

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 28th August, 2013  
**Time:** 2.00 pm  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the meeting held on 31 July 2013 as a correct record.

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

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

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

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

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

5. **13/2210M - Construction of two pairs of split level semi-detached dwellings with associated parking and landscape works at Meadow Hey, Bollin Hill, Prestbury; for Mr J Clarkson, Bradley Edge LLP (Pages 9 - 18)**

To consider the above application.

6. **13/1236M - Retention of tree house at Spinney End, Chelford Road, Knutsford; for Mr Haddow (Pages 19 - 28)**

To consider the above application.

7. **13/1259M - Erection of four detached dwellings, extension of existing drive and provision of turning area at land to the rear of Oak Park; for Mr Stephen Price, Cheshire Housebuilders Ltd (Pages 29 - 40)**

To consider the above application.

8. **13/2415M - Demolition of existing three-storey residential apartment block and subsequent development of fifteen new affordable dwellings and associated landscaping and car parking at Winlowe, Bank Street, Macclesfield; for Ms Loveday Gimson, Peaks and Plains Housing Trust (Pages 41 - 56)**

To consider the above application.

9. **13/2296M - Demolition of existing bedsit block and erection of fifteen dwellings and associated car parking and landscape works (resubmission) at Dysteleggh Court, Greenhill Walk, Disley; for L Astwood, Peaks and Plains Housing Trust (Pages 57 - 70)**

To consider the above application.

10. **13/2384M - New Facility for the manufacture of pharmaceuticals totalling 6668 sq. m gross internal floor area at Astra Zeneca, Charter Way, Macclesfield; for Mr D Ayres, Astra Zeneca (Pages 71 - 78)**

To consider the above application.

11. **13/2143M - Variation of condition 3 (restriction of caravans for holiday occupation only) and condition 4 (restriction of occupation of caravans during any year) of approval 10/1711M to provide on-site staff accommodation at the Former Hollands Garden Centre, Congleton Road, Gawsforth; for Tony Loverage (Pages 79 - 88)**

To consider the above application.

12. **13/2402C - Proposed conversion and extension of former public house into twelve residential apartments at The Woodlands, Shady Grove, Alsager; for Punch Taverns Ltd (Pages 89 - 96)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 31st 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, K Edwards, H Gaddum,  
A Harewood, O Hunter, L Jeuda, D Mahon, D Neilson, P Raynes and  
D Stockton (Substitute)

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Senior Lawyer) Mr P Hooley (Northern Area Manager), Mr N  
Jones (Principal Development Officer), Mr T Poupard (Senior Planning Officer)  
Mr A Ramshall (Senior Conservation Officer), Miss L Thompson (Senior  
Planning Officer) and Mrs E Tutton (Principal Planning Officer)

### **17 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Macrae.

### **18 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 13/2288M, Councillor  
L Brown declared that she was the Ward Councillor, that her children used  
to go to the School and that she had attended a consultation meeting with  
the Northern Area Manager whereby she had asked questions in relation  
to the application but had not expressed an opinion on the proposals.

In the interest of openness in relation to the same application, Councillor  
Miss C Andrew declared that she was one of the first Governors of  
Fallibroome High School when it was first established.

In respect of application 13/2082M, Councillor K Edwards declared that he  
had pre determined the application. He exercised his right so speak under  
the public speaking procedure as a visiting Councillor and then took a seat  
in the public gallery whilst the application was debated and a decision  
made.

In the interest of openness in respect of application 13/1949M, Councillor  
B Burkhill that he was the Ward Councillor and that he had advised  
residents on the planning procedures but had not expressed a view on the  
proposals.

In the interest of openness in relation to the same application, Councillor D Mahon declared that he was a Ward Councillor and had been to visit the site and spoken to the residents of the property nearest the application but had not expressed a view.

In the interest of openness In respect of the same application and application 13/2103M, Councillor D Stockton declared that he was the Ward Councillor for application 13/2103M and that part of the application site fell within his ward in relation to application 13/1949M, however he had not expressed a view on either of the applications.

In the interest of openness in relation to application 13/2103M, Councillor R West declared that he knew one of the objectors speaking.

It was noted that Members had received correspondence in relation to various applications on the agenda.

**19 MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record.

**20 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**21 13/0932M-GOLF ACADEMY AND DRIVING RANGE, HIGH LEGH GOLF CLUB, WARRINGTON ROAD, CHESHIRE FOR MR A VAUGHAN**

Consideration was given to the above application.

(Councillor S Wilkinson, the Ward Councillor, John Hunt, an objector and Mr Vaughan, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons in the report and in the update to Committee the application be approved subject to the 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 (Hours of use Monday- Friday 9am-9pm Saturday, Sunday and Bank Holidays- 10am-7pm)
10. A12MC - (Hours of floodlighting and berm lighting) Monday- Friday 9am-9pm  
Saturday, Sunday and Bank Holidays- 10am-7pm (March to October only)  
  
Monday- Friday 9am-7pm  
Saturday, Sunday and Bank Holidays- 10am-7pm (November to February only). No additional lighting without approval from the LPA.

11. Floor Floating Details
12. Illumination validation test independently verified before submission
13. Details of Screens and Blockages
14. Details of Berm Mounds
15. Removal of Floodlights on Existing Clubhouse

**22 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**

Consideration was given to the above application.

(Mr O'Neill, an objector and Mr Allen, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to the Planning and Place Shaping Manager in consultation with the Chairman and relevant Ward Councillor for approval subject to the receipt of revised plans showing the removal of the front porch to allow adequate space between the development and highway and subject to the 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

(The meeting adjourned for a short break).

**23 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**

(During consideration of the application, Councillor Mrs A Harewood left the meeting and did not return).

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor and James Stewart, the Managing Director of the Hotel attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused 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

**24 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, DEVERE HOTELS & LEISURE**

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reasons:-

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

**25 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**

This item was taken off the agenda in order to address issues raised on the site visit. Members were informed it would be considered at a future meeting of the Committee.

**26 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**

Consideration was given to the above application.

(Mrs Wilson, representing the Applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update 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 - Details and samples of materials to be submitted and approved prior to use of facing materials. Requirement for the roof colour/materials to be sympathetic to the existing building. (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. No development until tennis courts made available for use
5. Community Use Scheme
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. In accordance with Great Crested Newt Appraisal
9. A01LS - Landscaping - submission of details
10. A02LS - Submission of landscaping scheme
11. Arboricultural Impact Assessment A05TR Arboricultural method statement & tree protection
12. New access to be one way and include signage to indicate this.

**27 13/2082M-REPLACEMENT OF EXISTING FOOTBALL PITCH AND PROVISION OF TWO NEW MINI FOOTBALL PITCHES AND ASSOCIATED FACILITIES INCLUDING ADDITIONAL CAR PARKING AND MUTI-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**

(Councillor D A Neilson left the meeting briefly during the introduction of the application and returned).

Consideration was given to the above application.

(Councillor K Edwards spoke in respect of the application as a visiting Councillor and not as a Member of the Committee).

**RESOLVED**

That for the reasons set out in the report and in the 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. Site to be locked after hours
4. Hours of use of floodlights/pitches
5. No lighting on football pitches
6. Sport England - Design of MUGA
7. A06TR - Levels survey

8. A14TR - Protection of existing hedges
9. Surface water drainage scheme

(Prior to consideration of the following item, Councillor D Neilson left the meeting and did not return).

**28 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**

Consideration was given to the above application.

(Mr Barlow, an objector 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. 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
12. Water pumps only to be operated/on between 7am and 9pm- Monday-Sunday and shall not be operated at any time outside of these hours.
13. Screening/housing of irrigation tank as detailed on approved plans.

14. Management plan for service yard and maintenance strip adjacent boundary fence (the area between the fencing shown on the approved plans and the site boundary shared with properties on Manchester Road, Sefton Drive and Carlton Avenue) to be submitted to and approved by the LPA within 3 months of the date of this permission. The management plan shall detail how the areas within the service yard and maintenance strip shall be maintained, including the management of any site waste within those areas.

The meeting commenced at 2.00 pm and concluded at 7.30 pm

Councillor R West (Chairman)

Application No: 13/2210M

Location: MEADOW HEY, BOLLIN HILL, PRESTBURY, SK10 4BS

Proposal: Proposed construction of 2 pairs of split level semi-detached dwellings with associated parking and landscape works.

Applicant: Mr J Clarkson, BRADLEY EDGE LLP

Expiry Date: 23-Jul-2013

**Date Report Prepared:** 16 August 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions

#### **MAIN ISSUES:**

- The principle of the development;
- The design of the scheme and its affect on the charter and appearance of the area;
- Highway access, parking and pedestrian safety;
- Protection of existing trees, landscaping and ecology implications; and
- Residential Amenity.

#### **REASON FOR REPORT**

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

- Over-development of the site, replacing a single dwelling with four homes;
- The modern design is out of character with its immediate neighbours and surroundings, there also being a complete absence of semi-detached properties in the area;
- The filling in and/or diversion of a pre-existing pool as part of the site's complete clearance has already resulted in flooding of the land/garden at the bottom of the precipice, and is in an area with a number of such natural springs/ponds;
- Replacing the former single access with four separate entrances/exits;
- Road safety and obstruction of the highway issues - the number of parking spaces would increase from three to twelve, with vehicles parked in tandem rather than abreast, resulting in excessive and hazardous manoeuvring and parking on the road/footway, endangering road/footway users, and impeding access to the Willowmead estate;
- Bollin Hill is a narrow access road totally unsuitable for accommodating the requirements of 5 above;
- The four bedroom houses would each have only a single flat-roofed garage. The requirement is for a smaller number of accommodation units with proper on-site parking and garaging;

- The technical feasibility of the substantial excavation works envisaged on the precipice area is unproven, and could well exacerbate the flooding already caused by site clearance works as well as endangering the wetland habitat below; and
- A less intensive proposal is required.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site was formally occupied by a large detached dwelling known as Meadow Hey. This property was demolished in 2013.

The application site is 0.24ha (0.6acres) and is orientated East to West with the Western boundary fronting Bollin Hill and East overlooking the Bollin Valley. There is a large, relatively flat plateau following the frontage of Bollin Hill. Beyond this the land drops towards the Bollin Valley.

The application site is with a 'Predominately Residential Area' within the village envelope of Prestbury. The application site is not within a low density housing area as defined by the Local Plan.

The immediate area is characterised by large detached dwellings fronting onto Bollin Hill in a liner patten with large gardens. The density of housing in the area does increase to the south of the site. There are quite high densities in the Prestbury Village Conservation Area and in a few nearby developments such as Bollin Mews and The Shirleys, but consistently low densities by suburban residential standards in the vast majority of the parish.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for the '*Erection of 4 dwellings*' comprised of two pairs of semi-detached dwellings, each with an attached single garage. There would be 3 levels of accommodation; Lower Ground, Ground and First Floor. The front of the houses would appear as 2 storey and the rear as 3 storey due to the change in ground level.

## **RELEVANT HISTORY**

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

- Planning Permission was granted in July 2012 for the Demolition of existing dwelling and erection of two new dwellings, under reference 12/1223M. This was a resubmission; and
- Prior Notification was approved in May 2013 for the demolition of the existing property, under reference 13/1435M.

There is no other relevant planning history for the site.

## **POLICIES**

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

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

## **Local Plan Policy:**

The application site lies within 'Predominately Residential Area' in Prestbury, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy BE1: Design Guidance;
- Policy NE11: Nature Conservation;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light and Privacy; and
- Policy DC41: Infill Housing Development or Redevelopment.

## **Other Material Considerations**

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

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

## **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPG is relevant and has been included in the Local Development Scheme, with the intention to retain this document as 'guidance' for local planning purposes.

- Prestbury Supplementary Planning Document - Prestbury Village Design Statement (adopted 2007)

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

**Highways:** No objection subject to conditions.

**Environmental Health:** No objection subject to conditions.

**United Utilities:** No objection.

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

**Prestbury Parish Council:** The Committee object to this application on the grounds that the design is out of character with the area as specified in the Village Design Statement and contrary to BE1. It is also an overdevelopment of the site. Traffic and parking would be a problem as there is four accesses on a busy narrow road and on a severe bend. There is concern about the removal of the hedge which is referred to in the Village Design Statement and contrary to DC11. They also have concerns that there appears to be a natural spring on the site and where this would be diverted to?

### **REPRESENTATIONS**

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly.

Five letters of objections were received from neighbouring residents and one letter of objection was received from the Prestbury Amenity Society. Their comment can be summarised as follows: -

- The designs of the properties are out of character as stated in Prestbury Village design statement;
- There is an over-development of the site;
- There is not adequate parking space on the site for this number of properties;
- Cars will inevitably result in parking on Bollin Hill. Motorists' and pedestrians' safety will be jeopardized;
- We want the hedge protected. The hedge will be damaged by this proposed application and it is a feature of the area. The hedge needs to be retained intact;
- We are concerned about the natural spring and to where it will be diverted and the potential impact, damage to and flooding to neighbouring properties;
- The flat roofs on the garages are not of a design which is in keeping with the other properties on Bollin Hill; and
- Flat roofed garages leave open the possibility of further development above the garages.

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

In addition to the plans the following detailed reports were submitted with the application:-

- Design and Access Statement;
- Planning Statement;
- Arboricultural Report;
- Tree Protection Plan;
- Ecology Statement; and
- Protected Species Survey.

### **OFFICER APPRAISAL**

**The principle of the development:**

The application site lies within the village envelope of Prestbury and is allocated as Predominantly Residential Area and is not subject to any other designation. The proposed site is considered as previously developed and to be in line with Policy H5 of the Local Plan and paragraph 14 of the NPPF as the site utilises a predominantly brownfield site, within a recognised urban settlement in a sustainable location. The definition of previously developed land excludes private residential garden areas and therefore the garden area of the site is not classed as previously developed.

The planning history of this site demonstrates that the principle of the demolition of a single house and the erection of a replacement dwelling (10/3982M) or the erection of 2 dwellings (12/1223M) is acceptable in principle.

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. Therefore, whilst the principle of residential development on this site is acceptable, development on this site should be assessed against any harm cause to the character or appearance of the area or any other harm.

**Character and Appearance of the area:**

The application site lies in a residential area characterised by dwellings of individual design standing in relatively spacious plots. Generally the dwellings are near the road with lengthy back gardens laid out both formally and informally. Many of the gardens are bounded by mature evergreen hedges and contain a numbers of trees which make an important contribution to the overall pleasantness of the area.

That being said, there are other higher design housing areas in close proximity to the application site and the site is NOT in a designated Low Density Housing Area; Conservation Area; Open Space, nor in any other designated environmentally sensitive location which would suggest that development should be specifically constrained beyond the normal considerations which apply to all new development.

It is accepted that new sites identified in Prestbury are extremely limited. This will inevitably produce greater pressures to increasing densities, whether these are new sites, infill or the proposed demolition of large properties on large plots and their replacement with new houses. It is also accepted that increased demand for existing houses to be overdeveloped or large replacement dwellings 'out-of-proportion' to adjoining properties threatens the character of an area.

Turning to each element that illustrates a character in turn it is considered that the application proposals would not adversely harm the character to such a degree that would warrant a refusal of planning permission.

Density:

Amount: The extant permission on the site provides 4,530sqft (421m<sup>2</sup>) of gross floor space over two units. This application provides 4520sqft (420m<sup>2</sup>) of gross floor space over four units. This is comparable to the extant permission.

Layout:

*Scale:* The proposed ridge levels of the new dwellings will be lower than the former property, Meadow Hey, by 600mm and would be 800mm lower than the neighbouring property of Doune Cottage. In addition, given the dormer nature of the front elevation, the eaves level will be much lower than the extant approval.

Appearance:

*Garaging:* The garages have been design with flat roof and set back from the dwelling frontages. They have also been set into the site. The garages will not be highly visible from the road and they also increase the separation distances between the dwellings. This will also aid views over the Bollin Valley.

*Semi-detached houses:* Whilst there is a predominance of detached houses or bungalows in this area, the introduction of semi-detached houses is not necessarily out of character or inappropriate. The pair of semi-detached dwellings have been designed to have the appearance of detached dwelling and are not dissimilar in height, scale, massing and bulk to the approved two detached houses on the site, or the surrounding properties.

*Streetscene:* Whilst it is regrettable that parts of the front boundary hedge will be lost to form the new pedestrian and vehicle accesses, this removal is not considered to have a detrimental effect on the character or appearance of the street scene. The pluralification of access drives could be argued would negatively impact on the character of an area. However, within the immediately area there are examples of multiple driveways on a similar roadside to that of the application site.

Therefore, whilst the concerns of the local residents and Parish Council are fully understandable and although the scheme will introduce a higher density scheme in the area, this in itself is not considered to harm the character of the area.

**Highway access, parking and pedestrian safety:**

The proposed layout incorporates four separate access drives to each property. The properties will have an attached single garage, and two off-street parking spaces. This level of parking provision accords with parking standards.

During the determination of the application, revised plans have been submitted that that indicates an acceptable visibility splay from each driveway. This level of visibility is acceptable given the speed limit on Bollin Way. This will result in the loss of the majority of the hedge.

The scheme also now provides driveway area turning area for cars within each property, so that cars have the ability to enter and exit the dwellings in a forward gear. It is acknowledged that whilst this increased hardstanding is provided, there is the likelihood that cars may still reverse out of the driveways. That is not, however, a reason to refuse planning permission.

Whilst we appreciate the concern by residents regarding highway access, parking and pedestrian safety issues. The scheme accords with the Council's highway standards and the Council Highways Section have no objections subject to condition providing the visibility splay described above.

**Protection of existing trees, landscaping and ecology implications;**

An Arboricultural Statement and a Tree Protection Plan are submitted with the application and these have informed the proposal and the landscape scheme. There should be no direct implications in respect of the identified trees to be retained. There requirements in terms of root preservation should not be compromised by development.

