

Northern Planning Committee

Agenda

Date: Wednesday, 20th November, 2013
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the meeting held on 23 October 2013 as a correct record.

4. **Public Speaking**

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

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

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

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

5. **13/3596M-Retention of a range of buildings, hardstanding and parking areas, horse walker and change of use of land for equestrian purposes, Florence Stables, Woodford Lane, Newton, Macclesfield, Cheshire for Mr Paul Jackson (Pages 7 - 22)**

To consider the above application.

6. **12/4814M-Regularisation of stables and yard, two additional stables, horse walker, change of use of store into stables, Florence Stables, Woodford Lane, Newton, Macclesfield, Cheshire for Mr Paul Jackson (Pages 23 - 40)**

To consider the above application.

7. **13/2073M-Proposed Residential Development for 14 no. Townhouses, The Towers, Park Green, Park Street, Macclesfield for Welbeck Land (Pages 41 - 52)**

To consider the above application.

8. **13/2559M-Proposed Demolition of the Existing Tower Block, The Towers, Park Green, Park Street, Macclesfield for Welbeck Land (Pages 53 - 56)**

To consider the above application.

9. **13/2645N-Extension to Time Limit of Application 10/2328N for Conversion of Three Barns to Seven Dwellings with Three Detached Garage Blocks, Access Roads, Refuse Collection Bays and Demolition of Other Agricultural Buildings, Upper Lightwood Green Farm, Audlem for Mr Steven Bailey (Pages 57 - 64)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 23rd October, 2013 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor W Livesley (Chairman)

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

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N
Jones (Principal Development Officer), Mr T Poupard (Senior Planning Officer)
and Miss L Thompson (Senior Planning Officer)

54 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Edwards, P
Raynes and R West.

55 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 13/2655M, Councillor
D Neilson declared that he knew one of the tenants who occupied a unit
on the site.

56 MINUTES OF THE MEETING

RESOLVED

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

57 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

58 13/2655M-OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 6 NO DWELLINGS INCLUDING DEMOLITION OF ALL EXISTING BUILDINGS ON SITE, OVENHOUSE FARM, HENSHALL ROAD, BOLLINGTON, MACCLESFIELD, CHESHIRE FOR J C WOOD

(Prior to consideration of the item, Councillor L Brown arrived to the meeting).

(Town Councillor Amanda Stott, representing Bollington Town Council attended the meeting and spoke in respect of the application).

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to completion of a Section 106 Agreement comprising the following Heads of Terms:-

- Commuted sums of £24k to mitigate for the loss of existing open space and for POS in lieu of onsite provision.

And subject to the following conditions:-

1. A06OP - Commencement of development
2. A01OP - Submission of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A01AP - Development in accord with approved plans
5. A09OP - Height restriction (Max 2 storeys)
6. A02TR - Tree protection
7. A04NC - Details of drainage (seperate)
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile Driving
10. Dust Control
11. Contaminated Land
12. Re-use of existing stone

59 13/3251M-NEW GLASSHOUSE (RE-SUBMISSION OF 12/4295M), LES HALMAN NURSERY, PARKSIDE FARM, CROWN LANE, LOWER PEOVER, CHESHIRE FOR L HALMAN, LES HALMAN NURSERIES LTD

Consideration was given to the above application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A03EX - Materials to match existing
3. A01AP - Development in accord with approved plans
4. A04LS - Landscaping (implementation)

60 WITHDRAWN-13/3276M-VARIATION OF CONDITION 2 OF 11/0533M TO ALLOW THE SUBMISSION OF AMENDED PLANS, SITE OF 2 & 4 HOLLY ROAD NORTH, WILMSLOW FOR MR WAYNE SEDDON

This item was withdrawn prior to the meeting.

61 13/3605M-VARIATION OF CONDITION 10 ATTACHED TO PLANNING PERMISSION 13/0932M. (BEFORE THE USE OF LIGHTING IS COMMENCED, AN ARTIFICIAL LIGHT/ILLUMINATION VALIDATION TEST SHALL BE COMPLETED AND THE RESULTS SUBMITTED TO AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY). GOLF ACADEMY AND DRIVING RANGE, THE HIGH LEGH PARK GOLF CLUB, WARRINGTON ROAD, MERE, CHESHIRE FOR MR ANDREW VAUGHAN

Consideration was given to the above application.

(Mr Hunt, an objector and Mr Beddows, 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 oral update to Board the application to vary condition 10 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. Floor Floating Details
10. Illumination Validation Test –

Prior to the installation of any lighting associated with the development hereby permitted, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and approved in writing by the Local Planning Authority.

Such validation test shall:

- a) Be completed in accordance with an approved method statement.
- b) Be completed by a suitably qualified Lighting Engineer/ Consultant approved by the Local Planning Authority.
- c) Demonstrate that no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range.
- d) In the event of light overspill from the golf driving range, a further scheme of artificial light (illumination) attenuation works capable of achieving “no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range” shall be submitted to and approved in writing by the Local Planning Authority.
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use of the lighting is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

11.A13GR - Business hours (including Sundays)

12. Details of Screens and Blockages

13. Details of Berm Mounds

14. Removal of Floodlights on Existing Clubhouse

15.A12MC - Hours of illumination and no additional lighting

(During consideration of the item the meeting was adjourned for a short break in order for Officers to seek Legal advice).

(Councillor B Burkhill requested it be recorded that he voted against the application to vary condition 10).

62 WITHDRAWN-13/3884N-CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED 2 BEDROOM 4 PERSON AFFORDABLE DWELLINGS AND ASSOCIATED ACCESS AND PARKING ARRANGEMENTS, LAND TO REAR OF 55, SUNNYBANK ROAD, CREWE FOR ADELE SUMNER, WULVERN HOUSING LTD

Due to an extended consultation period and outstanding information from consultees this application was withdrawn by officers from the agenda and would be deferred to a future Committee meeting.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

Councillor W Livesley (Chairman)

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Application No: 13/3596M

Location: FLORENCE STABLES, WOODFORD LANE, NEWTON,
MACCLESFIELD, CHESHIRE, SK10 4LH

Proposal: Retention of a range of buildings, hardstanding and parking areas, horse walker and change of use of land for equestrian purposes

Applicant: Mr Paul Jackson

Expiry Date: 22-Oct-2013

Date Report Prepared: 8th November 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- Whether there is sufficient grazing land for 18 horses
- Design/impact on the character and appearance of the area
- Highway safety
- Impact on residential amenity
- Ecology

REASON FOR REPORT

This application has been referred to Northern Planning Committee at the discretion of the Planning and Place Shaping Manager.

DESCRIPTION OF SITE AND CONTEXT

The application site is just over half way down Woodford Lane, a rural country lane in Prestbury. 17 dwellings and 2 equestrian businesses are located on Woodford Lane. The surrounding area comprises relatively flat open countryside.

The site is washed over by Green Belt, as defined in the Macclesfield Borough Local Plan 2004.

Florence Stables is located directly to the rear of Florence Farm and Florence Cottage.

The site is in equestrian use.

DETAILS OF PROPOSAL

This application is retrospective. It seeks permission to retain the existing use of the site as a commercial livery, which stables 18 horses at Florence Stables.

