

Northern Planning Committee

Agenda

Date: Wednesday, 31st July, 2013
Time: 2.00 pm
Venue: Capesthorpe Room - Town Hall, Macclesfield, SK10 1EA

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

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

To approve the Minutes held on 3 July 2013 as a correct record.

4. **Public Speaking**

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

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

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

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

5. **13/0932M-Golf Academy and Driving Range, High Legh Golf Club, Warrington Road, Cheshire for Mr A Vaughan (Pages 7 - 24)**

To consider the above application.

6. **13/2103M-Proposed New Domestic Residence on land adjacent to 66 Lacey Green Wilmslow, Land adjacent to 66, Lacey Green, Wilmslow for Mr T Mirza (Pages 25 - 34)**

To consider the above application.

7. **13/2346M-Erection of a marquee at Mottram Hall Hotel, Mottram Hall Hotel, Wilmslow Road, Mottram St Andrew, Macclesfield for Mr Andrew O'Brien, De Vere Hotels & Leisure (Pages 35 - 46)**

To consider the above application.

8. **13/2369M-Listed Building Consent for Erection of a Marquee at Mottram Hall Hotel Mottram Hall Hotel, Wilmslow Road, Mottram St Andrew, Macclesfield for Mr Andrew O'Brien, De Vere Hotels & Leisure (Pages 47 - 52)**

To consider the above application.

9. **13/1365M-Extensions to the existing care home to provide an increase in the number of bedrooms. There are 40 existing bedrooms, the extensions will allow 29 bedrooms to be added to provide a total of 69 bedrooms. The extensions include enlarging the buildings footprint to the east and west, and adding an extra floor (third floor) to most of the building - the additional floor will be in the form of a mansard. The existing single storey wing, closest to Riseley Street, will be altered to be three storeys three storeys (currently one storey), where it faces the site car park toward the west, however the roof of this part slopes down to retain the single storey building closest to the houses on Grosvenor Street, Trinity Court, Risley Street, Macclesfield for Edmund Carley, Oaklyn Construction Ltd (Pages 53 - 72)**

To consider the above application.

10. **13/2288M-Erection of a new two storey block to provide Sixth Form, Dining, and Administration accommodation, with relocation of existing games courts and new site access road, Fallibroome High School, Priory Lane, Macclesfield for Robert MacNeill, The Fallibroome Academy (Pages 73 - 84)**

To consider the above application.

11. **13/2082M-Replacement of existing football pitch and provision of two new mini football pitches and associated facilities including additional car parking and multi-use games area. Change of use from agricultural land to recreation for part of the area, Bollington Leisure Centre, Heath Road, Bollington for Paul Gibbons, Bollington United Junior Football Club (Pages 85 - 96)**

To consider the above application.

12. **13/1949M-Variation of condition 2 of 11/4367M, regarding approved plans for the redevelopment of garden centre to include main retail building, restaurant, open-sided canopy, store and associated external works and landscaping; allow the retention of ground level irrigation tank and various alterations to the external appearance of the garden centre building, Wilmslow Garden Centre, Manchester Road, Wilmslow for David Yardley, Klondyke Properties Limited (Pages 97 - 104)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 3rd July, 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, J Macrae, D Mahon and D Neilson

OFFICERS IN ATTENDANCE

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

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Edwards, Mrs L
Jeuda, P Raynes and D Stockton.

11 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 13/1622M, Councillor
Mrs H Gaddum declared that she was the former Portfolio Holder for
Children and Family Services which would have covered Knutsford High
School within her remit. In addition she stated that she and other
Councillors had received correspondence on the subject.

In the interest of openness in relation to the same application, Councillor
Mrs O Hunter declared that she was a former Governor of Knutsford High
School, however she had exercised no opinion on the proposals.

In respect of application 13/0987M, Councillor R West declared a non
pecuniary interest as he was a Board Member of the Peaks and Plains
Housing Trust who were in the process of purchasing the land. He left the
room prior to consideration of the application and returned once a decision
on the application had been made.

In the interest of openness in respect of the same application, Councillor L
Brown declared that she was the Ward Councillor as well as being
Chairman of Friends of Upton Priory which had representatives from
different organisations on it, in addition she had been to a consultation
event with a Cheshire East Council Officer, however she had not made
any comments in respect of the application.

12 MINUTES OF THE MEETING

RESOLVED

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

(During consideration of the item, Councillor Mrs A Harewood arrived to the meeting).

13 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

14 13/1622M-EXTENSIONS TO PROVIDE DINING ROOM / ENTRANCE FACILITIES AND STUDIO SCHOOL, KNUTSFORD HIGH SCHOOL, BEXTON ROAD, KNUTSFORD, CHESHIRE FOR ANDREW LYNES, FACILITIES MANAGER, KNUTSFORD ACADEMY

Consideration was given to the above application.

(Rosemary Carter, an objector and Peter Joyce, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - notwithstanding details of materials in application in relation to Studio Block, details and samples of materials to be submitted and approved prior to use of facing materials. Requirement for lighter colour / sympathetic materials on NE elevation of Studio Block (Members requested consultation on materials with the Chairman and Ward Councillor, however the Officer advised that this could not be included as part of the condition as it could not be enforced, however the requested was noted)
4. A22GR - Protection from noise during construction (hours of construction)
5. A01LS - Landscaping - submission of details
6. Pile foundations

7. Obscure glazing on first floor and bay window on NE elevation of Studio Block facing Cranford Ave. Glazing to be submitted.

In addition it was noted that the application would need to be referred to the Secretary of State as the scheme would provide over 1,000 square metres of floor space in the Green Belt.

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

15 13/0987M-ERECTION OF 38 AFFORDABLE DWELLINGS - INCLUDES DEMOLITION OF EXISTING BUILDINGS ON SITE, PRIORS HILL CHILDRENS HOME, 26, KENNEDY AVENUE, MACCLESFIELD, CHESHIRE FOR JOANNE FALLON, AFFORDABLE HOMES CONSULTANCY

(Prior to consideration of the application, in the interest of openness, Councillor Mrs H Gaddum declared that as a former Portfolio Holder for Children and Family Services the site would have been within her remit).

Consideration was given to the above application.

(There was a brief adjournment during the presentation of the item, whilst the Northern Area Manager ensured the correct presentation was shown to Members).

(Councillor M Hardy, the Ward Councillor attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to the completion of a S106 Agreement securing the following Heads of terms:-

- Mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure
- Commuted sums of £15,000 to mitigate for the loss of existing open space and for POS in lieu of onsite provision

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01GR - Removal of permitted development rights
4. A05EX - Details of materials to be submitted
5. A01LS - Landscaping - submission of details

6. A04LS - Landscaping (implementation)
7. A12LS_1 - Landscaping to include details of boundary treatment
8. A01TR - Tree retention
9. A02TR - Tree protection
- 10.A05TR - Arboricultural method statement
- 11.A06NC - Protection for breeding birds
- 12.A04NC - Details of drainage
- 13.A22GR - Protection from noise during construction (hours of construction)
- 14.A23GR - Pile Driving
- 15.Bird and Bat Boxes
- 16.Bin and Cycle Store in accordance with approved details
- 17.Details of levels to be submitted prior to commencement of the development

(Councillor L Brown requested that the minutes include reference to the fact that she voted against approval of the application for reasons relating to overdevelopment and concerns regarding insufficient parking).

(Prior to consideration of the following item, Councillors L Brown and D Neilson left the meeting and did not return. Prior to consideration of the following item, Councillor B Livesley vacated the Chair and Councillor R West took over the Chair).

(Prior to the consideration of the following item, there was a further adjournment for a short break).

16 13/1008M-ERECTION OF THREE DETACHED DWELLINGS, LAND SOUTH OF, 3, LAND LANE, WILMSLOW, CHESHIRE FOR P.E. JONES

Consideration was given to the above application.

(Mr Allen, an objector and David Short, the agent for the applicant attended the meeting and spoke in respect of the application. In addition the Northern Area Manager read out a statement on behalf of the Ward Councillor, Councillor R Menlove).

RESOLVED

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

1. Developemnt within 3 years
2. In acordance with plans

3. Materials to be submitted
4. Landscape details to be submitted (inc. boundary treatment)
5. Implementation of landscape details
6. Tree protection details
7. Trees to be retained
8. Restrict hours of construction
9. Dust control details
10. Pile driving details
11. Contaminated land Phase I report
12. No gates across drive to plots 2 and 3
13. Submission of construction method statement
14. Submission of details within scheme for roosting bats and breeding birds
15. Details of levels to be submitted prior to commencement of the development

Prior to the meeting closing, a discussion took place on the future start times of meetings of the Northern Planning Committee. Various views were expressed, however it was agreed by the majority of members that the start time should revert back to 2pm for all meetings until May 2014.

RESOLVED

That future meetings of the Northern Planning Committee commence at 2pm.

The meeting commenced at 1.00 pm and concluded at 4.25 pm

Councillor R West (Chairman)

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Application No: 13/0932M

Location: HIGH LEGH GOLF CLUB, WARRINGTON ROAD, MERE, CHESHIRE
WA16 0WA

Proposal: GOLF ACADEMY AND DRIVING RANGE

Applicant: Mr A Vaughan

Expiry Date: 2 MAY 2013

SUMMARY RECOMMENDATION: APPROVE subject to conditions
MAIN ISSUES

- Appropriateness of Proposed Development in the Green Belt
- Impact upon the Openness of the Green Belt
- Purposes of Including Land within the Green Belt
- Design, Landscape Impacts
- Amenity
- Highway Safety
- Trees
- Nature Conservation

REASON FOR REPORT

The application has been called-in to the Northern Planning Committee by Councillor Wilkinson due to concerns regarding the impact that the proposed lighting would have on the area.

DESCRIPTION OF SITE AND CONTEXT

The application site is known as High Legh Park Golf Club – which is a 27 hole golf course of approx 82ha in the open countryside. The site itself is in the North Cheshire Green Belt and is situated off the A50 Warrington Road.

There is an existing clubhouse visible from Warrington Road, with maintenance facilities on another part of the site near to Broadoak Lane. Wrenshot Lane runs across the middle of the course.

To the west of the course is the village of High Legh. The large detached houses that are off Candelan Way share boundaries with the course. There are isolated detached houses on Wrenshot Lane.

The site is located in a gently undulating landscape which is characterized by open fields, many enclosed by hedges, and blocks of woodland. The site and the area around it does not have any special landscape designation.

DETAILS OF PROPOSAL

The building applied for has an L shaped footprint with a total floor area of 696 sq. m, comprising the main building which contains a machine room, a putting studio and an office and would measure 33m in length with a total depth of 11m reaching a height of 6.7m to the ridge. To put this in context, the existing clubhouse measures 45m x 32m reaching a height of 8m.

The proposed building would have a pitched roof and the walls would comprise wood effect framing with glazing panels. The 'tail' of the building would measure approximately 65m in length and would reach a height of 4.1m to the ridge of the lean-to roof. It would be open fronted and contain 13 practice bays for driving and 2 teaching bays which are slightly larger with a putting studio, golf fitting facility and ball cleaning room. The practice bays are 3.8m x 4m and the teaching bays 5m x 4m.

RELEVANT HISTORY

12/1192M Demolition of existing building and provision of replacement maintenance building
Approved 02-Jul-2012

11/3650M The construction and use of two buildings on the land in the approximate position shown on the plan attached to this application in connection with the adjacent golf course.
Positive certificate 20-Dec-2011

11/0962M Construction of Course Maintenance Equipment Store and Swing Room Approved
05-Jul-2011

03/2528P 6 No. Tennis courts, pavilion, fencing and floodlights (resubmission of 03/1497P)
approved 03-Nov-2003

03/1497P 6 No. tennis courts, pavilion, fencing and floodlights Refused 20-Aug-2003

00/0551P Amendments to design of clubhouse approved under reference 80064P Approved
24-May-2000

POLICIES

Regional Planning Policy

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) was abolished on 20 May 2013 and therefore the policies within this document carry no weight.

Local Plan Policy

The policies within the Macclesfield Local Plan 2004 have been 'saved' by the Secretary of State prior to the production of the Cheshire East Local Plan.

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

Macclesfield Borough Local Plan – saved policies (MLP)

NE11 Nature Conservation
NE17 Nature Conservation in Major Developments
GC1 Green Belt – New Buildings
DC1 Design – New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping Scheme
DC9 Tree Protection
DC13 Noise
DC33 Outdoor commercial recreation
DC64 Floodlighting

Other Material Considerations

National Planning Policy Framework

Cheshire East Local Plan Draft Development Strategy

Ministerial Statement of 23 March 2011 on "Planning for Growth"

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

The SPG on Floodlighting (Originally adopted June 1998; policy in MBLP Jan 2004; SPG reproduced April 2005)

CONSULTATIONS

High Legh Parish Council - HLPC notes that the original Golf Club development was sanctioned within the Green Belt, and that this proposal would replace existing driving practice facilities - albeit at a significantly increased scale with buildings and independent lighting. The Golf Club have told us that the planned driving range is a necessity for the economic viability of the golf club.

It is clear to HLPC that the most substantial concerns are in respect of the arrangements for lighting of the range. The report from the suppliers of the specialist lighting provides some technical data, but HLPC does not have the technical skill to apprehend whether the resulting level of lighting would be acceptable in a populated rural context. HLPC also notes that the plan calls for the removal of some existing external lighting provided by conventional flood-lights.

HLPC is strongly of the view that before considering this proposal the Cheshire East Planners must obtain a definitive specialist opinion of the impact of the proposed range lighting on both the immediate neighbouring properties, and the village as a whole.

Golf Foundation - In support of application

Treasurer to the Steering Group of the High Legh Community Observatory - Do not believe that there will be any negative impact on our activities and we support the proposal as it increases the local amenities to the residents of and visitors to High Legh.
Chairman of Organisation of Golf and Range Operators - Support the proposals. Floodlighting is an issue in rural England and the planning authority are right to carefully weigh the benefits of a dark sky, protecting rural habits and the needs of a modern society, who are working longer and more diverse hours than ever before.

If the centre was to have floodlighting throughout the night, then I would agree that this would have a detrimental effect on the location and the application should be declined, but this is not the case. Lights would be 'out' at 9pm on week nights and at 7pm at weekends. This is hardly distorting the natural course of the evening sky, but it does allow this membership based golf club, to bring a wonderful game to members of the public during the dark winter evenings. I applaud much of the Dark Sky at Night - its principles are sound enough – but it must not also become the Dark Sky at Evening. The Campaign for Dark Sky's stated aims are:

“To preserve and restore the beauty of the night sky by campaigning against excessive, inefficient and irresponsible lighting that shines where it is not wanted nor needed.”

No local authority or planning department would be against that in any similar location, but our society still need to use leisure facilities in the evening. Turning off the lights at 9pm during the week and 7pm at weekends is a practical solution, which harms nobody and is one that I myself am bound by at Maidenhead Golf Centre in Berkshire. Abacus Lighting are proven experts at low impact lighting – their berm lighting system is not intrusive and would be scarcely noticed.

Highways - No assessment of the additional traffic generation for the development has been supplied. However, given the site's direct access from the A50, the standard of the access junction and the absence of safety issues there, there are no highway reasons for objection.

Environmental Health - Originally recommended refusal of the application due to concerns regarding light spillage but following the submission of additional information the objection is withdrawn and Environmental Health recommend the imposition of conditions should the application be approved.

OTHER REPRESENTATIONS

Letters of Support From 125 households. The main points are as follows:

- Would not impact on wildlife
- Would not result in skyglow

- The introduction of such a facility to the village would be a great asset and address an obvious gap in the current facilities at the golf club.
- While the floodlights will inevitably cause a degree of light invasion, the proposed site of the range would limit households affected by its site and direction.
- Objections based on light invasion would seem to ignore the current siting of another floodlit installation centrally in the village.
- Could be a valuable facility for the residents of High Legh and Knutsford.
- Will enhance the area
- Query whether a protected species survey was submitted
- Support for facilities for children
- Consider light pollution to be limited and less than tennis courts approved previously
- Concerns regarding information been circulated to residents
- Support proposals subject to conditions suggested by applicant
- Support for local business
- Golf club is an important social and leisure hub in the area.

Comments in support from applicant forwarded by local MP for consideration.

Letters of representation from 2 Egerton which expressed concerns regarding the impact on the observatory.

Letter of representation from T Atherton commenting that no objection in principle to golf driving range but concerns regarding consultation, driving ranges elsewhere, light and noise pollution.

Letters of objection from 31 households on the following grounds:-

- Insufficient information submitted with application as site location plan was not submitted with the application
- Inaccuracies in submission
- Impact on existing infrastructure
- Impact of commercial activities on Green Belt
- Availability of information on the website
- Request consultation period be extended
- Development inappropriate as does not provide only essential facilities
- No very special circumstances
- Benefits for outdoor recreation would not be for wider community
- Limited weight should be given to education impacts
- The scale and massing would impact upon the openness and visual amenity of the Green Belt.
- Suggest alternative locations
- Impact on Wildlife
- Impact on neighbouring amenity
- Impact of additional traffic on pollution and noise
- Impact of skyglow on amenity and wildlife
- Impact of additional traffic on highways network
- Design, visual appearance and materials

- Recommends conditions that signage be provided for Clearer and better positioned Road Signs to the Golf Club, A sign at the main road(A50) entrance to the Belfry estate, no Entry to Golf Club and that Lights Off at 10pm, as with the Bowling Club
- Query if Manchester Airport been consulted, as Golf Club is in their Flight Path.
- Impact of bunding
- Represents encroachment
- Impact of balls on neighbouring amenity
- Concerns that there is insufficient car parking for the development
- Concerns regarding jobs and viability of business
- Considers protected species survey is required
- Criticising actions of the golf club
- Criticises financial information and education benefits

Counsels opinion submitted on behalf of Damson Cottage indicated that development is inappropriate and that very special circumstances do not exist.

Response from agent regarding content of objection letters.

Further letter of objection from Damsons Cottage pertaining to additional information submitted. The comments are as follows:

- Inaccuracies in submission regarding lighting mitigation
- Concerns regarding impact of lighting on neighbours
- Consider development is inappropriate and no very special circumstances exist
- Criticisms of content of supplementary report
- Concerns that positioning of light blockages would be unenforceable
- Concerns safety assessment of stray balls has not been independently verified
- Concerns proposals would still result in stray balls affecting neighbours
- Concerns regarding information on website
- Considers there to be an adverse impact on the openness and visual amenities of the Green Belt

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the application:

Lighting Report
Supplementary Lighting Report
Safety Report
Supporting Statement
Design and Access Statement (DAS)
Other Statement
School Programme Letter

OFFICER APPRAISAL

Principle of Development

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework.

However, the presumption in favour does not apply where policies indicate development should be restricted such as in Green Belt.

Para 89 and 90 of The Framework set out the types of development which are appropriate within the Green Belt.

Para 89 states that the following development is appropriate within the Green Belt:

‘Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’

Therefore, the key issues are:

1. Is it appropriate?
2. Does it preserve openness?
3. Does it conflict with the purposes of including land within it?

These issues are considered below.

Appropriate Development

The application site is known as High Legh Golf Club - it comprises the existing 27 hole golf course and the clubhouse. It is widely accepted that golf driving ranges can be appropriate development within the Green Belt.

Therefore, the issue is whether the amount of development proposed constitutes appropriate facilities for outdoor sport. The Framework does not seek to define what is meant by appropriate.

Policy GC1 of the Local Plan suggests that facilities for outdoor sport and recreation within the Green Belt need to be ‘essential’ rather than ‘appropriate’. However, the key question The Framework poses is whether or not the proposals represent appropriate facilities for outdoor sport and recreation. On that basis, the starting point is, is the development proposed appropriate, which is a less stringent test than ‘essential’. As the wording within policy GC1 reflects old guidance within PPG2 and pre-dates The Framework, limited weight is afforded to this criterion within policy GC1.

Whilst it is duly noted that golf driving ranges can be appropriate development in the Green Belt in principle, driving ranges are generally a more intensive use of land than other forms of outdoor sport and recreation as they tend to require more operational development than other sport/recreation uses compared to the area of land covered by the use.