The loss of the hedge fronting Bollin Way can be mitigated as part of a specimen planting scheme. The Council's Tree Officer has confirmed that no formal protection of a hedge under the 1997 hedgerow regulations can be considered where such a feature forms part of a domestic garden.

The proposals will comply with Policy DC9 of the Macclesfield Borough Local Plan.

A detailed landscaping scheme has been submitted in support of the application. The Landscape Officer wishes to revisit the site, particularly to consider the alterations to ground levels and the boundary treatments. Additional views will be provided to Members within an update report.

In relation to protected species, a bat and badger surveys have been undertaken at this site in 2010. The house on site has now been demolished and so no further bat surveys are required. The badger survey was considered to be out-of-date and consequently an updated one was submitted, which shows no evidence of active badgers on the application site, although they do continue to be present off site.

In relation to habitats, the slope to the east of the proposed properties supported woodland habitats which included a number of ground flora species characteristic of established woodlands; however most of the trees on the slope have now been removed. Conditions are suggested to ensure that the woodland ground flora species located on the slope at the rear are removed and replanted elsewhere.

The Council's Nature Conservation Officer does not object to the scheme as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

**Residential Amenity:**

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet. The proposed development is considered to comply with these guidelines.

The Environmental Health Service has considered the application and raises no objection subject to a condition requiring the hours of demolition, construction and deliveries of the site to be restricted.

For the reasons outlined above and subject to the specified conditions it is not considered that the proposed dwellinghouses would have a detrimental effect on the amenity of neighbouring properties or one another and therefore would comply with policies DC3, DC38 and DC41 of the Local Plan.

**Other Material Considerations:**

Two spring points have been identified towards the base of the slope of the site. It should be noted that no spring points have been identified on the plateau level above the slope. The former pond was a manmade feature with a formed clay and stone base, this being fed by land drains from the surrounding former lawn and landscaped areas. Bearing the above in mind and due to the topography of the site, additional information was requested that outline how the physical works would be undertaken. The developer has stated that the works programme would consist of the following: -

- Kill weeds with approved herbicide spray and remove all arisings;
- Remove all branches and twig debris to achieve a clean soil surface area;
- Lay land drain pipes from the spring points in clean stone trenches. Land drain pipes to lead to the former mill race water course at the base of the slope;
- Along the 114 contour level, construct a gabion wall to 1.0m high up to the 115 contour level, all to the alignments shown;
- Set out the profile of the lower grass terraces to make best use of the undulations and natural contouring of the existing slope;
- Use a system of tanalised timber boards and scaffold pole 'pegs' to create an interlocking ladder of ground reinforcement to receive subsoil up to 600mm deep;
- Lay sub-soil into the reinforced ground to smooth flowing lines. All to achieve level areas within the lower garden areas.
- Lay a geoweb membrane on top of the reinforced subsoil layer and peg in place with steel reinforcing bar
- Supply and lay a screeded topsoil into the geoweb to form a firm layer suitable for turfing; and
- Supply and lay turf and peg in place.

The Council's Highways Drainage Section, United Utilities and Building Control Section have raised no objections to the details of the scheme.

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

The concerns of the Parish Council and local residents are understandable given that this proposal represents an increased density of housing on the site from a single dwelling to four. It is understandable that this type of development raises concerns in respect of highway safety, the character and appearance of the area and the other factors considered in the report.

However, this proposal accords with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework

is clear that proposals for development that are in accordance with the development plan should be approved without delay.

Whilst the development provides 4 semi-detached dwellings on the site, the built form and mass of the buildings is very similar to the impact of the extant planning permission for 2 detached dwellings. The technical issues of highway safety have been addressed through the provision of adequate visibility splays.

The proposal will not harm the living conditions of adjoining property and concerns around drainage and land levels have been addressed.

There are no landscaping or ecological issues providing an impediment to planning permission.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The application is recommended for approval subject to conditions, in advance of the views from our Landscape Officer, which will be provided to Members within an update report.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (Visibility splays)
3. A02EX - Submission of samples of building materials
4. A22GR - Protection from noise during construction (hours of construction/deliveries restricted)
5. A02HA - Construction of access
6. A23MC - Details of ground levels to be submitted
7. Restriction on hours of Pile Driving
8. Visibility splays 2.0m x 4.3m for each driveway.
9. Pedestrian visibility splays 2.0m x 2.0m at each entrance
10. Works to Trees in full accordance with Cheshire Woodlands Arboricultural Statement
11. Protected Species Mitigation
12. Prior to the commencement of development, submission & approval of a scheme for the translocation of the Bluebell bulbs

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Application No: 13/1236M  
Location: SPINNEY END, CHELFORD ROAD, KNUTSFORD, WA16 8LY  
Proposal: Retention of Tree House  
Applicant: Haddow  
Expiry Date: 20-May-2013

**Date Report Prepared:** 14 August 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

- The main issue is the effect of the tree house on the general living conditions of people living in the surrounding area by reason of loss of privacy and outlook, noise and disturbance and light intrusions.

#### **REASON FOR REPORT**

The application has been referred to Northern Planning Committee at the discretion of the Northern Area Manager.

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

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

The site comprises Spinney End, a large property that has been extended over the years; the house adjoins the neighbouring property to the east. The property has a paved area to the front of the house and a detached garage and summer room set to the west of the property. The house sits amidst mature secluded gardens with a wooded back drop; the grounds extend to over two thirds of an acre. Access to the property is from a long private drive to Chelford Road.

The site is located within a Predominantly Residential Area and the Legh Road Conservation Area.

#### **DETAILS OF PROPOSAL**

This application is retrospective. The applicant has stated that they erected the structure within their garden under the misapprehension that it was permitted development. As the

structure exceeded the height limitations for permitted development, this application seeks to regularise the building.

The tree house is located in the large rear garden of a dwelling Spinney End, to the North. Whilst it would stand between two attractive mature trees, it is an independent structure, not attached or supported in any way by the trees.

The tree house is located some 30m to the south of Spinney End at the bottom of their garden. It would stand the following distances from the boundaries of the plot of Spinney End: about 6.5m from the rear boundary with No. 3 (Walmer Cottage) Green Acre Close; 2.2m from the west side boundary with the rear garden of Cherry Trees that adjoins Spinney End and approx 10m for the east side boundary. To the south of the application site lies, there is a cul-de-sac of five dwellings known as Green Acre Close, off Parkfield Road. Three of the closest of the properties of Green Acre Close to the application site have raised objections to the scheme, Nos. 2, 3 and 4. To the south of the site is the rear garden of Keisley, a property that faces Parkfield Road. This property has also raised objections.

The proposal comprises of three timber platforms with a timber house, measuring about 4.5 metres to the ridge and 1.8m wide, siting on the lower and middle platform. The lower platform starts with steps from ground level rising to about 0.9m from the ground. This then rises again with a second set of steps to a level platform about 2.1m above ground level. This level is where the timber house is accessed and there is also a 'firemans' pole', cargo net and slide to ground level. The third platform is situated to the east and is access via a rope bridge. The third platform is 2.1m above ground level and there is a climbing wall attached to the north. Below this platform is a 'jail'.

The tree house forms a centre piece to a newly completed pebbled playground area, which includes swings, trampoline, sandpit and summer house. However, these elements do not require planning permission.

## **RELEVANT HISTORY**

There is no relevant planning history on this site.

## **POLICIES**

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

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

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

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

### **Local Plan Policy:**

The application site lies within a Predominantly Residential Area, within an Area of Special County Value and within the Legh Road Conservation Area, therefore the relevant Macclesfield Local Plan policies are considered to be: -

Policy NE1: Landscape Protection and Enhancement;

Policy BE1: Design Guidance;

Policy BE3: Development must preserve or enhance the Conservation Area;

Policy BE13: Legh Road Conservation Area, Knutsford;

Policy DC1: Design – New Build;

Policy DC2: Design – Extensions and Alterations;

Policy DC3: Amenity;

Policy DC6: Circulation and Access; and

Policy DC9: Tree Protection.

### **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.

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

None – due to the nature of the application.

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

**Knutsford Town Council:** If the tree house does not affect the privacy of adjacent properties, have no objections.

### **REPRESENTATIONS**

Objections to the scheme have been made by Leith Planning Ltd on behalf of the local residents at Nos. 2, 3 and 4 Green Acre Close and Keisley, Parkfield Road.

These neighbours believe that the proposed development is far from an innocuous amenity for children, it is injurious, harmful and offensive. It is an engineered, large, elevated structure built on the boundary of the property with no regard for the residential amenity of neighbours. As a small children play structure it is unacceptable, when compounded by illumination and use by adults late in the evening it moves into the realms of offensive.

They have requested that the application be refused for the following reason: -

1. The tree house by reason of its scale and height would be an obtrusive and incongruous feature detrimental to the character of the Legh Road Conservation Area and the setting of neighbouring properties, contrary to policy BE13 of the adopted Macclesfield Local Plan (2004). Furthermore, if approved, it would set an unwelcome precedent for similarly large structures in rear gardens, within the Legh Road Conservation Area and Area of Special County Value.
2. The tree house and associated raised platform would, by way of its height, permit views into the amenity space of neighbouring dwellings to the south. The resulting overlooking and perception of overlooking are considered to be harmful to the amenity space of neighbouring dwellings, along with the impact of noise associated with increased activity; contrary to the policy H13 of the adopted Macclesfield Local Plan (2004).

The objection letter also references other planning issues such as:

- Interpretation of Development Plan Policies;
- Government Advice and Local Plan Policy;
- Principle of Development;
- Localism Agenda;
- Procedural Matters;
- Similar Applications;
- Lack of a Conservation Application;
- Lack of Arbicultural Survey;
- Lack of Ecological Survey
- Comments on Landscape Scheme/Boundary Treatment;
- Comments on Lighting
- Suggested Conditions; and
- Question whether the New Summerhouse is PD.

The amendments to the scheme have been shared with the neighbours and they have stated that the revisions to the plan have done little to alleviate their concerns. They believe that the development is still in breach of the referable provisions of the development plan as detailed above. The tree house and associated raised platform would still, by way of its height (in certain areas, increased height), permit views into the amenity space of neighbouring dwellings to the south, as comprehensively detailed in our Objection Submission (dated 26/04/2013). The resultant overlooking and perception of overlooking are considered to be harmful to the amenity space of neighbouring dwellings, along with the impact of noise associated with increased activity; despite the additional screening provision proposed on the revised plans.

Additionally, it is noted that the revised plan proposes an additional 'timber ballustrade to form battlement of castle feature'. This proposed feature will increase the height of the eastern element of the Tree House, in a location adjacent to the boundary of the curtilage. It is considered unreasonable that under circumstances where we would expect mitigating changes to the plans, the applicant has further heightened the proposal, in turn, increasing the impact on the amenity of neighbouring properties.

In light of the above, we would ask that the application be refused and the tree house be removed, in circumstances where the applicant appears to offer little mitigation.

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **Determination:**

During the course of the application, officers did seek to negotiate a solution that would be acceptable to all parties, the applicant and the neighbours. Whilst this was unsuccessful, the applicant did confirm the following:

*The reason behind the height of the platforms:* The platform was set at the current height as it allowed play equipment to be stored underneath. The height was also chosen as it meant children could pass underneath the tree house without the risk of banging their head and sustaining an injury, a serious health and safety implication.

*Willingness to reduce the height of the platforms:* Reducing the height of the platform would have serious implications; it is really the last thing the applicant would like to amend.

*Removal of the lighting:* The applicant is prepared to remove the lighting from the treehouse although they do not feel it is required as the lighting is very low voltage and does not emit a strong or glaring light.

*Willingness to move the structure further into the centre of the garden or remove elements that are closest to the rear boundary:* The applicant has stated that this is not possible. The structure is based around a tree, therefore to move the structure would require moving 2 x mature trees! Additional boundary planting is something they will happily complete if it keeps everybody happy.

## **OFFICER APPRAISAL**

### **The Principle of the development:**

The erection of detached buildings/structures within the residential curtilage of houses can be acceptable in principle subject to the scale and appearance of the building/structure and compliance with other relevant policies.

### **Character and Appearance of the Conservation Area:**

The Legh Road area is characterised by large houses of interesting and individual design set in spacious grounds with mature planting. Existing mature planting and frontage enclosures are important features of the Conservation Area and their retention is essential if the character of the area is to be preserved.

The tree House is a well designed rustic structure. Although its upper parts can be seen from the rear gardens of neighbouring properties, the backdrop of trees and other garden

vegetation, with the use of natural materials have helped to assimilate the structure into the surroundings. It is considered that the structure is not unduly prominent or intrusive and due to its organic material and rustic picturesque form are consistent with the spacious grounds of Legh Road. The Council's Conservation officer has no objections to the scheme. It is therefore considered to preserve the Character and Appearance of the Conservation Area.

**Residential Amenity (*loss of privacy and outlook*):**

Cherry Tress would be located about 28m from the tree house. The views of the people inside that house would be reduced significantly by that distance. It is accepted that the tree house is in close proximity to the bottom on the garden to Gerry Trees and this area of the rear garden can be overlooked. However with additional boundary tree planting this can be mitigated. It is noted that Cherry trees have not objected to the tree house. 4 Green Acre Close would be in the region of 40m from the tree house. The occupiers of No.4 would not suffer a material loss of privacy, having regard to that distance and the acute angle of views from the Tree House towards the first floor windows in that building. The front windows of 2 Green Acre Close would look directly at the tree house. However they are over 40m from the tree house which would substantially reduce any views into the house from the tree house. View of the tree house from No.2 would be partially blocked by No.3. The property known as Keisley, Parkfield Road would be located about 70m from the tree house. The views of the people inside that house would be reduced significantly by that distance.

Amendments to the scheme have been secure which additional screening, in the form of 1.5m castle battlement style screen to the third platform to block views out of the platform. This would mitigate any loss of privacy to Cherry Trees, the east portion of the garden and windows to No. 3 and No. 4 Green Acre Close.

The views into all the rear gardens of Cherry Trees, 2 and 4 Green Acre Close and Keisley in the surrounding area would be substantially reduced by distances they are located from the tree house, the existing boundary treatments and mature trees on the appeal site from those properties. Additionally, for much of the year, the existing trees and shrubs growing between the tree house and those properties would screen those views. The retention of the tree house would not harm the amenities of the people living in Cherry Trees, 2 and 4 Green Acre Close and Keisley by reason of loss of privacy and outlook.

The tree house platforms are at a raised level higher than the intervening boundary fence so that its elevated position and proximity to the boundary allows views into an extensive part of the neighbouring garden and windows on No. 3 Green Acre Close. No. 3 is approx 13m from the tree house. The tree canopy would significantly obscure views for the majority of the year. From a usage point of view, it is likely to be a summer play area and less used in the autumn and winter months when the leaves have dropped. A semi mature evergreen hedge, 3 to 3.5m high has been planted on the boundary between the tree house and No. 3. The applicant has agreed to continue that planting along that boundary. It is considered that the additional planting would mitigate the loss of privacy from overlooking to a significant degree, and sufficiently so to make the development acceptable and compliant with policy DC3 of the Local Plan.

**Residential Amenity (*noise and disturbance*):**

Some of the activities associated with the tree house could be noisy. However the distances the tree house would stand from 2 and 4 Green Acre Close and Keisley on Parkfield Road would attenuate the sound levels emanating from the structure substantially. The noisiest activities would not be heard by people whilst indoors and would be highly unlikely to be at a level which would disturb people relaxing in these gardens.

It is accepted that due to the close proximity of no. 3 Green Acre Close, this property would hear the most noise when the tree house is in use. However, noise from children playing on the tree house or in the garden or on any of the other play equipment in the play area would be indistinguishable. There is no way that disturbance of this sort can be effectively mitigated by acoustical measures, and it is unrealistic and unreasonable for the Council to condition that the tree house is used at certain times.

**Residential Amenity (light intrusions):**

It is considered that lighting emanating from the tree house during the hours of darkness would be out of keeping with the rustic character of large gardens. It would be visually intrusive, particularly at the times of the year when the trees and shrubs have shed their leaves. It would not preserve and enhance the character and appearance of the Conservation Area. It should be noted that garden lighting could be used without planning permission but there is specific concern about the level of lighting illuminating the structure. A condition is suggested to remove these lights to prevent this harm.

**Impact on trees:**

Although no Arbicultural Survey was submitted with the application, as the Tree House is self supported on timber poles and not secured to the tree (Cedar), it is considered that there is no evidence that would suggest any substantial physiological harm to the tree. The tree is also afforded pre-emptive protection by virtue of its location within the Knutsford Legh Road Conservation Area. The Council's tree officer has raised no objections to the scheme. It is therefore considered that the impact upon the Conservation Area in terms of the trees long term contribution to the historical character is not detrimentally affected by the tree house. The proposal is in accordance with policy DC9 of the Local Plan which seeks the retention of trees worthy of protection and of amenity value.

**Highways:**

There are no highways issues in relation to the proposal. The tree house is to be used by existing occupiers of the site and will not generate additional traffic movements.

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

Whilst the comments of neighbours are duly considered, the retention of the tree house would not cause undue harm to the living conditions of the occupiers of Cherry Trees, 2 and 4 Green Acre Close and Keisley by reason of loss of privacy and outlook, noise and disturbance and light intrusions. Sufficient mitigation has been provided that would alleviate any significant loss of amenity to the Occupiers of No. 3 Green Acre Close.

Subject to the recommended conditions the development proposal complies with the relevant policies of the Macclesfield Borough Local Plan. The amenity of neighbours will be adequately safeguarded to comply with policy DC3 of the Local Plan and one of the core planning principles of the NPPF. The character and appearance of the Conservation Area is preserved in accordance with Local Plan policy BE3 and chapter 12 of the NPPF.

