact on openness of the green belt, b) community benefit and c) overall betterment to the site.
- III. The proposed involves removal of all buildings/units on site, to be replaced with 1 No. single-storey, timber-clad building (office, workshop and store). The footprint of the building would be approx. 445 sqm, with a height of 3m for the Office area and 5.9m for the workshop area. The building would have a mono-pitched 'green roof' over the office area. It is claimed that the floor area of the other buildings/structures on site is approx. 850 sqm – hence, a 52% reduction in footprint of buildings/structures on site.
- IV. There would be a parking area adjacent to the proposed building for staff (staff of both the landscaping contractor's business and the airport car parking business) and machinery associated with the landscaping contractor's business.
- V. Access to the site would remain off Moss Lane.
- VI. There would be 3 No. parking areas in total on the site: 1) a visitor parking area associated with the wildlife area; 2) an area (as noted) adjacent to the proposed building and 3) an area for parking vehicles (to be used for the airport car parking business).
- VII. The area to the north of the site is the area to be designated for parking vehicles in connection with the airport parking business. This is one of the areas where vehicles are currently parked. The *Planning, Design & Access Statement* (para. 6.39) states that approx. 500 motor vehicles would be sited on this area. NB. It is noted that the submitted revised site plan illustrates parking for 252 vehicles in the designated area if parked in a formal car parking layout. The area would be improved by using an industry standard geocrate system (placed over a layer of gravel for drainage purposes) with topsoil and seed to provide a reinforced parking area. The applicant is prepared to enter into a legal agreement with the Council restricting the parking of vehicles not associated with the landscaping contractor's business to this designated area. However, the applicant does not wish a restriction to be imposed regarding number of vehicles that could be parked on the area – this would allow vehicles to be parked bumper to bumper (para. 7.09 of the *Planning, Design & Access Statement*). The legal agreement would include details of rotational parking to ensure successful growth of the grass.
- VIII. Having the parking designated to this specified area would ensure that such vehicles could not park anywhere else on site.
- IX. The site is to be landscaped as illustrated on the submitted plans.
- X. It is asserted that the proposed landscaping, removal of buildings/structures, erection of 1 No. replacement building and the designated area for parking of vehicles not associated with the landscaping contractor's business would result in a) an overall improvement to the appearance of the site, b) an improvement in terms of openness of the Green Belt, c) an enhancement of wildlife and d) provision of a community/educational facility. Management of the site could form part of a legal agreement in perpetuity.
- XI. The planning policies referred to in the *Planning, Design & Access Statement* include RSS policies (which do not now apply), the Local Plan policies listed above and various sections of the NPPF, i.e. para. 14 presumption in favour of sustainable

development; para. 19 support economic growth; para. 28 support economic growth in rural areas; para. 79 importance of green belts; para. 80 purposes of including land within the green belt; para. 87 inappropriate development in the green belt is harmful by definition; para. 89 new buildings in the green belt are inappropriate (though there are some exceptions); para. 90 other forms of development in the green belt that are not inappropriate (providing they preserve openness and do not conflict with the purposes of including land within the green belt); para. 109 planning system should contribute and enhance the natural local environment and para. 118 when determining applications planning authorities should aim to conserve and enhance biodiversity.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the proposed is, at the outset, unacceptable as it is considered that the proposed constitutes inappropriate development in the green belt. For the application to be approved the applicant has to demonstrate that very special circumstances exist which clearly outweigh the harm caused by inappropriateness and any other harm.

### **Policy**

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

### **Impact on the character and appearance of the area and green belt**

#### ***'Fall-back' position***

The 'fall-back' position needs to be clearly understood in order to be able to compare it with the proposed.

As noted above, the Enforcement Notice a) allows the applicant to park up to 200 vehicles on the site (anywhere on the site); b) requires the applicant to remove the area of hard-standing laid in 2003/2004 and seed with grass seed (this area of hard-standing covers an area of approx. 10,000 sqm and c) requires the applicant to remove the twin portacabins from the site.

It is acknowledged that the 200 cars allowed could be parked anywhere on the site. However, the question of where such parking would actually occur, once the area of hard-standing has been removed and seeded, needs to be asked. It is considered that parking cars on the re-seeded/grassed area would not be desirable and therefore would be less likely - the fact that the area has been hard-landscaped unlawfully previously illustrates this point. Therefore, the 200 cars are likely to be parked elsewhere on the site, i.e. on the remaining areas of hard-standing. If the applicant had complied with the enforcement notice, as they are required to do by law, then it may be more feasible to properly assess the "fallback position". In the absence of compliance with the Notice, the fallback position is more uncertain. The existing site plan indicates that the areas of hard-standing that will remain on site are a strip to the east of the internal access track stretching from the entrance up to the glasshouse and a gravelled area north of the glasshouse/portacabins. These areas measure approx. 3,500 sqm in total.