Nevertheless, recent appeal decisions have indicated that golf driving ranges do represent appropriate facilities, and the LPA has examples locally of where such facilities have been considered 'essential'.

The submission indicates that the accommodation proposed is necessary to expand the facilities at the golf club to improve the economic viability of the business. The viability of the business is not given weight as a consideration.

However, it is reasonable for any existing rural business to want to expand, grow and diversify. The proposed building would include 13 practice bays for driving, 2 teaching bays, a putting studio, golf fitting facility and ball cleaning room, machine room and an office. All of these facilities are synonymous with golfing activities and are appropriate to the use of the site as a modern golf club.

Lighting is also proposed in the format of floodlights on the proposed building and berm lighting across the driving range. It is considered that lighting would also be appropriate to facilitate the use of the driving range in the evening and winter months.

Openness: Building

Whilst the building is undoubtedly long as it would be over 65m in length, its visual impact would be limited given its relative height, its relationship with the clubhouse and its context.

The majority of the length of the building would be 4.1m high, roughly half the height of the clubhouse and the equivalent height of a single storey domestic extension and therefore would be fairly unobtrusive.

The building would clearly appear as a subordinate building to the main clubhouse which is a substantial building with a large footprint and measuring 8m high.

In addition, the proposed building would be seen in the context of the entire golf course which spans some 82ha and backs onto a residential estate.

As noted above, the visual impact of the building would already be limited, however, it should also be noted that factors such as location, topography and landscape mitigation would reduce this impact even further.

The building would be approx 125m from Warrington Road (A50), the road is at a higher topographical level which would reduce the visibility and subsequent visual impact of the building; and any likely visual impact of the new building would be further reduced by the landscape screen that is proposed.

Whilst the visual impact is considered to be acceptable, the new building will have an impact on the openness of the Green Belt which carries weight against the proposal. The relatively low height and elongated footprint of the building, however, mean that the impact on openness is relatively limited.

Openness: Associated Development

Lighting can impact upon the openness of the Green Belt. Policy DC64 suggests that both the daytime and night time impacts need to be considered.

The impact of the proposed lighting on the openness of the Green Belt during the day is nominal given that the floodlights proposed are attached to the proposed building and would not project beyond the height of the building. The Berm lights are sunk into the ground and therefore the associated impact of this would be limited.

There would be some moveable structures associated with the development including 7 'berm' ground mounted light units and 8m long x 2m high light spillage blocks. Whilst the spillage blocks and mounted light units do not constitute development requiring planning permission, as they are solely required in connection with the development proposed, it is considered necessary to consider the impact of these on the Green Belt.

In terms of the visual impact of these structures, it is considered that in the context of the entire site and the activities already taking place, the presence of further moveable structures would not have an appreciable impact upon the openness of the Green Belt or the purposes of including land within the Green Belt.

Turning to the impact at night, the Floodlighting SPG does indicate that sky glow may be the most significant impact in a rural area. Such an impact is difficult to quantify, and it is not an issue covered by Environmental Health legislation and therefore input from Environmental Health on this issue would be unlikely to clarify the severity of any such impact.

Inevitably, any lighting would produce sky glow. Policy DC64 indicates that the sensitivity of the location is a key consideration.

At present, there are no street lights along this stretch of Warrington Road which passes the site. After dark, the headlights of traffic on Warrington Road, Wrenshot Lane and house lights at nearby properties can be seen from the site. It should also be noted that the existing clubhouse is a source of light pollution given the full lighting of the Clubhouse when functions are on (up to 1am in the morning). Nevertheless, and as one would expect in the countryside, the surrounding area currently has little light pollution.

The presence of the High Legh Community Observatory (astronomers) also suggests that sky glow i.e. the brightening of the night sky above our towns, cities and countryside is not a pre-existing condition.

It should be noted that the Floodlighting SPG states that

'Britain's astronomers have been particularly affected by the impact of light pollution on the night sky. The activities of astronomers are affected most by sky glow.'

Although the views received from the Treasurer of the HLCO may not be the formal views of the HLCO, the only comments received have been positive and have not expressed concerns regarding sky glow.

Whilst policies DC33 and DC64 suggest that development should only be refused where a significant adverse impact is identified, para 88 of The Framework indicates significant weight

should be attached to any harm to the Green Belt. Notwithstanding this, it is considered that the proposed lighting would not have an adverse impact upon the openness of the Green Belt by reason of sky glow for the following reasons:-

- The Lighting Reports have been carried out in accordance with Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting GN01: 2011 which is the definitive guidance on Sky Glow;
- The Berm lighting system produces significantly less upward light than conventional lighting;
- Proposed screens for the Berm lights and angling and caps for the floodlights would mitigate the impact; and
- There are no objections from HLCO or Environmental Health.

Purposes of the Green Belt

Para 80 sets out the purposes of including land within the Green Belt. These are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposals would not conflict with the first two objectives. Whilst the golf course lies adjacent to the village of High Legh the contrast in development densities ensures that there is a clear physical distinction between the village settlement boundary and the golf course beyond. Therefore the construction of a further building on the golf course would not conflict with the need to check unrestricted sprawl or prevent neighbouring towns merging into one another. For the same reasons, the proposed building would not represent encroachment into the countryside.

However on the issue of encroachment, it should be noted that golf driving ranges can often be accompanied by extensive alterations to the contours of the land and/ or moveable structures. However it has been confirmed that as the ground on which the building is to be located is relatively flat, there is no requirement for this other than the small earth bunds around the proposed 'berm' lights.

It is not considered that the latter two criteria set out in para 80 of The Framework are directly applicable to the proposals.

The conclusion on Green Belt matters is that the development is appropriate and would not impact upon the openness of the Green Belt or conflict with the purposes of including land within it.

Overall Conclusion on the Principle of Development

In conclusion, notwithstanding comments received, the assessment above indicates that the proposals represent appropriate development in the Green Belt.

Notwithstanding that the development proposed is appropriate and therefore very special circumstances to justify the development are not required, the applicants have put forward educational benefits and economic benefits to justify the proposals. These are also material considerations in favour of the development.

Design & Visual Impact

The Framework at para 60 seeks to reinforce local distinctiveness – policies DC1, DC33 and DC64 reflect this guidance.

Whilst policy DC1 contains a general policy relating to good design, policy DC33 concerns itself principally with landscape impacts. This is a key consideration for golf courses and driving ranges which are mentioned specifically both within the policy and the justification for it.

In terms of the design of the building itself, it would have an L shaped footprint comprising a taller rectangular section and a shallower ‘tail’.

The main building would have a pitched roof and the walls would comprise wood effect framing with glazing panels. The ‘tail’ of the building would measure approximately 65m in length and would have a lean-to roof. It would be open fronted and finished in metal profile cladding in green for the walls and brown for the roof.

The use of wood and glazing reflects existing features on the clubhouse which ensures that the design is consistent with the existing site. The use of green and brown seeks to minimise its visual impact.

In terms of scale and massing, this is a big building in terms of its overall length, however the tail element would only be 4.1m high which is the height of a single storey domestic extension and the building would be subordinate and unobtrusive in the context of the substantial clubhouse building and the entirety of the 82ha site.

Turning to the landscape impacts, whilst the impact on openness has already been considered, landscape visual impact and openness are two separate issues. Policy DC33 requires that such development should not harm areas with a specific landscape or nature conservation designation, (of which there are none) and that new buildings are well designed, grouped with other buildings and are ancillary in scale to the main use of the site. The development would accord with these criteria which seek to ensure appropriate environmental safeguards are put in place.

The scale and design of the building ensures that its visual impact would already be limited, however, location, topography and landscape mitigation would reduce this impact even further.

The building would be approx 125m from Warrington Road (A50) and the road is at a higher topographical level which would reduce the visibility of the building.

The applicant has submitted an indicative landscaping scheme which would comprise a mix of trees and shrubs. It is considered necessary to condition the submission of a landscaping scheme in accordance with the recommendations of the Council's Landscape Architect to ensure that the proposed trees and shrubs form a more continuous belt rather than dispersed blocks in order to screen the driving range building more effectively.

In terms of the associated development, the structures are moveable and it is considered that in the context of the entire site and the activities already taking place, the presence of further moveable structures would not have an appreciable impact upon the openness of the Green Belt or the purposes of including land within the Green Belt. However, details of the screens have not been provided and therefore it is considered appropriate to condition the submission of these details.

Amenity

Policies DC3, DC33 and DC64 indicate that development should not significantly injure amenities of adjoining or nearby residential property or sensitive uses.

The main amenity impacts are noise and disturbance associated with the construction period, noise and disturbance whilst the driving range is in use, nuisance associated with stray balls, light glare and light trespass.

Given that the construction period would be for a temporary period and extensive ground works are not required, it is considered that conditions would minimise disruption to neighbours. Similarly, conditions restricting hours of operation would also minimise disturbance associated with noise from the driving range.

Turning to nuisance associated with stray golf balls, the applicant has submitted a Safety Report which indicates that the nearest property to the North West would be approximately 300 yards away which would be beyond the driving range of a PGA golfer. Park Cottage would be within 180 yards but is not within the direct flight path of balls and a safety screen is proposed to mitigate any impact to this property. Whilst concerns from neighbours have been expressed regarding stray balls, the existing driving range is closer to the affected neighbours than that proposed.

Whilst it can be argued that the provision of a build would intensify the driving range activities, mitigation is proposed. Therefore, the overall impact would be negligible.

Environmental Health has no objections, as mitigation can be secured via condition. The relevant policies within the Local Plan indicate that such an impact needs to be significant. The Framework indicates that refusal is only justified where this impact would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. As the impact on neighbouring amenity associated by nuisance of stray balls would be negligible given pre-existing activities and the mitigation proposed, it is

considered that the development would accord with relevant policies in the Local Plan and guidance within The Framework.

The submitted Lighting Report and supplementary Lighting Report were carried out in accordance with Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting GN01: 2011. The Floodlighting SPG provides guidance on the interpretation of policies DC33 and DC64. Both of these policies look at the issue of lighting. Sky glare and light trespassing can result in artificial light nuisance which is actionable under the Environmental Protection Act 1990.

Whilst, there is no set level at which artificial light from premises becomes a statutory nuisance, the document referred to above provides guidance on acceptable levels. Environmental Health have withdrawn their objection to the application following the submission of additional information and amendments to the scheme which are as follows:

- The number of “berm” ground mounted light units reduced to 7 from the original 8 proposed (furthest line, towards Wrenshot Lane, of lights reduced from 3 to 2 units).
- The 2 furthest units will have reduced output of 250 watts rather than 400 watts.
- 6 of the 7 ground mounted units will have light spillage blocks to prevent light spillage emulating towards neighbouring land
- The 6 floodlights would be angled with overhanging caps
- 2m high screen to the boundary with Park Cottage.

The Report concludes that lighting conditions would be within +/- 1 Lux of the current lighting conditions for neighbours and on that basis, Environmental Health consider as residents would be using their gardens more readily in summer and subject to appropriate controls, this would limit the impact of light pollution from the driving range to neighbours. Environmental Health has nevertheless recommended conditions in respect of the submission of an illumination validation test (to ensure zero lux is achieved at nearby residential properties), restriction of hours of operation, pile driving, floor floating activities and an informative in respect of imported material.

A letter of objection has raised concerns regarding the enforceability of some of the mitigation measures proposed within both the Safety Report and Lighting Report. It is considered appropriate to condition full details to be submitted (given these concerns and given discrepancies in the sizes put forward for mitigation such as screens).

Environmental Health has suggested an informative in respect of imported material – whilst extensive ground works are not proposed, some very minor mounding around the berm lights is proposed. Full details of this would be conditioned to ensure that the impact of the importation of material has been duly considered.

As noted above, the relevant policies within the Local Plan suggest that permission can only be withheld where an impact on amenity is significantly adverse. Given the existing site conditions and the mitigation proposed, any impact on neighbouring amenity would not be significantly adverse. On that basis and in accordance with para 14 of The Framework the proposals do not raise any amenity issues.

Highway Safety

The proposals relate to the construction of a driving range building on an existing and established golf course which has a large clubhouse. The existing point of access is taken from Warrington Road (A50) which leads to a large surface car park.

The proposals may well increase the capacity of the golf club, and subsequently increase associated traffic movements. However, given that visibility from the point of access is good, the access track is wide enough for two vehicles to pass and there is a large car park, the proposals would not have an adverse impact on highway safety. This is in accordance with policy DC6 within the Local Plan. It should also be noted that the Council's Highways Engineer has no objections to the proposals.

Whilst the concerns of neighbours on highway safety grounds are noted, impact of construction traffic on the highways network would be for a limited period and given that no significant long-term impacts have been identified, para 32 of The Framework indicates that development should be approved.

A letter of representation received has requested that improved signage be provided for the golf club due to mis-direction of patrons of the club. As this is a pre-existing condition and not directly related to the development, such a condition cannot be imposed.

Trees

There are no protected trees on the site however there are areas of woodland and mature trees dotted around the golf course.

The proposals would not involve the loss of any trees and new planting is proposed as part of the landscaping scheme. The proposals would therefore accord with policies DC8 and DC9 within the MLP which are consistent with guidance within The Framework and therefore carry full weight.

Nature Conservation

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE11 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

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

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

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

In this instance, it is noted that there are ponds and areas of woodland on the golf course. However, the golf course is maintained which would reduce the suitability of the ponds for Great Crested Newts and the surrounding land as foraging habitat. Given that extensive re-contouring works are not required and the proximity of areas of woodland, the Council’s ecologist did not consider that a Protected Species Survey was required to be submitted with the application.

As the proposals would not involve the disturbance, or deterioration or destruction of breeding sites or resting places, the proposals accord with the Habitat Regulations and policy NE11 which is consistent with guidance within The Framework and therefore carries full weight.

It should be noted that policy NE17 requires LPAs to seek improvements for nature conservation, tree planting and landscaping on sites over 2ha. It is considered that the proposed landscaping scheme would deliver these improvements.

Other Matters

The letters of represent have raised a number of issues which have been addressed above. In addition to this, concerns were also raised in respect of the consultation requirements and availability of information on the website.

The Council has adhered to the Statutory requirements regarding consultation and additional information received has been placed on the website.

CONCLUSIONS AND REASON(S) FOR THE DECISION

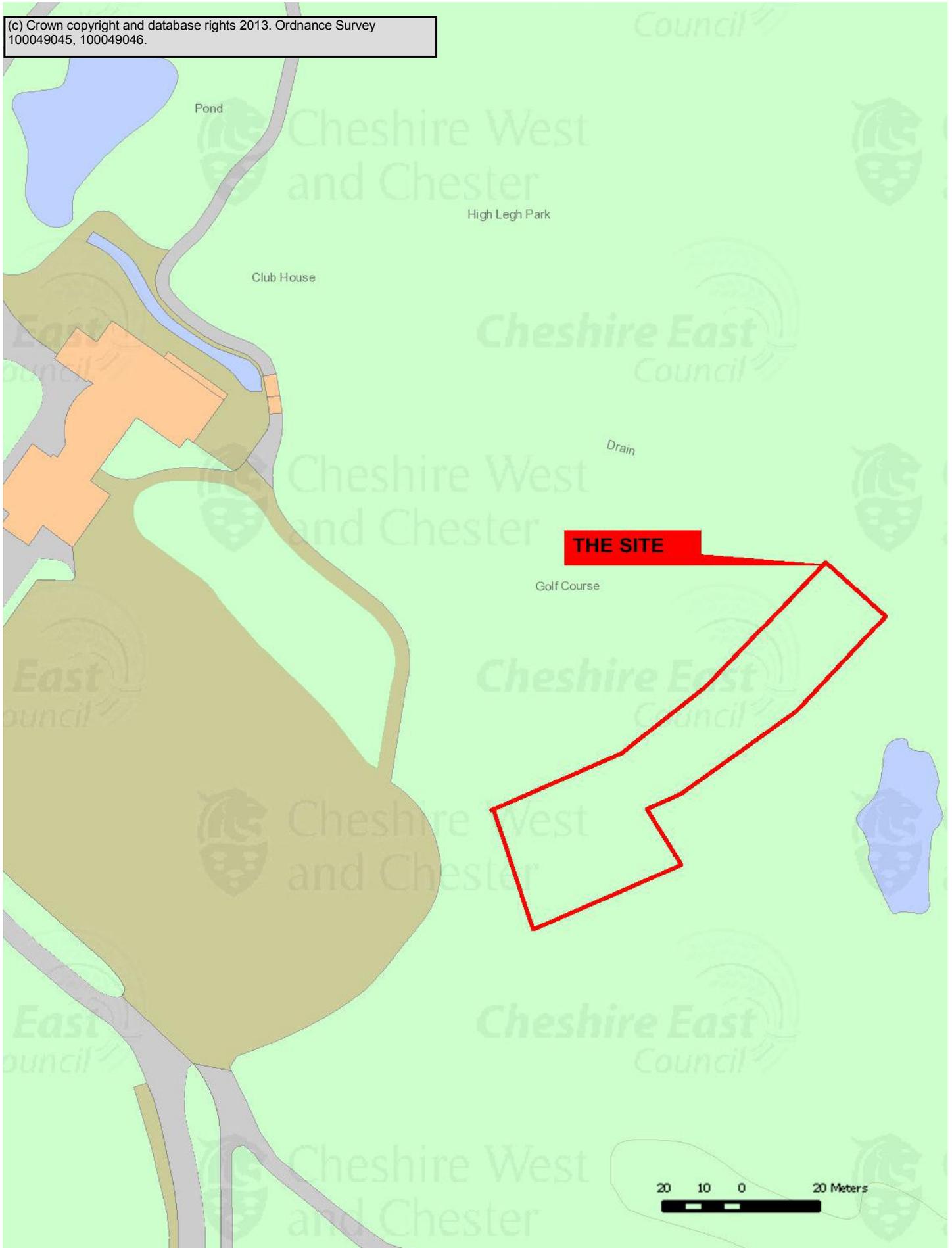
The proposed golf driving range represents an appropriate form of development within the Green Belt. The proposals as conditioned would not have a significant adverse impact upon neighbouring amenity or the landscape character of the site, and the proposals do not raise any concerns in respect of highway safety, amenity or nature conservation. The proposals therefore accord with policies NE11 Nature Conservation, NE17 Nature Conservation in Major Developments, GC1 Green Belt – New Buildings, DC1 Design – New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping Scheme, DC9 Tree Protection, DC13 Noise, DC33 Outdoor Commercial Recreation and DC64 Floodlighting of the Macclesfield Borough Local Plan 2004. In so doing, The Framework indicates at para 14 that under such circumstances, permission should be granted.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A01AP - Development in accord with approved plans
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A02TR - Tree protection
7. A22GR - Protection from noise during construction (hours of construction)
8. A23GR - Pile Driving
9. A13GR - Business hours (including Sundays)
10. A12MC - No lighting
11. Floor Floating Details
12. Illumination Validation Test
13. Details of Screens and Blockages
14. Details of Berm Mounds
15. Removal of Floodlights on Existing Clubhouse

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Application No: 13/2103M
Location: LAND ADJ to 66, LACEY GREEN, WILMSLOW, CHESHIRE, SK9 4BG
Proposal: Proposed New Domestic Residence on land adjacent to 66 Lacey Green Wilmslow
Applicant: Mr T Mirza
Expiry Date: 16-Jul-2013

Date Report Prepared: 17th July 2013

SUMMARY RECOMMENDATION Approve subject to conditions

MAIN ISSUES

- Scale, design and layout and impact upon the character and appearance of the locality
- Impact upon the residential amenity of neighbouring properties
- Highway Issues
- Landscaping Issues
- Sustainability Issues
- Nature Conservation Issues
- Environmental Health Issues

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Stockton for the following reasons:

-Similar applications have been decided under delegated authority in the past. This application is in the views of local residents, overbearing and detrimental to their lives. Therefore they would like this to be decided by committee.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a part of the garden of no 66 Lacey Green, a two storey dwelling located in a predominantly residential area of Wilmslow as defined by the Local Plan. The area is characterised by dwellings of a variety of architectural styles and plot sizes. The site is accessed off Lacey Green via a private single lane road, which is owned by the

neighbouring printer business that lies, along with an area of hardstanding, to the northeast of the site.