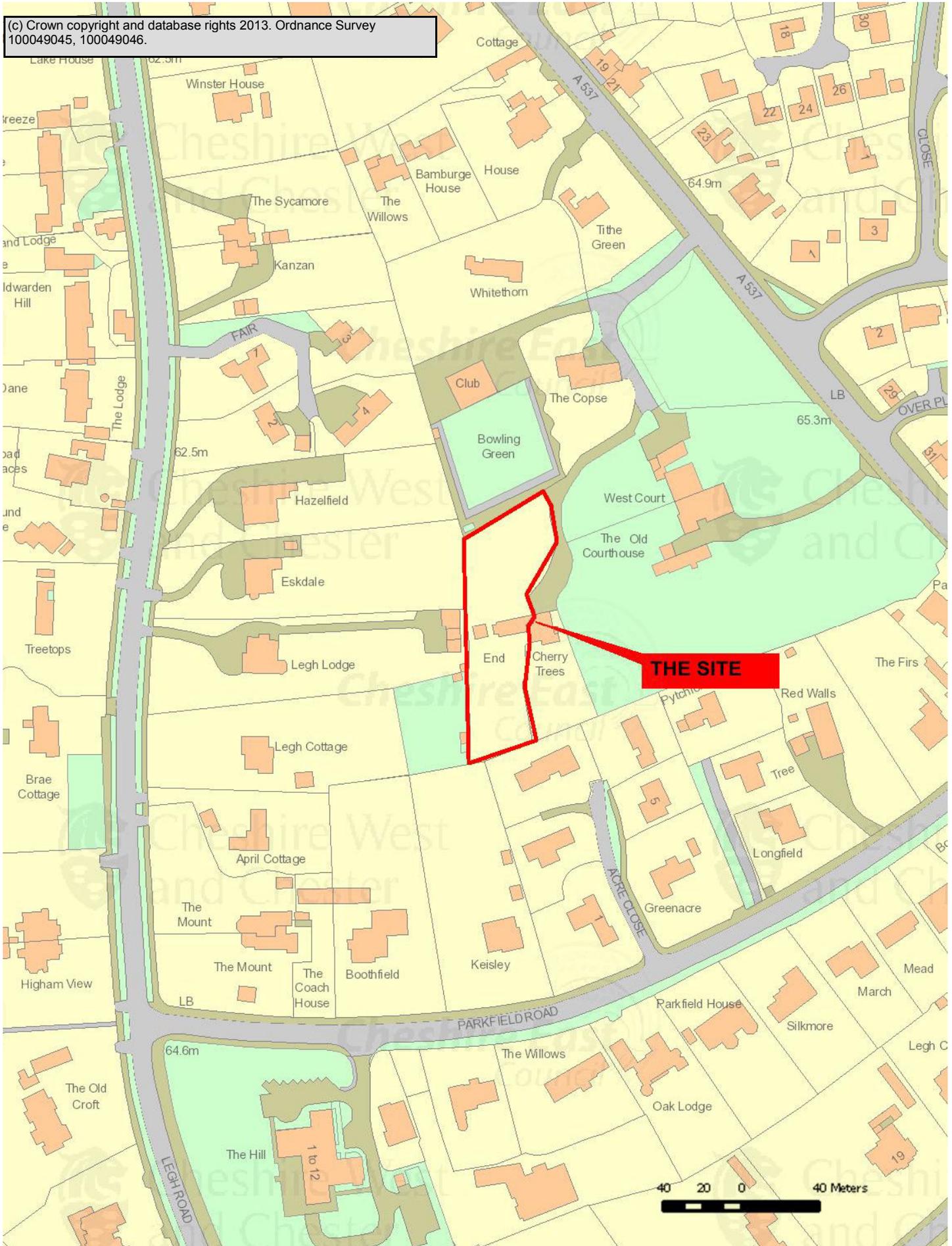
The application is therefore recommended for approval subject to conditions.

Application for Householder

RECOMMENDATION: Approve subject to conditions

1. A01AP - Development in accord with approved plans
2. Additional screening/planting to be completed within 2 months and retained thereafter
3. Remove of lighting within 2 months
4. No additional external lighting

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Application No: 13/1259M

Location: LAND TO THE REAR OF OAK PARK, HEYES LANE, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7JY

Proposal: Erection of 4 detached dwellings, extension of existing drive and provision of turning area

Applicant: Mr Stephen Price, Cheshire Housebuilders Limited

Expiry Date: 16-May-2013

**Date report prepared:** 15 August 2013

**SUMMARY RECOMMENDATION**

Approve

**MAIN ISSUES**

- Principle of the development and loss of open space
- Impact upon the character of the area
- Impact upon the amenity of neighbouring properties
- Impact upon trees of amenity value

**REASON FOR REPORT**

The local ward member, Cllr Keegan, has called in the application citing loss of open space and impact upon neighbouring properties as his reasons.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises land that was formerly used as the bowling green to the public house that previously occupied the land between the site and Heyes Lane. The site is currently being used as a contractor's compound in association with the development of the 6 dwellings at the front of the site. The site is located within a Predominantly Residential Area as identified in the MBLP.

**DETAILS OF PROPOSAL**

This application seeks full planning permission to erect four detached dwellings, the extension of the existing driveway and the provision of a turning area.

**RELEVANT HISTORY**

02/2967P – Change of use of an existing public house to form 8 apartments and the erection of a new building containing 16 apartments together with the formation of new car parking and new open space – Refused 05.02.2003, Appeal dismissed 29.06.2004

11/1111M - Full Planning Permission for the Replacement of the Royal Oak Public House (A4 Use) by 4 Semi-Detached and 1 Detached Dwellings (C3 Use) – Approved 22.06.2011

12/0862M - Erection of 4-bedroom detached dwelling with detached double garage (Plot 6) – Approved 27.04.2012

12/1001M - Non-Material Amendment of 11/1111M - Replace of The Royal Oak Public House (A4 Use) by 4 Semi Detached and 1 Detached Dwellings (C3 Use) for Diversion of an Existing Culverted Watercourse and for its Construction as an Open Channel – Approved 30.03.2012

12/4784M - Variation of condition 2 to substitute the list of approved plans with revised drawings in order to secure approval for minor material amendments to approved scheme Planning Application 12/0862M. Erection of 4 bedroom detached dwelling with detached double garage (Plot 6) – Not yet determined

## **POLICIES**

### **Local Plan Policy**

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

### **Other Material Considerations**

National Planning Policy Framework

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

Manchester Airport – No safeguarding objections

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

Environmental Health – No objections subject to conditions relating to hours / method of construction and contaminated land

Strategic Highways Manager – No objections

Greenspaces – Comments not received at time of report preparation

Environment Agency - No objections in principle to the proposed development and no comments to make.

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

Alderley Edge Parish Council - The Parish Council recommends refusal on the following grounds:-

- a) The development would eradicate the open space which was protected in the Macclesfield Borough Local Plan.
- b) The open space argument was upheld by an Inspector at the Appeal into the Refusal to deny permission to St Mowden to use the open space.
- c) It would be perverse for an Inspector's decision to refuse permission to be overturned by an application which would be a gross overdevelopment of the site, leading to unneighbourly development.
- d) Further development would be an overdevelopment of the site, leading to unneighbourly intrusion into residential properties in Beaufort Close.

## **OTHER REPRESENTATIONS**

13 letters have been received from local residents on Heyes Lane, Devonshire Drive and Beaufort Close, and the Edge Association objecting to the proposal on the following grounds:

- Height and size of properties inconsistent with properties on Devonshire Drive and Beaufort Close.
- Loss of outlook / overbearing
- Loss of privacy
- Loss of sunlight / daylight
- Separation distances below those in local plan
- Land is designated open space
- Over development
- Impact on culvert
- Existing access could be used for use of land as open space
- No evidence that existing drains will cope
- Highways impact
- Impact on wildlife
- Drainage ditch has been infilled
- Levels have been increased on site

3 letters of support have been received from local residents on Heyes Lane noting:

- Development will complement cul-de-sac
- Trees are unaffected
- In keeping with area

- If refused, land will become disused impacting on local amenity
- Preferable to other potential uses
- Houses will bring more wildlife
- More family housing in village
- Not been used as a bowling green for a long time

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an open space assessment, design and access statement, schedule of materials, arboricultural statement, biodiversity statement, bat survey and a planning statement.

The planning statement concludes:

- Bowling green designation downgraded to amenity area for public house
- Pub now replaced by 6 houses
- Function of amenity space now lost
- No requirement to compensate for loss of bowling green
- Existing 6 houses have removed any views of bowling green from public vantage points
- Will not detract from character of the area
- Mature trees are retained
- There remains a need for housing to meet 5 year supply
- Presumption in favour of the development in the Framework
- Sustainable location.
- Site has no residual use or function as open space
- Site is previously developed land

## **OFFICER APPRAISAL**

### **Principle of housing in this location**

Contrary to the applicant's view, it is considered that the site is a greenfield site, and therefore not the first priority for development. However, the site is only 300 metres from Alderley Edge district centre, which is clearly a very short walking distance to its associated shops, services and public transport links, and therefore the site is considered to be in a relatively sustainable location and the principle of a residential use in such a location is accepted.

The Framework states at paragraph 49 that:

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

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

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

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

Paragraph 47 of the Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA. The SHLAA identifies this specific site as “*not currently developable*”, and therefore the site does not form part of the Council’s 5 year supply.

The social role of sustainable development is highlighted in Framework, which recognises the importance of supporting a community’s “health, social and cultural well-being” (paragraph 7). Open space does provide a resource for the community’s health and well-being, and therefore contributes towards sustainability.

### **Open space**

The site is designated as an area of Existing Open Space, surrounded by a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan. The Council’s Open Spaces Summary Report (March 2013) identifies that the site has been downgraded from a bowling green to an amenity area for the pub. However, it is not considered that this is a change to its policy status; rather it is a statement of fact on how the land was used at the time that document was being produced. Furthermore, whilst the land cannot now be used as amenity space to the pub, its policy status remains as open space and must be considered as such.

Paragraph 74 of the Framework states that:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.*

Local plan policy RT1 is considered to be consistent with this national policy only to the extent that it seeks to protect areas of open space from development. However, it is acknowledged that paragraph 74 does allow for circumstances where existing open space may be developed, which are not provided for in RT1, and therefore the application must be considered primarily against paragraph 74. The applicant has sought to demonstrate that one of the exceptions is met.

An open space assessment has been submitted by the applicant which identifies that due to the size of the site and its proximity to residential properties the only possible open space uses of the site are:

- Outdoor sports facilities

- Amenity green space
- Allotments

The Inspector in the 2004 appeal noted that *“Although in my view, the former bowling green could meet an unsatisfied demand for allotments, in the absence of support for that need, I am prepared to accept that it could be considered surplus to requirements for the sport and recreation functions it could perform...”*

#### Outdoor sports facilities

The applicants consider that the site is too small to accommodate the majority of sporting pitches, and those which could be accommodated are already well provided for in Alderley Edge, both in terms of quantity and quality. The site is large enough to accommodate two tennis courts or a bowling green.

Alderley Edge has the following tennis facilities:

- Alderley Edge Tennis Club – 14 courts
- Heyes Lane Tennis Club – 3 courts
- Alderley Edge Park – 4 courts

There is no local or national standard of provision for tennis, and the provision of 21 courts to serve a population of around 5000 is considered to be adequate.

Alderley Edge has the following bowls facilities:

Alderley Edge Union Club – 1 green  
Drum and Monkey Public House – 1 green  
Alderley Edge Park – 1 green

Again there is no current national or local standard for bowling green provision. The applicant states that the 1968 Sport Council standard suggested that 1 bowling green would serve a population of 6,000 people, which would indicate that Alderley Edge is well served by three greens.

#### Amenity Open Space

The applicant notes that the site is not now and never has been a facility with free access to the general public, the only function which it can serve is as a visual amenity. They maintain that the visual function it serves is now significantly reduced by the approved development.

#### Allotments

The applicant has noted that Alderley Edge Parish Council has now taken up the leases for the three allotment sites in Alderley Edge. They note that at a Parish Council meeting in March 2013 a motion was carried to continue to operate the allotment sites at Beech Close and Chorley Hall Lane and to seek approval from the DCLG to convert the Heyes lane allotments into a car park. At the same meeting it was agreed to pursue the creation of a new allotment site a Lydiat Lane. The applicant maintains that due to the position of the Parish Council there is no merit in pursuing this matter any further. They also state that the owners of the land have made it very clear that they have no interest in allowing their land to be used for this purpose.

#### Assessment

The Council's Local Service Centres Open Spaces Summary Report (March 2012) identifies that there is a shortage of outdoor sports facilities and highlights the need for additional junior football pitches in the village. Whilst this document does not highlight any specific issues regarding amenity greenspace, it does highlight a shortage of children's open space provision in Alderley Edge. The report also highlights the need for additional allotments in the area.

It is accepted that outdoor sports options for the site are limited, and that Alderley Edge is well served by the types of facilities a site of this scale could provide for outdoor sports options.

The Inspector in 2004 considered that *"the present combination of private ownership, limited size and proximity to housing limits the functions the bowling green can perform"*. This situation has not changed. Given the proximity to the adjacent allotment site, the provision of additional allotments as an extension to the existing site would be a logical use for the application site as open space. However, whilst there is some suggestion that there is a waiting list for allotments in Alderley Edge, no evidence has been found or submitted by any third party to substantiate this. In fact an email from a resident in one of the recently constructed properties at the front of the site has been received stating that they secured an allotment within days of applying for one. The Inspector in 2004 concluded on this issue: *"although in my view, the former bowling green could meet an unsatisfied demand for allotments, in the absence of support for that need, I am prepared to accept that it could be considered as surplus to requirements for the sport and recreation functions it could perform..."* Therefore, in the absence of evidence to support any unsatisfied demand for allotments, the same approach should be adopted with the current application.

Turning to amenity open space, it is also acknowledged, as explained further below, that the visual function of the site has been reduced following the construction of the new dwellings at the front of the site.

However, amenity open space does include children's open space provision, and as noted above the Council's Local Service Centres Open Spaces Summary Report identifies a shortage of children's play space within Alderley Edge. However, the site is in private ownership, which will inevitably restrict the uses it could be put to. This was acknowledged by the previous Inspector. It is therefore considered that in order to mitigate for the loss of the application site as open space, and to maximise the potential for additional children's play space to be provided to address the shortfall in Alderley Edge, a financial contribution towards enhancing facilities at existing areas is appropriate in this case.

Negotiations regarding the level of contribution required to mitigate for the impact of the development are ongoing, and will be reported to members in an update.

### **Design & character**

The Inspector in the 2002 appeal identified a "strong visual link between the green open area of the former bowling green, the openness of the adjacent allotment site and long distance views towards Alderley Edge." However, whilst it could be said that there is still an open aspect of this nature, this is considered to now derive much more from the allotment site than the application site. The recently constructed dwellings extend further to the rear of the site than the former public house, and whilst there is still a gap between the dwelling on plot 5 and the properties on Devonshire Drive, it has reduced the extent of open space when viewed

from across the allotments, and in doing so it reduced the contribution the former bowling green makes to the visual amenity of the area

The area around the application site, whilst distinctly residential is very varied in built form, and plot size. The proposed dwellings have similar form, scale and detailing to the buildings recently constructed on the adjacent land. The design of the buildings is therefore considered to be acceptable and in keeping with the varied character of this area. The proposal therefore complies with policies BE1, DC1 and DC35 of the Local Plan.

### **Landscape and Trees**

The Arboricultural Officer has been consulted on the proposal and advises that the development can be implemented with the direct loss of a single group (G4) of low value (BS5837:2012 Cat C) trees the loss of which will only have a very minor impact on the amenity of the area. These trees are located to the rear of plot 7, adjacent to the allotment site.

It is noted however that some earlier works on the site have affected ground levels, and impacted on a number of trees both on and off site, which has been highlighted within the submitted Cheshire Woodlands Arboricultural Statement. The majority of these are low value Category C specimens interspersed with moderate value Category B trees. The lowering of ground levels can only be considered to have had a negative impact on the trees.

The social proximity of the retained tree aspect associated with the development is considered acceptable. Recent pruning in the form of 'topping' which does not accord with the requirements of BS3998:2010 has established a degree of openness in respect of the two southern plots adjacent to properties on Devonshire Drive.

Overall, subject to the works being carried out in accordance with the arboricultural statement and tree protection conditions, no significant arboricultural concerns are raised and the proposal complies with policy DC9 of the Local Plan.

The Landscape Officer notes that the "Branching Out" landscape scheme submitted with the application is not acceptable and requires a number of amendments to proposed trees and shrubs to ensure an appropriate setting for the development. If the application is approved it is suggested that a revised landscape scheme is submitted for approval.

### **Amenity**

The application site is bordered by the recently constructed dwellings on plots 5 and 6, and existing residential properties on Beaufort Close and Devonshire Drive. With regard to the relationships with these neighbouring properties:

#### Plot 7

Side facing windows can be obscurely glazed to reduce the impacts upon neighbours to each side. The relationship with plot 10 (opposite) is angled and given the distance between the two properties (22.1 metres) is considered to be acceptable. To the rear plot 7 faces 32 and 34 Beaufort Close. The single-storey garage is approximately 22 metres from the rear of number 32, with the main two-storey rear elevation approximately 25 metres from this property. The main two storey section is shown to be 30 metres from the main rear elevation

of 34 Beaufort Close, and even though this property has a single-storey rear extension, the relationship is considered to be acceptable.

#### Plot 8

Rear facing habitable room windows will come within 22 metres of the rear conservatory of 34 Beaufort Close and 25 metres of the main two storey rear elevation. There is a good degree of intervening vegetation currently on the rear boundary, which, if substantially retained or replaced, will serve to reduce the impact of the proposed development on this neighbour in terms of space, light and privacy. Plots 7 and 8 are due west of 32 and 34 Beaufort Close, and as such there may be some late evening shadowing. However, the extent of this would not be sufficient to justify a refusal of planning permission. The side elevation facing south towards Devonshire Drive comprises windows to non habitable rooms that can be obscurely glazed.

#### Plot 9

The south elevation of plot 9 is approximately 19 metres from the rear of the neighbours on Devonshire Drive, and comprises no windows, thereby meeting the distance guideline of 14 metres in policy DC38.