The application site comprises:

- Access onto Woodford Lane
- Area of hardstanding, providing informal parking/turning area
- Stable yard
- Former agricultural building, converted to provide 9 stables, kitchen, office, WC & tack room / store
- Single storey wooden stables for 2 horses
- Single storey wooden stables for 7 horses, with 2 stores
- Midden
- Replacement horse walker
- Manège

This application differs from 12/4814M (elsewhere on this agenda), as it incorporates grazing land into the application site, which the applicant has advised is 5 hectares.

It should be noted that there is a second livery toward the end of Woodford Lane; Lumb Brook Livery. This business is also within the applicant's ownership; however, it does not form part of this application.

RELEVANT HISTORY

06/0084P Proposed manège
Approved with Conditions 04/04/06
(A condition attached to this approval prevented the commercial use of manège)

It is understood that the site was purchased by the applicant in 1995. A valuation report advises that the site was a small holding comprising a detached dwelling (Florence Cottage), agricultural and domestic outbuildings and some land. At the time, the site contained 6/7 looseboxes attached to a barn. This building was later converted into a dwelling (Florence Farm).

There were some wooden storage sheds to the rear of Florence Farm, which were replaced in 1996/7 with the existing single storey wooden stable building, which accommodate 7 horses.

The original implement shed was replaced with the agricultural building in 1996/7. This has since been converted into 9 stables/stalls.

It appears that there has been a gradual increase in the number of stables on site. In 1996 there were 7 stables. In 2004 3 stables were put in the agricultural building / barn. In 2007, another 6/7 stables were put in the agricultural building / barn. At some point between 2007 – 2012 a further 2 stables were added, bringing the total to 18.

The access road and yard were formed in 2000.

POLICIES

Macclesfield Borough Local Plan 2004 – saved policies

NE11 – Nature Conservation
BE1 – Design guidance
GC1 – New Buildings (Green Belt)
GC8 – Reuse of buildings (Green Belt)
DC1 – Design (New Build)
DC3 – Amenity
DC6 – Circulation and Access
DC32 – Equestrian facilities

Other Material Planning considerations:

Supplementary Planning Guidance – Equestrian Facilities (Borough of Macclesfield)

National Planning policy Framework

CONSULTATIONS (External to Planning)

Highways: no objection

Environmental Health: concerns raised in respect of residential amenity

Environment Agency: no comment

VIEWS OF THE PARISH COUNCILS

The application site falls within the parish of Prestbury, however is very close to the parish of Mottram St Andrew, as such both Parish Councils have been consulted on the application.

Prestbury Parish Council

No objection and the Committee cannot understand why this has been returned as it was passed at the main planning committee meeting. With regard with the equestrian use this land has been used for equestrian purposes for at least 50 years.

Mottram St. Andrew

Object for the following reasons:

1. Adverse impact on residential amenity, from additional vehicle movements, loss of privacy, overbearing effect, general disturbance
2. Shared access arrangement is unsatisfactory

3. Development creates off site highway hazards
4. Proposal has an adverse impact on Green Belt policy.

OTHER REPRESENTATIONS

The following is a summary of the representations made. The formal representations are available to view in full on the Council's website.

No objection

- 8 properties and Prestbury Amenity Society raise no objection to the proposal

Support

8 representations have been received in support of the application; however, Members must note that some of these representations have been made by customers of the applicant's businesses, the current tenant, and Thomason Walters Equine Veterinary Surgeons, who may be employed by the applicant to tend for the horses.

- A customer of Lumb Brook Livery advises that other customers have more than 1 horse stabled there, therefore reducing traffic movements
- You seldom meet another road user or see parking on Woodford Lane
- The proposal is in keeping with traditions of rural community and rural pursuits
- Business supports local economy, in accordance with Government guidance
- Reduces time & money travelling to other liveries
- 18 stables have been in place for 4 years, no experience with problems of cars passing or parking on the lane
- The site is well run
- British Horse Society advise that it is quiet, well run, professional, the horses well-cared for, safe environment, good for local economy, directly and indirectly and provides local jobs
- Livery vital to the "Cheshire Hoof" initiative 2011
- Thomason Walters Equine Vets advise that the site is well maintained, minimal impact on Woodford Lane. Not noticed any change in circumstances over the past 8 years

Petition

- 20 signatures on petition agree that:

“Traffic on Woodford Lane has dramatically increased in the last 5 years”.

Objection

Formal objections have been received from or on behalf of 7 households who live within close proximity of the site.

Objections have also been received from 1 other household, which is not within the vicinity of the site, but the author is a relative of people who do live within the immediate vicinity of the site.

For ease, the objections have been incorporated into a number of categories:

Principle

- Small stables have become large scale commercial equestrian facilities – 43 in total on Woodford Lane
- Increase in stables by 11 in the last 4 years
- Intensive development on rural routes should be resisted
- Infrastructure at saturation point

Highway safety

- Woodford Lane unsuitable for significant traffic volumes
- 3 accidents in last 2 years
- Cumulative impact on traffic increase on single track road is unacceptable
- Customers parking on the Lane
- The combination of Lumb Brook Livery expanding from 14 to 25 stables and Florence Farm Stables from 7 to 18 has significantly increased traffic on Woodford Lane
- Poor visibility
- Vehicle stand offs in Lane – reverse onto highway verge – people with horseboxes refuse to reverse
- Total traffic movements:
16,612 – car movements, 202 HGV deliveries, 1405 horseboxes
- Insufficient parking

- HGVs damage to road – examples of potholes

In addition, a Highways study has been prepared by Axis (Transportation Planning), on behalf of a number of local residents, which CEC Highways have considered and assessed. This is discussed in the Highways section below.

Residential Amenity

- Smell from manure and horses
- Noise – large HGVs passing by immediately adjacent to properties frequently
- Loss of privacy – overlooking
- Overbearing effect
- General disturbance

Policy

Contrary to policies:

- DC3 – residential amenity
- DC32 – Equestrian facilities
 1. Harm to environmental quality through damage to road verges
 2. Road hazard
 3. Not farm diversification

Green Belt

- Contrary to Paragraph 89 of NPPF, as not an “appropriate facility”
- Pressure for further buildings – bedding and fees stuffs, e.g. 2010 application at Lumb Brook Livery

Grazing Land

- 9.25 acres of available land for grazing which is insufficient for 18 horses
- Insufficient land at Lumb Brook Livery

Domestic permission

- 06/0084P –Condition 2 - domestic use only

Livery

- Not been a livery for 20 years!

- 2006-2008 = 16 stables, 2011-2012 = 18 stables

General comments

- Applicant makes own haylage. Any shortfall met by Mr. Hall. Mr. Hall is sole supplier of big bale haylage to applicant – 2 deliveries per year
- Not a busy lane, never been an unsafe movement
- Lumbrook Livery has expanded beyond recognition – it is a serious competition yard
- Number of stables at Florence Farm Stables has been reduced by 4 from 22 to 18
- Straw supplier delivers every 4-6 weeks

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application:

- Covering letter
- Design, Access & Planning Statement
- Summary of vehicle movements
- Correspondence from the British Horse Society
- Correspondence from Equine Veterinary Surgeons
- Parking layout
- Land ownership details

Full details of these documents can be viewed on the Council's website.