DETAILS OF PROPOSAL

The proposal is for the demolition of 3no existing single storey outbuildings within the domestic curtilage of no 66 Lacey Green, and the erection of a two storey dwelling with 2no associated parking spaces. The dwelling would be 9.3m wide with a ridge height of up to 7.3m. This is a resubmitted scheme from 2no previous schemes, the first 12/4764M which was refused, and the second 13/0984M which was withdrawn following continued concerns regarding the impact of the development on the residential amenities of neighbouring properties.

The alterations to the previous schemes are that the re-siting of the dwelling within the site is proposed, and the relocation of the 2no proposed parking spaces. Alterations to the dwelling comprise the relocation of the chimney to the opposite side of the dwelling, the relocation of the kitchen/ diner patio doors to the opposite side of the dwelling, and the swapping of locations of the porch door and window to the front elevation.

The existing 2m rear boundary fence is to be retained.

RELEVANT HISTORY

13/0984M
NEW DETACHED DWELLING
WITHDRAWN
02/05/13

12/4764M
NEW DETACHED DWELLING
REFUSED
04/02/13

POLICIES

Local Plan Policy

H1- Phasing Policy
H2- Environmental Quality in Housing Developments
H5- Windfall Sites
H13 – Protecting Residential Areas
BE1- Design Guidance
DC1- New Build
DC3- Amenity
DC6- Circulation and Access
DC8- Landscape
DC13- Noise
DC38- Space, Light and Privacy
DC41- Infill Housing Development or Redevelopment

H12- Low Density Housing Areas
NE11- Nature Conservation

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Framework

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.

CONSULTATIONS (External to Planning)

Strategic Highways Manager- No Objection.

VIEWS OF THE TOWN COUNCIL

Wilmslow Town Council- recommend refusal of this application on the grounds of overdevelopment of the site. They also expressed concerns regarding access.

OTHER REPRESENTATIONS

6no objections have been received from nearby properties. The planning related objections can be summarised as;

- Inappropriate to have a dwelling adjacent to a commercial premises. This could lead to noise complaints in the future to the owners of these premises.
- There is no way that domestic refuse vehicles can turn around and exit the shared driveway in a forward gear. Therefore there could be an issue where these vehicles use the privately owned parking area around the commercial premises for turning.
- Would adversely impact on the privacy of 74 Lacey Green, 2 Lacey Close,
- Loss of light to the properties and gardens of 1 and 2 Lacey Close
- Would adversely impact on traffic levels and parking in the locality, and impact adversely on highway safety

- Front door opens onto the private access road which would adversely impact on highway safety
- Plans not clear or accurate
- Overdevelopment of the site
- Adverse impact on the character and appearance of the street scene and locality, bearing in mind the proximity to the Low Density Housing Area, which comprises dwellings in spacious plots

APPLICANT'S SUPPORTING INFORMATION

A design and access statement has been submitted in support of the application.

OFFICER APPRAISAL

Principle of Development

The principle of a new dwelling to replace an existing building in this predominantly residential area, as defined by the Local Plan, is considered to be acceptable subject to design, amenity, highways, landscaping, nature conservation, sustainability, environmental health issues as examined below.

The concern regarding the inaccuracy of the plans is noted, however this is not considered to be the case and the scaled plans are all considered to be accurate. It is noted that the sketch plan submitted is not accurate to the revised proposals, however this is not a required plan to validate the application and whilst a visual impact assessment would have been helpful in determining the application, it is not considered necessary in this case in order to determine all of the potential impacts of the development.

Design / Character

The National Planning Policy Framework (NPPF, March 2012) sets out core planning principles to which local planning policies must adhere and which must be taken into consideration when determining planning applications. One of these 12 principles states under paragraph 14 that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Furthermore, the framework emphasises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Additionally, paragraph 53 of the NPPF states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Local Plan policies BE1, DC1, DC41 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

The objections from the neighbours and the Town Council have been carefully considered, however overall the scheme is considered to have an acceptable impact on the character and appearance of the locality.

Representations have been made stating that the site lies adjoins the Low Density Housing Area and that the development would adversely impact on the character and appearance of this area. However, as the site does not lie within this area, no weight can be given to this policy in this case. Furthermore the site lies in a locality consisting of dwellings of a variety of sizes and plot sizes.

The proposed dwelling would be slightly lower than the neighbouring dwelling no 66 at 7.3m to the ridge. This height has been reduced slightly from the refused application 12/4764M, which was 7.6m to the ridge. The height, scale and massing of the proposed dwelling would be in keeping with the surrounding properties. The proposed dwelling is also not considered to constitute overdevelopment of the plot and would have a similar amount of amenity space around it as the existing property at no 66.

In design terms, the proposed dwelling would be of a similar vernacular to no 66 and nearby properties with a hipped roof and relatively traditional style that would remain in keeping with the character and appearance of the area.

The proposed dwelling has now been relocated further to the North of the site. This would mean it would be sited further forward than no 66 Lacey Green. Whilst this would make the dwelling more prominent in the street scene, it is noted that it would front a private shared access road as opposed to a main residential street. Furthermore the siting of the surrounding properties within their respective plots is by no means uniform and it is noted that the building to the North is a large single storey commercial building.

Overall the scheme is considered to comply with all relevant design policies.

Amenity

The objections from the neighbours and the Town Council regarding the impact on neighbouring properties have been carefully considered.

The proposed dwelling would be circa 18.6m away from the nearest part of the dwelling to the rear, no 1 Lacey Close. This part of the property is a rear conservatory. However it is noted that no windows in this conservatory would be directly facing the proposed dwelling, the conservatory would retain views to the South and West. Furthermore, as this property is North facing, there is not considered to be an adverse impact in terms of overshadowing of this conservatory as a result of the proposed dwelling. This neighbouring property also has a ground floor picture window to a lounge that faces North, and which would be some 24.8m away from the proposed development. Again, however, this window would not directly face the proposal and it is noted that it is not the sole window to this room, with windows on the front elevation also.

All first floor rear facing windows of the development are to be obscurely glazed, which can be conditioned, and which is considered would ensure no overlooking of neighbouring properties would occur.

It is noted that whilst the main grassed part of the rear garden to 1 Lacey Close would be closer to the proposal, as one can see on the proposed site plan, this is still overall a large rear garden, with other amenity space directly behind the existing house which would retain more of an open outlook.

Overall, a commensurate degree of space, light and privacy is considered to remain to this property and garden, and the development would comply with local plan policies DC3, DC38, DC41 in terms of amenity impact. Whilst it is noted that the development would alter the existing outlook from the garden area, this is not considered to lead to a significant injury to amenity to warrant refusal of the application.

The rear elevation of the dwelling would be some 16.2m from the front ground floor lounge window to neighbouring no 2 Lacey Close and again this would not be directly facing. The impact on the front garden area and front of the house is not considered to be significantly harmful and no overlooking would occur subject to the obscure glazing condition. Whilst the rear of the dwelling would be some 14m from the first floor side facing bedroom to no 2 Lacey Close, the outlook from this window would still have a partial open outlook due to the orientation of the respective properties and overall a commensurate degree of space, light and privacy would remain to this property.

The dwelling would be over 25m from the rear elevations of the neighbouring properties to the front.

The comments regarding possible future noise complaints are noted, however the proximity of the dwelling would not be that much closer to the commercial unit than the existing dwellings. Furthermore this is a printing business which is not considered to be excessively noise generative.

A landscaping scheme shall be required to ensure boundary treatment, particularly to the rear of the site, is improved, which would reduce any impact on the neighbouring properties to the rear, in accordance with policy DC8.

Overall a commensurate degree of space, light and privacy would remain to the neighbouring properties and the scheme would comply with all of the relevant criteria in policies DC3, DC38, DC41. The development is also deemed to constitute an appropriate development in an existing large garden, in accordance with paragraph 53 of the NPPF.

It is considered to be expedient to remove permitted development rights on the property, to ensure the future control of development on the site, in order to protect neighbouring amenity.

Highways

The Strategic Highways Manager does not object to the development, stating;

‘Given that the proposed dwelling will incorporate two parking spaces within the development curtilage the Strategic Highways Manager has no objection to this application.’

The concerns from members of the public regarding the additional traffic and parking arrangements are noted. However, it is not considered that this would create a substantial problem over the current situation, bearing in mind the existing adjoining dwelling utilises this road and that the proposed development has 2no off road parking spaces.

In terms of refuse vehicles, whatever the method of currently accessing no 66 would not be likely to change to access this neighbouring dwelling.

There is not therefore considered to be any substantial highway safety issues as a result of the development and overall the scheme would comply with policy DC6 and the relevant sections of DC41.

Sustainability

The site is located within a sustainable location, in a substantially built up area which would be close to public transport, services and shops. It is therefore deemed to be in a suitable sustainable location in accordance with paragraph 14 of the National Planning Policy Framework.

Nature Conservation

The Nature Conservation Officer does not anticipate there being any impact on protected species as a result of the demolition of the existing single storey outbuildings and hence the development would accord with policy NE11.

Environmental Health

Environmental Health do not object, subject to conditions regarding the hours of construction, in order to protect neighbouring amenity.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall therefore a recommendation of approval is made, subject to conditions.

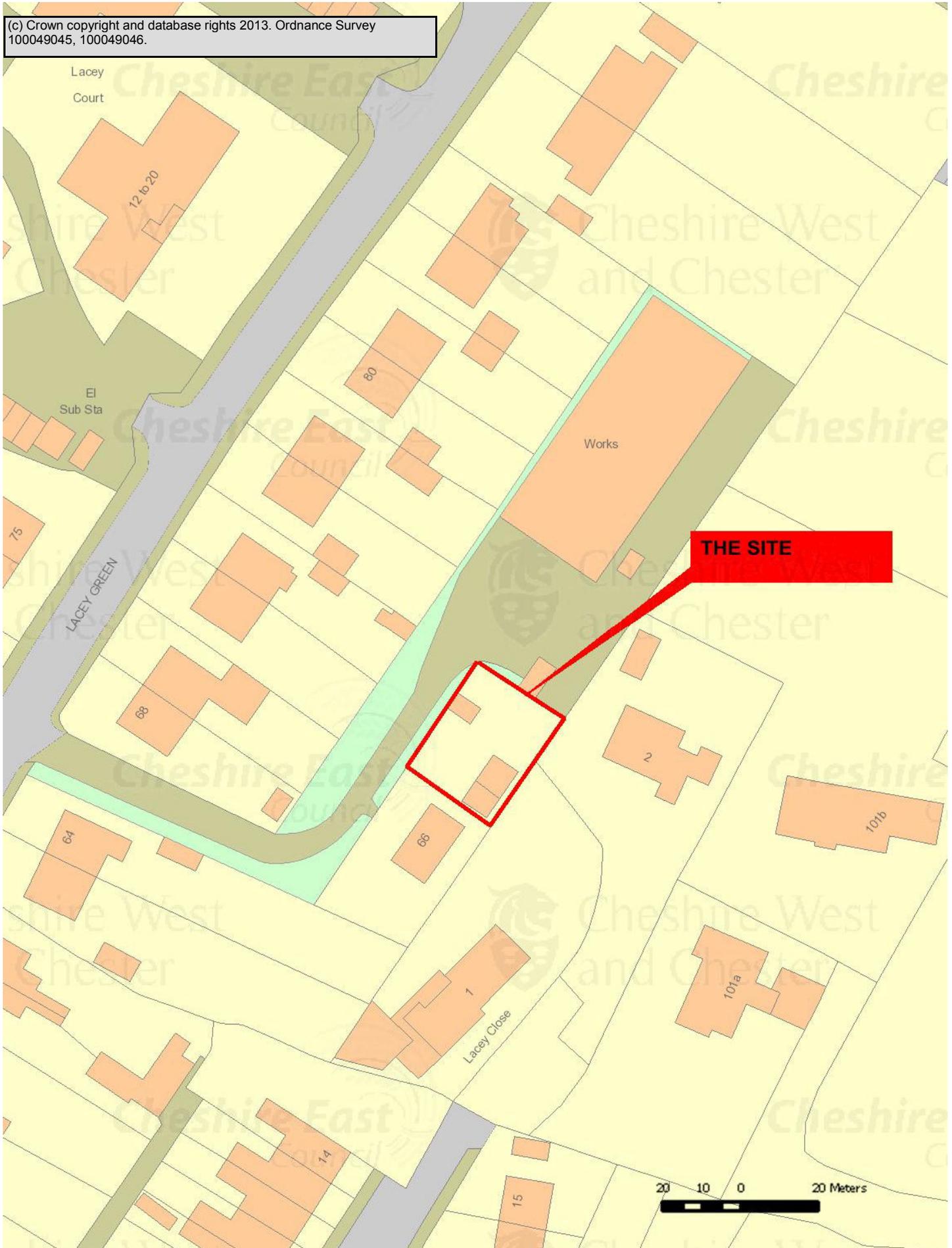
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans

2. A01GR - Removal of permitted development rights Classes A-E
3. A01LS - Landscaping - submission of details
4. A03FP - Commencement of development (3 years)
5. A04LS - Landscaping (implementation)
6. A05EX - Details of materials to be submitted
7. A07GR - No windows to be inserted- first floor rear and side elevations
8. A25GR - Obscure glazing requirement
9. Retention of existing 2m rear boundary fence
10. Restriction on the hours of construction
11. Pile driving- details required
12. Construction method statement required
13. Retention of car parking area

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Application No: 13/2346M

Location: MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, CHESHIRE, SK10 4QT

Proposal: Erection of a marquee at Mottram Hall Hotel

Applicant: Mr Andrew O'Brien, De Vere Hotels & Leisure

Expiry Date: 02-Aug-2013

Date Report Prepared: 19 July 2013

SUMMARY RECOMMENDATION

Refuse, due to impact on the openness of the Green Belt and the impact on a grade II* Listed Building & the setting of a grade II* Listed Building.

MAIN ISSUES

- Whether the proposal represents “appropriate development”, and if not, whether there are any “Very Special Circumstances” which clearly outweigh the harm caused by inappropriateness, and any other harm identified
- Impact on grade II* Listed Building / setting of a grade II* Listed Building

REASON FOR REPORT

The application is for the erection of a temporary (5 year) marquee. Under the Council's Constitution it is required to be determined by the Northern Planning Committee, as it is a major departure from Green Belt policy.

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

Mottram Hall is a grade II* Listed Building which is in operated by De Vere as a four star hotel, with golf course and spa facilities. The building is set within extensive parkland, and is accessed off Wilmslow Road by a tree lined drive.

Mottram Hall is situated in the village of Mottram St Andrew, which is a rural village located between Wilmslow and Macclesfield. The site is surrounded by Mottram Wood.

The hall itself is two-storey. It has been altered and significantly extended over the years, having recently undergone an extensive refurbishment.

The site lies within the North Cheshire Green Belt, Bollin Valley Area of Special County Value for landscape and Manchester Airport Safeguarding Zone in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Full Planning Permission is sought for the erection of a temporary (5 year) marquee in the garden directly to the rear of the hall. Access to the marquee would be through a covered walkway from the hall.

The proposed marquee would be capable of accommodating up to 350 people, and it has been designed for use by corporate parties, wedding receptions and charity events. The development would create 694 square metres of floor space.

The marquee is made up of three elements:

- The walkway between the hall and the main structure (22 metres x 3 metres, leading to 5 metres at the main entrance)
- The main structure (35 metres x 12 metres)
- Toileting facilities (12 metres x 6 metres)

The main structure measures 5 metres in height from floor level.

It is proposed that the marquee would be fabricated in a white PVC finish, with white UPVC windows and doors.

RELEVANT HISTORY

- | | |
|----------|--|
| 13195PB | Erection of a three storey extension to provide extra bedroom accommodation, managers flat, staff quarters and construction of extension to car park.
Approved with conditions 15.07.78 |
| 51109P | Development of a golf course and related clubhouse and car parking as an adjunct to the present hotel
Approved with conditions 02.03.89 |
| 01/2651P | Extensions & alterations to existing golf centre clubhouse
Approved with conditions 04.02.02 |
| 01/2723P | Alterations, extensions & refurbishment of existing leisure
Approved with conditions 04.02.02 |
| 03/0224P | New conference & banqueting facility with link deck over car park to provide 89 additional spaces & associated landscaping & engineering works
Approved with conditions 15.08.05 |

- 07/2323P External alterations comprising construction of disabled access ramps; steps & stone pillars; repositioning of front and rear entrances; alterations and infilling of window and door openings.
Approved with conditions 16.11.07
- 10/4469M Extension of time limit to 07/2323P - external alterations comprising construction of disabled access ramps; steps & stone pillars; repositioning of front and rear entrances; alterations and infilling of window and door openings.
Approved with conditions 02.02.11
- 13/0187M Proposed external spa and sauna rooms
Approved with conditions 20.03.13

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).

Local Plan Policy:

The application site lies within the Green Belt, Area of Special County Value for Landscape under the MBC Local Plan 2004, and the building is grade II* listed, therefore the key policies in respect of this application are:

- GC1 – New buildings in the Green Belt
- BE16 - Setting of Listed Buildings
- BE18 – Alterations to Listed Buildings
- NE1 - Landscape protection and enhancement of Areas of Special County Value
- NE5 – Historic Parkland

The following conditions are also considered to be relevant:

- DC1 – Scale and design
- DC6 – Circulation and access
- BE1 - Design principles for new developments
- BE2 - Preservation of the historic environment
- DC8 - Requirements to provide and maintain landscape schemes for new development
- DC9 - Tree protection
- RT13 – Promotion of tourism

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.

The saved policies within the Macclesfield Borough Council Local Plan (2004) 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.

The key sections of the NPPF are:

- Presumption in favour of sustainable development
- Protecting Green Belt land
- Conserving and enhancing the historic environment
- Supporting a prosperous rural economy

CONSULTATIONS (External to Planning)

Highways

As there are a number of uses currently at the site, hotel, golf course, leisure centre and as an existing venue for weddings, there is a high demand for car parking within the site. There is an existing large car parking area situated to the north of the leisure centre, and over the whole site there are 304 car parking spaces provided.

The applicant has undertaken a parking occupancy survey throughout the day and the peak level is 232 car parking spaces, indicating that the full allocation of spaces is not taken up. However, there will be further demand from the marquee use, and whilst there will be car sharing associated with the proposal there will be times when car parking demand will exceed the number of spaces.

Mottram Hall has a long drive in excess of half a mile, as such; there will not be problems on the public highway network with parking. Any problems with parking will be contained within the site which is private.

On most days throughout the year the parking provision will be adequate to serve the uses proposed at the site, and on the limited occasions that demand is exceeded then there are internal roads that car parking can occur.

It would be for the management of the Hall to deal with inappropriate parking taking place within the site.

As this application does not impact on the local highway network, no highway objections are raised to the proposal.

English Heritage

English Heritage advise that they are unable to support this application. They advise that:

“The significance of Mottram Hall lies largely in its outstanding architectural quality and close relationship with its surviving areas of picturesque style gardens. Listed at grade II, this building is within the top 8% of all Listed Buildings nationally. The site in question (designed landscape directly to the east of the hall) is consistent with the stylistic origins of Mottram Hall and has remained unaltered from at least the mid 19th Century. There is therefore significant potential for this site to be one of the few surviving features of the original garden design, making it a highly important aspect of the setting of this grade II* designated heritage asset.*

The application in its current form would fundamentally disrupt the strong visual and spatial relationship between Mottram Hall and its closely linked designed landscape. Important views between the picturesque landscape and its focal point (the hall) would be lost, as well as deliberately designed views to and from the early 20th Century formal garden to the east. Introducing a building, particularly one of this scale in a picturesque landscape is fundamentally at odds with its rural-style, informal design. For these reasons, the proposal in its current form will be harmful to the significance of this highly designated, national heritage asset”.

PARISH COUNCIL

Mottram St. Andrew Parish Council advise that they have no observations to make on this application, and they have no objection to it.