#### Plot 10

Plot 10 also has a blank gable on its southern elevation facing Devonshire Drive, and as such has an acceptable relationship with surrounding properties.

Therefore the proposal is not considered to have a significantly detrimental impact upon the living conditions of these neighbours, and does comply with policies DC3 and DC38 of the MBLP.

It is however considered to be necessary and reasonable to remove permitted development rights from the proposed dwellings, as any additional windows or built form could have a significantly detrimental impact upon adjacent properties.

#### **Highways**

Revised plans have been submitted during the course of the application to show how a refuse vehicle will enter and leave the site in a forward direction. The proposed dwellings will utilise the access drive that serves two of the previously approved dwellings, and will not be adopted by the highways authority. Adequate parking for each dwelling will be provided within and in front of their respective garages. The Strategic Highways Manager has assessed this application and raises no objections. No highway safety issues are therefore raised.

#### **Ecology**

The submitted bat survey identified that none of the trees on the site had significant bat roosting potential, and the biodiversity statement recommends the erection of bird and bat boxes and additional native hedge planting. The Nature Conservation officer has commented on the proposal and does not anticipate there to be any significant ecological issues associated with the proposed development. Conditions requiring the implementation of the proposed biodiversity enhancement works are recommended. The proposal therefore complies with policy NE11 of the Local Plan.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

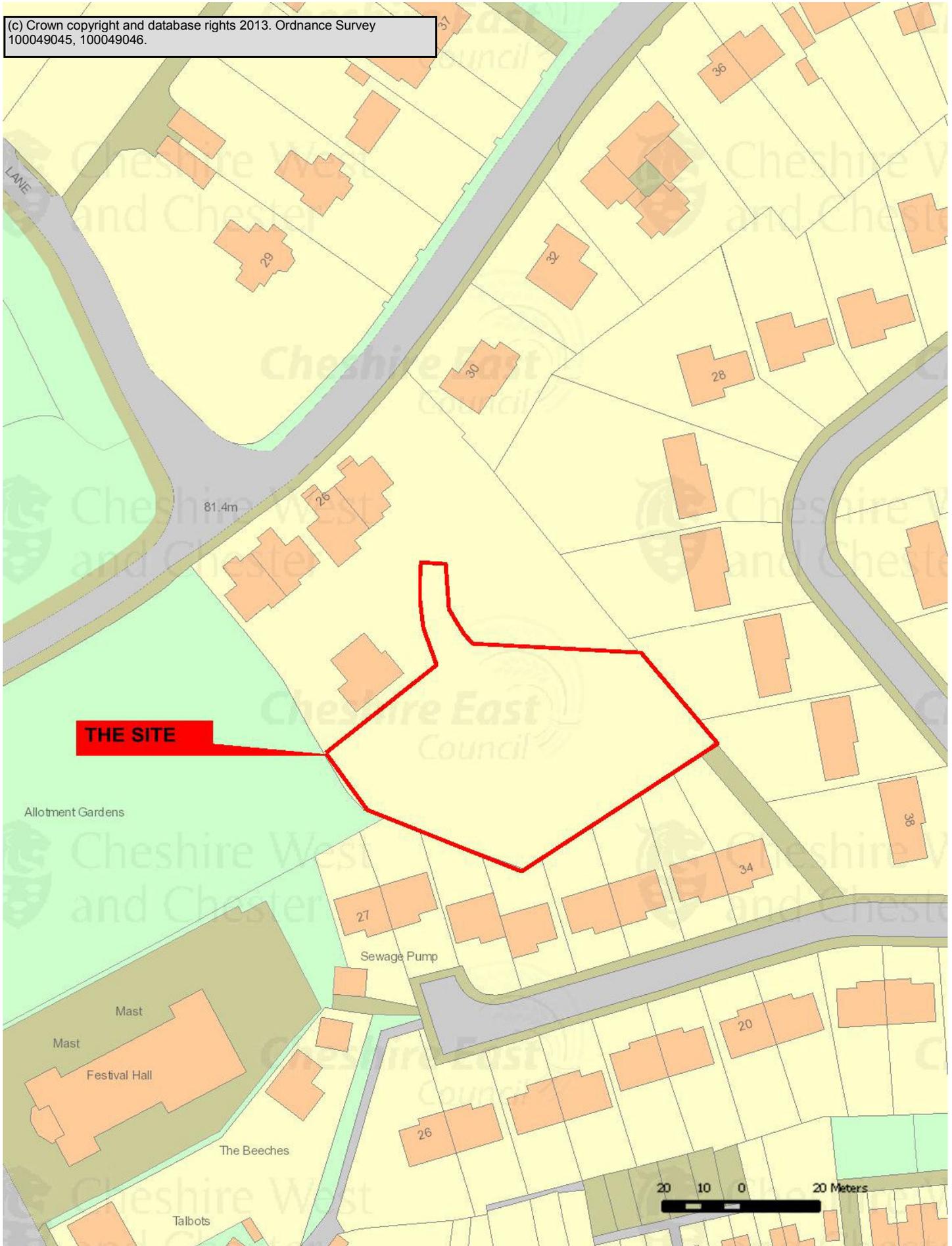
The site lies within a sustainable location, with good access to a range of local services and facilities nearby and has good public transport links. The design is in keeping with the character of the area and no significant amenity issues are raised. The proposal does result in the loss of an area of land designated as open space within the Macclesfield Borough Local Plan. However, for the reasons highlighted above, the impact of this can be appropriately mitigated with a financial contribution towards enhancing existing open space, sport and recreation facilities within Alderley Edge. The comments received in representation have been given due consideration in the preceding text, however, for the reasons outlined above, a recommendation of approval is made subject to conditions and the ongoing negotiations regarding appropriate mitigation for the loss of open space.

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. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A01GR - Removal of permitted development rights
8. A25GR - Obscure glazing requirement
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. A02TR - Tree protection
12. A32HA - Submission of construction method statement
13. Site to be drained on a separate system
14. Phase 2 contaminated land investigation to be submitted
15. All arboricultural works shall be carried out in accordance with Arboricultural Statement
16. Survey for breeding birds to be submitted
17. Development to be carried out in accordance with the recommendations of the biodiversity statement submitted with the application

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Application No: 13/2415M

Location: WINLOWE, BANK STREET, MACCLESFIELD, SK11 7AX

Proposal: Demolition of existing three-storey residential apartment block and subsequent development of 15 new affordable dwellings and associated landscaping and car parking

Applicant: Ms Loveday Gimson, PEAKS & PLAINS HOUSING TRUST

Expiry Date: 09-Sep-2013

**Date Report Prepared:** 15 August 2013

**SUMMARY RECOMMENDATION:**

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

**MAIN ISSUES:**

- Principle of the Development (*Windfall Housing Sites*);
- Principle of the Development (*Loss of Open Space*);
- Principle of the Development (*Need for Affordable Housing*);
- Developer Contributions;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health;
- Other Material consideration or matters raised by third parties, and
- Archaeological Implications.

**REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

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**

Historically, the site was originally developed for housing (circa 1890) and was occupied by terraces to Knight Street, Bank Street and Knight's Pool. These were replaced by larger

buildings by the 1960s and that by the 1980s, all the original terraces had been removed and replaced by the Winlowe Court building which currently occupies the site.

The site currently contains the vacant Winlowe sheltered housing flats, a 3-storey block with 46 one-bed apartments. It has been vacant since February 2011 due to a lack of demand. The existing layout is based upon the 'Radburn' principles by segregating vehicular and pedestrian movement through the location of its parking courtyard to the rear of the site and pedestrian walkways.

Knights Pool, an old mill pond, is located to the immediate east of the site and is designated as an area of open space. There is an existing footpath along the pool edge, but Winlowe turns its back on the water.

There is very limited existing landscaping within the site, except for an area of open space which contains a number of trees and through which the pedestrian link to Knights Pool is located. The area surrounding the site is predominantly residential in nature and consists of two and three-storey dwellings.

Being within walking distance of the town centre of Macclesfield, the site is in a highly sustainable location. There are a number of services and facilities within walking distance including shops, churches and medical centres. The site has good links to public transport facilities, including the train station which is only approximately 800m from the site and a bus stop on Windmill Street approximately 500m from the site.

### **DETAILS OF PROPOSAL**

This application seeks planning permission for the demolition of the 3 storey residential building on the site and the construction of a total of 15, two and three bedroom affordable houses, arranged in 3 terraced and 2 semi detached blocks around 2 new landscaped parking courtyards. Each of the dwellings is provided with its own enclosed private garden to the rear.

The development also contains a total of 28 car parking spaces, of which 8 are located within private curtilages and 20 within 2 private open courtyards. This equates to a parking provision of 186%.

The application is made by Peaks & Plains Housing Trust for development comprising 100% affordable housing of mixed tenure.

### **RELEVANT HISTORY**

Although the site has 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 the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

## **Local Plan Policy:**

The Macclesfield Borough Local Plan (2004) shows the site to be located within a Predominantly Residential Area. A small section of the site to the south is designated as Open Space, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy RT1: Open Space;
- Policy H2: Environmental Quality in Housing Developments;
- Policy H5: Windfall Housing Sites;
- Policy T2: Provision of public transport;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC35: Materials and Finishes;
- Policy DC36: Road layouts and Circulation;
- Policy DC37: Landscaping; and
- Policy DC38: Space, Light and Privacy.

## **Other Material Considerations:**

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

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

## **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- S106 SPG;
- Interim Planning Statement on Affordable Housing (February 2011);

- Draft Macclesfield Town Strategy Consultation (2012);
- Strategic Housing Market Assessment (SHMA; 2010);
- Annual Monitoring Report (AMR; 2011/12); and
- Strategic Housing Land Availability Assessment (SHLAA; February 2011).

## **CONSULTATION RESPONSES**

### **Public Rights of Way Team:**

No objections.

### **Environmental Health:**

No objection subject to conditions relating to hours of operation, dust control, pile driving and contaminated land.

### **United Utilities:**

No objection subject to a condition relating to site drainage.

### **Environment Agency:**

No objections.

### **Cheshire Archaeology Planning Advisory Service:**

No objections.

### **Housing:**

Support the scheme as there is an urgent demand for Affordable Housing in Macclesfield.

## **PRE-APPLICATION ADVICE:**

The applicant engaged in the Councils formal pre-application procedure where advice was given in the form of a written response. The applicant has borne in mind the advice given by the Council and has demonstrated where amendments could or could not be achieved within the submitted Design and Access Statement.

## **COMMUNITY INVOLVEMENT:**

The Knights Brow residents group have been continually updated by Peaks and Plains regarding plans for this site. The scheme was presented to residents on 13th May and 3rd June.

The developer has stated that:-

- On the whole the scheme was well received;
- Concerns were however raised regarding potential street parking and possible increases in traffic especially to Knight Street and Bank Street;
- Also of concern to residents is the loss of amenity space to the south of the site;
- All residents were very positive about the orientation of houses to Knight's Pool and the retained green space next to the pool; and
- Local residents very much liked the internal layout of the houses – particularly the large combined dining room and kitchen. One commented on the importance of extra (and separate) storage space and so she was pleased to find this upstairs.

In response to this concern, the developer has stated that the proposals seek, through the more even distribution of dwellings and landscaping than is found currently, to reintegrate this amenity within the overall development. And that the parking is proposed to be located entirely 'off street' either in front curtilages or within landscaped courtyards

**PUBLICITY:**

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. Comments were invited within a 21 day period and the last date for comments expired 17 July 2013.

**REPRESENTATIONS:**

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

1. Loss of open space on Knight Street;
1. Loss of parking to Liz Kay House;
2. Concern that Liz Kay House will become a hostel;
3. Developments attracting drug and alcohol users into the community;
4. Parking allocation;
5. Repairs to footpaths;
6. Loss of trees;
7. Loss of Public Right of Way;
8. Loss of Public Right of Way to pool;
9. Loss of parking for fishermen;
10. Moving access to pool will attract antisocial behaviour;
11. General traffic congestion area;
12. New houses built against the pavement with no front gardens (existing building set back is much greater);
13. Overlooking gardens to Bucklow Walk;
14. No off-road parking to the front, only the rear, of new houses;
15. Access for emergency vehicles blocked by Winlowe visitors and staff cars.
16. New residents will use existing parking courts; and
17. Larger vehicles being diverted through the estate.

Peak and Northern Footpaths Society had requested that there are no obstructions to any rights of way.

The Civic Society have viewed the plans of the proposal and, in terms of layout, design, external appearance, means of access to and landscaping of the site are satisfied that the development would be appropriate for the locality. It is noted that the scheme will provide 2 and 3 bed affordable dwellings and this is welcomed. However, the loss of single bed units does affect to overall mix of housing provision and no doubt the planning authority will wish to fully consider this aspect in view of social trends within and demographic projections for Cheshire East.

**APPLICANT'S SUPPORTING INFORMATION**

Pre-application discussions were undertaken with this applicant and in addition to the plans the following detailed reports were submitted with the application:-

- Landscape and Visual Report;
- Air Quality Assessment;
- Bat Survey;
- Tree Survey;
- Energy and Sustainability Strategy;
- Statement of Community Involvement;
- Design & Access Statement;
- Affordable Housing Statement; and
- Draft Heads of Terms for S106 legal agreement.

## **OFFICER APPRAISAL**

### **Principle of the Development (*Windfall Housing Sites*):**

The majority of the site (containing the former Winlowe Court) is identified as being within a Predominantly Residential area with Knight Pool a small body of water, which is designated within the Local Plan as an area of existing Open Space on the Macclesfield Borough Local Plan.

Paragraph 14 of the NPPF states that at its heart, there is a “*presumption in favour of sustainable development*”. Local Plan policies H5 and T2 also seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. Located within close proximity of public transport and local amenities, the site is considered to be in a sustainable location.

There is no objection in principle to the erection of new dwellings within a Predominantly Residential area. It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council’s 5 year land supply.

### **Principle of the Development (*Need for Affordable Housing*):**

The *Strategic Housing Market Assessment 2010* (SHMA) identifies a shortfall in provision of 555 affordable homes per annum in Macclesfield up to 2013/2014. Indeed the current *Annual Monitoring Report 2011* (AMR) shows that the number of affordable houses provided in Cheshire East in 2010/2011 was 205, down from 334 in the previous year and the lowest since 2006/2007. There is a significant discrepancy between the affordable housing needs identified within the SHMA and the actual level of affordable housing provision.

The Council’s Interim Policy Statement on Affordable Housing (dated February 2011) sets a minimum requirement of 30% affordable housing provision on windfall sites in settlements of 3000 population or more. It also states that a Registered Social Landlord (RSL) should be involved in all 100% affordable housing schemes.

The Council's Strategic Housing Market Assessment 2010 identified a net requirement for 318 affordable homes each year between 2009/10 and 2013/14 in the Macclesfield & Bollington sub-area. There are currently 946 applicants who have selected either the Upton Priory area or Macclesfield as their first choice.

There have only been 131 affordable units built in the Macclesfield & Bollington sub-area from 2009/10 to date. This is less than half the affordable housing requirement identified by the SHMA 2010 for 1 year.

100% affordable housing provision on this site would offset some of the reduced provision elsewhere, as acknowledged in the AMR, and would exceed all policy requirements for the proportion of affordable housing within new developments.

The provision of 7 x 2 bed houses and 3 x 8 bed houses on this site would therefore meet a need for them identified both from the SHMA 2010 and as there are currently 613 applicants on the waiting list who require 2 or 3 bed properties.

In accordance with policy H9 and the council's interim policy on affordable housing provision, the applicant has a partner Registered Provider, Peaks and Plains, involved in the scheme to ensure that the dwellings remain affordable in perpetuity.

The scheme would provide a significant benefit in contributing to achieving affordable housing targets.

**Principle of the Development (*Loss of Open Space*):**

Local Plan policy RT1 states that areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint that does not harm the integrity of the open space will normally be permitted. The reason for the policy states that existing facilities form an important resource which must be retained for the benefit of the community and also recognises that open spaces are important for their amenity value and can contribute to the character of the townscape.

Paragraph 74 of the NPPF states that existing open space should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Clearly in order for planning permission to be granted for the development proposed, a justification would need to be provided for building on the area of existing open space.

It is considered that the loss of this small area of open space should be weighed against the overall benefits of the proposal. This includes the overall visual benefits, the opening up of the remaining designated area of open space (Knights Pool) to local residents and the provision of affordable housing. In addition, there are no residential properties looking directly onto this

open space, only garages and parking along Knight Street, and views of Knights Pool from the street are restricted in this location.

To conclude, whilst the proposal does not comply with all relevant policies of the Development Plan, it is considered to be acceptable because it will provide much needed affordable housing in a sustainable location.

#### **DEVELOPER CONTRIBUTIONS:**

With this increased impact on Knights Pool from the built development and the loss of a local amenity and visually important green space, the Council would be looking for a commuted sum in order to improve/provide facilities elsewhere within the immediate locality. Additionally in accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

Based on the proposal for 15 family dwellings, the commuted POS sum for offsite provision would be £45,000. Based on the proposal for 15 family dwellings, the commuted sum for offsite provision of Recreation and Outdoor Sport would be £15,000. As this is a 100% affordable development, in recognition of this and as per our usual practice, the ROS com sum will be waived as a concession. These sums would be used to make improvements and enhancements at Knight Pool, providing an improved facility for the new residents and the existing community and helping to mitigate for the developments increased impact on the amenity.

The developers (Peaks & Plains Housing Trust) have offered £15,000 in lieu of onsite provision. This is due to the viability of the scheme.

A financial appraisal for the scheme has been submitted and this shows that scheme results in a deficit.

It is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department and with Peaks and Plains Housing Trust to meet a locally identified demand and urgent requirement for affordable housing in Macclesfield.

#### **DESIGN, LAYOUT AND VISUAL IMPACT:**

The properties will be two-storey red-brick with dark grey painted framed windows and dark grey slate roofs. The properties will be broken into three rows of terraced dwellings with active frontages onto to Knight Street and Bank Street. There will also be two semi-detached units in the north-east corner of the site and two semi-detached units fronting Knights Pool.