Apart from the buildings/structures that will also remain on the site the rest of the site is covered with vegetation/brambles and an area used for green waste (from the landscaping business). These areas are not suitable for car parking.

### ***Proposed parking areas***

Although the area to be designated as the area for parking vehicles associated with the airport car parking business has been reduced a little on the revised site plan, the area still covers approx. 5,200 sqm. The plan illustrates formal parking spaces, with 4m wide aisles, for 252 vehicles. This area is to be covered in a geocrate material (placed over a layer of gravel) with a covering of topsoil and seeded. The Landscape Officer has indicated that this will not look like grass, and that the quality of the appearance of such systems can vary greatly.

A parking area is proposed around the proposed building (for staff connected with both business and machinery associated with the landscape contractor's business). This area of hard-standing, to the south and west of the proposed building, covers approx. 1,300sqm.

A third parking area is proposed, to the east of the entrance, for visitor parking associated with the wildlife and nature reserve area. This area of hard-standing covers approx. 500 sqm.

Hence, the visitor and staff parking areas cover approx. 1, 800 sqm in total.

As regards green belt policy, it is acknowledged in the application that the proposed car parking for the airport car parking business is an inappropriate form of development in the green belt. This is a well established point, as the use of land in this way erodes the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt through encroachment.

### ***Comparison of parking areas – proposed and 'fall-back'***

It is considered that the proposed parking areas are not substantially different to the parking areas that exist on site at present (remembering that the largest area to the north is an unlawful area).

The 'fall-back' position could have 200 cars parked anywhere on site; though it is considered that the likely parking areas would be the remaining areas of hard-standing on site and there may be dependencies on the weather and ground conditions. The proposed development would have cars associated with airport parking at the northern end of the site (confined to this area), staff parking around the proposed building and visitor parking near the entrance. It is noted that these 3 No. parking areas could, if cars were parked bumper to bumper (as is mainly the case on site now with the extensive unlawful airport car parking), accommodate around 550 cars.

Hence, it is considered that within the proposed scheme all the areas designated for car parking are too large; but in particular the area designated for the airport car parking business is too extensive. This part of the proposal is an inappropriate form of development in the green belt. It is also considered that the proposed car parking area for the airport car parking business has an impact on the openness of the green belt.

It is considered that the fall-back position is a material consideration in favour of the proposed development. However, it is not considered that this proposal offers material benefits to the openness or appearance of the Green Belt when compared to the fallback position. It follows that this consideration does not carry sufficient weight so as to clearly outweigh the identified harm to the Green Belt.

### ***Proposed building***

The proposed includes removing all existing buildings & structures on site and erecting a single-storey building for office, workshop and storage.

It is claimed that the total footprint of the existing buildings & structures on site is approx. 850 sqm and that the footprint of the proposed building covers an area of approx. 445 sqm, and therefore there is a reduction in footprint of approx. 405 sqm (52%). However, it is noted that the range of buildings & structures being referred to includes a polytunnel and a glasshouse, 2 No. light-weight structures which are glazed or covered in other transparent material. These 2 No. structures have a total footprint of approx. 568 sqm; if this is deducted from the 850 sqm referred to this leaves 282 sqm of buildings and other, more solid, structures. The proposed, solid, building has a footprint that is actually 123 sqm larger than the more solid buildings & structures on site. Hence, it is considered that, although the overall footprint of buildings and structures of the proposed is less than exists, if the lightweight structures are not included in the comparison the proposed structure results in an increase in solid buildings on site.

As regards green belt policy, it is asserted within the application that the proposed building is an appropriate form of development in the green belt, based on an interpretation of bullet point 4 of Para. 89 of the NPPF, which states that certain, exceptional, forms of development in the green belt are appropriate, one of which is the *“replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. It is stated that the new building will be used for the same purposes as existing buildings/structures on site (office, workshop and storage) and that it will, as noted above, have a much smaller footprint than the total footprint of existing buildings/structures on site and be smaller and less bulky. Consequently, it is claimed, the proposed would not adversely affect the openness of the green belt.