In summary, the Design, Access & Planning Statement advises:

- There are 5 hectares of land adjacent to the equestrian complex and a further 5 hectares shared with Lumb Brook Livery (Within applicant's ownership)
- The yard can accommodate several horse boxes and 4 cars, in addition to the hardstanding
- The business employs 1 F/T member of staff and 2 P/T members of staff
- The midden is located well away from residential properties, and is emptied regularly by a local farmer
- Elements of the site are lawful, due to the amount of time they have been in place
- The National Planning Policy Framework (NPPF) indicates that there should be support for a prosperous rural economy & support for outdoor sport and recreation, which preserves the openness of the Green Belt
- Part of the proposal is to convert an existing building to stables, which accords with the Local Plan & NPPF
- Proposal complies with policy DC32 in respect of Equestrian Facilities
- The proposal complies with the Macclesfield Borough Local Plan & the NPPF

In addition, detailed correspondence has been received which contests the concerns raised by Environmental Health, and the local residents.

This correspondence can be read in full on the Council's website.

OFFICER ASSESSMENT

Green Belt

As the application site is within the Green Belt, consideration must be paid to the Green Belt policies contained within the National Planning Policy Framework (NPPF) and Macclesfield Borough Local Plan 2004. Policies in respect of the Green Belt are considered to be consistent with the NPPF, and therefore should be afforded full weight.

Paragraph 89 of the National Planning Policy Framework advises that the provision of appropriate facilities for outdoor sport, outdoor recreation are acceptable within the Green Belt, as long as it preserve the openness of the Green Belt, and does not conflict with the purposes of including land within it.

Equestrian Facilities

Policy DC32 of the Macclesfield Borough Local Plan and the Council's Supplementary Planning Guidance on 'Equestrian Facilities' expand on the guidance in the NPPF. They advise that equestrian facilities will normally be allowed in the countryside provided that a number of criteria are met. These are:

1. The stables being small scale, and are required in the interests of animal welfare;
2. Sufficient grazing land being available for grazing and turning out for exercise;
3. Not being prominent;
4. Not harming a designated area;
5. Not leading to a deterioration of bridleways, open spaces, or creating off-street hazards;
6. Does not result in the loss of good quality agricultural land;
7. Access and parking is satisfactory to the local highway authority;
8. Not harming residential amenity;
9. Larger scale facilities utilise redundant buildings or are sited within an existing complex of buildings; form part of a farm diversification scheme; and remain as part of the original holding;
10. Buildings must be of an appropriate scale and design to the landscape setting;
11. Does not require the provision of residential accommodation.

This development is clearly large scale, and therefore criterion 9 is key. The single storey stable block containing 7 stables has been on site since 1996/7, and therefore, through the passage of time is lawful. The agricultural building opposite has been converted between 2004-2008 to provide 9 stables. The conversion of the building is self contained, and is not considered to harm the openness of the Green Belt. The more recent 2 bay stable building erected at some point between 2007-2012 to the rear of Florence Farm sits within the complex of buildings, forming a courtyard. This complex of buildings is not considered to be in conflict with criterion 9.

The application site incorporates 5 hectares of land. Title Deeds have been submitted to confirm that the applicant owns the land. Whilst policy DC32 and the SPG on Equestrian Facilities recommend 1 acre of 0.4 hectares of grazing land per horse (18 acres or 7.2 hectares in this case), a reduction in the amount of land is considered reasonable, due to the provision of the horse walker and ménage, which provide the horses with some exercise. The letters of support from the British Horse Society and Thomson Walters - Equine Veterinary Surgeons, also give some comfort that this is sufficient in the interests of animal welfare.

It is recommended that a condition be attached to any approval to tie the 5 hectares of grazing land to Florence Stables, so that the business remains operating well.

To the south east of the stables is a horse walker, midden, and beyond that the ménage. The horse walker replaces a similar structure. The Design, Access and Planning Statement advises that the former horse walker was removed in 1997, and the existing horse walker was erected in 2006, at the same time the ménage was formed. The horse walker is considered to be an appropriate facility, required in the interest of animal welfare, to provide exercise.

Overall, the proposal is not considered to have a significant impact on the openness of the Green Belt or the character of the landscape. The buildings/structures are not prominent, and are not out of keeping in a rural area.

Highway Safety

A significant number of concerns have been received in relation to matters of highway safety. Following a number of site visits and two traffic surveys, the Strategic Highways Manager raises no objections to the proposal. The following comments are made, particularly having regard to the Axis Highway report:

Strategic Highways Assessment

Woodford Lane operates safely, its junction with Lees Lane operates at a level which is not considered a material issue for this development proposal and the traffic generation would not change in a material way as this application is to regularise the existing use.

Despite this, and considering the additional Axis letter supporting the objector's view, the Strategic Highways Manager considered that in order that Members were accurately and clearly informed that sample surveys should be undertaken to demonstrate the traffic generation to and from this site.

As a result, two surveys have been conducted, one on a weekday evening – claimed by the Axis report to be a time of significant generation – and one on a weekend again covering a period of time in which much traffic was generated. The surveys were conducted without warning or appointment and therefore are as representative of existing flows as can be reasonably expected.

The following table details manually surveyed flows on a weekday evening at a time claimed to be busy by objectors and as can be seen covers traffic generated from both Florence and Lumb Brook stables:

FLORENCE STABLES, WOODFORD LANE, NEWTON.
TRAFFIC GENERATION SURVEY – 08-10-2013.

16.30pm TO 18.30pm (daylight hours)

TIME	FLORENCE STABLES			LUMB BROOK LIVERY		
	CAR	TRAILER	HORSE BOX	CAR	TRAILER	HORSE BOX
16.30 – 16.45	0	0	0	3	0	0
16.45 – 17.00	2	0	0	2	0	0
17.00 – 17.15	2	0	0	1	0	0
17.15 – 17.30	0	0	0	4	0	0
17.30 – 17.45	3	0	0	4	0	0
17.45 – 18.00	3	0	0	1	0	0
18.00 – 18.15	0	0	0	1	0	0
18.15 – 18.30	0	0	0	0	0	0
TOTALS	10	0	0	16	0	0

NB: All figures are in trips and are combined directions for each site.

At the time of the survey there were 3 horse boxes and 7 cars parked in Florence Stables outer yard.

It can be seen from the table above that in line with the view of the Strategic Highways Manager the actual traffic generation from this site is very low on an example weekday evening.

The weekend survey was conducted by camera on a Saturday at the request of the LPA. The survey was conducted over 12 hours and in 15 minute segments from 7am to 7pm and demonstrated all turning movements at the junction of the Florence Stable access including: both 'straight on' directions along Woodford Lane and all permutations of turning movements into and out of the Florence Stables access.

In summary the survey tables capture all traffic to and from both Florence Stables and the existing Lumb Brook livery which is not part of this application.

The trips to and from Florence Stables over the twelve hour survey were:

- | | |
|---|----------|
| 1. Woodford Lane (North) to Florence Stables access | 2 trips |
| 2. Florence Stables access to Woodford Ln (North) | 1 trip |
| 3. Woodford Lane (South) to Florence Stables access | 13 trips |
| 4. Florence Stables access to Woodford Lane (south) | 17 trips |

12 hour total: 33 trips

33 trips in 12 hours is an average of 3 trips per hour. The highest individual hour was between 5pm and 6pm and generated 7 trips.

In comparison, Lumb Brook Livery generated 68 trips over the twelve hour survey. This is an average of 6 trips per hour.