REPRESENTATIONS

Cheshire Gardens Trust object to the proposal. They advise that although temporary and of a light construction, the marquee is within the canopy of mature trees, and there will be risk of damage during erection, use or dismantling. Mottram Hall's trees are clearly a significant part of the surviving historic designed landscape and we would recommend that Tree Preservation Orders are put on any of merit that do not currently have protection. A less sensitive location should be found for marquees.

APPLICANT'S SUPPORTING INFORMATION

A Planning Statement, Design and Access Statement, Arboricultural report, Transport Statement and supplementary letter have been received in support of the application.

OFFICER APPRAISAL

Is a marquee a building or structure?

When considering whether a marquee should be considered as a building in Green Belt terms, case law indicates that that there are three factors to consider:

- Size;
- Degree of permanence;
- Physical attachment.

In this case, the marquee is substantial, creating almost 700 sq. m. It is to be sited for a 5 year period, which is not considered to be “temporary”, and will be physically secured to the ground. Due to these factors, it cannot be treated as a removable structure, as such, it should be considered in the same way as a building.

Green Belt

Paragraph 89 of the NPPF echoes the advice contained within GC1 of the MBC Local Plan. It advises:

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The proposed development does not fall into any of these exceptions, and therefore has to be regarded as “inappropriate”.

Paragraph 87 advises:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 88 goes on to state:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Any additional harm?

The scale of the proposed marquee will have a significant impact on the openness of the Green Belt. It is located in the middle of the eastern garden, and will be a prominent feature

in this landscape setting. As openness is one of the key attributes of the Green Belt, this should be given substantial weight.

The structure would be an incongruous feature that does not reflect the character and appearance of this designated heritage asset. It will have a detrimental impact on visual amenity, when viewed from the gardens.

Assessment of Very Special Circumstances

The applicant agrees that the proposal represents “inappropriate development” and has suggested that the following “Very Special Circumstances” exist, which outweigh any perceived harm to the Green Belt:

- Proposal will maintain the hotel’s competitive edge
- The facilities are required to accommodate the modern day customer
- The proposal will ensure the retention of 166 jobs, and will create a further 15 full time jobs
- The development is part of a £6 million investment, to preserve and enhance the hall
- An increase in visitors will lead to investment in the local economy
- The marquee will be well screened
- The marquee respects the setting of nearby heritage asset, and fits neutrally within the setting of the Listed Building
- It will remove activities from the hall which will reduce wear and tear
- The increased revenue will enable a replacement energy efficient boiler
- The marquee is reversible, and the garden can be reinstated at any time

The economic argument is considered to carry weight, and the principle of a form of development to enable larger functions to take place at the Hall could be supported. However, it must carry sufficient weight to clearly outweigh the harm. The harm arising from this proposal is such that other options need further exploration, even if they may give rise to some practical difficulties for the hotel and may not be the preferred option in business terms. It is not suggested that the Hotel is in threat without this development, although clearly it will provide business benefits.

Competition is not something that should be given weight in the planning system. Clearly, Mottram Hall Hotel is an important local business in the local tourism sector and expansion in the green belt should not be completely discounted if it is required to sustain the business.

The fact the marquee is reversible should also be given some weight, as it could be argued that the harm may not persist permanently. However, what is likely to happen in 5 years time? If the business proposition is successful there would be no change in circumstances and the business would need to continue catering in this way. The harm would also persist throughout that period. It is considered that only modest weight should be given to the fact the development is reversible.

It cannot be agreed that the marquee will have a neutral impact on the Green Belt and Listed Building, as when the marquee is in situ, it will be clearly visible from the landscaped gardens, and will harm the view of the hall from the gardens.

It is stated that revenue would go into a replacement energy efficient boiler. It is difficult to link this development with that proposition and it is suggested very little weight should be given to that argument.

Therefore, whilst it is considered that some of these arguments have merit, such as the increase in staffing, and investment into the local economy, it is not considered that these circumstances clearly outweigh the harm to the Green Belt, and the other harm identified.

The applicant has not submitted a viability case in respect of the business needs, or put forward an “enabling development” argument in respect of the proposals.

Impact on the Listed Building / setting of the Listed Building

Policy BE16 of the Local Plan states that development which would adversely affect the setting of a listed building will not normally be allowed.

Chapter 12 of the Framework deals with conserving and enhancing the historic environment.

As a Grade II* listed building, Mottram Hall is in the category of heritage assets of the highest significance.

Paragraph 132 of the Framework states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*.

The framework makes clear that “substantial harm” to heritage assets of the highest significance should be wholly exceptional.

Where a proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Members are advised that this test is the applicable one in this case.

It is considered that the proposal amounts to “less than substantial harm”, for the purposes of the policy. This does not, however, diminish the significance of the harm. Apply the test of the NPPF it is not considered that there are public benefits of the proposal of sufficient substance to outweigh the harm.

The Conservation Officer recommends that the application be refused on the following grounds:

1. Adverse impact on character and appearance of Listed Building
2. Adverse impact on setting of Listed Building

Concerns are raised in respect of the following matters:

- The marquee will block the main view of the hall from the garden;
- The Listed Building would be obscured by the development;

- Proposal dominates and detracts from the Listed Building;
- The marquee will compromise the setting of the existing Listed Building;
- The walkway structure will not preserve the Listed Building;
- Concern is raised in respect of the positioning, bulk, design and materials, as it is thought they contrast with the hall;
- The current proposal does not enhance the significance of the heritage asset by its design and use of materials;
- The proposal is not of outstanding design nor is it in an appropriate location to warrant an exception to policy;
- There are also questions on how the proposed extension will be constructed and its connections with the listed elements of the building.

Alternative siting?

Following a site meeting with Officers and English Heritage, further information has been provided in respect of alternative sites for the marquee.

Four sites were identified which could accommodate the marquee:

Site A – Land to the west of the front façade of Mottram Hall

Site B – Land to the east of Mottram Hall

Site C- Land to the north east of Mottram Hal

Site D – Land to the east of the rear façade of Mottram Hall (the application site)

Each site was assessed in terms of

- a) Sensitivity of the site in heritage and visual terms
- b) Operational constraints
- c) Other material considerations

The applicant determined that site D *“offers the right balance between operational and logistic need of the hotel and the effect of the proposal on the setting of the heritage asset”*.

The Conservation Officer and English Heritage advise that they are grateful for the additional information, which justifies the choice of location, however they remain concerned about the location of the marquee and the aesthetic qualities.

Impact on the Area of Special County Value for Landscape

Policy NE1 of the MBC Local Plan advises:

“In Areas of Special County Value the Borough council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance”.

Policy NE5 states:

“The Borough Council will promote the conservation and enhancement of historic landscapes, parklands and gardens. Development which would adversely affect the special historic interest, setting or the enjoyment of any part of their grounds will not normally be allowed.”

The siting of the marquee is on attractive landscaped gardens, which are relatively flat and open. The marquee will block views through the gardens and will be an obtrusive feature. It will not conserve or enhance the quality of the landscape.

Forestry

The Forestry Officer advises that the proposed structures can be implemented and managed without having a detrimental or negative impact on the adjacent tree cover, which is not protected as part of the Mottram Hall Tree Preservation Order. Therefore no objection is raised subject to conditions.

Tourism

Policy RT13 of the MBC Local Plan encourages improvements to services and facilities associated with existing tourist attractions, and the provision of new tourist attractions, providing they do not have a harmful impact on the character of the Countryside, Green Belt or Conservation Area. Similar guidance is provided in the Good Practice Guide on Planning for Tourism.

It should be noted that the current proposals do not provide any additional visitor accommodation, rather facilities to accommodate larger parties. The proposal will add to the offer of the Hall and it is considered that it would have benefits towards supporting the local rural tourism economy.

Sustainability

Sustainable development is at the heart of the National Planning Policy Framework. At paragraph 14, it advises

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Policy GC1 of the Local Plan, which restricts inappropriate buildings accords with paragraph 89 of the NPPF, and therefore should be given full weight. Policies BE16 and NE5 also fully

accord with chapter 12 of the NPPF in terms of conserving and enhancing the historic environment. It is considered that the proposals have an adverse impact on the Green Belt and Heritage asset, which is significant and demonstrable, and there are specific policies within the Local Plan, which restrict such development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Officers have support in principle for a sensitively designed scheme that would enhance the catering facilities at Mottram Hall Hotel, which is an important asset to the tourism economy in Cheshire East.

The proposed development constitutes “inappropriate development” in the Green Belt. Further harm arises from the adverse impact on the openness of the Green Belt and harm to visual amenity. It is not considered that the considerations in favour of the application carry sufficient weight individually or cumulatively to clearly outweigh the harm caused by inappropriateness and the additional harm identified. The proposal is contrary to policy GC1 of the Macclesfield Borough Local Plan and Chapter 9 of the Framework.

Both English Heritage and the Council's Conservation Officer object to the siting of the marquee directly to the rear of the hall. They consider that this will harm views of the hall from the gardens, and concerns are raised in respect of the scale and appearance of the building. The proposal is therefore contrary to policy BE16 and NE5 of the Macclesfield Borough Local Plan and Chapter 12 of the Framework.

The potential benefits to tourism and the local economy are not considered sufficient to clearly outweigh the harm identified. Very special circumstances do not exist to allow this development. Neither are there considered to be specific identified public benefits which outweigh the harm to the designated heritage asset of significance.

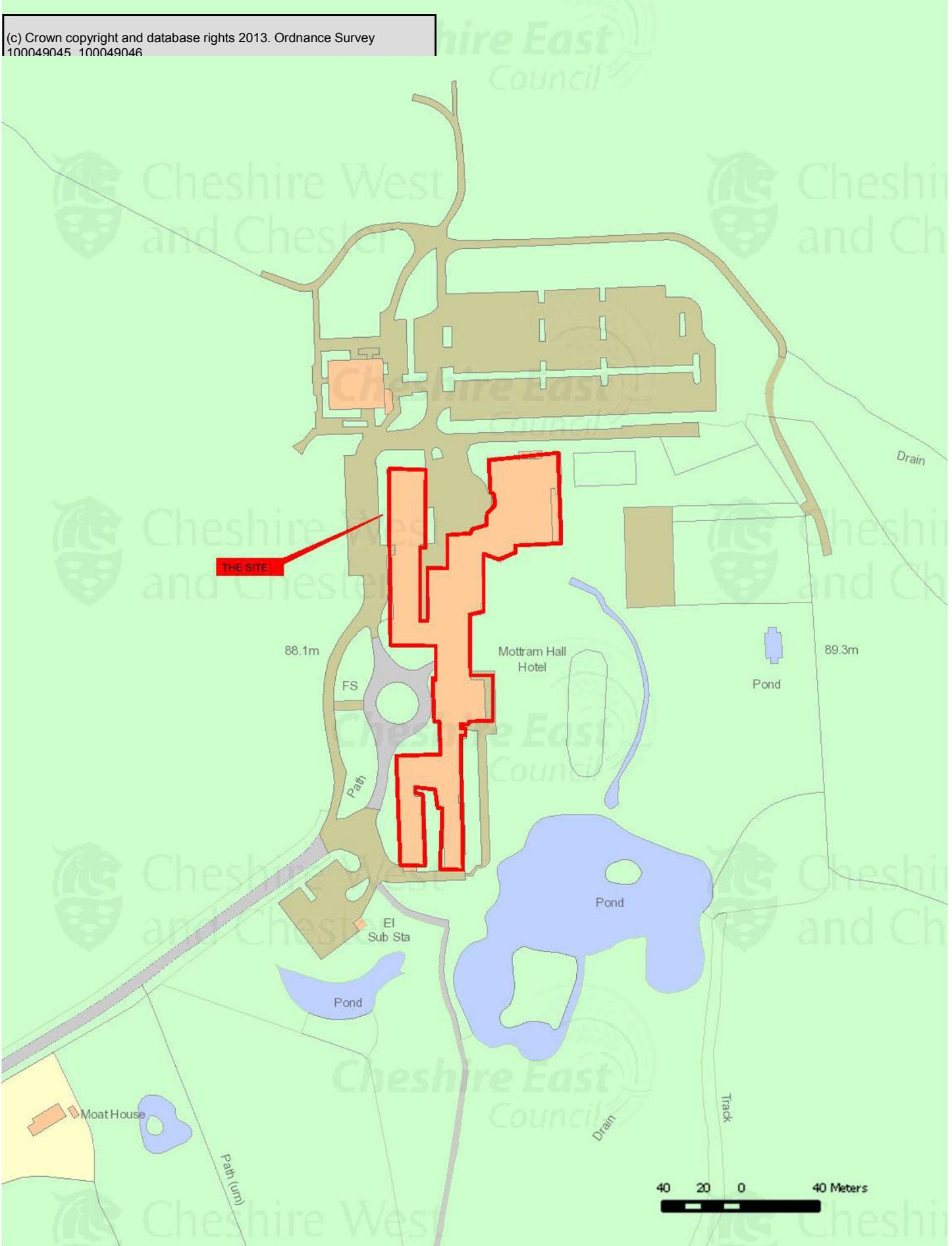
The development does not comply with local or national planning policy, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a recommendation of refusal is made.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R04LP - Contrary to Green Belt - No Very Special Circumstances
2. R02LB - Adverse impact on character and appearance of Listed Building
3. R03LB - Adverse impact on setting of Listed Building
4. Harm to historic garden setting contrary to policy NE5

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Application No: 13/2369M

Location: MOTTRAM HALL HOTEL, WILMSLOW ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, CHESHIRE, SK10 4QT

Proposal: Listed Building Consent For Erection Of A Marquee At Mottram Hall Hotel

Applicant: Mr Andrew O'Brien, DeVere Hotels & Leisure

Expiry Date: 31-Jul-2013

Date Report Prepared: 19 July 2013

SUMMARY RECOMMENDATION

Refuse, due to impact on the on a grade II* Listed Building & setting of Listed Building

MAIN ISSUES

- Impact on grade II* Listed Building

REASON FOR REPORT

The application is for the erection of a temporary (5 year) marquee. Under the Council's Constitution it is required to be determined by the Northern Planning Committee, as it is a grade II* Listed Building.

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

DESCRIPTION OF SITE AND CONTEXT

Mottram Hall is a grade II* Listed Building which is in operated by De Vere as a four star hotel, with golf course and spa facilities. The building is set within extensive parkland, and is accessed off Wilmslow Road by a tree lined drive.

Mottram Hall is situated in the village of Mottram St Andrew, which is a rural village located between Wilmslow and Macclesfield. The site is surrounded by Mottram Wood.

The hall itself is two-storey. It has been altered and significantly extended over the years, having recently undergone an extensive refurbishment.

DETAILS OF PROPOSAL

Listed Building Consent is sought for the erection of a temporary (5 year) marquee in the garden directly to the rear of the hall. Access to the marquee would be through a covered walkway from the hall.

The proposed marquee would be capable of accommodating up to 350 people, and it has been designed for use by corporate parties, wedding receptions and charity events. The development would create 694 square metres of floor space.

The marquee is made up of three elements:

- The walkway between the hall and the main structure (22 metres x 3 metres, leading to 5 metres at the main entrance)
- The main structure (35 metres x 12 metres)
- Toileting facilities (12 metres x 6 metres)

The main structure measures 5 metres in height from floor level.

It is proposed that the marquee would be fabricated in a white PVC finish, with white UPVC windows and doors.

RELEVANT HISTORY

- 13195PB Erection of a three storey extension to provide extra bedroom accommodation, managers flat, staff quarters and construction of extension to car park.
Approved with conditions 15.07.78
- 03/0225P New conference & banqueting facility with link deck over car park to provide 89 additional spaces & associated landscaping & engineering works. Rearrangement of approach & car park. (*Listed Building Consent*)
Approved with conditions 15.08.05
- 07/2322P Construction of disabled access ramps, external steps and stone pillars with various internal and external alterations.
(*Listed Building Consent*)
Approved with conditions 16.11.07
- 12/2951M Minor internal alterations to main reception at hotel; alterations to leisure area to provide new floor for spa area, alter and upgrade existing changing facilities; external alterations to access points.
(*Listed Building Consent*)
Approved with conditions 20.11.12
- 13/0188M Proposed external spa and sauna rooms
(*Listed Building consent*)
Approved with conditions 20.03.13

POLICIES

Macclesfield Borough Local Plan (2004):

BE18 – Alterations to Listed Buildings

BE16 – Impact on setting of Listed Building

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.

The saved policies within the Macclesfield Borough Council Local Plan (2004) are still applicable, but should be weighted according to their degree of consistency with the NPPF. The Local Plan policy outlined above is consistent with the NPPF and therefore should be given full weight.

The key section of the NPPF is Conserving and enhancing the historic environment.

CONSULTATIONS (External to Planning)

English Heritage

English Heritage advise that they are unable to support this application. They advise that:

“The significance of Mottram Hall lies largely in its outstanding architectural quality and close relationship with its surviving areas of picturesque style gardens. Listed at grade II, this building is within the top 8% of all Listed Buildings nationally. The site in question (designed landscape directly to the east of the hall) is consistent with the stylistic origins of Mottram Hall and has remained unaltered from at least the mid 19th Century. There is therefore significant potential for this site to be one of the few surviving features of the original garden design, making it a highly important aspect of the setting of this grade II* designated heritage asset.*

The application in its current form would fundamentally disrupt the strong visual and spatial relationship between Mottram Hall and its closely linked designed landscape. Important views between the picturesque landscape and its focal point (the hall) would be lost, as well as deliberately designed views to and from the early 20th Century formal garden to the east. Introducing a building, particularly one of this scale in a picturesque landscape is fundamentally at odds with its rural-style, informal design. For these reasons, the proposal in its current form will be harmful to the significance of this highly designated, national heritage asset”.

APPLICANT'S SUPPORTING INFORMATION

A Planning Statement, Design and Access Statement & Heritage Statement, have been received in support of the application.

OFFICER APPRAISAL

Impact on the Listed Building / setting of the Listed Building

The Conservation Officer recommends that the application be refused on the following grounds:

1. Adverse impact on character and appearance of Listed Building
2. Adverse impact on setting of Listed Building

Concerns are raised in respect of the following matters:

- The marquee will block the main view of the hall from the garden;
- The Listed Building would be obscured by the development;
- Proposal dominates and detracts from the Listed Building;
- The marquee will compromise the setting of the existing Listed Building;
- The walkway structure will not preserve the Listed Building;
- Concern is raised in respect of the positioning, bulk, design and materials, as it is thought they contrast with the hall;
- The current proposal does not enhance the significance of the heritage asset by its design and use of materials;
- The proposal is not of outstanding design nor is it in an appropriate location to warrant an exception to policy;
- There are also questions on how the proposed extension will be constructed and its connections with the listed elements of the building.

There are two key concerns with the proposal, firstly, the structure detracts from the character and appearance of the hall, due to the scale, design and materials being proposed, and secondly, the development has a harmful effect on the setting of this grade II* heritage asset.

Whilst it is recognised that the marquee is temporary, it will cause harm whilst it is in position.

The structure is considered to cause substantial harm to the setting of the Listed Building, which outweighs any public benefit.

Alternative siting?

Following a site meeting with Officers and English Heritage, further information has been provided in respect of alternative sites for the marquee.

Four sites were identified which could accommodate the marquee:

Site A – Land to the west of the front façade of Mottram Hall

Site B – Land to the east of Mottram Hall

Site C- Land to the north east of Mottram Hall

Site D – Land to the east of the rear façade of Mottram Hall (the application site)

Each site was assessed in terms of

- a) Sensitivity of the site in heritage and visual terms

- b) Operational constraints
- c) Other material considerations

The applicant determined that site D *“offers the right balance between operational and logistic need of the hotel and the effect of the proposal on the setting of the heritage asset”*.

The Conservation Officer and English Heritage advise that they are grateful for the additional information, which justifies the choice of location, however they remain concerned about the location of the marquee and the aesthetic qualities.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is considered to have an adverse impact on the character and appearance of this grade II* heritage asset, and will also harm the setting of the Listed Building, particularly due to the building obscuring important views of the rear of the hall, and disrupting the spatial relationship between the hall and the closely linked designed landscape.

Objections have been received from both English Heritage and the Council’s Conservation Officer.