It is considered that this section of the NPPF has been misinterpreted. The exception in para. 89 of the NPPF refers to ‘a’ (single) building being replaced and the one that replaces it being in the same use and not being materially larger. In this instance what is being replaced are numerous buildings and the one building proposed is materially larger than any single building/structure on site. Hence, it is considered that the proposed building does not meet the criteria of bullet point 4 of para. 89 of the NPPF.

That said, it is stated within the application documentation that the proposed is a redevelopment of the site. It is noted that bullet point 6 of para. 89 of the NPPF allows for partial or complete redevelopment of sites in the green belt, providing there is no greater impact on openness. It is considered, on balance, that the removal of all existing buildings & structures on site and the replacement with 1 No. building as proposed would have no greater impact on the openness of the green belt than the existing situation.

***Proposed wildlife/nature area (and additional landscaping)***

The wildlife/nature reserve area is to cover approx. half the area of the site – mostly the area that is currently vegetation & brambles and the area used for ‘green waste’. The details of this are to be finalised. The wildlife/nature reserve area would be for community/educational use.

As regards green belt policy, bullet point 2 of para. 89 of the NPPF allows for certain forms of development in the green belt for outdoor sport and recreation, so long as openness of the green belt is maintained and there is no conflict with the purposes of including land within the green belt. It is claimed within the application that the proposed wildlife/nature reserve area is therefore an appropriate form of development in the green belt which preserves openness and accords with this element of the NPPF. This is not disputed. It is considered this point carries neutral weight in the planning balance.

***Very special circumstances***

Bearing in mind the discussion above, it is concluded that the proposed, primarily due to the extent of designated car parking area for the airport car parking business, is inappropriate development in the green belt and that this also has a detrimental impact on openness of the green belt. This harm carries substantial weight.

Within the application it is contended that there are very special circumstances that outweigh the harm. These are that the proposed scheme is preferable to the fall-back position as it is claimed that the combination of a) removing all the buildings/structures and replacing them with one, b) creating a wildlife/nature reserve area for community/education use and c) designating a specific area of the site to be used for parking vehicles (rather than them being allowed to park anywhere within the site), will improve the openness of the green belt and tidy up the appearance of the site.

Having weighed up the elements of the proposed scheme and the fall-back position it is considered that, either individually or cumulatively, the considerations presented in favour do not clearly outweigh the identified harm - inappropriate development in the green belt that has a detrimental impact on openness of the green belt and encroachment. As such very special circumstances do not exist to allow an approval of planning permission.

***Impact on residential amenity***

The site currently has a lawful mixed use status for a landscaping contractor’s business and parking for 200 vehicles not associated with the landscaping business. The proposed (revised) scheme would be a mixed use of landscaping contractor’s business, community/education use for the wildlife area and parking of vehicles not associated with the landscaping business in a designated area of the site (the northern end) but not confined to a specified number of vehicles. The layout submitted indicates approx. 250 spaces if cars were parked formally. However, parking vehicles bumper to bumper (which is how they are primarily parked on the site at present) could result in many more vehicles being parked within the requested designated area (eg. up to another 150 vehicles). It is considered that this additional increase in activity (vehicle movements) over and above the current lawful level that the site has permission for (i.e. 200 vehicles) would have a detrimental impact on the amenities of the occupants of neighbouring properties.

A condition could be imposed to limit the number of cars parked on the site at any one time (e.g. a maximum of 200) to a particular area on the site. Such a condition would need careful consideration for enforceability, but it could be achieved. Bearing in mind that such a condition could be imposed it is considered that the impact on amenity could be controlled to a degree. There would potentially still be an impact on amenity above the potential fallback position, particularly as the practical operation of the fallback position is questionable. However, the impact is not considered to be so significant to warrant a refusal in its own right.

### **Highways safety**

Insufficient information has been submitted at this stage to enable the Strategic Highways and Transportation Manager to conclude whether or not the proposed would create any highways safety issues or not. Further information is awaited, i.e. the details of the outcome of a traffic count requested previously. This information will enable the Strategic Highways Manager to decide whether or not any further information is required. However, given that the business has been operating for well over 5 years at high levels of parking numbers (200) with no known safety issues, it is not considered that an objection on highway safety grounds could be sustained.

### **Landscape & nature conservation issues**

#### ***Landscape***

From the information submitted the Landscape Officer concludes that it is unclear exactly what the landscape proposals are and therefore recommends conditions be attached, should the application be approved, requiring details of the landscaping (hard and soft) to be submitted.