Axis Highway Report

The claim that there is verge over-riding is echoed in the comments by the Strategic Highways Manager dated March 2013, who subsequent to a site visit, recognised that there was some over-riding and indeed Axis have provided 4 photos of some over-riding marks on the lane. It is the view of the Strategic Highways Manager that all rural lanes suffer this type of over-riding from farm traffic and heavy through traffic however Woodford Lane is not seriously affected by over-riding and clearly does not have through traffic.

The Axis report also makes significant comment on the fact that the traffic would have the potential to intensify significantly if a more intensive use was brought to the site. This may be true but this is not the application under consideration here. This application simply seeks to regularise the current level of use and will not increase traffic on Woodford Lane.

The Axis report assesses the junction of Woodford Lane with Lees Lane and suggests that the visibility is below standard and that the junction has an accident record and that this is a material consideration against this application. The Strategic Highways Manager has checked the accident record at this junction and it is similar to that you might expect from a junction of this type in a rural location, however, on examination it is clear that of the small cluster of four slight injury accidents recorded near to Woodford Lane junction in the 5 years up to December 2012, only one involved turning movements with Woodford Lane as a causal factor. Two involved the junction of Mill Lane opposite and the fourth was a loss of control on Lees Lane itself with only one vehicle involved.

As a result and despite the fact that the junction of Woodford Lane is not ideal in its provisional standards, the Strategic Highways Manager finds that the accident record in the vicinity of the junction of Woodford Lane with Lees Lane is not significant to the consideration of this application, particularly given this application will not increase traffic on Woodford Lane.

The Axis report also points out forward visibility around two of the bends on Woodford Lane is insufficient in line with Manual for Streets 2 recommendations and that additional traffic would increase the likelihood of conflict on the lane.

Woodford Lane does operate safely and as current traffic levels will not change the Strategic Highways Manager concludes that this is not material reason to resist this application.

With regard to parking, the Axis report criticises the provision claiming it is insufficient, however once again the 18 stables on this site are operating and there is no evidence of displaced parking onto Woodford Lane. It seems evident therefore that whilst there is no

formal parking layout within the site that the parking areas available provide sufficient facility to absorb parking need.

Additional letter by Axis Consultancy

The additional letter from Axis spends a considerable amount of time projecting their view of traffic generation from this site and stating that the view of the Strategic Highways Manager is incorrect regarding the volume of traffic which will be generated from this site. The report also re-iterates the claims with regard to verge over-riding and forward visibility on bends along Woodford Lane.

There are no supporting traffic surveys or specific information regarding traffic generation, however, there are some claims for high numbers of vehicles and horse boxes needing to access the site and a further re-iteration of the concerns for walkers who use this lane to access a public footpath and who may find themselves in conflict with traffic along its length.

Highways conclusion

Woodford Lane operates safely. The junction of Woodford Lane with Lees Lane has a minor accident record which is not significant to this application.

The surveys were undertaken at the request of the LPA. Strategic Highways would not normally have taken them on such a low traffic generator. The surveys demonstrate that the traffic generation from this site has a low hourly impact.

The Highway Engineer noted that this site operates and generates traffic along Woodford Lane in a similar way to the established equestrian livery at Lumb Brook Livery at the end of this rural lane. There is no through traffic. His inspection found little or no verge over-riding from large vehicles and indeed less than could normally be expected on a rural lane serving a farming operation.

The Highways Engineer also noted that traffic flows are very low and whilst the lane is narrow, for much of its length there is no material evidence that vehicular conflict is a difficulty.

The Strategic Highways Manager maintains his position of no objection to this application proposal.

Accordingly the proposal is considered to accord with policy DC6 of the MBLP and paragraph 32 of the NPPF.

Design/impact on the character and appearance of the area

The design and form of the buildings/structures are typical for a rural area (predominantly timber stabling and corrugated metal agricultural store painted green) and the impact upon the character and visual amenity of this Green Belt area is considered to be acceptable. The horse walker is considered to be as discreetly sited as possible, whilst the walker has a

relatively large circumference it is relatively low lying and its functional appearance is not out of keeping to the setting.

Residential Amenity

Between them, the amenity policies outlined above aim to protect the living conditions of adjoining residential properties from harmful loss of amenity e.g. unacceptable noise, smells, dust that would significantly injure the amenities of adjoining or nearby residential property.

Residential properties are located in close proximity to the site, in particular Florence Farm, which is situated approximately 20m from the main complex of buildings. A large number of the objections relate to amenity concerns, in particular noise and smells.

The Environmental Protection Team note that these properties are located in a rural area where background noise is relatively low. The Services' main concerns relate to the potential loss of residential amenity by virtue of noise from vehicular movements to and from the site, and general on site noise.

Whilst it is noted that there are potential for odours from manure to emanate from the site, the midden is situated at a reasonable distance from the nearest dwellings. The officer notes that this may be aggravated at certain times of the year or under certain weather conditions. However, due to the rural location it is not considered unreasonable that there would be a certain degree of agricultural/equestrian odour.

The Environment Protection Team note that regular vehicular activity would occur from deliveries, owner movements and regular waste disposal. The extent of stabling would indicate that the number of deliveries could be substantial. The applicant's supporting information outlines their methods of buying in bulk to minimise deliveries, it is also considered appropriate to condition the hours of delivery, should Members resolve to approve the application.

According to the supporting information, the muck heap removal is carried out 2/3 times a year. The manure is removed from site by tractor and trailer to fields 2 miles from the site. Again, noting the rural location this is not deemed to be uncommon or excessive.

Due to the nature of the livery business, owners do not have to attend the site every day; some according to the supporting information only attend weekly. This is because they are on full livery and the horses are exercised by the stable staff (the horses are mainly competition horses and therefore require limited time in the field, and generally go in the horse walker for exercise once a day).

The information submitted by the applicants, outlines the vehicular movements during the week and at weekends. It is the weekends where access to and from the site is more frequent, as this when shows/events are taking place.

The yard is unlocked at 8am and closed again usually by 7pm at the weekends. The gates are then closed and locked for the night. An hours of operation condition has been considered, however, horses may require 24 hour care if they become ill, accordingly, such a

condition would be unreasonable and is unlikely to meet the tests of Circular 11/95: The Use of Conditions.

Whilst the business undoubtedly generates vehicular movements, noise and smells, it is not considered to cause significant harm to residential amenity to warrant a recommendation of refusal given the nature of the livery business. The applicant's business has been operating since 2007, since then it is understood there has been 2 additional stables erected. Florence Stables only accepts full and part liveries hence the staff carry out all, or most of the equestrian care. It is understood that the tenant owns a number of the horses stabled on site, and some customers have more than one horse stabled there. This reduces the amount of journeys for the owners, subsequently reducing traffic and the potential numbers of people on site.

As indicated in the highways section above, the traffic is not considered to be at a level that it has a significant impact on residential amenity.

Ecology

The Nature Conservation Officer has been consulted and advises that the construction of the stables buildings at this site may have had an adverse impact upon protected species, particularly great crested newts, if they were present at the time the works were undertaken.

However, the retrospective nature of the application means it is now impossible to determine whether any adverse impacts did occur or assess their significance. The proposed horse walker is too minor in nature to pose a significant risk to protected species. As such the scheme is not considered to raise concerns in terms of policy NE11.

Other matters

Comments have included issues surrounding the shared access and restrictive covenants, following the submission of a Certificate B and the appropriate notices being served; these matters are civil matters and fall outside of the jurisdiction of the planning department.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In principle, no objection is raised in respect of retaining the site in equestrian use as a livery. The converted agricultural building is self-contained, and does not materially affect the openness of the Green Belt. The 2 bay stable building is positioned with a complex of buildings and is considered appropriate, as is the horse walker. Both are required for outdoor sport and recreation.