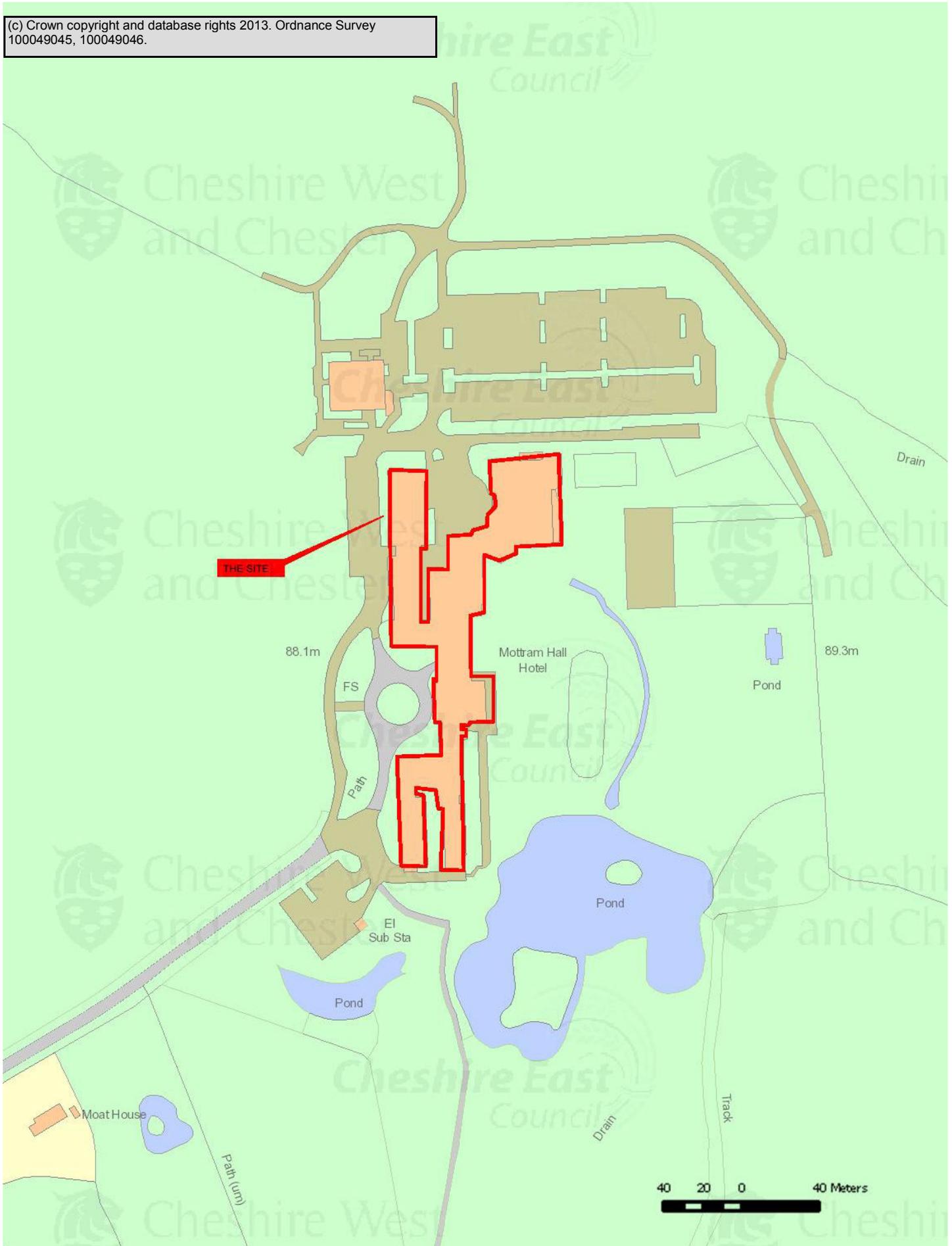
The development is considered to be contrary to both local and national planning policy, and therefore a recommendation of refusal is made.

Application for Listed Building Consent

RECOMMENDATION: Refuse for the following reasons:

1. R02LB - Adverse impact on character and appearance of Listed Building
2. R03LB - Adverse impact on setting of Listed Building

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Application No: 13/1365M

Location: Trinity Court, Risley Street, Macclesfield, Sk10 1BW

Proposal: Extensions to the existing care home to provide an increase in the number of bedrooms. There are 40 existing bedrooms, the extensions will allow 29 bedrooms to be added to provide a total of 69 bedrooms. The extensions include enlarging the buildings footprint to the east and west, and adding an extra floor (third floor) to most of the building - the additional floor will be in the form of a mansard. The existing single storey wing, closest to Riseley Street, will be altered to be three storeys (currently one storey), where it faces the site car park toward the west, however the roof of this part slopes down to retain the single storey building closest to the houses on Grosvenor Street.

Applicant: Edmund Carley, Oaklyn Construction Ltd

Expiry Date: 06-Aug-2013

Date Report Prepared: 19 July 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Principle of the Development
- Developer Contributions
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health; and
- Other Material consideration, or matters raised by third parties.

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for an additional 29 bedrooms.

Subject to the recommended conditions and Legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of a nursing home. The site is near to the town centre and Macclesfield District General Hospital. The area is predominantly residential in character, but with some commercial property along one site boundary. The properties range from Victorian, through Edwardian to contemporary.

The site adjoins residential properties to the south, across Riseley Street (three storey Victorian properties), and to the east to the rear of properties on Grosvenor Street (including Western Garage), and to the rear/side of properties which front Whalley Hayes (the road opposite Sainsburys). The site also has a boundary with commercial properties at the top end of Grosvenor Street. To the north of the site (on Cumberland Street) are commercial properties and to the west are a children's day nursery, offices and a Masonic Hall.

The application site comprises a detached part single, part two storey brick built nursing home which was built in the 1980's. The building has brick walls and sloping roofs. The windows are a similar brown colour to the walls and roof. The internal layout of the building is extremely complicated. The existing building is not aesthetically pleasing.

The nursing home has 40 bedrooms and communal lounge areas as well as on site catering and admin rooms. The existing bedrooms do not benefit from ensuite bathrooms. Ensuite bathrooms are very much part of a modern standard for nursing homes. The nursing home has been vacant for approximately 5 years, since it was closed.

The existing nursing home has the main vehicular access from Riseley Street (to the south) and 11 car parking spaces are currently provided in a forecourt area. 4 additional car parking spaces are accessed from Whalley Hayes.

There are a number of mature trees located along the boundaries of the site, the majority of which are protected by a Tree Preservation Order.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The application site is bound to the northern boundary by a hit and miss fence (approximately 1m in height) and a 1m to 2m high brick wall to the southern boundary.

The application site is located within a predominantly residential area.

There is a clear mix in the type, age and design of properties within the immediate area (including semi detached and terraced two storey dwellings and commercial properties) and no single architectural characteristic prevails.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of an additional 29 bedrooms. The total number of bedrooms would therefore, be increased to 69.

The proposals also seek to enhance the amenity standards within the care home and bring them up to a modern level of acceptability. Each of the 40 existing bedrooms amenity spaces will be increased by approximately 25% with the provision of ensuite facilities, shower wet room and WC. The result is a proposal which see an extension of the floor plan outwards towards all the boundaries. This allows for a rationalisation of the structure and simplification of the buildings envelope and built form.

The proposal will enable Trinity Court to have three separate floors to address various levels of care, although all residents will be free to move around the whole building as they choose.

The roof structure would be removed completely apart from the wing on the eastern boundary. The new second floor accommodation would be a mansard type structure clad in slate. The mansard will sit behind a parapet wall in traditional mansard style in order to minimise the impact of the additional storey when viewed from ground level. In the main, the additional floor with a mansard style roof will be no higher than the existing ridge height of the building.

Internally, many of the walls (previously required to support the roof structure) would be removed to create brighter, airy spaces. An outdoor roof terrace would be formed on the first floor, on the eastern side of the care home, in the area opposite Western Garage. Two atrium areas would also be formed. The care home would benefit from a communal garden/amenity space around the building.

The main access to the parking area would be from Riseley Street, in a similar position to the existing, however, the area has been enlarged (from 11 spaces) to accommodate 12 cars (including 3 disabled spaces). A further 4 spaces are proposed off Whalley Hayes.

A location has been identified for refuse bins, on the western side of the care home.

The application is made by Oaklyn Construction, a local company who have been providing care for the elderly for almost 25 years in three other facilities.

RELEVANT HISTORY

- | | |
|--------|---|
| 29149P | 40 Place elderly persons home with staff accommodation - Approved - 22-Apr-1982 |
| 66124P | Retention of use as elderly persons home - |

Approved - 11-Mar-1991

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 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 site is located within a predominantly residential area as allocated on the Macclesfield Borough Local Plan. A number of trees on the site are protected by Tree Preservation Orders (TPO's). Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be:

-

- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy
- DC57 C2 Residential Institutions

Other Material Considerations:

National Policy:

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:-

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council); and

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Manager raises no objection, subject to a Section 106 agreement attached to the delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets.

ENVIRONMENTAL HEALTH:

No objection is raised subject to conditions relating to hours of operation and dust control.

MACCLESFIELD CIVIC SOCIETY:

Macclesfield Civic Society support the scheme in principle. This is a good location for such a facility and its return to beneficial use is to be welcomed. The factors to be assessed include the effect of the increased height and massing upon the amenities of nearby residents in terms of potential overlooking and dominance and secondly, the impact upon the mature tree cover on the site which has value in screening/softening the impact of the new building form.

REPRESENTATIONS

The planning application was advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Neighbours were renotified and a new site notice was posted, with a revised description of development to ensure that residents were fully aware of all the proposals. The last date for comments expired on 26th July 2013.

Representations have been received from 6 properties on Grosvenor Street and Whalley Hayes. The objections/concerns raised are summarised as follows:

- Affect on privacy / overlooking and consequential loss in property value;
- Lack of clarity from the plans;

- Existing loss of early afternoon sun to properties on Whalley Hayes due to the size of the Lime Trees that run along the boundary from Whalley Hayes towards Riseley Street and the Tree at the front of Trinity House,
- In the proposal, Trinity Court is referred to as an "existing nursing home". However, the property was in fact a residential care home subject to specific legislation. The legislation specific to nursing homes can have a major impact on the requirements which would have to be included in the proposed plan for the site;
- Lack of parking despite the increase in clients, staff and visitors.
- There is no indication of a supply of disabled parking;
- There is no indication of trade access and parking;
- Parking on Cumberland Street is open to public parking and two parking spots are directly in front of a fire exit;
- The impact of outdoor security lighting on residents' properties, and potential to infringe on privacy;
- The building footprint is to be increased by approximately 30% which reduces the garden area for clients;
- The application indicates that the property is currently NOT vacant. I understand the property IS currently vacant;
- There should be no building working on Saturday or Sunday Extensive gardening work has already been carried out on a Sunday (2nd June) despite the assurance on the proposal that building work will only occur Mon-Sat.;
- Confirmation of who owns and maintains the retaining boundary wall between the back gardens of Grosvenor Street and Trinity Court is requested. When this was owned by Trinity they declared they owned and were responsible for maintenance. Trees have been removed (Trinity Grounds) and caused severe damage to the wall on both sides;
- An assurance is needed that the new owners will keep the tree/shrub growth under control on the Trinity side of the wall between Trinity and Grosvenor Street. Damage to the wall and even the possibility of it being pushed over is possible if trees are left to grow too close or even into the brickwork;
- The area around the complex is a good residential area where residents take pride and care of their surroundings. Increasing the height and the capacity of the home simply seems "out of place" here. It cannot be described as being sympathetic with the immediate area.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement
- Arboricultural Statement
- Heads of Terms for S106 legal agreement.

OFFICER REPORT

Principle of the Development C2 - INSTITUTIONS:

The site is identified as being within a predominantly residential area within the Macclesfield Borough Local Plan.

The site (including the open space beyond) is identified within the Strategic Housing Land Availability Assessment 2012 (SHLAA) as part of the Council's 5 year land supply. The site is assessed as being suitable, available, developable and deliverable. Therefore, it has to be acknowledged that this site would come forward for development.

There is no objection in principle to the extension of the care home within a predominantly residential area. It is considered that this development on this site would provide a much higher standard of accommodation than that already available.

The relevant Local Plan Policy for assessing this application is Policy DC57. This policy states that proposals for residential institutions, accommodating seven or more people will be subject to the following criteria:

1. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area;
2. a satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
3. the development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;
4. the development must comprise a reasonable sized private garden in the order of 10 sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
5. that the development satisfies the general requirements for all developments including the provision of on site car parking for residents, staff and visitors;
6. vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

Each of the above criteria is addressed below: -

1. The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run close to the site.
2. Although the Macclesfield District General Hospital and Prestbury House Care Home are nearby, it is not considered that the extension of this existing care facility would give rise to a concentration of specialist house.
3. As the site is surrounded by existing residential properties to the east and south and commercial properties to the west. The relationship between these properties and the proposed extended care home has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet.

These policy tests have been taken into account when assessing this application and whilst the scheme is a high density scheme that is compact, it is considered that this scheme broadly accords with these guidelines.

In further detail, working in a clockwise direction around the site from the north: -

The north east elevation - fronting Whalley Hayes.

- There are no properties opposite this elevation.

The east elevation - fronting the side elevation of 58 Whalley Hayes.

- The distance between the proposed extended care home and the side elevation of no 58 Whalley Hayes would be approximately 24m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a three storey building with habitable rooms and side elevation of another property. Although the proposal includes the addition of a third floor, there would be no increase in the height of the care home and due to the orientation of the properties, it is not considered that there would be a significant loss of light to the properties fronting Whalley Hayes. A first floor roof terrace is proposed approximately half way along the eastern elevation of the care home. This would face Western Garage. It is not considered that there would be a significant impact on neighbouring properties due to the distance of the roof terrace from the boundary and mature tree cover.

The east elevation - fronting the rear elevation of 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevation of 9 Grosvenor Street would be approximately 21.5m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a blank elevation of a three storey building and rear elevation of another property.

The east elevation - fronting the rear elevation of 3 - 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevations of nos 3 – 9 Grosvenor Street would be approximately 21m – Local Plan Policy DC38 requires a minimum distance of 25m for the interface distance for the back to back distances between a rear elevation with habitable rooms and the rear elevation of another property. The potential for overlooking to these properties was considered by the original architects of the care home and the proposals do not encroach significantly on this area. The Grosvenor Street properties are at a lower ground level than the care home site and there is a wall on the boundary between the properties. Given that the care home would only be single storey in this part of the site, it is considered that there would be no overlooking from the care home windows, and the extended care home would not appear overbearing.

The south elevation - fronting the 8-12 Riseley Street.

- The distance between the proposed extended two/three storey southern elevation of the care home and the front elevation of the Riseley Street properties would be approximately 19.5m – Local Plan Policy DC38 requires a minimum distance which would range between 16.5m and 21m for the interface distance for the front to front distances, dependant on the siting of windows. In this case there is one window on this elevation, opposite no. 10 Riseley Street. Given that this relationship would be at a slight angle and there is a degree of screening provided by mature trees along the Riseley Street boundary, it is considered that this relationship would be acceptable, and the extended care home would not appear overbearing.

The western elevation – fronting commercial properties.

- The western elevation of the extended care home would largely face commercial properties and this relationship is considered to be acceptable. The southern wing would have some windows incorporated in it on all three floors, however, due to this elevation being at an approximately 80 degree angle; it is not considered that there would be a significant amount of overlooking.

In conclusion, it is considered that the application proposals do not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. This is due to the distances proposed, their relationship and existing boundary landscaping.

4. Accommodation would be provided for up to 69 residents. This would require a private garden in excess of 690 sq metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 1 000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked or overshadowed;
5. The existing car parking provision would be retained and parking provision for 16 cars would be made available. Comments are awaited from the Strategic Highways Engineer, in relation to the level of parking proposed, however, the site lies in a highly sustainable location and the Whalley Hayes car park is located close by, therefore, it is not anticipated that an objection would be received from the Strategic Highways Engineer on the grounds of lack of parking.
6. As above, comments are awaited from the Strategic Highways Engineer, however, given the historic use of the site as a care home, it is not anticipated that the Strategic Highways Engineer would have any significant concerns with regards to vehicular or pedestrian access.

The proposal therefore complies with the key relevant Development Plan policy for care home development: DC57. In accordance with paragraph 14 of the NPPF, the decision taker should be granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Developer Contributions:

The Council would be looking for a commuted sum in order to provide Amenity Open Space within the immediate locality. Additionally, in accordance with the Councils SPG on S106 (Planning) Agreements, in line with the current CEC policy.

The SPG requires a contribution of £750 per bedroom, therefore the total contribution required based on 29 bedrooms is £21 750. The requirement for play and sport and recreation are waived in recognition that future residents are unlikely to make use of such provision.

The commuted sum would be used to make amenity improvements, additions and enhancements in West Park, which is across the road from the development. Amenity improvements include by way of example; seating, landscaping, access improvements, signage and interpretation etc and may also include projects specifically targeted at the future residents of the care home, such as appropriate fitness equipment.

Design, Layout and Visual impact:

The proposed extensions are clearly large in nature, by virtue of the way the buildings footprint would be made both wider and the fact that the majority of the site building would be increased in height from two to three stories to provide the additional bedrooms. The middle section would have an additional storey added in order to make a large reception/foyer area and communal areas on the upper floors, which would have atrium roofs above.

The existing building has a dated appearance. The proposals add larger amounts of glazing and the render will provide a modern design.

It is considered that the scale of the development is in keeping with the massing, rhythm and general character of the existing context.

The external walls would be treated in a mixture of render (colour to be agreed) and hanging slate. The pitched roofs would be slate. These materials are considered to be acceptable for this location.

Landscape/Trees:

The Arboricultural Officer has been consulted with regards to the proposal and raises no objections.

The proposed re-development of the site can be accommodated with the removal of a limited number of low value trees and shrubs, the impact of which on the amenity of the area is considered negligible.

The two primary alterations to the existing site in arboricultural terms relate to the expanded build footprint and alterations to the car parking layout.

Some trees are highlighted for removal within the group which front Riseley Street. These are considered to be of low value. These don't form part of the existing Tree Preservation Order on the site which was served in 2007, and are not considered worthy of formal protection.

The revised car parking layout associated with the southern aspect of the site encroaches within the Root Protection Area of the linear group of Limes which form the Riseley Street frontage. Existing levels appear to be able to accommodate the revised layout with new hard surfacing to be installed to an engineered designed specification and method statement. It is considered that this relationship would be acceptable.

The expanded build footprint has no direct implications in terms of direct impact on protected trees with the revised footprint established an acceptable distance from the group adjacent to 58 Whalley Hayes. The tree adjacent to 11 Grosvenor Street was omitted from the Tree Preservation Order as a result of its position in relation to the existing building. A number of areas of ground protection, and an engineered designed surfacing will be required, but this can be accommodated within current best practice guidelines, without detracting from the trees.

The revised footprint does not establish a significantly worse relationship to the protected trees. Issues of light and nuisance, should an application be received under the TPO legislation, could be confidently dealt with on merit.

With an appropriate condition, officers are comfortable that the development can proceed without having a detrimental impact on the protected trees and the proposal is considered to comply with Policy DC9 of the Local Plan, which seeks the retention of protected trees.

The majority of the existing boundary treatments can be retained and overall, a satisfactory landscape scheme is capable of implementation and the proposal complies with policy DC8 of the Local Plan.

Highways:

The Strategic Highways Manager raises no objections to the proposals. The site is located within a comfortable walking distance of amenities and essential services within the town centre, with the main retail centre lying within a five minute walk of the site entrance, and all local (bus) and strategic (rail) public transport connections no further than 10 minutes travel on foot.

The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

Access and Parking

The principal means of access to the site would be via Riseley Street, as per that of the historic care home use on the site. It would provide access to 12 car parking spaces. A further 4 spaces would be provided to the rear of the site (via Whalley Hayes), utilising existing bays located at 90 degrees to the public highway.