#### ***Nature conservation***

The Nature Conservation Officer has concluded that the proposed would have no adverse effects on wildlife. However, he has recommended a condition be attached to any approval requiring details of the wildlife area/education facility to be submitted for approval. Again, it is unclear from the information submitted what the area would actually consist of, how it would be managed, and what level of visitor interest there might be. It is claimed within the application documentation that the applicant has approached local schools. However, no details/evidence is available to indicate what interest there is.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

In summary, using the site as a mixed use site (landscaping contractor's business, an area designated for the airport car parking business and a wildlife/nature reserve area for community/educational use is acceptable.

The proposed removal of all buildings/structures on site and replacement with 1 No. building as outlined is considered to have no greater impact on the openness of the green belt and therefore accords with bullet point 6 of para. 89 of the NPPF.

The proposed wildlife/nature reserve area is considered to accord with numerous Local Plan policies that seek to maintain and promote access to the countryside/wildlife areas and to accord with the NPPF guidance on development within the green belt. It is noted, however, that potential use by members of the community and educational institutions has not been clearly demonstrated. The principle of simply landscaping the area identified would be acceptable to the Local Planning Authority.

The proposed car parking areas are all considered to be too extensive, in particular the size of the area designated for airport car parking. For example, the *Planning, Design & Access Statement* (para. 4.16) states that the visitor parking area for the wildlife area can accommodate up to 10 vehicles; for 10 vehicles an area measuring 25m x 5m would suffice. The proposed visitor parking area measures approx. 38m x 14m (i.e. covering over 500 sqm). The area designated for airport car parking illustrates a formal layout for parking 252 vehicles. However, if vehicles were parked bumper to bumper, as is the case at present, it is considered that 400 vehicles could be parked on this area. It is stated within the application documentation that the applicant is willing to enter into a legal agreement that specifies the area to be used for airport car parking. However, it is also stated that the applicant doesn't want a restriction on numbers. It is acknowledged that, for ease of monitoring in the future a designate area for parking would, in principle, be beneficial. However, given that the lawful use allows only 200 vehicles to be parked on site it is considered that the extent of area proposed for the airport car parking is too extensive, is inappropriate development in the green belt and has a detrimental impact on the openness of the green belt. As such, the proposed constitutes an inappropriate form of development in the green belt.

The applicant has asserted that very special circumstances exist that overcome the identified harm, i.e. the nature of the site under the fall-back position and the assertion that the proposed is preferable in terms of impact on openness of the green belt and tidying up the appearance of the site. It is considered that the proposed would have a greater impact on the green belt than the fall-back position due to the extensive parking areas. Importantly, it cannot be demonstrated that the proposed development offers any significant benefits above the situation that would arise through compliance with the Enforcement Notice. The considerations put forward, either individually or cumulatively, do not clearly outweigh the harm to the green belt. Very Special Circumstances have not been demonstrated.

It is also considered that the increase in vehicles using the site over and above the 200 that are lawfully allowed would have a detrimental impact on the amenities of neighbouring properties, although this impact could be limited to an acceptable level by condition.

Whilst information is lacking in respect of highways impact, the historic operation of the site suggest that the impacts are acceptable in terms of highway safety.

It is recommended the application be refused for the reasons outlined.