The use of the site for commercial purposes is considered acceptable. The traffic generation, noise and smells are not considered to be at a level which have a significantly detrimental effect on residential amenity.

5 hectares of land are to be dedicated to Florence Stables, which in addition to the horse walker and the ménage will provide sufficient land for grazing and exercise. This will ensure that the business continues to run well and overcomes the policy objection to application 12/4814M, the details of which are set out elsewhere on this agenda.

The traffic surveys were carried out in October, when arguably the site is quieter. The Saturday survey revealed that on average 3 trips were generated per hour. Even if these results were doubled to reflect busier period, it would still only be 6 trips per hour, or 1 trip every ten minutes. This cannot be considered to cause a significant impact on residential amenity.

No objection has been raised by the Strategic Highways Manager in respect of traffic generation, access, parking, turning or damage to highway verges.

The considerable level of objection to the proposal is duly noted, however, it is considered that the development complies with the criteria in DC32 and the SPG on equestrian facilities, in addition of the other local plan policies listed above, and the guidance contained within the NPPF, particularly in respect of supporting rural businesses, such as this.

On the basis of the above information, a recommendation of approval is made.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

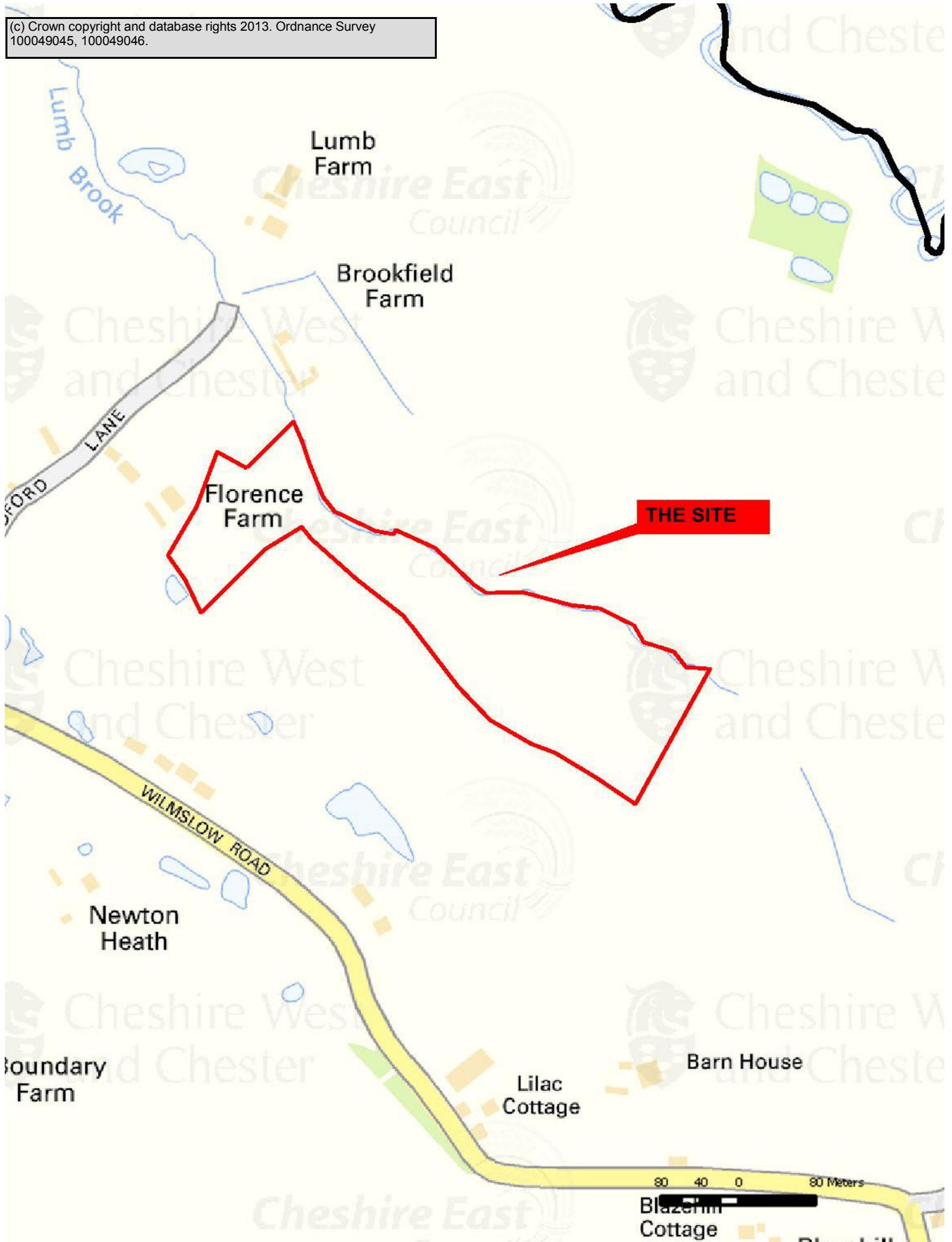
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A12MC - No additional external lighting permitted without express consent from the LPA
3. A03HP - Retention of existing parking/turning area
4. The 5 hectares of grazing land included within the application site shall be use solely in respect of Florence Stables and shall not be sold off, rented out or disposed of seperately to Florence Stables.



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Application No: 12/4814M

Location: FLORENCE STABLES, WOODFORD LANE, NEWTON,
MACCLESFIELD, CHESHIRE, SK10 4LH

Proposal: Regularisation of stables and yard, two additional stables, horse walker,
change of use of store into stables.

Applicant: Mr P Jackson

Expiry Date: 11-Mar-2013

Date Report Prepared: 8th November 2013

SUMMARY RECOMMENDATION

Refuse – Insufficient land for 18 horses

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- Whether there is sufficient grazing land for 18 horses
- Design/impact on the character and appearance of the area
- Highway safety
- Impact on residential amenity
- Ecology

REASON FOR REPORT

This application has been referred to Northern Planning Committee at the discretion of the Planning and Place Shaping Manager.

Members will recall that this application came before them on 17th April 2013, where a resolution was made to approve the application, subject to:

- A revision to the site boundary, to incorporate all of the horse walker;
- Evidence of the applicant's land ownership;
- Consideration about whether a personal condition was necessary.

The decision was delegated to the Planning and Place Shaping Manager and the Chairman to determine, however, on further scrutiny of the application, concerns were raised by Officers in respect of which plans came before Members, and the accuracy of those plans. Additional information and revised plans have been submitted, by the applicant. All parties have been reconsulted, and therefore the application is to be reconsidered by Members.

DESCRIPTION OF SITE AND CONTEXT

The application site is just over half way down Woodford Lane, a rural country lane in Prestbury. 17 dwellings and 2 equestrian businesses are located on Woodford Lane. The surrounding area comprises relatively flat open countryside.

The site is washed over by Green Belt, as defined in the Macclesfield Borough Local Plan 2004.

Florence Stables is located directly to the rear of Florence Farm and Florence Cottage.

The site is in equestrian use.

DETAILS OF PROPOSAL

This application is retrospective. It seeks permission to retain the existing use of the site as a commercial livery, which stables 18 horses at Florence Stables.