The existing pedestrian access linking Knight Street across the site to the footpath to Knight's Pool is to be relocated and formalised as a dedicated route through the southern courtyard.

The most significant changes to the scheme was the reduction from three to two storeys on the pool edge, the setting back of these buildings by an additional 2-3m and the removal of a proposed narrow alley with no surveillance and very poor security for users. The proposed

boundary treatment along the pool side of retained and new stone walls with railings over are welcomed, as is the proposed ramp and step access with dedicated pedestrian routes through the parking courts, making clear and defined routes for pedestrians and encouraging their use. The increased planting beds along the pool side are an improvement as are those proposed around the substation.

### **LANDSCAPE / TREES:**

The scheme identifies the removal of all the trees associated with this site. The Council have in the past received some complaints in terms of cars parked in the existing parking areas which have been subject of 'honey dew' deposits. The social proximity of the trees including the weeping willow to the immediately adjacent building to the west is also considered extremely poor, and not sustainable.

The submitted Tree Survey identifies 27 trees forming the composition of the copse, 21 being low value and 6 being moderate value. The group as a whole are visible from the higher ground to the south and as part of filtered views between properties and as part of the Bank Street, street scene. It's important to note neither individually or collectively the trees have not been categorised as Significant Category A specimens.

This site has been subject of numerous discussions over the last few years, and various schemes, which included from an arboricultural perspective the retention of the small copse of trees identified above. It has always been preferable to see the group retained but this has to be balanced in respect of are they worthy of formal protection under a Tree Preservation Order. The absence of any A category trees and only a limited number of B's predicated the view that on balance the amenity value of the group was at best low-moderate.

The need to make the scheme financially viable has lead to the proposed loss of the trees. A balance has to be satisfied between retaining two or three moderate value Maples or the development as presented especially when taking into consideration an absence of utilisable space to accommodate the number of trees lost.

Located to the rear and south of the site immediately adjacent to the pool are a linear group of Whitebeam, identified as T26-28. Two have been identified as Category B moderate value with the third C Category. All three have been identified for removal. The loss of these small and insignificant specimens can easily be mitigated as part of a specimen landscape scheme. Overall, it is not felt that the demolition of the existing three-storey apartment block and development of new dwellings will result in any significant landscape or visual impacts, it is unfortunate that the development will result in the loss of the small area of woodland between the existing building and Liz Kaye House.

### **HIGHWAYS:**

Proposed vehicular access is intended via Knight Street from two priority vehicle crossover points; one of which is intended to be gated.

Access is via two kerbed crossover points wide enough for one vehicle at the point of entry to the development. Additional vehicle manoeuvring space is available within the development

to allow for two-way movement in this informal arrangement. Vehicle movements will be low. Limited frontage parking to Bank Street is also provided.

A condition is suggested to ensure that a minimum setback of 6.0m for the gates, with the gates opening into the development. This is to ensure that a vehicle can wait off-carriageway whilst the gates open. Pedestrian access is provided separately from vehicle access.

It is considered that the proposed mews type access points provide sufficient space for vehicle manoeuvring. The site is a sustainable location with good access to local facilities and public transport. The proposal for 28 car parking spaces for 15 affordable dwellings in this sustainable location is acceptable and sufficient manoeuvring room is available.

#### **RESIDENTIAL AMENITY:**

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet. Whilst the scheme is a high density scheme that is compact, it is considered that these scheme accords with these guidelines. As the site is surrounded by existing residential properties, the relationship between these properties and the proposed dwellings has been considered.

#### **NATURE CONSERVATION:**

The application was supported by two reports of bat activity, one survey and one internal/external survey of the buildings. The Council's Ecologist has confirmed that neither bats nor any other protected species present a significant constraint on the proposed development. A condition is suggested that safeguards breeding birds.

#### **ENVIRONMENTAL HEALTH:**

The application site is surrounded by existing residential 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 has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. 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 proposed development is located in an area which may cause additional traffic to be generated within the A523 London Road, Macclesfield Air Quality Management Area (AQMA). An assessment submitted with the application predicts small increases in pollutant concentrations at a number of receptors within the AQMA. Using EPUK Guidance on the Significance of Impacts this is considered "negligible". The methodology and conclusions of the report are accepted with the following caveat.

The Council has a duty within the AQMA to work towards achieving the Air Quality Objectives, and clearly additional traffic generated as a result of development needs to be managed to ensure there is NO negative impact within the AQMA. In addition, this development is one of a number of proposed applications within the town with the potential to have an adverse effect

on air quality. The cumulative impact of these developments means that any increase within the AQMA predicted as a result of a single application means needs to be mitigated. Given the scale of the scheme a condition is suggested to secure the submission of a travel plan with the aim of reducing the impact of each development.

**OTHER MATERIAL CONSIDERATION OR MATTERS RAISED BY THIRD PARTIES:**

In response to the points raised by the neighbours:

1. Loss of open space on Knight Street;

This land is privately owned and maintained by Peaks and Plains. The trees also break the building line and reduce an already poorly defined and weak street edge. The tree area and footpath are not overlooked and consequently attract antisocial behaviour and dog fouling.

The views of the pool through from Knight Street should not be seen as sacrosanct nor a right of adjacent owners. This is privately owned land and could be fenced off (and the pool views blocked) without requiring planning consent. The approach adopted in the proposals gives a number of framed views that are arguably more intriguing than what currently exists. The impact of the pool being all the more dramatic once the view opens up to the visitor.

The new tree planting proposed throughout compensates for lost trees and provides trees of appropriate species and scale to sit within a residential development.

In addition to the improvements proposed, the applicant has recently completed a number of significant environmental improvements to adjacent street which has introduced new street trees and public realm upgrades.

1. Loss of parking to Liz Kay House;

This is not a material consideration in relation to this application. The existing parking bays next to Liz Kaye House are private, and should not be used by the general public.

2. Concern that Liz Kay House will become a hostel;

This is not a material consideration in relation to this application

3. Developments attracting drug and alcohol users into the community;

The development will provide 15 affordable dwellings for families managed by Peaks and Plains. This should improve the area rather than have a negative impact.

4. Parking allocation

All parking for the development is contained within the site and does not rely upon street parking.

5. Repairs to footpaths;

This is not a material consideration in relation to this application.

6. Loss of trees;

This land is privately owned and maintained by Peaks and Plains. The trees also break the building line and reduce an already poorly defined and weak street edge. The tree area and footpath are not overlooked and consequently attract antisocial behaviour and dog fouling.

The new tree planting proposed throughout compensates for lost trees and provides trees of appropriate species and scale to sit within a residential development.

In addition to the improvements proposed, the applicant has recently completed a number of significant environmental improvements to adjacent street which has introduced new street trees and public realm upgrades.

7. Loss of Public Right of Way and Loss of Public Right of Way to pool;

The access to the pool is not a 'public right of way'. An alternative access to the pool has been provided that is much safer and overlooked to ensure natural surveillance.

8. Loss of parking for fishermen;

The parking bays off Knight Street are privately owned and cannot be deemed as 'public' for fishermen or any other visitors to the site. The proposals for the site incorporate adequate parking provision, including visitor parking.

9. Moving access to pool will attract antisocial behaviour;

The new access route to the pool is specifically located in order to ensure overlooking and natural surveillance, i.e. to deter antisocial behaviour.

10. General traffic congestion area;

The development will not significantly impact upon traffic congestion in the area. The issues raised are wider Highways issues outwith the scope of this application.

11. New houses built against the pavement with no front gardens (existing building set back is much greater);

The frontages of the new houses are in fact set back approximately 2.0m from the back of pavement. This is consistent with most existing properties within the estate. The front curtilages are also protected with low walls and railings.

12. Overlooking gardens to Bucklow Walk;

The existing Winlowe house is 3 storeys in height and is set back 4.0m from the footpath on Bank Street. The new properties are only 2 storeys in height and set back 2.0m from the footpath. Consequently, the new properties do not impact upon the overlooking of adjacent properties. The new house on the corner of Knight Street and Bank Street overlooks a parking court.

13. Overlooking to Nights Close;

The new properties are some 35 metres distant from the rear bedrooms of 5 Knights Close. This is significantly in excess of normal privacy distance standards (20 metres). The garden of 5 Knights Close is screened by a 1.8m high fence from the main highway (Knight Street). The new properties have been kept to only 2 storeys in height (a storey lower than the existing Winlowe Court). Consequently the privacy of the existing property is not compromised.

14. No off-road parking to the front, only the rear, of new houses;

It has been a requirement of the Highways Section to provide off-road parking for the new dwellings. From a design point of view, CEC also wish to avoid front curtilage parking which impacts negatively upon the street scene.

15. Access for emergency vehicles blocked by Winlowe visitors and staff cars.

This will no longer be the case.

16. New residents will use existing parking courts; and

The parking for the new properties is specifically allocated to each dwelling. Access from the parking to the houses is made as simple as possible. This will ensure new residents park in the correct location.

17. Larger vehicles being diverted through the estate.

This is not a material consideration in relation to this application.

#### **ARCHAEOLOGICAL IMPLICATIONS:**

The site is within Macclesfield's Area of Archaeological Potential, as defined during research conducted by the Cheshire Historic Towns Survey. This identification is based on the depiction of several mills and other industrial structures, including the Knight's Pool, on the 19th-century mapping of the area. Evidence of the Knight Street Mill's wheel pit was recently recorded during the re-development of this site, which lies immediately to the south-west of the pool. The 19th-century mapping, however, shows that the present area of interest was first developed for housing in the late 1870s and that prior to this, the land was open ground. No features of industrial archaeological interest ever appear to have been present on the plot and, consequently, it is not considered that any further archaeological mitigation would be justified with regard to this site.

## **CONCLUSIONS AND REASON FOR THE DECISION**

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing 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.

Whilst there are shortcomings in the scheme noted in this report, the disbenefits are not considered to be significant and a refusal of permission would not be justified. Whilst some conflict with local plan policy has been identified, the material considerations in favour of granting planning permission for the affordable housing development are significant and the application is recommended for approval subject to conditions and the completion of a Section 106 agreement.

## **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.

## **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;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 38 dwellings, the occupiers of which will use local

facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

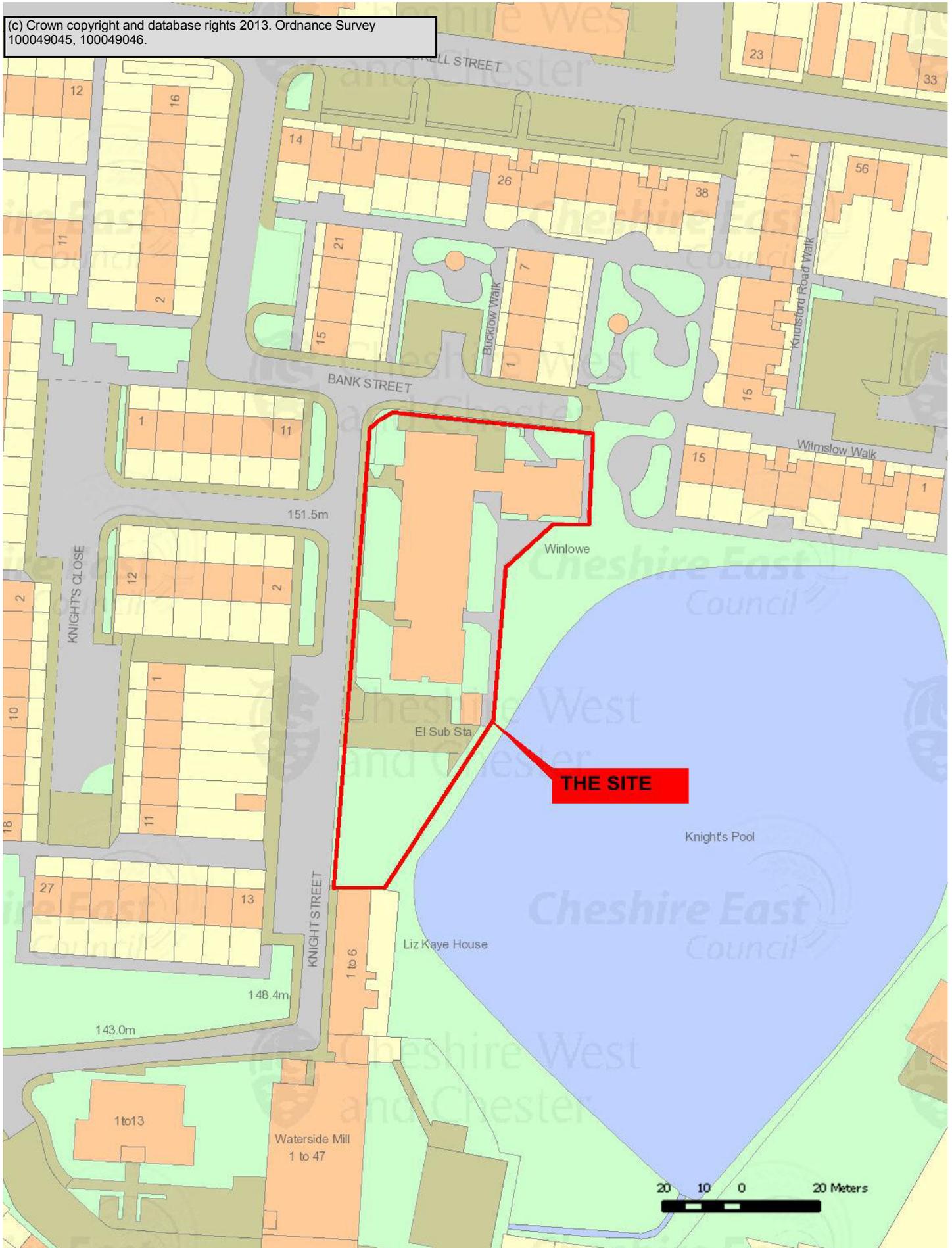
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Full Planning

RECOMMENDATION: Approve subject to 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. A08HA - Gates set back from footway/carriageway
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A06NC - Protection for breeding birds
10. A04NC - Details of drainage
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. FLOOR FLOATING (POLISHING LARGE SURFACE WET CONCRETE FLOORS)
14. Dust Control
15. Travel Plan
16. Bin and Cycle Store in accordance with approved details

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Application No: 13/2296M

Location: DYTELEGH COURT, GREENHILL WALK, DISLEY

Proposal: Demolition of existing bedsit block and erection of 15 dwellings and associated car parking and landscape works. (Resubmission)

Applicant: L. Astwood, Peaks & Plains

Expiry Date: 05-Sep-2013

**Date Report Prepared: 16 August 2013**

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

- Principle of the Development (Windfall Housing Sites);
- Principle of the Development (Need for Affordable Housing);
- Developer Contributions;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health.

#### **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 the demolition of the existing bedsit block and erection of 15 dwellings, with associated car parking and landscaping issues.

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 stepped block of small bedsits built around the 1970's. The building has been vacant for the last few years, due to failing modern day standards. The neighbouring bungalows on Greenhill Walk also fall under the ownership of Cheshire Peaks and Plains Housing Trust. The site is not far from the centre of Disley. The area is

predominantly residential in character; however, Disley Primary school lies to the west of the site, and a playing field lies to the south.

The application site comprises a detached two storey building, which comprises 20 bedsits. The building has buff brick walls and white timber boarding with shallow, sloping roofs. The windows are white uPVC. There is an increase in level of approximately 10m between the Buxton Road (A6) frontage, and the southern end of the site, where it abuts Disley Primary School's playing field. The existing building is dated in appearance and not aesthetically pleasing. The existing building steps up the hill in a series of terraces, and the proposed design will follow a similar principle. There are good views of the hills beyond, from the higher part of the site.

The existing bedsit accommodation has an existing pedestrian access from Buxton Road, however, vehicular access is provided off Greenhill Walk. There are currently 6 parking spaces in the courtyard in front of the building, with a further 8 on Greenhill Walk, which serves 14 bungalows (which are to be retained).

There is small group of conifer trees which would be lost to accommodate the development.

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 (adjacent to Buxton Road) by a stone wall (approximately 1.5m in height). To the western boundary is a bank sloping down from the site to School Lane. To the south of the site the ground level rises by approximately 2.5 metres.

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

### **DETAILS OF PROPOSAL**

Full Planning approval is sought for the demolition of the existing building and construction of 8 apartments and 7 dwellings.

The proposal is made by Cheshire Peaks and Plains Housing Trust for development comprising 100% affordable, which would be made available for general let at affordable rent levels (80% of the Open Market Rents in the area).

The proposal includes 4 no. 2 bed, 4 person apartments, 4 no. 1 bed, 2 person apartments, and 7 no. 3 bed, 5 person houses. The existing vehicular access point off Greenhill Walk would be utilised.

18 car parking spaces (including 2 disabled spaces) would be provided within a courtyard in front of the houses/apartments and an additional 8 spaces (including 1 disabled space) would be provided adjacent to the existing 8 parking spaces located along Greenhill Walk (adjacent to the green area).

All 7 houses would have private gardens and the apartments would have shared amenity space.

The proposed residential development would be located within a sustainable neighbourhood. The immediate environment would be enhanced by virtue of a development, which would provide full accessibility, an appropriate addition to the housing stock and a better layout would be provided, offering natural surveillance, enhanced personal safety and security and reduced opportunities for crime.

Three locations have been identified for refuse bins within the development. One adjacent to the northern boundary, one adjacent to the stair-well which would serve plots 11 to 13, and one in front of plot 15, on the southern side of the site.

## **RELEVANT HISTORY**

- 13/0417M Demolition of existing bedsit block and erection of 20 dwellings and associated car parking and landscape works. - Withdrawn – 06.03.13.
- 97/1131P Alteration to existing window openings on two elevations - Approved – 01.09.97.