Application for Full Planning

RECOMMENDATION: Refuse approval

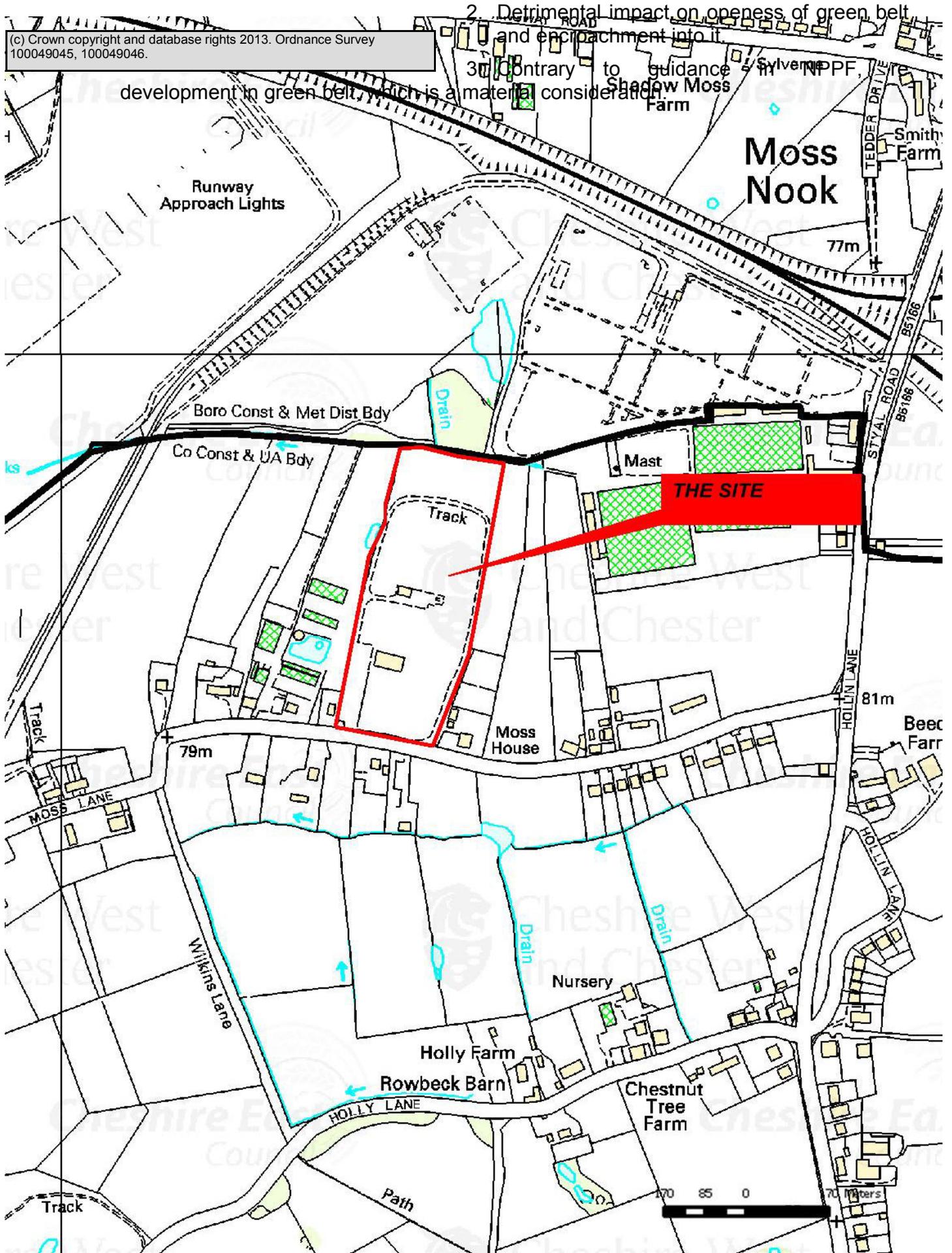
Inappropriate development in the green belt, no very special circumstances.

2. Detrimental impact on openness of green belt and encroachment into it.

3. Contrary to guidance

development in green belt, which is a material consideration.

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Application No: 13/0599M

Location: Old Labour Exchange, Peak House, South Park Road, Macclesfield, Cheshire, SK11 6SH

Proposal: Conversion of Existing B1 Office Use to 13No Residential Dwellings with Parking.

Applicant: 3DM

Expiry Date: 06-Jun-2013

**Date Report Prepared:** 20 May 2013

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- The principle of the development;
- Design and impact on the architectural merit of the building and character and appearance of the area;
- Highways access, parking and safety issues;
- Residential amenity; developer contributions; and
- Other material considerations.

#### **REASON FOR REPORT**

The application is for the erection of 13 residential units, and under the Council's Constitution is required to be determined by the Northern Planning Committee.

The proposal is considered to be unacceptable for the reasons set out in the reasons for refusal and in the appraisal section of this report.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site is located on South Park Road between Hatton Street and Armit Street. The locality is a relatively quiet residential area surrounded largely by terraced houses.

The application site contains a part two and part single storey stone building constructed in the 1930's. It was first used as a labour exchange but for many years has been used for private offices.

## **DETAILS OF PROPOSAL**

This application seeks Planning Permission for the conversion of the existing building from offices (Class B1) to 13 residential apartments (Class C3). The proposals would provide 8 one bed and 5 two bed apartments, some with additional Mezzanine levels.

All works will be to the internal layout of the existing property, with the external envelope retained. One new entrance door is proposed on the West Elevation, with two new doors to the East Elevation which replace existing windows. All other windows, doors and roof lights are to be retained, or replaced to match existing.