The application site comprises:

- Access onto Woodford Lane
- Area of hardstanding, providing informal parking/turning area
- Stable yard
- Former agricultural building, converted to provide 9 stables, kitchen, office, WC & tack room / store
- Single storey wooden stables for 2 horses
- Single storey wooden stables for 7 horses, with 2 stores
- Midden
- Replacement horse walker
- Manège

The application site (the site edged in red) in this application does not include the grazing land to the south east of the site, which is within applicant's ownership.

It should be noted that there is a second livery toward the end of Woodford Lane; Lumb Brook Livery. This business is also within the applicant's ownership; however, it does not form part of this application.

RELEVANT HISTORY

06/0084P Proposed manège
Approved with Conditions 04/04/06
(A condition attached to this approval prevented the commercial use of manège)

It is understood that the site was purchased by the applicant in 1995. A valuation report advises that the site was a small holding comprising a detached dwelling (Florence Cottage), agricultural and domestic outbuildings and some land. At the time, the site contained 6/7 looseboxes attached to a barn. This building was later converted into a dwelling (Florence Farm).

There were some wooden storage sheds to the rear of Florence Farm, which were replaced in 1996/7 with the existing single storey wooden stable building, which accommodate 7 horses.

The original implement shed was replaced with the agricultural building in 1996/7. This has since been converted into 9 stables/stalls.

It appears that there has been a gradual increase in the number of stables on site. In 1996 there were 7 stables. In 2004 3 stables were put in the agricultural building / barn. In 2007, another 6/7 stables were put in the agricultural building / barn. At some point between 2007 – 2012 a further 2 stables were added, bringing the total to 18.

The access road and yard were formed in 2000.

POLICIES

Macclesfield Borough Local Plan 2004 – saved policies

NE11 – Nature Conservation
BE1 – Design guidance
GC1 – New Buildings (Green Belt)
GC8 – Reuse of buildings (Green Belt)
DC1 – Design (New Build)
DC3 – Amenity
DC6 – Circulation and Access
DC32 – Equestrian facilities

Other Material Planning considerations:

Supplementary Planning Guidance – Equestrian Facilities (Borough of Macclesfield)

National Planning policy Framework

CONSULTATIONS (External to Planning)

Highways: no objection

Environmental Health: concerns raised in respect of residential amenity

Environment Agency: no comment

VIEWS OF THE PARISH COUNCILS

The application site falls within the parish of Prestbury, however is very close to the parish of Mottram St Andrew, as such both Parish Councils have been consulted on the application.

Prestbury Parish Council

No objection on the condition that the stables remain full livery so not to increase traffic.

Mottram St. Andrew

Object for the following reasons:

1. Adverse impact on residential amenity, from additional vehicle movements, loss of privacy, overbearing effect, general disturbance
2. Shared access arrangement is unsatisfactory
3. Development creates off site highway hazards
4. Proposal has an adverse impact on Green Belt policy.

OTHER REPRESENTATIONS

The following is a summary of the formal representations made. The formal representations are available to view in full on the Council's website.

No objection

- 8 properties and Prestbury Amenity Society raise no objection to the proposal

Support

- A customer of Lumb Brook Livery advises that other customers have more than 1 horse stabled there, therefore reducing traffic movements
- Seldom meet another road user or see parking on Woodford Lane
- In keeping with traditions of rural community and rural pursuits
- Business supports local economy, in accordance with Government guidance
- Reduces time & money travelling to other liveries
- 18 stables have been in place for 4 years, no experience with problems of cars passing or parking on the lane
- British Horse Society advise that it is quiet, well run, professional, the horses well-cared for, safe environment, good for local economy, directly and indirectly and provides local jobs
- Livery vital to the "Cheshire Hoof" initiative 2011
- Thomason Walters Equine Vets advise that the site is well maintained, minimal impact on Woodford Lane. Not noticed any change in circumstances over the past 8 years

Members should note that letters of support have been received from customers of the livery businesses, the British Horse Society and Thomason Walters Equine Veterinary Surgeons.

Petition

- 20 signatures on petition agreeing that:

“Traffic on Woodford Lane has dramatically increased in the last 5 years”.

Objection

Formal objections have been received from 7 households who live within close proximity of the site.

Objections have also been received from 2 other households, which are not within the vicinity of the site, but are relatives of people who live locally.

For ease, the objections have been incorporated into a number of categories:

Principle

- Small stables have become large scale commercial equestrian facilities – 43 in total on Woodford Lane
- Increase in stables by 11 in the last 4 years
- Intensive development on rural routes should be resisted
- Infrastructure at saturation point

Highway safety

- Woodford Lane unsuitable for significant traffic volumes
- 3 accidents in last 2 years
- Cumulative impact on traffic increase on single track road is unacceptable
- Customers parking on the Lane
- The combination of Lumb Brook Livery expanding from 14 to 25 stables and Florence Farm Stables from 7 to 18 has significantly increased traffic on Woodford Lane
- Poor visibility
- Vehicle stand offs in Lane – reverse onto highway verge – people with horseboxes refuse to reverse
- Total traffic movements:

16,612 – car movements, 202 HGV deliveries, 1405 horseboxes

- Insufficient parking
- HGVs damage to road – examples of potholes

In addition, a Highways study has been prepared by Axis (Transportation Planning), on behalf of a number of local residents, which CEC Highways have considered and assessed. This is discussed in the Highways section below.

Residential Amenity

- Smell from manure and horses
- Noise – large HGVs passing by immediately adjacent to properties frequently
- Loss of privacy – overlooking
- Overbearing effect
- General disturbance

Policy

Contrary to policies:

- DC3 – residential amenity
- DC32 – Equestrian facilities
 1. Harm to environmental quality through damage to road verges
 2. Road hazard
 3. Not farm diversification

Green Belt

- Contrary to Paragraph 89 of NPPF, as not an “appropriate facility”
- Pressure for further buildings – bedding and feed stuffs, e.g. 2010 application at Lumb Brook Livery

Grazing Land

- 9.25 acres of available land for grazing which is insufficient for 18 horses
- Insufficient land at Lumb Brook Livery

Domestic permission

- 06/0084P –Condition 2 - domestic use only

Livery

- Not been a livery for 20 years.
- 2006-2008 = 16 stables, 2011-2012 = 18 stables

General comments

- Applicant makes own haylage. Any shortfall met by Mr. Hall. Mr. Hall is sole supplier of big bale haylage to applicant – 2 deliveries per year
- Not a busy lane, never been an unsafe movement
- Lumbrook Livery has expanded beyond recognition – it is a serious competition yard
- Number of stables at Florence Farm Stables has been reduced by 4 from 22 to 18
- Straw supplier delivers every 4-6 weeks

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application:

- Covering letter
- Design, Access & Planning Statement
- Summary of vehicle movements
- Correspondence from the British Horse Society
- Correspondence from Equine Veterinary Surgeons
- Parking layout
- Revised plans
- Land ownership details

Full details of these documents can be viewed on the Council's website.