Notwithstanding the sustainable location of the site, it should be noted that the supply of parking is a concern to the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods. The recommended standards used by Cheshire East Council state the following for residential institutions: -

- Residents: 1 per 3 beds
- Staff: 1 per resident staff and 1 per 2 non-resident staff
- Provide drop off / pick up with easy access to the entrance for ambulances

If applied to the recommended standard, there would be a requirement to provide 23 spaces for residents alone, which significantly exceeds the proposed level of 16. This allocation is clearly not feasible within the footprint of the site, and could not be achieved even if the available green space was reduced to provide additional bays. It is acknowledged that the level of car ownership amongst residents is likely to be low in view of the type of provision and the location of the site, therefore a more modest level of provision would be appropriate.

The Planning Statement asserts that the site would create employment for 80 staff; however, in view of the 24 hour a day / 7 day a week operation of such sites, it is likely that the actual requirement at a specific time would be significantly less than this, and the applicant's prediction that there would be a requirement for approximately 15 staff at a given time appears sensible. Notwithstanding this, there would be additional demands upon parking created at shift change times that would potentially create congestion within the site and its environs if the available resource is not managed correctly from the commencement of operations at the site.

Resident Parking Zone H (Riseley Street)

The immediate frontage to the site on Riseley Street is of a residential nature, characterised by terraced property. It has been subject to historic occurrences of on-street parking nuisance associated with major trip attractors to the area, including the town centre and the nearby General Hospital. To this end, the local street network defined by Cumberland Street to the north and Chester Road to the south has been designated as the Macclesfield Zone H Residents Parking Zone (Prestbury Road), and was implemented in 2011. The zone includes Riseley Street and its immediate environs, with designated bays, and "No Waiting" restrictions to prevent parking outside of the permitted area. This scheme effectively reduces opportunities for users of the Trinity Court Scheme to use local streets for parking purposes to the immediate south of the site without penalty.

Whalley Hayes

To the northern frontage of the site, Whalley Hayes is of strictly limited width, and therefore, not conducive to parking, as it would potentially obstruct the onward flow of traffic close to the junction with Cumberland Street. There is an existing "No Waiting at any Time" plate at this location; however, it is relatively inconspicuous at present and not reinforced by associated

road markings such as double yellow lines. It is considered that additional enforcement is required at this location to prevent overspill parking from the site at this sensitive location.

Public Parking

It is fully acknowledged that the sustainable location of the site provides ready access to sustainable travel modes and amenities within the town centre. It also enables access to significant levels of public parking within a comfortable walking distance. The closest parking provision is located at Whalley Hayes within 75 metres of the site entrance, with 258 spaces available on a daily basis. The tariffs for this car park range between 70p for one hour, up to £5.50 for the full day.

The location of this car park is considered to be an advantage to the site in terms of directing visitors to this location. For staff, the cost may prove prohibitive if there is no perceived alternative to the private car. The car parks are free of charge outside of the daytime period (08.00 – 18.00); however, this may not be considered a viable option to lone, or vulnerable staff members during hours of darkness.

Emergency Vehicles

It is noted that there is no specific provision identified on the submitted plans for the accommodation of emergency vehicles. It is not clear whether such provision is required for a development of this nature; however, it is considered that the means to which it would take place should be adequately demonstrated.

Highways Summary

In summary, the Strategic Highways Manager raises no objection, subject to a Section 106 Agreement attached to the delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the impact of the proposed development on the amenity of surrounding residential streets:

- Parking within the site is considered to be insufficient; however, the potential severity of this impact within the local area is reduced by the following:
 - The presence of the Macclesfield Resident's parking zone would serve to limit the extent to which local overspill demand could be manifested on surrounding streets to the south of the site (including Riseley Street), without risk of penalty to the user.
 - There is limited opportunity to park on street to the north of the site – existing restrictions exist on Whalley Hayes, of which the effectiveness could be improved by a suitable contribution
 - The site is located adjacent to a large public car park for use by visitors and staff – the car park is free of charge after 18.00
 - The site lies in a sustainable location, with access to amenities and public transport within a comfortable walking distance

- Measures could be put in place through a suitable site Travel Plan that would look to achieve the following, not only from the perspective of limiting impact upon local parking, but also in terms of the commercial benefits to the operator:
 - Provision of a suitable parking management plan, identifying relative priority for the following user groups:
 - Residents (including those with disabilities)
 - Staff (including lone or vulnerable users on late shifts)
 - Visitors
 - Emergency Vehicles
 - Provision of additional capacity through “contract” permits for the Whalley Hayes Car Park to address essential car user needs at the site
 - Promotion of sustainable measures to staff and visitors:
 - Information for walking, cycling and public transport
 - Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)
 - Provision of appropriate covered cycle parking in accordance with emerging Cheshire East Standards

Accessibility:

The purpose of the building is to provide a safe and tranquil environment for elderly people, many of whom will be wheelchair users, have sight and hearing impairment, and require a high level of carer attention. Aside from the standard observance of such details as flush thresholds, appropriate door and corridor widths and conveniently located electrical controls, the applicants have ensured that the expansion and simplification of spaces enhances the overall environment for its end users. All of the communal amenity areas have adjacent toilets and subsidiary food preparation areas. Colours will be light and simple with bold primary colours, identifying significant items such as handrails, doors, or changes of floor texture – providing clarity, as well as aesthetic appeal.

While the existing lift is proposed to be retained, it is understood that it is woefully inadequate for its purpose and inappropriately located. A new, larger lift is proposed, located prominently within the expanded entrance foyer.

In the event of fire, under the British Standard regime, the evacuation times are significantly extended. The applicant has provided generous refuge areas at each staircase landing, to allow staff the time to effectively evacuate the residents with the appropriate equipment.

Nature Conservation:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development.

Environmental Health:

The application site is surrounded by a mixture of both existing residential properties and commercial properties, and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity.

A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require a contaminated land Phase I report site and any subsequent remediation required.

OTHER MATERIAL CONSIDERATIONS

It is considered that the majority of issues raised by residents have been addressed in the main body of the report above. In addition, the following is noted: -

- The loss of property value is not a material consideration,
- This issue of security lighting has been raised.
- It is understood from the applicant that the existing security lighting is temporary, as the building has been targeted by vandals and been the subject of criminal damage. It is considered that it would be reasonable to allow low level, security lighting on the building, to assist staff and residents alike. However, in the interests of protecting neighbour amenity, it is recommended that a condition is attached to require details of any lighting to be submitted prior to installation.
- The agent has confirmed that the boundary wall is historic and was in existence before the modern domestic residences on Grosvenor Street, therefore the boundary wall must be the responsibility of the applicant. Ultimately, any disputes about repairs and maintenance of the wall are a civil matter.
- The applicant has provide assurance that the grounds will be landscaped to the benefit of the residents of the care home, however, they will endeavour to provide benefit to the neighbours too.
- Officers requested further information on the likely levels of staff who may be present on site at any one time. The applicant has confirmed that staffing levels will follow shift patterns with the expectation of 16 - 20 persons on site at any one time. The applicant aims to give employment to both young and more mature people who live locally and who may walk, cycle or use public transport to travel to Trinity Court. The applicant considers that the proposed number of parking spaces will be sufficient for normal daily traffic i.e. staff, doctors, ambulance and disabled access. The applicant is in addition, happy to propose a travel plan for both staff and visitors to the care home, which could

be secured by way of a S106 Legal Agreement as noted by the Strategic Highways Manager.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of a modern form of care home provision is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

In this instance, it is considered that the proposed extension to the care home to provide an additional 29 bedrooms is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

HEADS OF TERMS

- Commuted sums of £21 750 to provide Amenity Open Space at West Park.
- The delivery of a site Travel Plan, and contribution towards the ongoing implementation and enforcement of Traffic Regulation Orders within the Macclesfield Resident Parking Zone, and on Whalley Hayes. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:
 - The Travel Plan would look to achieve the following, not only from the perspective of limiting impact upon local parking, but also in terms of the commercial benefits to the operator:

Provision of a suitable parking management plan, identifying relative priority for the following user groups:

- Residents (including those with disabilities)
- Staff (including lone or vulnerable users on late shifts)
- Visitors
- Emergency Vehicles

- Provision of additional capacity through “contract” permits for the Whalley Hayes Car Park to address essential car user needs at the site
- Promotion of sustainable measures to staff and visitors:
- Information for walking, cycling and public transport
- Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)

Community Infrastructure Levy (CIL) Regulations:

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu for amenity open space is necessary, fair and reasonable, as the proposed development will provide an addition 29 bedrooms in a care home, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities accordingly. The contribution is in accordance with the Council’s Supplementary Planning Guidance.

A Travel Plan with associated measures is necessary, fair and reasonable, as it is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:

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

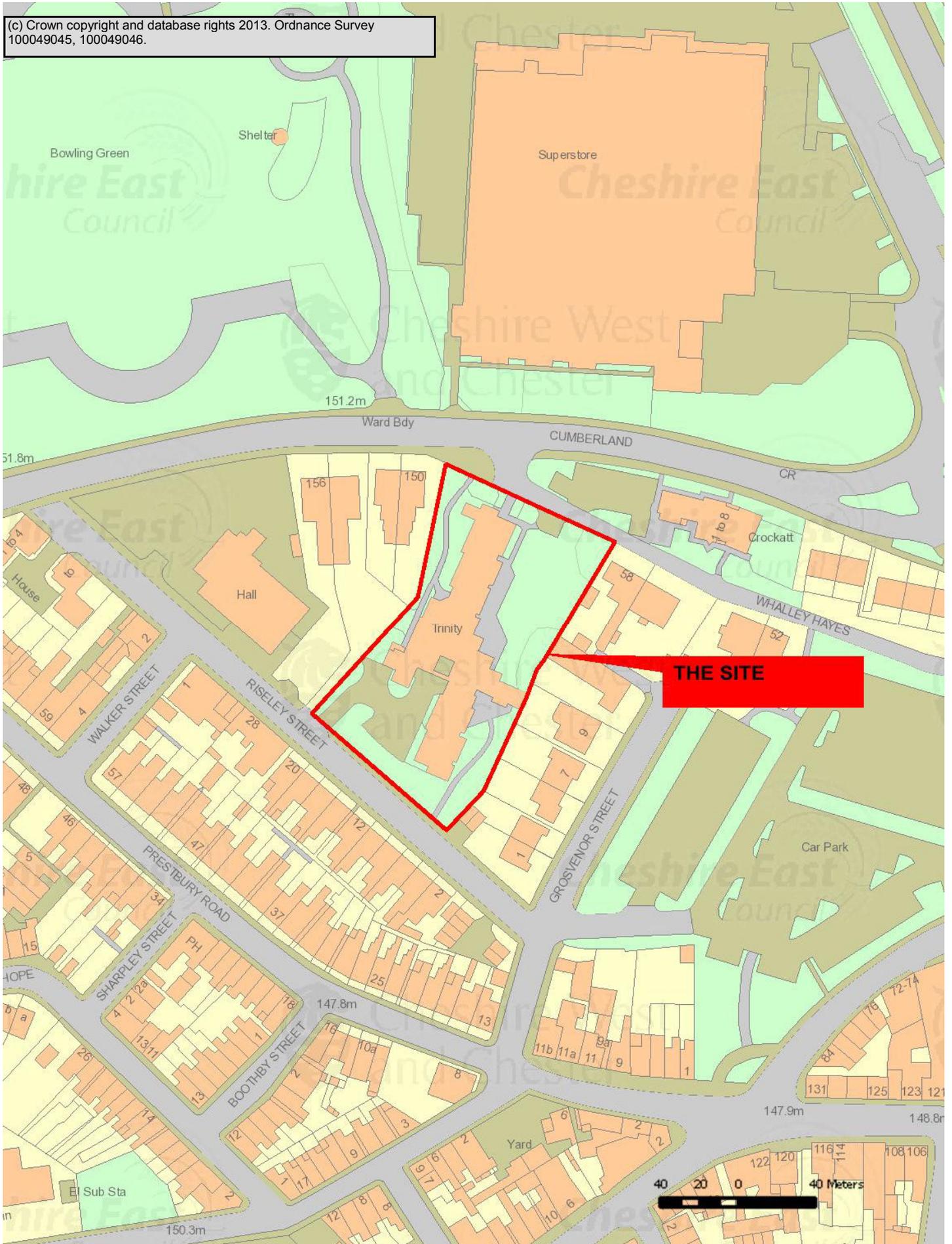
Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. ATRA1 - Tree retention
4. ALS61 - landscaping - details of boundary treatment
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during construction (hours of construction)

8. A17MC - Decontamination of land
9. A04HP - Provision of cycle parking
10. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
11. Bin and Cycle Store in accordance with approved details
12. Dust control
13. Plan to be submitted which shows location for service / emergency vehicles to park

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Application No: 13/2288M

Location: FALLIBROOME HIGH SCHOOL, PRIORY LANE, MACCLESFIELD, CHESHIRE, SK10 4AF

Proposal: Erection of a new two storey block to provide Sixth Form, Dining, and Administration accommodation, with relocation of existing games courts and new site access road.

Applicant: Robert MacNeill, The Fallibroome Academy

Expiry Date: 23-Aug-2013

Date Report Prepared: 15 July 2013

SUMMARY RECOMMENDATION:

Approve, subject to conditions and referral to the Secretary of State.

MAIN ISSUES:

- The principle of the development (*Green Belt*);
- Very Special Circumstance (*Need*);
- Impact on Recreational Open Space;
- Highways access, service and parking issues;
- Ecology Implications;
- Design of the new build and impact on the character and appearance of the area;
- Visual impact of floodlighting;
- Landscaping and protection of existing trees; and
- Residential Amenity.

REASON FOR REPORT

This application proposes the creation of over 1,000 square metres of floorspace therefore under the Council's Constitution is required to be determined by the Northern Planning Committee.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

Members need to be aware that this application will have to be referred to the Secretary of State if the Council is minded to approve as the scheme would provide over 1,000 square metres of floor space in the Green Belt.

DESCRIPTION OF SITE AND CONTEXT

The Fallibroome Academy is sited on land to the west of Priory Lane, Macclesfield within the designated greenbelt where it has been since its creation in the late 1970's.

DETAILS OF PROPOSAL

Fallibroome now has approximately 1550 pupils on roll with a sixth form of 345. The number of teaching staff has risen to around 200. Originally designed and built for much smaller numbers (approx 700 pupils and 40 staff) the school's basic support facilities such as dining and administration cannot cope with the current demand.

School meals provision in particular is restricted due to the small dining room and kitchen with pupils having to be allowed to leave site at lunch time to seek refreshment elsewhere. This application seeks to resolve this.

The administration area and main reception cannot house the necessary support staff and allow them to function and support the teaching of the pupil numbers.

The applicant states that the current library is much smaller than the space required to meet relevant *Department for Education* (DFE) standards and this together with sixth form facilities that will not allow the sixth form to meet as a body, restricts the private study of sixth form pupils which makes up a significant part of their education.

In locating the proposed additional accommodation the applicant considered it necessary to develop this as a detached block due to the overall size and lack of any suitable location to attach to the existing buildings. Therefore the application seeks permission for a detached block comprising a new Sixth Form, Dining and Administration facilities.

Following due consideration of any alternatives the only area suitable for such a block was identified as the existing games courts to the north of the site adjacent to the boundary with the rugby club.

It should be emphasised that the proposed extension in area is not to facilitate an increase in numbers of pupils or staff above those currently using the site.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- This application follows the application ref **13/0399M** which was withdrawn after issues connected with the presence of Great Crested Newts on land intended for the relocation of hard games courts to facilitate the new building were unable to be resolved within the period for determination.
- It generally follows that previously considered by the planning authority with two significant changes. One relates to the location of the new games courts on to land not considered as Great Crested Newt habitat, the second to a reduction in the size of the proposed new development.

The site has been the subject of some other relevant planning permissions:-

- Planning Permission was granted in March 2012 for a New Pedestrian Access, under reference 12/0070M;
- Planning Permission was granted in September 2011 for a New Single Storey Classroom Block as Extension to Existing School, under reference 11/2951M;
- Planning Permission was also granted in September 2011 for the demolition of Existing Single Storey Classroom and Erection of New Two Storey Classroom Block as Extension to Existing School, under reference 11/2235M;
- Planning Permission was also granted in September 2006 for an extension to provide additional teaching accommodation together with associated car parking, under reference 06/1524P; and
- Planning permission was granted for various extensions and alterations to the school under application 04/2187P, dated November 2004.

Although the site has also been the subject of some minor historic planning applications/permissions, there is none that are relevant to this application.

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 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:

This school is identified within an existing Open Space in the Green Belt in Knutsford, therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

Policy GC1: Development in the Green Belt;

Policy RT1: Protection of recreation open space;

Policy BE1: Design principles for new developments;

Policy DC1: High quality design for new build;

Policy DC3: Protection of the amenities of nearby residential properties; and

Policy DC6: Circulation & access.

Other Material Considerations:

NATIONAL PLANNING POLICY FRAMEWORK:

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.

POLICY STATEMENT – PLANNING FOR SCHOOLS DEVELOPMENT:

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) set out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system in this policy statement dated August 2011. It states that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority; and
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

CONSULTATIONS (External to Planning)

Sport England: No objections, as the sporting benefits of the provision of the games courts are considered significant enough to outweigh the loss of the playing field.

Highways: No objections.

Environmental Health: No objections, subject to conditions regarding hours of constructions, method statement if pile foundations and/or concrete floors are used in construction.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press.

- One letter of objection has been received from a local resident and their objections can be summarised as follows: -
- Screening between our property and Fallibroome has been addressed in current application;
- Safety and noise concerns about traffic entering school via the new entrance which is adjacent to the drive of No. 70, Priory Lane; and
- Although this might be implied in the current application the description is currently ambiguous and neighbours would therefore like to see written clarification of its currently planned use and whether there would be restrictions on future changes to use of this entrance.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Design & Access Statement*, details of which can be read on file.

OFFICER APPRAISAL

The principle of the development (*Green Belt*):

This school site is within defined Green Belt. National Planning Policy Framework and GC1 of the Macclesfield Local Plan limit the forms of new buildings permitted with the Green Belt. Within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a number of purposes. Education facilities are not listed as one of those purposes.

Paragraph 89 of the NPPF states that the construction of new buildings as inappropriate in Green Belt. It goes on to list exceptions to this and one of these (*bullet point three*) is: -

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;

Originally the submission was for a phased construction programme with a second phase extending off the hard games court area through a tree screen towards Priory Lane. This was to be the administration offices and main visitor reception. The school have now decided, due to funding restrictions for the foreseeable future, to reduce the scope of the proposed building

to a single phase with the administration and new reception being accommodated within space previously allocated to a new Learning Resource Centre. This latter facility will now not proceed and the school will look to carry out internal remodelling of their existing library. Therefore the new proposal is smaller at **2,560sm** rather than the original 2,869sm.

The existing accommodation will be reused where its current function relocates to the new block. The school would intend to utilise the existing '6th Form' centre as a conference and training school facility. The existing kitchen and dining hall would be converted into science labs. Whilst, the existing Administration space would be converted into an additional staff room facility. Whilst these changes do not require Planning Permission and are not formally part of these proposals, they will meet the capacity shortfall, identified from the sufficiency review recently carried out by Cheshire East Council.

The new proposal has been reduced in size (**2,560sm**) and the school as a whole has a current floor area of **11,363sm**.

The original building of the school has been extended significantly in the past. As a substantial new building in the grounds of the school the development could either be considered as disproportionate extension or a new building not covered by the exemptions in Green Belt Policy. As such it is clear that the proposal should be acknowledged as being inappropriate development in the Green Belt. Members will be aware of the presumption against inappropriate development, which should only be allowed in very special circumstances. 'Very special Circumstances' will only exist where it can be demonstrated that other considerations clearly outweigh the harm by inappropriateness together with any additional harm.

In addition to harm by appropriateness the proposal will erode the openness of the green belt on this part of the site, which carries weight against the proposal.

Located on an area of existing hardstanding and within the existing school complex, it is not considered that the proposal would lead to encroachment in the countryside or conflict with the other purposes of including land in the Green Belt.

The impact on visual amenity is acceptable as the new building is entirely located on the existing games courts behind existing trees which screen the building from Priory Lane, allowing filtered views of the development. This will reduce the visual impact of the new development within the designated Green Belt.