## **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 site is located within a predominantly residential area as allocated on the Macclesfield Borough Local Plan. Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;

- DC35 Materials and Finishes;
- DC36 Road layouts and Circulation;
- DC37 Landscaping;
- DC38 Space, Light and Privacy;
- DC41 Infill housing .

**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
- Interim Planning Statement on Affordable Housing.

**CONSULTATION RESPONSES**

**HIGHWAYS:**

The Strategic Highways Manager considers the proposal to be acceptable in highway and road safety terms and therefore raises no objection.

18 parking spaces would be provided as part of this development; while a further 8 spaces would be provided in front of the adjacent bungalows at Greenhill Walk.

Considering the site's location near local facilities and public transport, and the type of properties, the Strategic Highways Manager considers this parking provision adequate. The layout will also provide room for a refuse vehicle to reverse. Sheds are to be provided for residents which will offer cycle storage if required.

Access is taken from Buxton Road via Greenhill Walk. Visibility at this junction is limited, but the very limited increase in usage subsequent on the proposal compared to past use, can be accepted.

**ENVIRONMENTAL HEALTH:**

No objection is raised subject to conditions relating to hours of operation, details of the method of piling and duration (should it be required), accordance with the noise mitigation scheme (submitted to prevent residents being adversely affected from traffic noise from Buxton Road), dust control, contaminated land and a Travel Plan.

The development is in close proximity to the A6 Disley Air Quality Management Area, and as such there is potential that new occupants could be exposed to concentrations of air pollutants above the UK limit values. The applicant submitted an air quality impact assessment with the application using detailed dispersion modelling verified against local monitoring and concluded that levels of air pollution at the nearest sensitive receptor will be below the UK limit values.

**UNITED UTILITIES:**

No objection is raised subject to a condition relating to site drainage.

**HOUSING:**

Supports the Scheme as there is a need for Affordable Housing in Disley.

**PUBLICITY & REPRESENTATIONS**

The 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. The last date for comments expired on 17 July 2013. A revised plan was subsequently received, which included 5 car parking spaces on Greenhill Walk. The neighbours were re-notified and the consultation period extended to 23<sup>rd</sup> August 2013.

No representations had been received at the time of report preparation.

**APPLICANT'S SUPPORTING INFORMATION**

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement;
- Arboricultural Survey and report;
- Air Quality Assessment;
- Noise Impact Assessment;
- Land contamination reports;
- Flood Risk Assessment;
- Habitat Survey;
- Bat Survey;
- Draft Unilateral Undertaking.

**OFFICER REPORT**

**Principle of the Development (*Windfall Housing Sites*):**

The site is identified as being within a predominantly residential area within the Macclesfield Borough Local Plan. This site does not feature in the Strategic Housing Land Availability Assessment 2012 (SHLAA), however, as the existing building is substandard in terms of the bedsit accommodation it provides and as the site is not specifically allocated for residential development it would be considered a windfall site. Policy H5 advises how windfall sites will be assessed. Primarily windfall housing sites should make effective use of land by the re-use of previously developed land.

There is no objection in principle to the erection of new dwellings within a predominantly residential area. It is considered that this development, on this site, would make effective use of the land.

**Principle of the Development (*Need for Affordable Housing*):**

The *Strategic Housing Market Assessment 2010* (SHMA) identified a requirement for 65 new affordable homes in Disley between 2009/10 – 2013/14, this was made up of a requirement for 6 x 1 bed, 5 x 3 bed and 2 x 4 bed new affordable homes each year. The SHMA 2010 also identified a preferred tenure split of 65% social rented and 35% intermediate dwellings.

In addition to the information taken from the SHMA 2010 there are currently 102 applicants on the housing register with Cheshire Homechoice who have selected Disley as their first choice, these applicants require 44 x 1 bed, 38 x 2 bed and 12 x 3 beds, 8 applicants haven't set the number of bedrooms required.

Persimmon Homes have secured reserved matters planning approval (subject to a deed of variation) for the Fibrestar site, Redhouse Lane, which will be providing 30 affordable dwellings, this represents around half the affordable housing that has been identified as being required by the SHMA 2010, however, the properties at the Fibrestar site will all be provided as intermediate tenure affordable housing and there is need for rented affordable housing to be provided in Disley.

Therefore, as there is need for affordable housing in Disley. The Strategic Housing Manager does not object to this application for 15 affordable rented dwellings, the mix of properties is acceptable as it will go towards meeting identified affordable housing need.

The Interim Planning Statement: Affordable Housing states that affordable homes should be built in accordance with the standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3. Cheshire Peaks and Plains Housing Trust have secured an allocation of grant funding towards this proposal from the Homes & Communities Agency, part of the conditions of that funding is that they will have to build the properties to the standards required by the HCA so this is not a concern.

Cheshire Peaks and Plains Housing Trust have included a number of 1 bed apartments within the scheme to allow for the unavoidable implications the Welfare Reform will have for some existing residents in Disley who may be required to move to smaller accommodation.

In accordance with policy H9 and the council's interim policy on affordable housing provision, the applicant has a partner Registered Provider, Peaks and Plains, involved in the scheme to ensure that the dwellings remain affordable in perpetuity.

The scheme would provide a significant benefit in contributing to achieving affordable housing targets.

### **Developer Contributions:**

In accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

In lieu of onsite provision, the commuted sum for POS based on £3000 per dwelling/2 bed apartment and £1500 per 1 bed apartment is £39 000. The commuted sum for ROS is £11 000. However, for 100% affordable housing schemes, the commuted sum for ROS is normally waived. The developers (Cheshire Peaks and Plains Housing Trust) have offered £15 000 in lieu of onsite provision. This is due to the viability of the scheme.

The commuted sum payment would be used to make play and amenity improvements in the vicinity of the development and on this occasion the nearest and most accessible facility is Arnold Rhodes playing field and play area. This is located just a short walk away from the development site and contains a number of facilities for most ages.

A financial appraisal for the scheme has been submitted and this shows the development would actually be running at a deficit, however, it is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department and with Cheshire Peaks and Plains Housing Trust to meet a locally identified demand and an urgent requirement for affordable housing in Disley. Members should also be aware that the scheme is dependent on Homes & Communities Agency (HCA) grant subsidy as well as revenue subsidy from Peaks & Plains to ensure it is built.

### **Design, Layout and Visual impact:**

It is considered that the scale of the development is generally in keeping with the massing, rhythm and general character of the locality. The mass and form of the units 1 and 2 fronting Buxton Road is not too dissimilar to the existing building, however, the gap between the buildings allows for more visual interest. It is also considered that the proposed development integrates well with the existing residential context. There is sufficient space provided around the proposed houses/apartments to provide an element of defensible space, privacy and parking.

The external walls would be treated in a mixture of light cream render and buff brick (all colours to be agreed) and reconstituted slates would be utilised for the roof. These materials are considered to be broadly acceptable for this location. It is noted that the street scene along Buxton Road is made up a mixture of materials incorporating stone, render, red brick and buff brick. The entrances shall either be recessed, or canopy covered entranceways.

### **Landscape/Trees:**

The Arboricultural Officer has been consulted with regards to the proposal and raises no objections. The proposed development can be implemented with the loss of a single low value group of ornamental conifers. The impact of which on the amenity of the area is considered negligible.

The high value trees (to the south western corner of the site and adjacent to the playing field to the south), can all be retained and protected in accordance with best practice subject of a limited amount of minor lateral pruning, to both clear building lines and allow scaffolding to be erected. The expanded build footprint is considered acceptable allowing development to be completed, without establishing an unacceptable social proximity between the trees and the new development footprint.

The identified tree losses can be mitigated as part of landscape improvements with space available on the Buxton Road frontage to accommodate a number of trees which should be seen as a net gain. The proposal is considered to comply with Policy DC9 of the Local Plan which normally 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 Disley town centre. Shops lie within a five minute walk of the site, and the site is served by good bus routes on Buxton Road and strategic (rail) public transport connections are no further than a 10 minutes walk on foot.

### *Access and Parking*

The principal means of access to the site would be via Greenhill Walk, as per that of the existing housing/apartment block. It would provide access to 18 car parking spaces. A further 8 spaces would be provided by way of adding to the existing parking bays on Greenhill Walk (the new bays would be formed at 90 degrees to the public highway, similar to the existing ones). This number of parking spaces was increased following discussions with the applicant as the originally submitted proposals had only 21 spaces, which was considered to be too few.

The Strategic Highways Engineer considers this parking provision to be adequate. The layout will also provide room for a refuse vehicle to reverse. 8 no. sheds are to be provided for residents which will offer cycle storage if required.

Access is taken from Buxton Road via Greenhill Walk. Visibility at this junction is limited, but the very limited increase in usage as a result of the proposal compared to the historic use can be accepted.

### **Residential Amenity:**

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet.

The properties fronting Buxton Road would be separated by approximately 20 metres from the existing houses opposite (47-57 Buxton Road). The side elevation of no. 6 Buxton Road to the side elevation of plot 2 would be approximately 10 metres, whilst the distance from the rear of nos. 22-28 Greenhill Walk to the frontage of the proposed units 7 to 10 would be approximately 28 metres. The gable windows to the side of No 6 Buxton Road are off circulation space, or are secondary windows i.e. not the sole or principle window to a habitable room. The side facing window on unit 2 should be obscurely glazed to prevent overlooking. The distance between the rear of no. 22-28 and side elevation of the proposed plot no. 15 would be approximately 14.5 metres. Whilst the scheme is a high density scheme that is compact, it is considered that the scheme accords with these guidelines.

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.

#### **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 NE3 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, evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within Dysteleggh Court. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a low/medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole. The works do however pose the risk of killing or injuring any animals present when the works are completed.

The submitted mitigation method statement recommends the installation of bat boxes on the nearby trees and the incorporation of features for roosting bats into the proposed buildings as a means of compensating for the loss of the roost and also recommends the exclusion of bats and the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

As such, the proposals accord with the Habitat Regulations and policy NE3 which is consistent with guidance within The Framework and therefore carries full weight.

### **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. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used.

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise from road traffic on the main A6 road. The recommended mitigation as detailed in the acoustic report (double glazing and acoustic framed trickle ventilation) to the facades of sensitive rooms facing the main road should be implemented, and maintained throughout the use of the development.

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.

## **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 proposal would provide 100% affordable housing, which is a corporate priority and 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 whilst the scheme does not deliver a full contribution towards Public Open Space the disbenefits are not considered to be significant and a refusal of permission would not be justified. The proposals accord with local plan policy and is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

## **HEADS OF TERMS**

- Commuted sums of £15 000 to provide Amenity Open Space, play and amenity improvements in the vicinity of the development at the Arnold Rhodes playing field and play area.
- 100% affordable housing in perpetuity of an appropriate tenure.

## **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 15 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities accordingly. Although this represents a shortfall from the Council's Supplementary Planning Guidance, this exception has been justified by virtue of the submission of a full viability appraisal.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

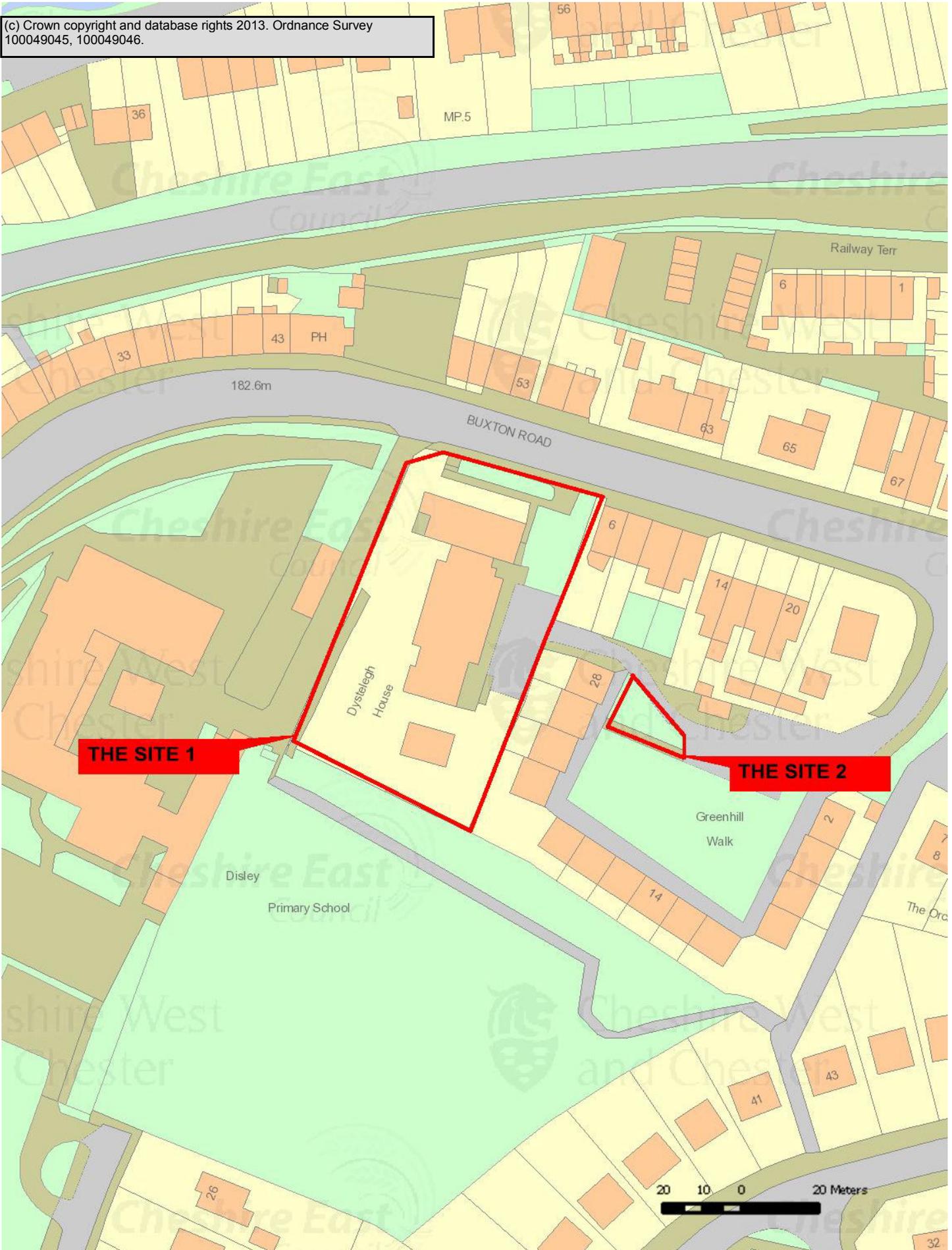
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

#### Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
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 - Landscaping to include details of boundary treatment
8. A06NC - Protection for breeding birds
9. A04NC - Details of drainage
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A26GR - Obscure glazing requirement
13. Floor floating (polishing large surface of wet concrete floors)
14. Dust Control
15. Travel Plan
16. Bin and Cycle Store in accordance with approved details
17. Compliance with noise mitigation scheme
18. Contaminated land
19. To accord with Arboricultural Statement

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Application No: 13/2384M

Location: ASTRA ZENECA, CHARTER WAY, MACCLESFIELD, CHESHIRE, SK10 2NA

Proposal: New facility for the manufacture of pharmaceuticals, totalling 6668 sq. m gross internal floor area

Applicant: Mr D Ayres, Astra Zeneca

Expiry Date: 06-Sep-2013

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

- Principle of development
- Landscape and visual impact
- Scale, design and layout
- Impact on the Conservation Area
- Highways impacts
- Land contamination
- Impact on residential amenity

**1. REASON FOR REFERRAL**

This application is included on the agenda of the Northern Planning Committee as it constitutes major development due to the floorspace of the proposed building being 6,668 square metres.

**2. DESCRIPTION OF SITE AND CONTEXT**

This application site is designated as an existing employment area in the Local Plan. It forms part of the existing AstraZeneca manufacturing site off Charter Way, Macclesfield, part of the Hurdsfield Industrial Estate. The application site is approximately 0.67 hectares and located in the northern part of the wider site and adjacent to the boundary with the canal to the east. It is currently used as a storage yard for contractor's materials.

**3. DETAILS OF PROPOSAL**

The application seeks permission for the erection of a new manufacturing facility consisting of approximately 6,668 square metres gross internal floor area. The building would be mainly

taken up by the manufacturing floorspace although other ancillary facilities are proposed such as plantrooms, switch rooms, staff amenity facilities and warehouse/storage area. The building would also have an extensive plant deck. Externally the development involves an ice store and gas bottle store, chiller compound, loading/unloading area, pedestrian footbridge over existing steam mains and some hard/soft landscaping.

The proposed facility would replace an outdated facility whose continued use represents a commercial risk to AstraZeneca. There is anticipated to be a transition period of 1-2 years where both will be in operation.

#### **4. RELEVANT HISTORY**

The wider AstraZeneca site has a long planning history consisting of permissions for minor development to permissions for large buildings. None are of direct relevance to the determination of this application.

#### **5. POLICIES**

##### **Local Plan Policy**

BE1 Design Guidance  
BE2 Historic Fabric  
BE3 Conservation Areas  
BE6 Macclesfield Canal Conservation Area  
RT5 Open space provision  
E1 Retention of employment land  
E4 General Industrial Development  
IMP1 Infrastructure Consequences  
DC1 Design (New Build)  
DC3 Amenity  
DC6 Circulation & Access  
DC8 Landscaping  
DC9 Tree Protection  
DC13 Noise  
DC63 Contaminated Land

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

National Planning Policy Framework  
SPG Planning Obligations (Macclesfield Borough Council)

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

##### **Highways**

The Strategic Highways Manager has assessed the application, and has no objection to this proposal. The comments are summarised below:

- The existing site access strategy is suitable to accommodate the new facility, including during the transition period.