In summary, the Design, Access & Planning Statement advises:

- There are 5 hectares of land adjacent to the equestrian complex and a further 5 hectares shared with Lumb Brook Livery (Within applicant's ownership)
- The yard can accommodate several horse boxes and 4 cars, in addition to the hardstanding
- The business employs 1 F/T member of staff and 2 P/T members of staff
- The midden is located well away from residential properties, and is emptied regularly by a local farmer
- Elements of the site are lawful, due to the amount of time they have been in place

- The National Planning Policy Framework (NPPF) indicates that there should be support for a prosperous rural economy & support for outdoor sport and recreation, which preserves the openness of the Green Belt
- Part of the proposal is to convert an existing building to stables, which accords with the Local Plan & NPPF
- Proposal complies with policy DC32 in respect of Equestrian Facilities
- The proposal complies with the Macclesfield Borough Local Plan & the NPPF

In addition, detailed correspondence has been received which contests the concerns raised by Environmental Health, and the local residents.

This correspondence can be read in full on the Council's website.

OFFICER ASSESSMENT

Green Belt

As the application site is within the Green Belt, consideration must be paid to the Green Belt policies contained within the National Planning Policy Framework (NPPF) and Macclesfield Borough Local Plan 2004. Policies in respect of the Green Belt are considered to be consistent with the NPPF, and therefore should be afforded full weight.

Paragraph 89 of the National Planning Policy Framework advises that the provision of appropriate facilities for outdoor sport, outdoor recreation are acceptable within the Green Belt, as long as it preserve the openness of the Green Belt, and does not conflict with the purposes of including land within it.

Equestrian Facilities

Policy DC32 of the Macclesfield Borough Local Plan and the Council's Supplementary Planning Guidance on 'Equestrian Facilities' expand on the guidance in the NPPF. They advise that equestrian facilities will normally be allowed in the countryside provided that a number of criteria are met. These are:

1. The stables being small scale, and are required in the interests of animal welfare;
2. Sufficient grazing land being available for grazing and turning out for exercise;
3. Not being prominent;
4. Not harming a designated area;
5. Not leading to a deterioration of bridleways, open spaces, or creating off-street hazards;
6. Does not result in the loss of good quality agricultural land;
7. Access and parking is satisfactory to the local highway authority;
8. Not harming residential amenity;
9. Larger scale facilities utilise redundant buildings or are sited within an existing complex of buildings; form part of a farm diversification scheme; and remain as part of the original holding;
10. Buildings must be of an appropriate scale and design to the landscape setting;
11. Does not require the provision of residential accommodation.

This development is considered to fall outside the definition of small scale facilities and criterion 9 is thought to be relevant to the determination of this application. The single storey stable block containing 7 stables has been on site since 1996/7, and therefore, through the

passage of time is lawful. The agricultural building opposite has been converted between 2004-2008 to provide 9 stables. The conversion of the building is self contained, and is not considered to harm the openness of the Green Belt. The more recent 2 bay stable building erected at some point between 2007-2012 to the rear of Florence Farm sits within the complex of buildings, forming a courtyard. This complex of buildings is not considered to be in conflict with criterion 9.

Concern is however raised in respect of the lack of any land for grazing and exercise for 18 horses. The policy advises 1 acre or 0.4 hectares of grazing land is required per horse, to prevent unacceptable erosion. This would generate a requirement for 18 acres or 7.2 hectares. It is considered that a reduction in the amount of land could be agreed in this case, due to the provision of the horse walker and ménage, which provide the horses with some exercise.

It is understood that the applicant owns the fields to the south east of the site, between the application site and Lumb Brook Livery (which stables approximately 25 horses), indeed Title Deeds have been submitted as evidence, however, this land does not form part of the application site. Concerns are raised that this land could be used solely in relation to the applicant's other equestrian business nearby, sold, or rented.

If the land formed part of the application site, a condition could be attached limiting the use of the land to the business.

It is not considered acceptable to have a commercial livery with no grazing land for 18 horses, nor is it in the interests of animal welfare.

Members will be aware from the previous consideration that the British Horse Society was satisfied with how the 2 livery operations are run together by the applicant. Members were previously advised that a personal planning permission may overcome issues with lack of grazing land. However, whilst reconsidering the issues that has required the application to be reverted back to committee for a new resolution, officers are of the opinion that a condition for a personal planning permission would not be in accordance with guidance on the use of such conditions as set out in circular 11/95. Planning permission is specifically required for the change of use of agricultural land to equestrian use, as it is only used for supplementary grazing as horses are fed hay within the stables. The applicant has indicated that the land has been used for equestrian use for 30 years; however, there is no formal permission in place.

Consideration has been given to a s106 legal agreement to tie land within the applicant's control to the development. However, the applicant has expressed that they will not sign up to such an agreement.

The applicant was advised to withdraw this application, and resubmit a new application including the land within his ownership. A new application has been submitted to this effect and is included on this committee agenda; however, the original planning application has not been withdrawn and therefore needs to be determined.

To the south east of the stables is a horse walker, midden, and beyond that the ménage. The horse walker replaces a similar structure. The Design, Access and Planning Statement advises that the former horse walker was removed in 1997, and the existing horse walker was

erected in 2006, at the same time the ménage was formed. The horse walker is considered to be an appropriate facility, required in the interest of animal welfare, to provide exercise.

Overall, the proposal is not considered to have a significant impact on the openness of the Green Belt or the character of the landscape. The buildings/structures are not prominent, and are not out of keeping in a rural area.

Significant concerns are raised in respect of the limited amount of land on site for grazing and exercise. Policy DC32 and the SPG on Equestrian Facilities are clear that there needs to be sufficient land for grazing and exercise, in the interests of animal welfare and to avoid unacceptable erosion of land.

Members must consider how much weight to give to the conflict with this local plan policy and the SPG. Weight should be given in accordance with the degree of conformity with the NPPF. The criteria of the policy set out standards to enable the development of rural businesses sustainably whilst protecting characteristics of the countryside, landscape and green belt. It is therefore considered that the policy does not conflict with the NPPF and conforms to it. As such due weight should be given to any contravention of the policy resulting from this development.

Highway Safety

A significant number of concerns have been received in relation to matters of highway safety. Following a number of site visits and two traffic surveys, the Strategic Highways Manager raises no objections to the proposal. The following comments are made, particularly having regard to the Axis Highway report:

Strategic Highways Assessment

Woodford Lane operates safely, its junction with Lees Lane operates at a level which is not considered a material issue for this development proposal and the traffic generation would not change in a material way as this application is to regularise the existing use.

Despite this, and considering the additional Axis letter supporting the objector's view, the Strategic Highways Manager considered that in order that Members were accurately and clearly informed that sample surveys should be undertaken to demonstrate the traffic generation to and from this site.

As a result, two surveys have been conducted, one on a weekday evening – claimed by the Axis report to be a time of significant generation – and one on a weekend again covering a period of time in which much traffic was generated. The surveys were conducted without warning or appointment and therefore are as representative of existing flows as can be reasonably expected.

The following table details manually surveyed flows on a weekday evening at a time claimed to be busy by objectors and as can be seen covers traffic generated from both Florence and Lumb Brook stables:

FLORENCE STABLES, WOODFORD LANE, NEWTON.

TRAFFIC GENERATION SURVEY – 08-10-2013.**16.30pm TO 18.30pm (daylight hours)**

TIME	FLORENCE STABLES			LUMB BROOK LIVERY		
	CAR	TRAILER	HORSE BOX	CAR	TRAILER	HORSE BOX
16.30 – 16.45	0	0	0	3	0	0
16.45 – 17.00	2	0	0	2	0	0
17.00 – 17.15	2	0	0	1	0	0
17.15 – 17.30	0	0	0	4	0	0
17.30 – 17.45	3	0	0	4	0	0
17.45 – 18.00	3	0	0	1	0	0
18.00 – 18.15	0	0	0	1	0	0
18.15 – 18.30	0	0	0	0	0	0
TOTALS	10	0	0	16	0	0

NB: All figures are in trips and are combined directions for each site.