Very Special Circumstance (Need):

It is considered that a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education and raising educational standards. State funded schools (which include Academies) educate the vast majority of children in England. The Government wants to

enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

It is considered that the need for the school to provide the proposed additional facilities has been fully established above.

Impact on Recreational Open Space:

As the school site is also allocated as Open Space, one of the key policies is policy RT1, which seeks to protect recreational open space from development. Policy RT1 does allow for development if the proposed is to provide an additional educational building and the integrity of the open space is not harmed.

The proposal is to construct a new school building on the existing games courts. The games courts will be relocated onto the playing field to the north of the existing Artificial Grass Pitch. The sporting benefits of the new games courts need to be significant enough to outweigh the loss of playing field.

The relocated courts will provide five floodlit tennis courts to meet Lawn Tennis Association standards. The school has discussed establishing school/club links with nearby Prestbury Tennis Club to develop tennis within the school. The provision of the floodlit facility alone will not provide sufficient sporting benefits and the benefits arising from increased participation, matches and tennis coaching from Prestbury Tennis Club will require a Community Use Agreement (CUA) to be put in place prior to first use of the tennis courts. Therefore, a condition is required to be imposed on any decision.

As the existing games courts will be lost to the development, a Grampian style condition is required to ensure the new replacement facility is secured prior to commencement of the development. This is to ensure continuity of use and no temporary loss of facility.

Highways access, service and parking issues:

The proposal includes the formation of a second vehicle access to Priory Lane located at the north end of the site frontage. This will allow a one way system to be put in place reducing congestion at the current entrance and greatly improving safety for pedestrians. The new site road will incorporate some additional parking for visitors adjacent to the new reception entrance. A separate foot path will be provided as part of this new access road.

The Council's Strategic Highways & Transportation Manager has confirmed that the new access connecting to Priory Lane is a priority junction with adequate visibility provided in both directions. That being said, there is no highway requirement for the new access arrangements to be conditioned to be 'one way' as requested by the Local resident.

Overall, as there is no practical increase in the school capacity proposed in the application, there are no highway issues raised by the proposed development and no objections are raised.

Ecology Implications:

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the Local Planning Authority (LPA) to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the Local Planning Authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The ponds at Fallibroome High school have a well recorded history of supporting great crested newts. The proposed development is located on habitats which offer limited terrestrial habitat for this protected species. Without mitigation any proposed development on this site has the potential to have a Low impact on great crested newts. The potential impacts relate mainly to the risk posed to individual animals that may venture onto site during the construction phase. To mitigate this risk the School has provided an outline mitigation method statement. This proposes the careful supervision of the works to minimise the chances of newts being encountered on site.

Following consultations with the Council's Ecologist, It is considered that the proposed mitigation is proportionate to the low level impact of the scheme and that the proposed development is unlikely to have an impact on the favourable conservation status of the

species concerned. The proposed mitigation is also appropriate for other amphibian species which may occur on site including Common Toad which is a Biodiversity Action Plan priority species and a material consideration. Conditions have been suggested to be imposed on any decision to control the above.

Design of the new build and impact on the character and appearance of the area:

Whilst a large mass in total, the building is broken down with different heights, roof slopes and external treatments in order to minimise its overall scale. The building is sufficiently detached from the rest of the school to not dominate the smaller scale of some of the teaching blocks. It is proposed to retain the same palette of materials (facing brickwork, metal roofing, and curtain walling) to visually link the new building into context.

By orientating the building west / east a south facing roof slope is available for a large photovoltaic array to reduce net energy consumption, whilst north facing glazing can provide natural light to the large spaces. Two large light shafts provide further natural light and ventilation into the core of the building. The internal layout of the upper floor locates small offices and group rooms around sources of natural light and ventilation either the external walls or the internal light shafts. The location of the kitchen with access off the service road is self explanatory and this serves a long side of the dining space with link to the internet café.

Overall, it is considered that the proposal to extend this school with the addition of new two storey block will be acceptable with the character and appearance of the existing buildings on this site.

Visual impact of floodlighting:

The courts are intended primarily for tennis and netball, and have been designed to meet the standards set by Sport England and the national bodies for those sports. This includes size, finishes, orientation and artificial lighting. The floodlighting scheme proposed (*12 x 10 metre masts*) has been designed to meet the criteria and recommendations of Sport England and to minimise light pollution by concentrating the lighting within the court area with minimal overspill. The new courts are set adjacent to an established floodlight Astroturf pitch and as such will have minimal impact on the surrounding areas as the court will be seen as a small increase in existing provisions rather than a separate island of light at night. It is worthy of note that the lights is not as high at the adjacent rugby club and the recent approvals at Kings School and at All Hallows.

Landscaping and protection of existing trees:

The majority of mature trees around the site of the new block are to be retained. A condition is suggested to protection during the construction process in accordance with the submitted method statement. Replacement trees will be planted on the Priory Lane frontage and elsewhere. There will be no large amount of additional new landscape planting around the new block as it will sit within a retained margin of hard surface for maintenance access to its perimeter, and existing adjacent planting will be retained. Tree protection and landscaping conditions are suggested to be imposed on any decision.

Residential Amenity:

The main school site is located to the south and west of the site. The nearest residential property is to the north of the site. Whilst the new building is in close proximity to the boundary (circa 12 metres) of the adjacent dwelling, the dwelling itself is over approximately 50 metres away and at an oblique angle. Concerns by the residents of this adjacent property on Priory Lane of overlooking of their rear garden have been addressed by the inclusion of some evergreen tree planting to infill the only significant gap in the existing tree belt on that boundary.

It is considered that the building will not have any other adverse impacts on the residential amenity of properties on Priory's Hill to the East. This is due to the significant distance involved (over 60 metres) and due to the existing landscaping on the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Extensions to schools are not listed in the exception categories to inappropriate development in the Green Belt set out in the NPPF or Local plan policy GC1. Buildings in the Green Belt may be extended so long as the extensions are not disproportionate to the original building. In this case the original school building has/would be extended by more than a "proportionate" amount. The proposal is therefore inappropriate development in the Green Belt.

It is considered that as the new building is entirely located on the existing games courts behind existing trees this will screen the building from Priory Lane. This will reduce the impact of the new development within the designated green belt. However, an extension of this size does have an impact on openness of the Green Belt which adds to the harm to the green belt. To justify a grant of planning permission, other consideration must exist which *clearly outweigh* the identified harm to the Green Belt.

In this case a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools. The applicant has demonstrated a clear need for the accommodation to improve the functioning of the school in a way that minimises the visual impact on the Green Belt. Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

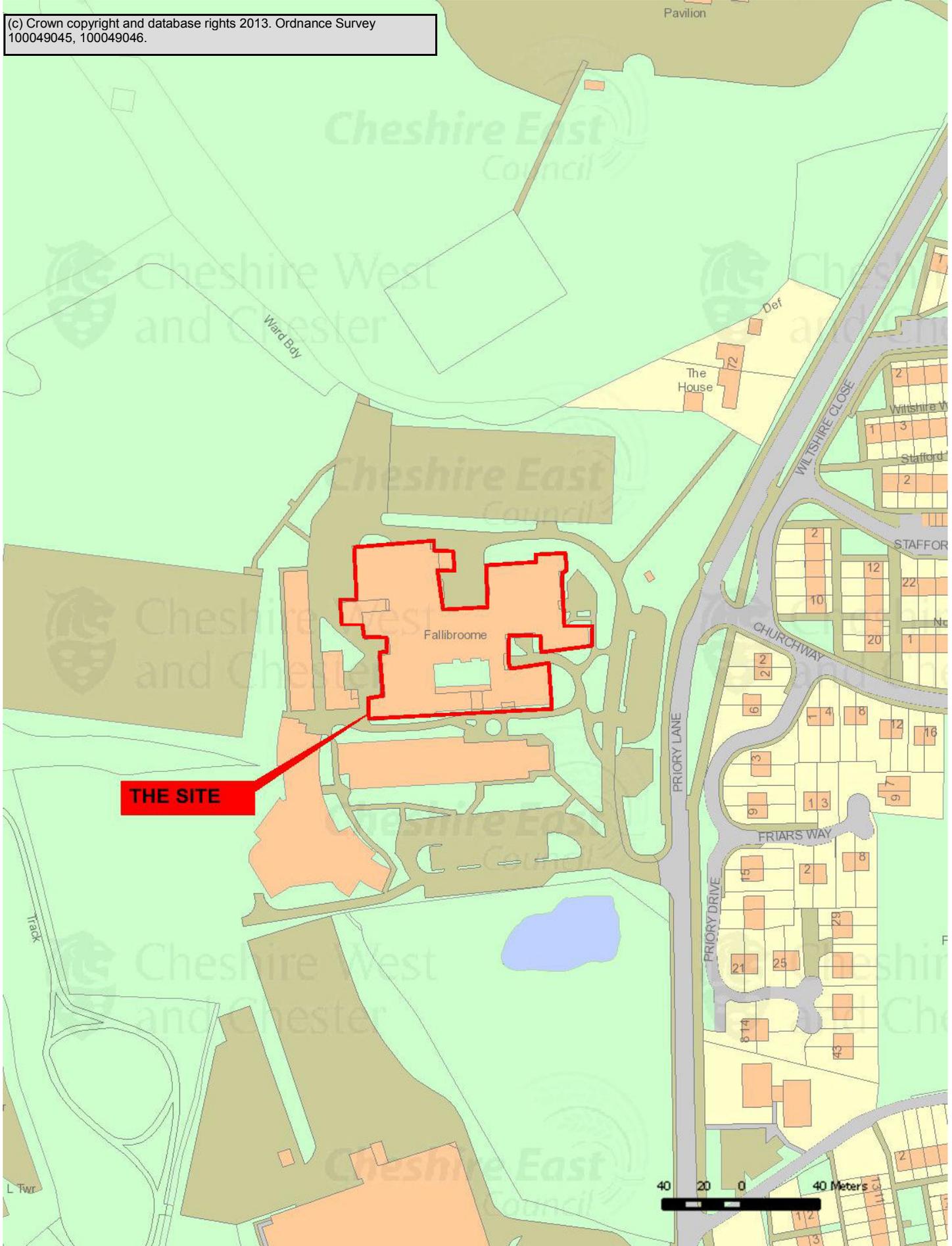
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

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

4. A02TR - Tree protection
5. A01TR - Tree retention
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A01LS - Landscaping - submission of details
9. A02LS - Submission of landscaping scheme
10. No development until tennis courts made available for use
11. Community Use Scheme
12. in accordance with Great Crested Newt Appraisal

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Application No: 13/2082M

Location: BOLLINGTON LEISURE CENTRE, HEATH ROAD, BOLLINGTON, SK10 5EX

Proposal: Replacement of existing football pitch and provision of two new mini football pitches and associated facilities including additional car parking and multi-use games area. Change of use from agricultural land to recreation for part of the area

Applicant: Paul Gibbons, Bollington United Junior Football Club

Expiry Date: 19-Aug-2013

Date Report Prepared: 19 July 2013

SUMMARY RECOMMENDATION

Approval, subject to conditions.

MAIN ISSUES

- Principle of Development (*Open Space within the greenbelt*);
- Openness of the Green Belt;
- Landscaping;
- Protection of existing trees;
- Ecology Implications;
- Highways access, serving and parking requirements;
- Public Rights of Way; and
- Amenity Considerations;

REASON FOR REPORT

This major application is for the redevelopment of Bollington Leisure Centre involving the replacement of existing football pitch, the provision of two new mini football pitches and associated facilities including additional car parking and a multiuse games area. Therefore under the Council's Constitution is required to be determined by the Northern Planning Committee.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

Bollington Leisure Centre is situated on the south west outskirts of Bollington off Heath Road and is surrounded by housing to the north, west and east with farmland, mainly pasture to the south. The grounds are divided into two areas, one to the south west of the Leisure Centre with an 11 aside football pitch and children's play area and a larger area to the south east extending to approximately 1.58 Hectares with another 11 aside football pitch.

The south east area is the main focus of the application and is used by Bollington United Junior Football Club (known as the ATAX site). It is serviced by a brick changing facility and has a separate access off Ovenhouse Lane and a tarmac car park for 24 cars. The area is enclosed by mature hedgerows with some trees to the North West and south west boundaries. There is a ditch bounded by a fragmented hedgerow and trees to the north east boundary, which form effective screening and limit views into the site.

The community centre and some single story housing are located adjacent to this boundary but at a lower level. A post and wire fence currently forms the south east boundary of the field with a small triangular field beyond this extending to a mature hedge with trees. This field, part of Modehill Farm has been acquired to allow the football facilities to be improved and extended which is not possible given the constraints of the existing field. The additional land included within the application site is 0.378 Hectares and is unlevel rough pasture with a slope of between 1:15 and 1:30 towards a low area. The rest of the field extends eastwards towards South West Avenue and this area is to remain as grazing land and is not included in the application site.

The area to the south west of the Leisure Centre slopes gently to the south west towards a badly drained area and the existing football pitch is in need of drainage and surface improvements. The rear properties of Princess Drive and Bollington abut the northern and western boundaries. There is an existing children's play area set into a bank to the rear of Princess Drive enclosed by fencing and this has recently been improved with some new equipment added. The south east boundary is formed by a dense thorn hedge with some Council owned allotments beyond this.

DETAILS OF PROPOSAL

The Football Club wish to provide a greater variety of pitch sizes to allow more flexibility and increase usage. The applicant has stated that various development options and pitch layouts were examined and the final proposals were firmed up following a feasibility study by the Sports Turf Research Institute (STRI) and community consultation. These also took into account an arboricultural survey and an 11kv electrical cable which crosses the site.

New Football Pitches:

The proposal is to create a new 11 aside pitch (90 x 55m) to replace the old one and two mini soccer pitches (47 x 27.5m). These will be sited on one graded platform falling 1:150 from east to west. Cut and fill will be balanced out with gentle grading to banks (maximum 1:3) to minimise any landscape or visual impact and ensure no detrimental effect on the mature trees within the boundary hedgerows. A herringbone drainage system will drain the pitches into soakaways to be located in the North West corner.

The existing car park is to have a small extension for 5 spaces with an overflow car park which will provide for a further 23 spaces.

Teen Play Area:

A small Teen Play area with a steel shelter is located close to the car park fairly close to the access. The play area will consist of a play activity unit of steel construction to cater for children up to 14 years old providing a variety of challenging hanging and climbing activities with a maximum height of 2.8m. Three Sheffield type steel cycle racks are also proposed near the play area.

Multi-use Games Area:

A Multi-Use Games Area (MUGA) 20 x 30m in size is located on level ground between the play area and main pitch areas with a tarmac surface with concrete edgings. It will be enclosed with steel mesh fencing 3m high, dark green powder coated with separate pedestrian and vehicular access gates. It will be floodlit by four 8m high pale grey steel columns. The MUGA would have a porous surface and would be drained into a soakaway. The applicant has stated that the MUGA will be available for general use within but may be locked at night by Leisure Centre staff.

Wildlife Garden:

The proposals to the area west of the Leisure Centre include a bound gravel surface with a timber edge to the existing public footpaths with a link to the existing allotments. Some additional tree groups are also proposed. A small wildlife garden/wetland area is also proposed in the southern corner with some timber seating and a small area of timber decking. The applicant has stated that they hope this area can be developed through community involvement with the planting

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Originally change of use of the site to leisure pursuits was approved in July 1982, under reference 30587P;
- Planning Permission was approved in January 1990 for temporary changing facilities for Bollington United Junior F.C, under reference 61734P;
- Planning Permission was then approved in January 1995 for the retention of the temporary changing facilities, under reference 80085P; and
- Full planning permission was granted for a permanent two-story club house in April 2002, under reference 02/0446P.

The following Planning History on the Leisure Centre site is also considered relevant: -

- Full planning permission was granted in 28 January 2013 for erection of a two-storey rear extension to the Leisure Centre to provide a fitness suite, in addition, a new lift, chiller store and 6 new car parking spaces are proposed, under reference 10/4713M. The proposed rear extension was on the footprint of consent 04/0881P and was similar in terms of scale.

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 falls within the Green Belt, and is designated as a Playing Field within the MBC Local Plan (2004). There is a Public Right of Way through the site. Therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

- Policy GC1: New buildings in the Green Belt;
- Policies BE1 & DC1: Design principles for new developments;
- Policy DC3: Protection of the amenities of nearby residential properties;
- Policy DC6: Circulation and access;
- Policy DC8: Landscaping;
- Policy DC9: Tree protection;
- Policy NE11: Nature Conservation;
- Policy RT3 & RT4: Protection/retention of Open Space; and
- Policy T3: Footpaths.

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.

SECTION 8 PROMOTING HEALTHY COMMUNITIES:

Paragraph 73 states *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*

Paragraph 75 states *“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*

SECTION 11 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT:

Paragraph 109 states *“The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible.”*

CONSULTATIONS (External to Planning)

Highways: No response received.

Sport England: No objections.

Public Rights of Way: No objection.

Natural England: No comments.

The Environment Agency: No comments.

CEC Leisure Services: Leisure Services have stated that, whilst the overall aims of the Youth Project are admirable, they have raised objections to the current scheme and they believe this application requires amending.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly. Notice was also published in the local press.

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

- Contrary to comments no-one at the community session was positive about the plans and all were concerned and strongly opposed the proposals.
- We have been strong supporters of Bollington United for over 20 years but cannot understand the need for the proposed expansion. Bollington already has four football pitches, two by the Leisure Centre, one on the recreation ground and one at Kerridge

Cricket Club. There are also excellent all weather facilities at Tytherington High School close by, which begs the question why there is a need for further pitches in Bollington?

- We strongly object to the installation of floodlights to the proposed multi use games area (MUGA). We would like to know how the lights will be controlled and by whom? We feel that the lights will be intrusive to all the surrounding residents.
- We cannot understand the need for floodlit areas when surrounding facilities are already well equipped.
- There is no mention of what other activities the MUGA will be used for or how this and the play facilities for teenagers will be time restricted, supervised, locked, cleaned or policed.
- The current A-TAX land is frequented by teenagers at present until very late in the evening and sometimes into the early hours of the morning. The proposal will only encourage more unsupervised and anti social activity in the area.
- This proposed area is also close to the bungalows of elderly residents and consideration should be given to their welfare and how the proposal will impact on them. As mentioned above, anti social activity in the area will be increased together with noise late into the evening.
- Contrary to the comments in the Design and Access Statement dated May 2013, the small teen play area and shelter were not endorsed following community consultation, and was strongly opposed.
- At present during the football season parking is a nightmare around the roads leading to the football ground and this relates to only one football pitch at present. The situation will only get worse if the proposal goes ahead and will cause more problems to the surrounding areas. The Leisure Centre car park is always full during the weekend and so cannot be used as an overflow car park.
- We feel that the existing area, within the existing boundary fence, could be further developed to provide excellent facilities for the football club without the need for floodlights, MUGA and teen shelter
- The current pitches are already abused by miniature motor cycles etc racing over the pitch and there is never anyone there when these incidents occur. It will only get worse.

APPLICANT'S SUPPORTING INFORMATION

The planning application was accompanied by the following supporting information listed below: -

- Design and Access Statement;
- Planning Statement;
- Consultation Summary 2009;
- Traffic Statement and 2013 update;
- Badger Survey 2010 and 2013 update; and
- Tree Survey and Arboricultural Implication Study 2010.

All of these reports can be views on the electronic file on the Council's Website.

OFFICER APPRAISAL

Principle of Development: (open space within the Green Belt):

The application site is existing open space within the greenbelt. National Planning Policy Framework and GC1 of the Macclesfield Local Plan allow essential facilities for outdoor sport and outdoor recreation, which preserve the openness of the green belt and which do not conflict with the purposes of including land in it.

Policy RT1 in The Local Plan identifies those areas of recreational land and open space which it is intended will be protected from other forms of development.

Redevelopment schemes present opportunities for creating new areas of open space which can add variety and enhance the local urban environment. This site would also be accessible to a large number of people. The Borough Council should aim to take advantage of any such opportunities which arise.