## **RELEVANT HISTORY**

There is no other relevant planning history for the site.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **North West of England Plan Regional Spatial Strategy to 2021:**

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

### **Local Plan Policy:**

The application site lies within a residential area in Macclesfield and the building is locally listed. Therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy BE20: Locally Important Buildings;
- Policy H1: Phasing Policy;
- Policy H2: Environmental Quality in Housing Developments;
- Policy H5: Windfall Housing Sites;
- Policy H13: Protecting Residential Areas;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC38: Space, Light and Privacy; and
- Policy DC40: Children's Play Provision and Amenity Space.

## **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

## **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

- Local List of Important Buildings (October 2010).

## **CONSULTATIONS (External to Planning)**

**Highways:** The Council’s Strategic Highways & Transportation Manager has raised objections to the application as the scheme is likely to have a detrimental effect on the free circulation of traffic, road safety and the availability of on-street parking.

**Environmental Health:** The Environmental Health Officer raises no objections to this application. The Contaminated Land Officer notes that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

## **REPRESENTATIONS**

11 letters of objection have been received from local residents and their objections can be summarised as follows: -

- Insufficient parking for the flats;
- Significant parking problems in the area;
- Parking situation worse following conversion of Chapel on South Park Road into apartments and recently converted mill on Brown Street into 16 apartments (with no parking);
- Allowing this permission will exacerbate the traffic problems in the area;
- Applicant proposes four parking spaces on street and these are already used;
- Concerns about the lack of time to comment;
- Loss of amenity through overlooking;
- Concerns over emergency vehicle access; and
- Refuse collection would be made harder due to additional parking.

## **APPLICANT'S SUPPORTING INFORMATION**

A Design & Access Statement was submitted with the application. The application was NOT accompanied by a Transport Assessment or Travel Plan.

### **OFFICER APPRAISAL**

#### **The principle of the development:**

The site lies within a Predominantly Residential Area on the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle. The application needs to be assessed against Local Plan Policy BE1 (Design Guidance), BE20 (Locally Listed Buildings), H2, (Environmental Quality in Housing Developments), H13 (Protecting Residential Areas), and Development Control Policies DC1, DC3, and DC38, which relate to the standard of design, amenity and space standards. Policy DC6 relates to circulation and access.

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. Although the proposal would not provide affordable housing offered through a housing association, the accommodation to be provided would fall at the lower section of the market. The scheme achieves high quality housing in a town centre location

It is not considered that the loss of the existing offices will have a significant impact of employment, given the site's location, the quality of office space provided and the limited parking and servicing.

#### **Design and impact on the architectural merit of the building and character and appearance of the area:**

There are a number of buildings which are valued for their contribution to the local scene or for their historical associations. These buildings do not merit listing on a national scale. However, Local Planning Authorities can draw up lists of locally important buildings and to formulate Local Plan Policies for their protection. This former labour exchange building is such a locally listed building as it displays evidence of local historic interest and makes an important contribution to the street scene. Only minor external work is proposed as part of this application, therefore no objections are raised to the scheme on this issue as the development would not adversely affect the architectural and historic character of the building. Conditions could be imposed to control the details of any replacement windows and doors.

#### **Highways Access, Parking and Safety issues:**

Whilst the site is located close to Macclesfield town centre and so is highly accessible, there is already considerable pressure for on-street parking spaces in the area.

As office premises, the notional parking assessment for this size of building would be 22 spaces. Whereas only about 8 spaces are actually available within the rear curtilage, a deficit

of 14 spaces. A limited number of further spaces could be provided off-road around the front of the property, but at the expense of kerbside spaces available to the general public.

The supplied plans show four spaces within the site accessed directly from the street and a further four on South Park Road. These latter four spaces cannot be formally associated to the development and the former consist of two spaces accessed in an unacceptable layout from the South Park Road/ Armit St junction, and two from Hatton St, which would result in the loss of an on-street space. Therefore these four on street spaces are not assessed as contributing to the net number of spaces being provided.

As residential development, the requirement is for 1 space for each of the 1 bedroom units and two spaces for each of the 2-bedroom units, a total of 18 spaces, though this can be varied in central locations. There would therefore be a deficit of ten spaces against the Council's parking guidelines.

Use	Policy Requirements	Proposed	Deficiency	Percent
Office	22 Spaces	8 Spaces	10 Spaces	36%
Residential	18 Spaces	8 Spaces	10 Spaces	44%

Although this implies a slight improvement

in parking pressures compared to reuse as offices, residential parking demand peaks in the evening, so a change of use will add to evening and overnight parking levels when parking is already at saturation.