- The existing internal road design will comfortably deal with increase of interim traffic related to the development.
- Bus services to and from the site are limited for shift workers but office/administration staff are well served. Cycling is an option towards/from the town centre on largely traffic free routes. The train station is approximately 1.5 miles away with no direct bus service. AstraZeneca already have an employee Travel Plan in place.
- In the long term the traffic impacts are expected to be neutral. It is also expected that traffic impacts during construction will be low.
- The TA indicates that between -23 and +750 car parking spaces will be available on the site. In the transitional period only small increase in parking are expected and additional overspill areas are available if required.

### **Environment Agency**

No objections.

### **Environmental Health**

#### Air Quality:

- Due to the scale and potential for increase in vehicle movements an Air Quality Impact Assessment would ordinarily be required.
- The development is an addition to existing operations at the site.
- AstraZeneca already benefit from a site travel plan and the Transport Assessment predicts only a small increase in vehicle movements.
- The proposal would not have an adverse affect on air quality.

#### Contaminated Land

- No objections.

### **Canal and River Trust**

No objections.

### **Health and Safety Executive**

Does not advise, on safety grounds, against the granting of planning permission.

## **7. VIEWS OF THE PARISH COUNCIL:**

The site is in the unparished area of Macclesfield. However, comments have been received from the adjacent Bollington Town Council. They are supportive of the application and consider it is important for Macclesfield's AstraZeneca site remaining a prime manufacturing base for the company.

## **8. OTHER REPRESENTATIONS:**

The consultation period ended on 7<sup>th</sup> August 2013. The following representations have been received:

The Civic Society

- Note and accept economic benefits of the proposal.
- Near views from the canal will be screened although consideration should be given to long term maintenance of this screen.
- Views from Kerridge Ridge highlight the cumulative impact of decades of industrial development though this is largely accepted in view of economic benefits.
- Careful attention to materials and finishes will be critical in softening the impact.

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

The following documents have been submitted in support of the application, full copies of which are available to view on the application file:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Ground Investigation Report

**10. OFFICER APPRAISAL**

**Principle of Development**

The site is designated as an existing employment area in the Local Plan. Policy E1 seeks to retain such areas for employment uses and advises that new development will normally be allowed on a scale appropriate to the site. Policy E4 generally permits, *inter alia*, general industry on the Hurdsfield Industrial Estate.

The National Planning Policy Framework advises that '*planning should operate to encourage and not act as an impediment to sustainable growth*'. It goes on to state '*significant weight should be placed on the need to support economic growth through the planning system*' (paragraph 19).

There is clear support for the principle of this type of development on this site. It would provide a replacement manufacturing facility demonstrating a long term commitment to the site, enhance an existing employment use, and in turn securing jobs.

**Landscape and Visual Impact**

The visual impact of the proposal has been assessed from three viewpoints, as advised during pre-application discussions. These three viewpoints are: from the public footpath running along Kerridge Ridge; the footpath running along the canal to the east of the development; and the pedestrian footbridge crossing the Silk Road (A523) to the north of the site.

The assessment consists of 3D block models overlaid on photographs. The photomontages show that the proposal would be visible from the Kerridge Ridge. However the building would be of a similar height to those immediately surrounding it on the site and lower than some other buildings towards the southern end. It would be seen against the backdrop of the existing industrial site and would be seen as part of that existing complex. The visual impact of the proposal from this viewpoint is considered acceptable.

The photomontages demonstrate that from both the footpath along the canal, which is also a Conservation Area, and from the footbridge over the Silk Road, existing mature trees and mounding would screen the development, therefore minimising any visual impact.

In addition, other views are likely to be very limited, particularly views from the Silk Road where the building will be behind existing buildings on the site.

It is not considered the proposal would have any significant landscape or visual impacts.

### **Scale, Design and Layout**

The proposed building is a large single storey structure, with the majority of the floorspace taken up with manufacturing areas although also changing facilities, amenity area, storage and warehouse amongst other ancillary facilities. The roof above the manufacturing area is of walk-on type to allow access to plant, filters and controls. The building also contains extensive air handling infrastructure and plant equipment on the service decks in the roof void.

In addition to the main building the proposal includes a chiller store, ice store and gas bottle store, a nitrogen tank bay, loading/unloading bay, pipebridge linking the building to the existing steam main and footbridge over the existing steam mains.

The building would be 18.05 metres high at its highest point (the parapet of the stair tower) with the main bulk of the building being 15.5 metres high at the parapet. Due to the site levels being lower at the north western corner of the building around the pure services plantroom, the building would be approximately 16.6 metres above ground level, although the same overall height as the main bulk of the building. There would be a lower section where the loading bay and some of the staff amenity facilities are located. The building would be of a similar scale and massing to other buildings on the site with the height of the building dictated by the air handling equipment required for the processes that will take place within the building. Due to site levels it would be higher than the adjacent buildings 3 and 4, approximately 3.67 metres above building 4 and 3.9 metres above building 3. In the context of the wider site and the scale of surrounding buildings these differences are negligible. The scale and massing of the building is considered entirely appropriate for its location and purpose.

The design and appearance of the building is dictated by its purposes and the functionality required. On an industrial site buildings of this nature are expected and appropriate. The external walls are proposed to be clad in Kingspan microrib cladding panels, mainly Kingspan Grey White with a darker Kingspan Merlin Grey band. The cladding panels would be laid horizontally to minimise the perceived height of the building. The materials and colours proposed would reflect the more modern and recent buildings on the site providing some visual continuity.

The layout of the building has been carefully designed to reflect regulatory requirements and the processes that will take place. It has also been dictated by the functional requirements of the building and the immediate constraints, such as access road, the existing substation and the steam main to the west. The layout of the site has been carefully considered and is acceptable in planning terms.

### **Impact on the Adjacent Macclesfield Canal Conservation Area**

The Macclesfield canal abuts the site to the east. The canal is designated as a Conservation Area. The existing mounding and mature tree planting along the boundary would screen the development from immediate views along the tow path. It is not considered the proposed facility would any more harmful than the existing buildings on the site and the industrial complex as a whole which adjoins this stretch of the Conservation Area.

### **Highways Impacts**

As noted above the proposed manufacturing facility would replace an outdated existing facility on the site over a phased two year period, with existing staff and output transferred between the facilities. The Transport Statement notes that during the transition and thereafter current levels of manufacturing output will not be exceeded. The Strategic Highways Manager has identified five key issues to be addressed: safe and convenient access site access strategy; internal road design; sustainable travel; traffic impact; and parking.

The Transport Statement advises that only an additional 36 staff (28 shift workers and 8 day staff) would be anticipated with the remainder coming from existing employees on the site. If an assumption is made that all employees would drive to the site then 28 additional vehicle movements would be expected in the shift change inter-peak periods with 8 additional vehicle movements in the peak period. The Transport Statement advises that it is anticipated only a small number of additional delivery/service vehicles associated with the new facility, expected to be less than 10 a day.

AstraZeneca have an employee Travel Plan in place which it operates as part of its wider social responsibilities which includes subsidies for bus services, a car share scheme (with approximately 18% actively sharing) and shuttle bus services. Bus use is approximately 7% of all staff.

The Strategic Highways Manager has advised that the existing site access points and site access strategy is suitable to accommodate the facility and the anticipated increases in traffic. Likewise the internal road layout would comfortably deal with any increases anticipated. The long-term traffic impact is expected to be neutral and the majority of additional traffic will be outside peak hours. The existing car parking is considered acceptable and could accommodate any increases anticipated.

### **Land Contamination**

A Ground Investigation Report has been submitted with the application. The Land Contamination Officer has viewed the report and application and has raised no objections. They have advised that an informative be attached to any approval advising the applicant/developer of their duty to adhere to the regulations of the Environmental Protection Act 1990, the National Planning Policy Framework and current Building Regulations.

### **Residential Amenity**

The proposed development would be within the existing industrial complex and a considerable distance from the nearest residential property. As such no significant harmful impacts on residential amenity are anticipated.

### **Other Matters**

The proposed development is for a commercial building in excess of 1,000 square metres and therefore in accordance with the Council's Supplementary Planning guidance on Section 106 (Planning) Obligations the development could generate a requirement for open space, provision, recreation and outdoor sports facilities and/or a commuted sum in lieu of on site provision. Nonetheless, the proposed building would be part of an existing established manufacturing site and would be a replacement facility for an existing outdated facility. It would not generate significant numbers of additional staff with only an additional 36 expected. For these reasons it is not considered on site provision or a commuted sum could be justified as the need would not arise from the development itself.

### **11. CONCLUSIONS**

The proposed development would provide a replacement facility for the manufacturing of prescription medicines. The site is allocated as an existing employment area in the Local Plan and therefore such development is acceptable in principle. The visual impact of the proposal is considered acceptable given it would be within the existing industrial complex and seen against a backdrop of existing buildings from distant views. Additionally existing mature trees and mounding would screen the development from any close viewpoints. The scale and appearance of the building reflects its function and is dictated by the processes and regulatory requirements associated with such processes. Consideration has been given to limiting its perceived massing with the materials proposed. The highways impacts are considered to be low and could easily be accommodated with existing infrastructure. The proposal is considered acceptable in all other respects.

Taking the above into account the application is considered acceptable and sustainable development in accordance with the relevant policies in the development plan. Paragraph 14 of the NPPF advises that where proposals accord with the development plan they should be approved without delay. Members are therefore recommended to approve the application.

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. A11LS - Implementation of landscaping scheme submitted with application
5. A04LS - Landscaping (implementation details)

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Application No: 13/2143M

Location: FORMER HOLLANDS GARDEN CENTRE, CONGLETON ROAD, GAWSWORTH, CHESHIRE, SK11 9JB

Proposal: Variation of condition 3 (restriction of caravans for holiday occupation only) and 4 (restriction of occupation of caravans during any year) of approval 10/1711M to provide on-site staff accommodation.

Applicant: Tony Loverage

Expiry Date: 29-Aug-2013

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

Whether it has been demonstrated that there is an essential need for the site manager's accommodation.

**1. REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it is for the variation of conditions attached to a major application that was determined by that committee.

**1. DESCRIPTION OF SITE AND CONTEXT**

The application site is within the Countryside Beyond the Green Belt situated on the A536 (Congleton Road) to the south of Macclesfield. The site has been granted planning permission for the change of use of the site to a lodge park comprising 20 timber lodges. That permission has recently been implemented with some of the bases for the caravans being constructed. The site is approximately 1.3 Hectares with Congleton Road to the West, fields to the north and east and Maleypole Farm immediately adjacent to the site to the south.

**2. DETAILS OF PROPOSAL**

This application seeks to vary conditions 3 and 4 attached to permission 10/1711M approved 28<sup>th</sup> July 2010. This is the original consent for the caravan park. The purpose of varying the conditions is to allow permanent occupation of one of the caravans (unit 1) by a site manager.

The existing conditions that are sought to be varied read:

Condition 3: The caravans are to be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Condition 4: No caravan on the site shall be occupied between 14 January and 1 March in any year.

To achieve the intended purpose the applicant has requested the conditions are varied to state:

Condition 3: **With the exception of unit 1**, the caravans are to be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Condition 4: **With the exception of unit 1, the occupation of which shall be limited to a person solely or mainly working as a site manager within the holiday park, or any dependents of this person, throughout the year**, no caravan on the site shall be occupied between 14 January and 1 March in any year.

### 3. RELEVANT HISTORY

The site has a long planning history related to its previous use, however those applications relevant to the determination of this application are:

- |          |                                                                                                                                            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 13/2170M | Erection of a single storey multipurpose building to be used in the management of the caravan park.<br>REFUSED 25 <sup>th</sup> July 2013. |
| 10/1711M | Development of Hollands Nursery to lodge park (20 timber lodges).<br>Resubmission of 10/0076M.<br>APPROVED 28 <sup>th</sup> July 2010.     |
| 10/0076M | Redevelopment of hollands nursery to a lodge park (23 timber lodges)<br>REFUSED 7 <sup>th</sup> April 2010                                 |

### 4. POLICIES

#### Local Plan Policy

- GC5 (Countryside Beyond the Green Belt)
- GC6 (Outside Green Belts and Areas of Special County Value)
- RT13 (Tourist Facilities)
- DC6 (Circulation and Access)

## **Other Material Considerations**

- National Planning Policy Framework
- Good Practice Guide on Planning for Tourism, *Department for Communities and Local Government*
- Tourism Matters – A Report on Tourism in Macclesfield Borough (2002)
- A Vision Strategy for Tourism to 2015 – Cheshire and Warrington Tourism Board (2004).
- DCLG Circular 11/95 – Use of Conditions in Planning Permission.

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

**Strategic Highways Manager:** No comments received at the time of writing the report. These will be provided as an update.

## **6. VIEWS OF THE PARISH COUNCIL:**

No comments have been received from the Parish Council.

## **7. OTHER REPRESENTATIONS:**

A representation has been received from the occupiers of Maleypole Farm. The comments can be summarised as:

- Support the application in principle but request the applicant enter into a Section 106 agreement to bind occupation to management of the site as a condition is not robust enough.

In addition to these comments a number of questions and/or concerns were raised that are not directly relevant to the determination of the application. In summary these are:

- Can it be confirmed Cheshire East Council will regularly check the register required by condition 3.
- The site owner has advised of some changes to the landscape proposals, what are these?
- Major concerns about the development already carried out as bases of the lodges have been constructed raising the height of the ground significantly. This has potential to impact on amenity at Maleypole Farm.

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

A supporting statement has been submitted on behalf of the applicant outlining the policy background, site circumstances, planning history and justification for the development.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The proposed variation of conditions would have the effect of providing permanent residential accommodation for a site manager and any dependents.

The National Planning Policy Framework (NPPF) places a strong emphasis on supporting sustainable economic growth. Paragraph 28 of the NPPF advises that, to support a strong rural economy Local Planning Authorities should:

*'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'*

Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances such as, *inter alia*:

*'the essential need for a rural worker to live permanently at or near their place of work in the countryside.'*

Paragraph 24 of The Good Practice Guide on Planning for Tourism states that *'a residential managerial presence is often essential, to achieve quality service to the customer, security for the property, and to meet the obligations of health and safety regulations'*. It goes on to state that:

*'As far as possible, suitably located existing dwellings should be used to meet these accommodation needs. But where this is not a feasible option, and particularly in locations where suitable housing is not available, or is unaffordable, it may be necessary to provide new, on-site accommodation for managerial and/or other staff. In such cases the conversion of any suitable available existing buildings should be considered first in preference to the construction of new and potentially intrusive housing development in the countryside'*.

Local Plan Policy GC6 states that in the Open Countryside new dwellings will normally be allowed if *'they are required for a person engaged full time in agriculture, forestry or other rural enterprise appropriately located in the countryside, and a location in the countryside is essential for the efficient working of the enterprise'*.

It is clear from the above that there is support for allowing manager's accommodation on caravan sites. However there is a requirement to demonstrate that there is an essential need for the accommodation. To this end, the applicant has submitted a Planning Statement that seeks to demonstrate the essential need for the manager's accommodation. Further information has also been emailed to the case officer during discussions with the agent.

The thrust of the case submitted is that there is no reasonable opportunity for the applicant to rent or purchase off-site accommodation and therefore on-site provision is the only option. The applicant is seeking to utilise one of the caravans approved and not construct a new dwelling. It is argued that there is a functional need for a permanent managerial presence demonstrated by outlining the duties the site manager would undertake and the necessity to provide year round security, delivery of health and safety obligations and reception duties.

PPS7: Sustainable Development in Rural Areas offered guidance on how new dwellings in the Countryside should be determined, however, this guidance was superseded by the NPPF

and is no longer a material consideration in the determination of planning applications. The NPPF does not define or offer further guidance as to what constitutes an *essential need*. Nonetheless, in the absence any such guidance PPS7 is still the best source of information on the sort of consideration that should be given to the question of essential need. PPS7 set out the functional and financial tests necessary to demonstrate an essential requirement.

The site is not yet operational and as such it is not considered the grant of permanent manager's accommodation would be acceptable. This is because the enterprise has not established itself and therefore it cannot be demonstrated that the business is financially sound and sustainable in the longer term. This can only be demonstrated once the caravan park has established itself.

However, PPS7 advised that where a dwelling is required to support a new rural enterprise it should be provided, for the first three years, in a caravan or other temporary accommodation. It also advised five criteria that should be met:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

The submitted Planning Statement has sought to demonstrate these criteria are met by this proposal. With regard to the intention to develop the enterprise, this is demonstrated by the applicant's purchasing of the site, representing significant investment, as well as discharge of all planning conditions including the financial outlay associated with that process. At the time of writing the report the permission has been implemented with a number of the caravan bases being constructed.

As noted above The Good Practice Guide on Planning for Tourism recognises that '*a residential managerial presence is often essential, to achieve quality service to the customer, security for the property, and to meet the obligations of health and safety regulations*'. The agent has confirmed that the site owner would retain ownership of the caravans and they would be rented out on a fortnightly basis as short term holiday lets. The Planning Statement outlines the duties the site manager would carry out and the requirement for a 24 hour presence to provide security due to its rural location, an on-site contact for emergencies and to ensure the customers get the quality of service that is expected now.

In terms of exploring alternative accommodation in the area, the proposal is for one of the permitted caravans on the site to be utilised as the manager's accommodation. As such it does not require the construction of a new building or the provision of another caravan over and above what has already been approved. This is the most desirable option in planning policy terms as advised in The Good Practice Guide on Planning for Tourism where there is not suitable existing accommodation available. Details of properties for sale/rent within a 2.5km radius has been submitted. The cost of such properties would appear prohibitive.

Members should be aware that the applicant has expressed concern that a temporary permission would inhibit the ability to attract a site manager where there is a lack of certainty over whether they could continue to reside there after the three year period. It has been suggested that a five or ten year period would be more appropriate. Whilst there is some merit to this argument it is considered that a three year period is sufficient to allow the applicant to demonstrate the business is economically viable and there is a continuing essential need. In planning terms therefore a five year period is not necessary. Furthermore, if after the three year period there is essential need is no longer demonstrable and the business is not economically viable, the manager's accommodation would no longer be required or acceptable in planning terms. Therefore allowing a longer period would be counter to the aims of planning policy.