The scheme has the support of Sport England as although the proposals would require the re-orientation of the existing pitches, the scheme would have the obvious and overriding sporting benefit by enlarging the playing field land available as well as the provision of a MUGA and associate parking.

Openness of the Green Belt:

It is considered that the proposed redevelopment of the site will have an effect on the openness and visual amenity of the Green Belt. Although no new buildings are proposed, the scheme includes other structures, such as lighting columns. Fences, goal posts associated with formal playing pitches.

Whilst the scheme will arguably reduce openness to some extent, having regard to their minimal scale, these can be considered to be an essential facility for this type of outdoor sport and are considered to be acceptable within the Green Belt.

Management and Maintenance Issues:

Whilst officers of the Council have been involved at various stages over the past years and have been influential in bringing improvements in the area forward, no recent consultation has taken place with the Council's Estate or Leisure Services Departments and they have stated that they were unaware that a planning application was being prepared and submitted. Members should note that pre app discussion took place in 2009 and at that point the Planning department advised the applicant to discuss the proposal with Leisure Officers.

There are works proposed for the playing field to the left of Leisure Centre, known as Bollington Cross pitch, including the proposed [consented] extension of the Leisure centre which results in CEC having to relocate the pitch further down the site to ensure safety for pitch users is maintained. The extension and correct future position of the pitch are not shown on the application and the proposals as they stand for gravel paths and wildlife areas are unachievable without having an unacceptable impact on the pitch.

Leisure Services believe that there are numerous questions remaining about the proposal as a whole, not least the running, repair, insurance and maintenance costs of the proposed paths, MUGA, floodlighting, teen facility and pitches. The supporting documentation makes no reference to the future management and maintenance other than to say CEC will maintain

the additional pitch area. Leisure Services have not agreed this and are not in a position to pick up additional maintenance / running costs.

It is considered that the above issue, whilst they need resolving, are not planning matters that would impede the approval of the principle of the scheme, as they mainly relate to land ownership matters. Much of the land covered by the application is owned and managed by CEC, therefore the final control would lie with the Council.

Highways access, serving and parking requirements:

The existing site accommodates a 11-a-side pitch (the "ATAX" pitch), which is accessed from Ovenhouse Lane. It generally experiences highway peaks in activity on a Saturday morning in association with Bollington United Junior Football Club, for which 24 parking spaces are provided for this purpose.

In support of the application, a traffic survey was conducted (*between 09:00 am and 12:00 noon*) during a Saturday morning in 2010. This survey was verified and was considered acceptable for the purpose by Cheshire East Council Highways. This survey identified a maximum occupancy of 25 (capacity +1) for a short period. The survey did not indicate whether the level of occupancy resulted in a proliferation of parking activity onto neighbouring streets for users unable to access the car park. However, it is considered that this figure would be largely representative of likely vehicle demand associated with two 11-a-side teams (16 man squads), match officials and support staff.

The proposed development would replace the existing 11-a-side pitch and provide two additional "mini" pitches. The proposal would be supplemented by 28 additional parking spaces, 23 of which would be of "grasscrete" construction.

Given that the locality of the home team to its likely playing catchment (Bollington), the likelihood of "supporters" to be parents and guardians of players, therefore not creating additional vehicle trips, the propensity for older players to be dropped off and collected by parents and/or guardians (therefore not remaining within the car park) and the likelihood multiple occupancy vehicle use amongst members of the away team, this provision is regarded as generally sufficient to accommodate a further two 7-a-side matches simultaneously. This is assuming four squads of 9 (currently 32 players) generate an accumulation of 25; therefore 36 players might reasonably be expected to generate 28 arrivals, equalling a total demand of 53 spaces.

It is noted that there could be limited demand for 'drop-off' and/or 'collection' on local streets outside of the car park at the end of matches. However, this is considered likely to be of a short term duration and disturbance. On balance therefore, it is considered that it would not warrant the provision of a Traffic Regulation Order to restrict parking on residential streets, which may ultimately prove unpopular with local residents.

It is understood that the pitches would continue to operate at a community level for use by Bollington United Junior Football Club, and would significantly increase the intensity of use over and above the existing level of operation.

Amenity Considerations:

The applicant has confirmed that the site will have a lockable gate which will be closed when the site is not in use to avoid people being able to access the site with vehicles and causing a nuisance. This can be conditioned.

The applicant has also confirmed that the floodlights will only be on the pitches on the ATAX site. The floodlights will be in place to enable the pitches to be used year round. They will only be on when necessary for a football match and will be switched on and off by the football club. As the pitches are used by children and young people any evening matches are generally played early in the evening so the lights will not be on all evening long.

Conditions to control the hours of use and shielding of the floodlight are proposed to be attached to any decision. The recommended hours of use limitation will be updated to Members.

As stated in the description of the proposal, the teen play area is aimed at young teenagers who are too old to use the children's play area but would still like an area where they can meet their friends. There is very little provision of facilities made for this age group and on the whole the idea has been a popular one.

Whilst local resident concerns are understandable, the teen play area is designed to give teenagers an area of their own that they can use and keep them off the streets. It could be argued that if teenagers are hanging around on the streets they are more likely to inadvertently cause a nuisance and intimidate people than if they have a specific area they can go to.

Landscaping:

A new hedgerow and stockfence is proposed to the eastern boundary where the pitches extend into the area of former farmland. A maintenance gate will be included to allow access into the residual area of field acquired which will be let for grazing. Some additional native hedgerow planting will take place to the north east boundary at the site entrance and adjacent to the ditch using similar species. Additional tree groups are proposed to the area to the west of the Leisure Centre to complement the existing tree groups. Overall, it is considered that the proposals would not result in any significant landscape or visual impacts.

Protection of existing trees:

The site contains a number of large mature hedgerow trees associated both with the existing senior and junior pitches. The footprint of the senior pitch located to the west of the Leisure Centre appears to not conflict with the important linear group of Limes located close to the properties on Bollington Road. The re-defined junior area contains three pitches which should be able to be accommodated taking into consideration the requirements of the identified mature trees (RPZ) which are located within the adjacent hedgerows. Level profiles have not been included but the requested regarding should be able to be accommodated, subject to additional details which could be provided as part of condition.

The additional parking has been identified in close proximity to a mature tree, given the social proximity of this tree is extremely poor in relation to the adjacent Leisure Centre building, it is anticipated that the trees predicted retention capability is limited.

That being said, subject to the submission of an updated and revised Arboricultural Impact Assessments, it is considered that the works can progress without having a detrimental impact on trees.

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with all their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. This is particularly pertinent in terms of the intended cut and fills re-grading. Therefore a levels condition (with a method statement to be agreed) is proposed to be attached to any decision.

Ecology Implications:

The application has been assessed by the Council's Ecologist and it is not anticipated there being any significant ecological issues associated with the proposed development.

Public Rights of Way:

Two public footpaths cross the application site, one Bollington 7 which runs from Bollington Road to Ovenhouse Lane passing close to the Leisure Centre and Bollington 8 which runs from Clarke Lane in the south to Heath Road passing the western boundary of the ATAX site. The Council's Public rights of Way Section have not raised nay objection to the scheme or its proposals.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is considered to be an appropriate use within the Green Belt, and will have an acceptable impact upon the visual amenity of the area. Discussions are ongoing with the Leisure Services to resolve their management concerns and they would be separate form the planning process.

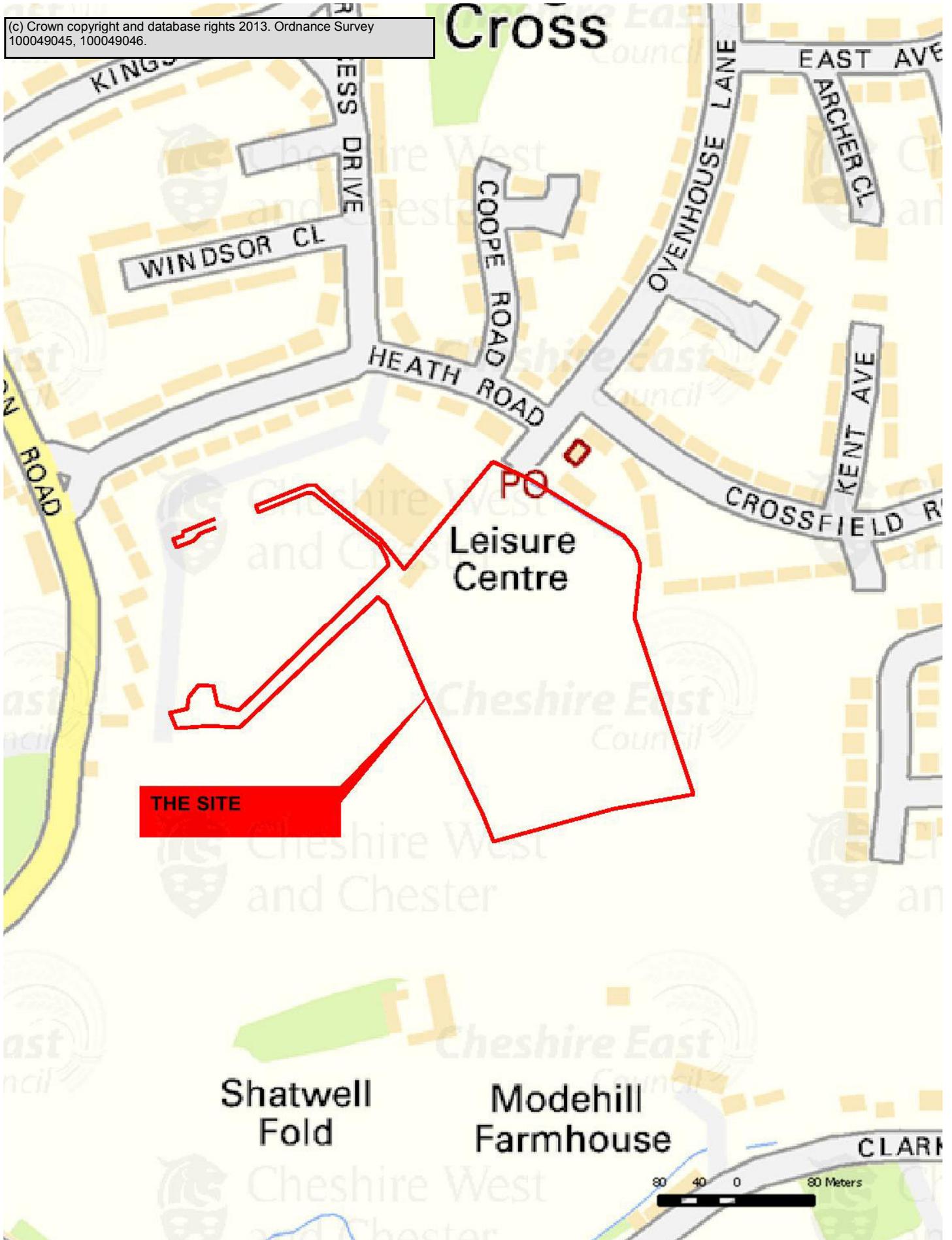
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A06TR - Levels survey
2. A14TR - Protection of existing hedges
3. A03FP - Commencement of development (3 years)
4. A01AP - Development in accord with approved plans
5. Sport England - Design of MUGA
6. Sport England - Design of MUGA
7. Surface water drainage scheme

8. Hours of use of floodlights/pitches
9. Site to be locked after hours

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Application No: 13/1949M

Location: WILMSLOW GARDEN CENTRE, MANCHESTER ROAD, WILMSLOW, SK9 2JN

Proposal: Variation of condition 2 of 11/4367M, regarding approved plans for the redevelopment of garden centre to include main retail building, restaurant, open-sided canopy, store and associated external works and landscaping; allow the retention of ground level irrigation tank and various alterations to the external appearance of the garden centre building.

Applicant: David Yardley, KLONDYKE PROPERTIES LTD

Expiry Date: 06-Aug-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Impact on the character and appearance of the surrounding area
- Whether the proposal is acceptable in the Green Belt
- Impact on parking and highway safety.
- Impact on ecology, the existing trees and landscape.
- Impact upon the amenity of neighbouring properties.

REASON FOR REPORT

The proposed development relates to floorspace in excess of 1,000 sqm and therefore as a major planning application the application must be determined by the Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a relatively recently constructed single storey garden centre building, with ancillary restaurant, outdoor sales area, service yard, car park and woodland. The site is located within the Green Belt but it is bounded by a predominantly residential area to the south and east, as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks to vary condition 2 (approved plans) to make the following minor amendments to the previous permission (11/4367M):

- Relocation and enclosure of irrigation tank and increase in size.
- Replacement of timber cladding with green metal cladding to rear wall of restaurant.

- Replacement of timber fence with a brick wall and cladding to rear wall of open canopy.
- Replacement of timber cladding with grey sheet cladding to wall dividing open side canopy and main shop.
- Changes to door and window positions on north western elevation (facing service yard).
- Personnel door moved 1 bay to the right on south western (rear) elevation.
- Relocation of air conditioning units and timber screen around door on south eastern elevation.
- Relocation of extraction equipment from the wall between the restaurant and the canopy to the roof.

With the exception of the enclosure around the irrigation tank, the works have already been carried out on site.

RELEVANT HISTORY

11/4367M - Redevelopment of Garden Centre Following Fire to Include Main Garden Centre Retail Building, Restaurant, Open Sided Canopy, Store and Associated External Works and Landscaping – Approved with conditions 24.02.2012

POLICIES

Local Plan Policy

BE1 (Design Guidance)

GC1 (New Buildings)

NE7 (Woodlands)

NE11 (Nature Conservation)

S2 (Out of town retailing)

DC1 (Design – New Build)

DC2 (Design – Extensions and Alterations)

DC3 (Amenity)

DC6 (Circulation and Access)

DC9 (Tree Protection)

DC35 (Materials and Finishes)

DC37 (Landscaping)

Other Material Considerations

National Planning Policy Framework (the Framework)

CONSULTATIONS (External to Planning)

Environmental Health – Comments not received at time of report preparation

VIEWS OF THE TOWN / PARISH COUNCIL

Wilmslow Town Council - Raise concerns that there appears to be a neighbouring property that has issues with the removal of this variation and that the planning officer be asked to give these concerns suitable consideration in trying to establish an amicable resolution.

OTHER REPRESENTATIONS

Four letters of representation have been received from neighbours at 143 Manchester Road, 22 Carlton Avenue, and 19 and 23 Sefton Drive objecting to the proposal on the following grounds:

- Irrigation tank impact of neighbour's visual amenity.
- Noise from pumps.
- Industrial appearance is out of keeping.
- Rear boundary fence is behind original fence creating an alleyway, which presents a significant security risk.
- Maintenance yard appears to have developed into a general waste site.

APPLICANT'S SUPPORTING INFORMATION

A covering letter outlining the proposed amendments and the reasons for them, a noise survey and an excerpt from Building Regulations Approved Document B have been submitted with the application.

The applicant's agent has also responded to the comments from neighbouring properties in an email which outlines:

- The height of existing irrigation tank is to be reduced by 760mm.
- A small monopitch cedar shingle roof will be added to the existing fencing to help to screen the tank.
- We will make our clients aware of the comments regarding the maintenance and appearance of the service yard.
- Acoustic surveys have been carried out which revealed that sound readings taken at the tank were the same when the pump was switched on as when it was switched off.
- The decision was taken during construction to build the fence away from the existing fence line in order to gain access to the landscaping on the boundary for maintenance. This is something which our clients have been in discussions directly with the residents about but further discussions are required to agree how this will be managed in the future.

Copies of the documents can be viewed in full on the application file.

OFFICER APPRAISAL

Principle of Development

The development has been judged to be acceptable in principle at an earlier date, as a result of its approval by the Council in 2011 (ref: 11/4367M). It is therefore necessary to focus attention on national and local policies, or other material considerations which may have changed significantly since the original grant of planning permission, as well as the changes sought.

Policy

The Regional Spatial Strategy has now been abolished, however, local plan policies remain the same as when the application was first considered in 2012. The Framework has also

been introduced at national level since the previous approval, however, this is not considered to raise any new policy issues, except where outlined below.

Green Belt

The proposal was previously identified as being inappropriate development in the Green Belt. The following set of very special circumstances was identified to outweigh the identified harm to the Green Belt:

- Similar scale of development approved as extensions in 2009
- No opportunity to implement 2009 extension due to fire
- Replaces facility that was lost
- Respects scale of previous building (same floor space and height)
- Improvements to woodland as a public facility

The Framework has been introduced since the previous approval, and paragraph 89 of this document allows for the redevelopment of brownfield sites subject to there not being any materially greater impact upon openness or the purposes of including land in the Green Belt than the existing use. No significant openness concerns were raised at the time of the previous approval.

The current application does include the irrigation tank that is now above ground rather than below and this will be enclosed in a timber structure, thereby increasing the overall impact upon openness. However, having regard to the overall scale of the proposal, the amendment is not considered to result in any significant loss of openness compared to the original approval. No significant Green Belt concerns are therefore raised.

Design

The proposed amendments incorporate changes to the external elevations of the garden centre building. However, the change in materials and the amendments to the position of windows and doors are relatively minor in terms of the scale of the original development. The general design of the building remains very similar to that previously approved, and the new structure to house the irrigation tank is in keeping with the form of the recently constructed buildings. The proposed amendments are therefore not considered to have a significantly greater impact upon the character and appearance of the area than the existing permission and are in accordance with policies BE1, DC1 and DC35 of the Local Plan.

Whilst some concern is raised by neighbours regarding the appearance of the maintenance yard, this element of the proposal has been previously accepted and no alterations to it are proposed that could justify additional restrictions.

Amenity

The application site is bounded by residential properties to the south west (rear) and on the opposite side of Manchester Road to the east of the site. The change in materials and the alterations to the fenestration raise no significant amenity concerns having regard to the relationship of these elements with neighbouring properties.

A noise survey has been submitted with the application relating to the irrigation tank and pump, the kitchen fan and the air conditioning units. The survey concluded that the noise in the areas around the kitchen fan and air conditioning units is dominated by background traffic noise making these units inaudible. In terms of the irrigation tank and pump, readings taken

in the area immediately adjacent to these were the same when the pump is on and when it is off, which leads to the conclusion that the readings were background noise and the pump is inaudible. Comments from Environmental Health are awaited, but no significant objections are anticipated.

Turning to the physical presence of the irrigation tank and enclosure to the rear of the properties on Sefton Drive, it is noted that this structure will have a maximum height of 3.3 metres, and will be positioned over 2 metres from the boundary shared with the adjacent residential properties. The nearest property is 19 Sefton Drive, which is angled away from the irrigation tank and the nearest corner of this property is shown on the plans to be 25 metres away from the structure. Whilst the unenclosed tank has a relatively industrial appearance, once it is reduced in height and the timber enclosure is erected, its visual impact will be in keeping with the remainder of the site, and given the distance to the nearest residential property and the extent of boundary screening, this structure is not considered to have a significantly harmful impact upon the living conditions of these neighbours.

Other considerations

Having regard to the nature and scale of the proposed amendments, no significant concerns relating to highways safety, ecology, trees, landscaping or retail impact are raised.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed amendments are not considered to have any significantly greater impact upon the openness, character or appearance of the Green Belt, highway safety, ecology, trees, landscape, town centre retailing or any other matter of public interest than the existing permission. The comments received in representation relating to the irrigation tank are acknowledged, however, for the reasons outlined above the impact upon the living conditions of neighbours is considered to be acceptable. A recommendation of approval is therefore made subject to the receipt of comments from Environmental Health and conditions.

Application for Variation of Condition

RECOMMENDATION: Approve subject to conditions

1. A04AP - Development in accord with approved plans
2. A04HP - Provision of cycle parking
3. A04LS - Landscaping and woodland management(implementation)
4. A05HP - Provision and retention of shower, changing, locker and drying facilities
5. A06EX - Materials as application
6. lighting to be in accordance with approved details
7. Product restriction
8. Boundary fencing to Sefton Drive
9. Operation of garden centre in accordance with approved renewable energy statement

10. Implementation of approved staff travel plan

11. Ancillary restaurant use and hours of operation



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