There are also practical difficulties in having only a limited number of private spaces as they cannot be allocated to specific units. There is no practicable way of ensuring the parking area is not clogged with vehicles, also the indicated spaces are in each case immediately adjacent to proposed bedroom windows

No locations are shown for bin storage. Although conditions can be used to secure these details, it is difficult to see how this can be located without loss of a parking space if the amenity of residents is to be maintained. The Local Planning Authority would also expect to see some secure cycle storage, particularly in view of the car parking shortfall. These details could be conditioned.

**Residential Amenity:**

It is not considered that there would be any impact on residential amenity to the surrounding properties caused by these proposed through overlooking, loss of privacy or overbearing. That being said, an assessment on any amenity implications on future occupiers of the development would also need to be assessed.

No amenity space is provided for the apartments, in the form of private gardens or communal space, either hard or soft landscaped. Whilst this is unfortunate, it would be unreasonable to refuse this scheme on the basis given the existing site layout, that is not new build and given the permissions approved in the area for other flatted schemes.

The scheme proposed parking on the internal courtyard of the existing building, whilst it is accepted that this area is used for parking and services of the existing offices, the parking

relationships in a residential scheme would be considerable different. Having parking so close to bedroom windows with no separation distances or mitigation would lead to a loss of residential amenity to those apartments through noise and disturbance of car movements and associate activities.

The internal layout of the scheme proposes to put the bedrooms of the apartments towards the rear of the building. Whilst this is understandable as the rear of the building would be the quieter side as it is away from the road, this does lead to other implications. As it is a u-shaped building the bedroom windows all look into each other. There is a concern that there would be a loss of privacy to the bedroom of those apartments that look directly at each other. Bedroom windows of apartments Nos. seven to three, seven to four, twelve to four, thirteen to two and thirteen to one would be only 4.5 metres, 7 metres, 12 metres, 10.2 metres and 9.1 metres apart respectively.

### **Developer Contributions:**

The proposed development will trigger a requirement for public open space provision. In the absence of onsite provision a commuted sum for offsite provision will be required. A total contribution of £29,500.00 will be required to ensure the provision of adequate open space for formal and informal children's play activity due to the development. This could be secured through the submission of a S.106 legal agreement.

### **Other Materials Planning Considerations:**

#### Contaminated Land:

The application area has a history of use as a Silk Mill and Dye Works and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land team has no objection to the above application subject to the standard contaminated land conditions.

#### Ecology Implications:

The only potential ecological issue associated with this proposed development relates to the potential presence of roosting bats. A bat survey has not been undertaken or submitted. Considering the lack of suitable foraging habitat in the vicinity of the building and the abundance of alternative possible more appealing roosting opportunities offered by the surrounding buildings, it is unlikely to have an impact upon protected species.

#### Permitted Development:

Members will need to be aware that from the 30 May 2013, Planning Permission is no longer required to change the use from offices to dwellings. This is subject to a number of criteria, one being that the building is not listed and that the development must be begun before 30 May 2016.

That being said, the developer does have apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required and one of the

three assessments in this process is on the transport and highways impacts of the development.

Given the highway implications in this case, it is likely that the Council would require prior approval to be first given. As such, it cannot be concluded that a fall back of Permitted Development rights exists which should affect the determination of this application.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

As Members are aware, the presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (*paragraph 14*) and that housing applications should be considered in the context of this presumption. In addition the Council has a deliverable 7.15 years supply of housing for the years April 2013 to March 2018, in accordance with Paragraph 49 of the NPPF. That being said, it is considered that the adverse impacts, identified below, are considered significant and demonstrably outweigh the benefits of allowing the scheme, as submitted to go ahead.

Therefore, whilst it is accepted that the site is in sustainable location and that the Council have approved other flatted schemes in the area, it is considered that this proposal is unacceptable in highway terms unless the balance of the number of units and parking supply is greatly improved and other travel measures are provided. Accordingly, it is recommended that the application is refused as it is likely to have a detrimental effect on the free circulation of traffic, road safety and the availability of on-street parking.

Although a conversion, it is considered that the scheme would cause a loss of amenity to future occupiers through noise and disturbance from the proposed internal parking arrangement. It is also considered that the scheme would result in a loss of privacy to the detriment of future occupiers due to the internal arrangements of the flats and the resulting relationship and distances between bedroom windows.