The occupiers of Maleypole Farm have requested the applicant enter into a Section 106 Legal Agreement to bind the occupation of the unit to the site manager. Circular 11/95 advises that planning conditions should not be duplicated by planning obligations.

### **Other Material Planning Considerations**

The proposed variation of the of conditions is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, residential amenity, trees, or any other matter of public interest compared to the previous permission.

## **10. CONCLUSIONS**

As noted above the advise in PPS7 is no longer a material planning consideration, but it does remain the best source of guidance as to what constitutes an essential need. The tests are logical and reasonable considerations that assist in making a judgement as to whether there is an essential need. Based on the information provided it is considered the applicant has demonstrated a functional needs and an intention to develop the enterprise. However, the fact that the business is not yet been established raises questions about whether the business is likely to be financially sound and secure in the longer term. It is therefore desirable to grant the manager's accommodation for a temporary period of three years. After that period the applicant could apply to vary the conditions again to allow permanent occupation provided they can demonstrate a sound functional need and that the enterprise economically viable. It is proposed that the following conditions are imposed to achieve the purposes of the existing conditions 3 and 4 whilst allowing the site manager's accommodation for a temporary 3 year period.

- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, the caravans (or cabins/chalets) shall be occupied for holiday purposes only.
- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, the caravans (or cabins/chalets) shall not be occupied as a person's sole or main place of residence at any time.
- The owners/operators shall maintain an up-to-date register for the caravan site to include the following details:
  - (a) the names of all owners/occupiers of individual caravans (or cabins/chalets) on the site and of their main home addresses;

(a) the start date and end date of their stay.

This information shall be made available at all reasonable times to the local planning authority.

- For a period of three years from the date of this decision the occupation of Unit 1 (as shown on approved plan numbered M1759.02D) shall be strictly limited to a person solely or mainly employed as a site manager by the holiday park occupying the plot edged red on the attached plan, or any resident dependants. After the prescribed period the occupation of Unit 1 shall be controlled by the other conditions attached to this permission.
- With the exception of Unit 1 (as shown on approved plan numbered M1759.02D) for a period of three years from the date of this decision, no caravan on the site shall be occupied between 14 January and 1 March in any year.

#### Application for Full Planning

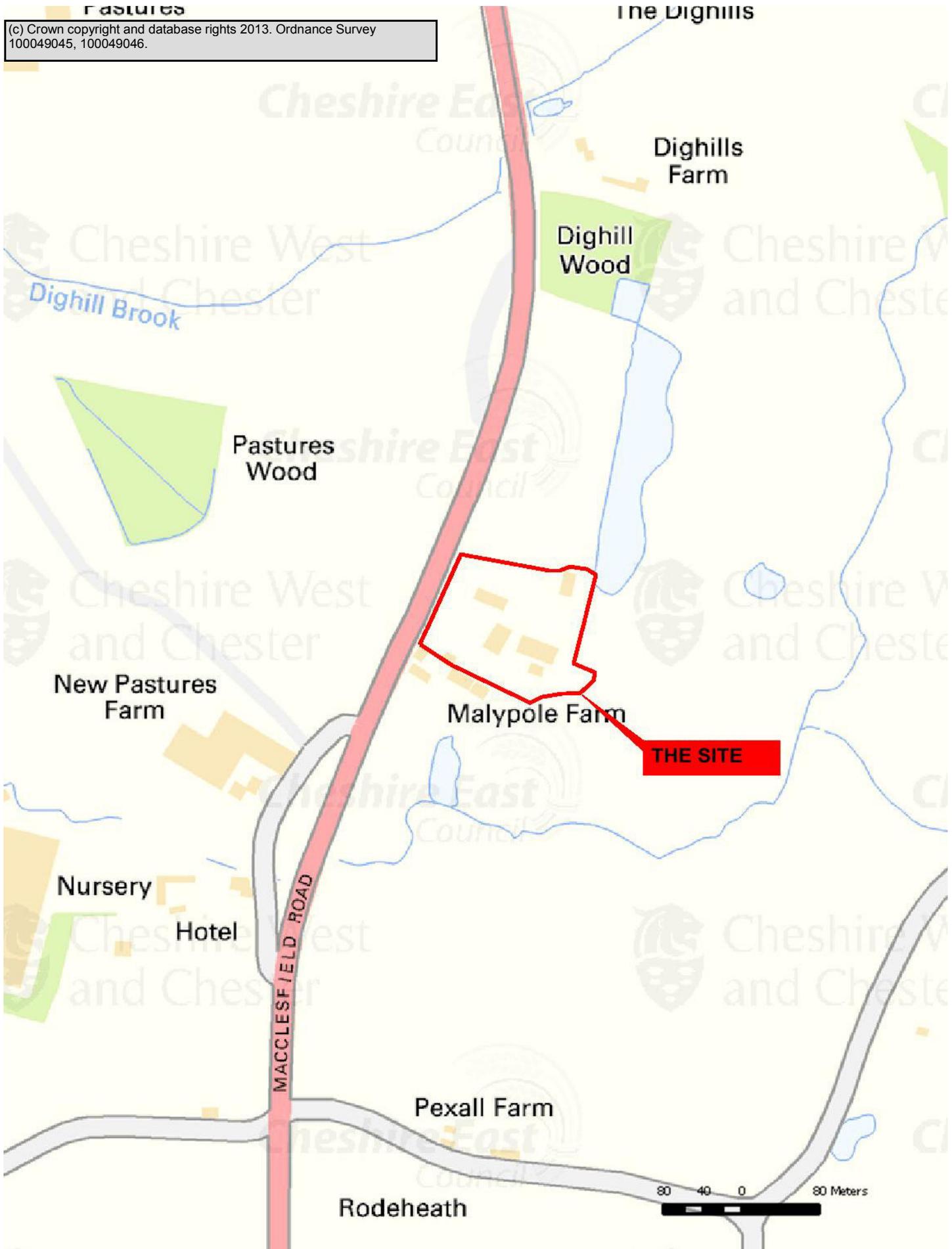
RECOMMENDATION: Approve subject to following conditions

1. A04AP - Development in accord with approved plans (numbered)
2. A04EX - Submission of materials for hard surfaces
3. A01LS - Landscaping - Details as approved under 12/4747D
4. A01TR - Tree retention
5. A02TR - Tree protection as approved under 12/4747D
6. A06TR - Levels survey as approved under 12/4747D
7. A08MC - Lighting details to be approved
8. A02NC - Implementation of ecological report
9. A06NC - Protection for breeding birds
10. A01HP - Provision of car parking
11. A12HA - Closure of access
12. A08HA - Gates set back from footway/carriageway
13. A11EX - Refuse recycling scheme to be submitted prior to occupation
14. A11EX\_1 - Details of any gates to be approved prior to erection
15. The caravans shall be occupied for holiday purposes only - except unit 1 for 3 year period
16. The caravans shall not be occupied as a person's sole or main place of residence - except unit 1 for 3 year period
17. The owners/operators shall maintain an up-to-date register for the caravan site
18. Occupation of unit 1 by site manager for 3 year period
19. No caravan on the site shall be occupied between 14th January and 1 March in any year - except unit 1 for three year period

20. Works to be carried out in accordance with phase II report approved under 12/4747D and completion report to be submitted and approved prior to first occupation
21. Scheme to limit the surface water run-off as approved under 12/4747D
22. Details of foul and surface water drainage as approved under 12/4747D.
23. Details of measure to reduce electromagnetic interference as approved under 12/4747D
24. Removal of PD rights in relation to Caravan site licence



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Application No: 13/2402C

Location: THE WOODLANDS, SHADY GROVE, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2NH

Proposal: Proposed conversion and extension of former public house into 12 residential apartments

Applicant: Punch Taverns Limited

Expiry Date: 02-Sep-2013

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**MAIN ISSUES:**

- a) Principle of Development
- b) Highways
- c) Public Open Space Provision
- d) Residential Amenity
- e) Other Considerations

**1. REASON FOR REFERRAL**

This application proposes the creation of more than 10 residential units and is therefore a small-scale major development.

**2. DESCRIPTION AND SITE CONTEXT**

The application site comprises the former 'Woodlands Public House', which is positioned on the western side of Shady Grove in Alsager. The site is in a predominantly residential area but is only 350 metres walking distance from the main town centre.

The existing building is a relatively modern two-storey property with a gable apex feature at the front and some flat roof single storey projections at the sides and the rear. The curtilage of the site is given over to hardstanding, with the rear of the site previously used as a car park. The pub has stood vacant since 2012.

The site measures approximately 0.1 hectares and is situated in between residential properties fronting Shady Grove and is bound to the rear by residential properties situated on Wordsworth Way and Wilbrahams Way.

The street is mixed in terms of property types, but is predominantly characterised by post war ex-local authority housing. The site is within the settlement zone line of Alsager as designated in the adopted Congleton Borough Local Plan First Review (2005).

### 3. DETAILS OF PROPOSAL

Full planning permission is sought to extend and convert the former 'Woodlands Public House' into 12 residential apartments.

### 4. RELEVANT HISTORY

1988	(19905/3) Permission for proposed alterations and extensions
1996	(27956/3) Refusal for alterations
1996	(28215/3) Permission for alterations
2000	(32288/3) Permission for new entrance porch pergola with ramp up for disabled access
2001	(33331/3) Permission for variation of condition on permission of 28215/3 that prohibits the use of picnic tables on the forecourt
2005	(05/0507/FUL) Permission side extension to existing building, paved forecourt to form external sitting area, disabled access, fences and gates and planting, front lobby, relaxation of condition 2 of 8/28215/3
2005	(04/0491/FUL) Refusal for alterations to 2no. external window openings to form patio door access and construction of 2no. external, Tudor decked drinking areas

### 5. POLICIES

#### Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR22	Open Space Provision

H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
RC12	Retention of Existing Community Facilities
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

### **Other Material Considerations**

National Planning Policy Framework

Circulars of most relevance include: ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

No objection subject to a condition restricting hours of construction hours and an informative in respect of contaminated land.

### **Highways:**

No objection - The Strategic Highways Manager (SHM) notes that 17 off road car spaces are proposed for 12 flats which are a mixture of 1 and 2 bed format. This level of provision is seen as acceptable in this case against this level of development considering that the residual space available within the development will certainly support visitor parking. The provision of cycle parking is also noted.

## **7. VIEWS OF ALSAGER TOWN COUNCIL**

No objection – any houses built on this site should count towards Alsager's housing allocation.

## **8. OTHER REPRESENTATIONS**

Representations have been received from 1 neighbouring property objecting to this proposal on the following grounds:

- The size of the development is too large and will lead to overlooking
- Highway Safety Issues, traffic generation, increased congestion and parking issues
- Layout and density of Building
- The proposal should have fewer flats and be restricted to the current footprint of the building
- Proposal does not encourage families into the area as it is for small flats
- Noise and smells created by the proposed bin storage

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

Planning Design & Access Statement

## **9. OFFICER APPRAISAL**

## **Principle of Development**

The application site is located within the settlement zone line for Alsager, where according to Policy PS4, there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other relevant policies. Of relevance is Policy H4, which states that regard will be had to the location of the site to jobs, shops and services by modes other than the car and Policy RC12 which seek to retain existing community facilities.

The site is in a predominantly residential area and seeks permission for the provision of 12 residential units. In terms of land use therefore, the proposal would conform with the surrounding scale and character of development. The site is in a sustainable location on the edge of Alsager town centre and is easily accessible and well connected to public transport and community facilities and services. Consequently, the proposal is deemed to be compliant with local plan policies PS4 and H4.

Policy RC12 of the Local Plan states that planning permission will not be granted for any proposed development which would result in the loss of any community facility which makes a positive contribution to the social or cultural life of the community, unless suitable alternative provision is made. It goes on to state that any proposals involving the loss of such facility would need to demonstrate that the continued or future use of the facility is unviable and that its loss would not be detrimental to the locality. In the Congleton Borough Local Plan, a public house is considered to be a community facility.

Prior to its closure, the business failed to operate viably. Shortly after it closed, the building was damaged in a fire which destroyed most of the ground floor. Subsequent attempts to try and sell or lease the property for the continued use as a public house has failed to generate any genuine interest and as such the building has remained vacant for the past 12 months. Furthermore, there are a number of other drinking establishments within close proximity. As such, the Council is satisfied that the building is no longer viable as a Public House, is not an existing community facility and does not therefore make a positive contribution to the local community.

Subject to conformance with other relevant material planning considerations, the principle of 12 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this. The scheme is therefore compliant with national and local policy.

## **Design & Character of Development**

Policy GR2 of the local plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

To accommodate 12 units, it is proposed that the building be extended by erecting a two-storey side extension to the north facing elevation and first floor additions to the south facing side elevation and the rear.

The proposed two-storey side extension to the north facing elevation would introduce a gable apex feature to replicate and mirror the existing gable apex found on the left hand side of the front elevation (as viewed from the street). The introduction of this extension would assist in balancing up the symmetry of the front elevation and would be in keeping with the general style and appearance of the building whilst respecting its scale and proportions.

The proposed first floor side extension would be attached to the south facing side elevation and would be situated above an existing single storey flat roof projection that is set back from the front building line. As such, this extension would be set back and would have a hipped roof matching the pitches of the main roof slopes. The extension would respect the character and appearance of the building.

With respect to the street scene and neighbouring buildings, Shady Grove is fairly mixed in terms of the type and style of properties. The side extensions would have hipped roofs sloping away from the common boundaries and would help to soften the visual transition with the neighbouring properties either side. The apex gables feature would match the neighbouring apex fronted dwellings and would not appear incongruous in the street scene.

At the rear, a number of first floor gable projections would be added above the existing flat roof projections and would help to break up the massing of the rear elevation. It is considered that the removal of the existing flat roof additions would improve the rear of the property and as these would not be visible from the street, they would not materially harm the character or appearance of the area. As such, the design is considered to be acceptable and in compliance with local plan policy GR2.

### **Highways**

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

The proposal would make use of the existing vehicular access, which is situated towards the left hand side of the site frontage and runs alongside the common boundary shared with the neighbouring property no. 40 Shady Grove. The access would not be altered as it is already wide enough and achieves adequate visibility. The street is residential in character and speeds are low. The traffic generation would not be significant and therefore the proposed access arrangements are acceptable and would not give rise to highway safety issues.

The existing car park to the rear of the premises would be used to provide 17 no. off-street car parking spaces. This would equate to 1 space per unit with an additional 5 visitor spaces. Given that the proposed units would comprise of only 1 and 2 bed roomed units and having regard to the location of the development close to the town centre, this level of provision is deemed acceptable and would limit the displacement of any parking.

In the absence of any objection from the Strategic Highways Manager, the scheme is found to be acceptable in terms of highways and parking considerations. The requirements of policies GR9 of the local plan are therefore deemed to have been satisfied.

## **Public Open Space Provision**

According to the Council's Supplementary Planning Guidance, developments of 7 or more dwellings will generate a requirement for public open space and children's play space. The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. However, this scheme is only for 8x no. 1 bedroom and 4x no. 2 bedroom apartments. As such, they are not family dwellings and therefore the demands on local play space and open space will be low.

Given that this scheme is very small, it is deemed to be impractical to provide the open space on site and therefore consideration needs to be given to off-site works at a suitable local facility. A further update on this matter will be provided to Members when the Greenspaces officer has confirmed the exact requirements.

## **Residential Amenity**

The Congleton Borough Council Supplementary Planning Document, 'Private Open Space in New Residential Developments', requires a distance of 21.3 metres between principal windows and 13.8 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

In respect of the residential amenity afforded to neighbouring properties to the rear found on Wilbraham's Way and Wordsworth Way, the proposals would achieve the minimum interface distances. As such, these properties would not be materially affected by reason of loss of light, visual intrusion or direct overlooking.

Turning to the properties either side of the site, no's 40 and 42 Shady Grove, these properties do not contain any principal windows within their side elevations facing the site. Whilst the proposal would include principal windows at ground floor level within the side elevations facing these neighbours, the existing boundary treatments would be sufficient to prevent any direct overlooking at ground floor level.

The first floor extension to the southern side of the building would terminate part way down the side elevation so that it does not travel too far beyond the rear elevation of no. 40 to the south. The first floor would include 2 windows, but these would be non-principal and could therefore be obscured to avoid any direct overlooking. The proposal would not materially affect this property by reason of loss of light or visual intrusion. The proposed extension to the north facing elevation would not travel significantly beyond the front or rear elevations of no. 40 to the north and as such would not result in any material harm in terms of visual intrusion or loss of light. An application of the 45-degree test would support these conclusions.

The standard of accommodation would be adequate for these 1 and 2 bedroom units and an area of private amenity space would be provided to the rear of the building. As such, the proposals are deemed to comply with local plan policy GR6 and SPG2.

## **Other Considerations**

An objector has expressed concern regarding the proposed bin storage to the rear of the property. The objector feels that the location of the bin storage will affect their amenity due to noise and smells. However, the proposed area would be screened and any noise or odours from bins would not be of an intensity that sustain a refusal of planning permission.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development is deemed acceptable as the site is sustainable, is no longer required for community use and would bring forward a vacant Brownfield site. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development and the level of parking provision is sufficient. The proposal is acceptable in design terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on neighbouring amenity and contributions towards public open space would offset the impacts of the development. The applicant has demonstrated general compliance with national and local guidance in a range of areas and the application is therefore recommended for approval.

## **12. RECOMMENDATION:**

Approve subject to the following conditions:

### **Conditions**

1. Standard 3 year time limit
2. Development to be carried out in accordance with approved plans
3. Materials to be submitted to and approved
4. Submission of details of boundary treatments
5. Details of boundary treatments submitted
6. Details of bin storage / waste strategy to be submitted
7. Hours restriction – construction including delivery vehicles
8. First floor windows in south facing elevation to be obscured and fixed shut below a height of 1.7 metres
9. Details of external lighting to be submitted
10. Car parking spaces to be laid out prior to first occupation

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