The proposal therefore fails to comply with policies .... of the Development Plan. These policies are consistent with policies in the Framework and should be accorded full weight in the decision. The adverse impacts of this proposal are considered to demonstrably outweigh the benefits of the provision of housing in a sustainable location.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. R06HW - Parking provision detrimental to highway safety
2. R07MS - Unneighbourly use

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Application No: 13/1813M

Location: Zeneca Plc, Charter Way, Macclesfield, Cheshire, SK10 2NA

Proposal: Erection of New and Existing Temporary Cabins on an Existing Vacant Site

Applicant: David Ayres

Expiry Date: 31-Jul-2013

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

- Principle of development;
- Impact of the development on character and appearance of the site and surroundings;
- Highways implications.

**1. REASON FOR REFERRAL**

This application has been referred to Northern Planning Committee as the floorspace of the cabins equates to 1,451 square metres.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is within an existing employment site to the north east of Macclesfield. Access is taken from Charter Way with the proposed site within the AstraZeneca complex towards the northern boundary. The site is an existing area of vacant land.

**3. DETAILS OF PROPOSAL**

This application seeks permission for the erection of temporary site cabins on a vacant site within the AstraZeneca complex. The cabins would create 1,451 square metres of floor space providing office and welfare accommodation for project managers, designers and construction supervisors in connection with a future development proposal for a new production facility.

#### 4. RELEVANT HISTORY

Whilst the site has a considerable planning history, none are relevant to the determination of this application.

#### 5. POLICIES

##### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design principles for new developments)  
E1 (Employment areas)  
E4 (B2, B8, B1 (b) and B1 (c) uses in employment areas)  
DC1 (High quality design for new build)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC63 (Contaminated Land)

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*”.

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

##### **Other Material Considerations**

National Planning Policy Framework

#### 6. CONSULTATIONS (External to Planning)

**Highways:** None received at the time of writing the report. Any comments received will be reported as an update to the committee prior to the meeting.

**Environmental Health:** None received at the time of writing the report. Any comments received will be reported as an update to the committee prior to the meeting.

**Canal and River Trust:** None received at the time of writing the report. Any comments received will be reported as an update to the committee prior to the meeting.

#### 7. VIEWS OF THE PARISH/TOWN COUNCIL:

Not applicable.

## **8. OTHER REPRESENTATIONS:**

The consultation period ends on 5<sup>th</sup> June 2013. To date no representations have been received. If any are received prior to the committee date members would be informed via an update to the report.

## **9. APPLICANT'S SUPPORTING INFORMATION:**

A Design and Access Statement has been submitted in support of the application.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site is within an existing Employment Area (as identified in the Local Plan). Policy E1 of the Local Plan states that new development will normally be granted in accordance with Policies E3-E5, on a scale appropriate to the size and character of the area. Policy E4 of the Local Plan is relevant to this proposal and is supportive of industrial and research and development uses. Whilst the proposed use of these buildings would not fall within those uses supported by policy E4, it would be for purposes ancillary to the established use of the site. The cabins will form a compound for project workers delivering future development, in particular a replacement production facility at the AstraZeneca. The National Planning Policy Framework is supportive of sustainable economic growth, and advises that proposals that accord with the development plan should be approved without delay.

### **Character and Appearance**

The cabins would be single storey mounted on concrete plinths. They would be approximately 3.7 metres above ground level. They would be sited on an existing vacant plot which is laid to hardcore. When viewed against the surrounding buildings the scale of the compound would be modest, and it would not be visible from outside the wider site. The design of the cabins is entirely appropriate for such a facility given the overall use of the site and its position within the AstraZeneca complex.

Whilst the proposal is for the cabins to be temporary to facilitate future works at the Hurdsfield site it is not considered necessary to control this period by planning condition because i) the proposal is considered to comply with the development plan; ii) the material considerations would not be made different by granting a temporary permission.

### **Highways Implications**

Employees based within the cabins would use the existing multi-storey car park at the front of the AstraZeneca site. Existing cycle parking facilities are also available at the AstraZeneca site. Pedestrian access would be via existing internal routes. The application form indicates approximately 100 employees would be based within the cabins.

Given the size and infrastructure of the existing site it is not considered a development of this size would likely give rise to any significant highway safety implications. However comments are awaited from Highways and will be provided as an update prior to the committee.

## 11. CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is for a site compound to facilitate a future development project at the established AstraZeneca complex. The principle is considered acceptable. The compound would not be visible from outside the AstraZeneca complex, it would be of a scale commensurate to the existing development on the site, and would occupy an existing vacant plot overlaid with hardcore. There is unlikely to be any significant highways implications arising from the development, however Highways comments are awaited. Subject to favourable comments from Highways the proposal is considered acceptable and recommended for approval.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. The planning permission is temporary and the site shall be restored in accordance with details agreed with the LPA.

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