At the time of the survey there were 3 horse boxes and 7 cars parked in Florence Stables outer yard.

It can be seen from the table above that in line with the view of the Strategic Highways Manager the actual traffic generation from this site is very low on an example weekday evening.

The weekend survey was conducted by camera on a Saturday at the request of the LPA. The survey was conducted over 12 hours and in 15 minute segments from 7am to 7pm and demonstrated all turning movements at the junction of the Florence Stable access including: both 'straight on' directions along Woodford Lane and all permutations of turning movements into and out of the Florence Stables access.

In summary the survey tables capture all traffic to and from both Florence Stables and the existing Lumb Brook livery which is not part of this application.

The trips to and from Florence Stables over the twelve hour survey were:

- | | |
|---|----------|
| 1. Woodford Lane (North) to Florence Stables access | 2 trips |
| 2. Florence Stables access to Woodford Ln (North) | 1 trip |
| 3. Woodford Lane (South) to Florence Stables access | 13 trips |
| 4. Florence Stables access to Woodford Lane (south) | 17 trips |

12 hour total: 33 trips

33 trips in 12 hours is an average of 3 trips per hour. The highest individual hour was between 5pm and 6pm and generated 7 trips.

In comparison, Lumb Brook Livery generated 68 trips over the twelve hour survey. This is an average of 6 trips per hour.

Axis Highway Report

The claim that there is verge over-riding is echoed in the comments by the Strategic Highways Manager dated March 2013, who subsequent to a site visit, recognised that there was some over-riding and indeed Axis have provided 4 photos of some over-riding marks on the lane. It is the view of the Strategic Highways Manager that all rural lanes suffer this type of over-riding from farm traffic and heavy through traffic however Woodford Lane is not seriously affected by over-riding and clearly does not have through traffic.

The Axis report also makes significant comment on the fact that the traffic would have the potential to intensify significantly if a more intensive use was brought to the site. This may be true but this is not the application under consideration here. This application simply seeks to regularise the current level of use and will not increase traffic on Woodford Lane.

The Axis report assesses the junction of Woodford Lane with Lees Lane and suggests that the visibility is below standard and that the junction has an accident record and that this is a material consideration against this application. The Strategic Highways Manager has checked the accident record at this junction and it is similar to that you might expect from a junction of this type in a rural location, however, on examination it is clear that of the small cluster of four slight injury accidents recorded near to Woodford Lane junction in the 5 years up to December 2012, only one involved turning movements with Woodford Lane as a causal factor. Two involved the junction of Mill Lane opposite and the fourth was a loss of control on Lees Lane itself with only one vehicle involved.

As a result and despite the fact that the junction of Woodford Lane is not ideal in its provisional standards, the Strategic Highways Manager finds that the accident record in the vicinity of the junction of Woodford Lane with Lees Lane is not significant to the consideration of this application, particularly given this application will not increase traffic on Woodford Lane.

The Axis report also points out forward visibility around two of the bends on Woodford Lane is insufficient in line with Manual for Streets 2 recommendations and that additional traffic would increase the likelihood of conflict on the lane.

Woodford Lane does operate safely and as current traffic levels will not change the Strategic Highways Manager concludes that this is not material reason to resist this application.

With regard to parking, the Axis report criticises the provision claiming it is insufficient, however once again the 18 stables on this site are operating and there is no evidence of displaced parking onto Woodford Lane. It seems evident therefore that whilst there is no

formal parking layout within the site that the parking areas available provide sufficient facility to absorb parking need.

Additional letter by Axis Consultancy

The additional letter from Axis spends a considerable amount of time projecting their view of traffic generation from this site and stating that the view of the Strategic Highways Manager is incorrect regarding the volume of traffic which will be generated from this site. The report also re-iterates the claims with regard to verge over-riding and forward visibility on bends along Woodford Lane.

There are no supporting traffic surveys or specific information regarding traffic generation, however, there are some claims for high numbers of vehicles and horse boxes needing to access the site and a further re-iteration of the concerns for walkers who use this lane to access a public footpath and who may find themselves in conflict with traffic along its length.

Highways conclusion

Woodford Lane operates safely. The junction of Woodford Lane with Lees Lane has a minor accident record which is not significant to this application.

The surveys were undertaken at the request of the LPA. Strategic Highways would not normally have taken them on such a low traffic generator. The surveys demonstrate that the traffic generation from this site has a low hourly impact.

The Highway Engineer noted that this site operates and generates traffic along Woodford Lane in a similar way to the established equestrian livery at Lumb Brook Livery at the end of this rural lane. There is no through traffic. His inspection found little or no verge over-riding from large vehicles and indeed less than could normally be expected on a rural lane serving a farming operation.

The Highways Engineer also noted that traffic flows are very low and whilst the lane is narrow, for much of its length there is no material evidence that vehicular conflict is a difficulty.

The Strategic Highways Manager maintains his position of no objection to this application proposal.

Accordingly the proposal is considered to accord with policy DC6 of the MBLP and paragraph 32 of the NPPF.

Design/impact on the character and appearance of the area

The design and form of the buildings/structures are typical for a rural area (predominantly timber stabling and corrugated metal agricultural store painted green) and the impact upon the character and visual amenity of this Green Belt area is considered to be acceptable. The horse walker is considered to be as discreetly sited as possible, whilst the walker has a

relatively large circumference it is relatively low lying and its functional appearance is not out of keeping to the setting.

Residential Amenity

Between them, the amenity policies outlined above aim to protect the living conditions of adjoining residential properties from harmful loss of amenity e.g. unacceptable noise, smells, dust that would significantly injure the amenities of adjoining or nearby residential property.

Residential properties are located in close proximity to the site, in particular Florence Farm, which is situated approximately 20m from the main complex of buildings. A large number of the objections relate to amenity concerns, in particular noise and smells.

The Environmental Protection Team note that these properties are located in a rural area where background noise is relatively low. The Services' main concerns relate to the potential loss of residential amenity by virtue of noise from vehicular movements to and from the site, and general on site noise.

Whilst it is noted that there are potential for odours from manure to emanate from the site, the midden is situated at a reasonable distance from the nearest dwellings. The officer notes that this may be aggravated at certain times of the year or under certain weather conditions. However, due to the rural location it is not considered unreasonable that there would be a certain degree of agricultural/equestrian odour.

The Environment Protection Team note that regular vehicular activity would occur from deliveries, owner movements and regular waste disposal. The extent of stabling would indicate that the number of deliveries could be substantial. The applicant's supporting information outlines their methods of buying in bulk to minimise deliveries, it is also considered appropriate to condition the hours of delivery, should Members resolve to approve the application.

According to the supporting information, the muck heap removal is carried out 2/3 times a year. The manure is removed from site by tractor and trailer to fields 2 miles from the site. Again, noting the rural location this is not deemed to be uncommon or excessive.

Due to the nature of the livery business, owners do not have to attend the site every day; some according to the supporting information only attend weekly. This is because they are on full livery and the horses are exercised by the stable staff (the horses are mainly competition horses and therefore require limited time in the field, and generally go in the horse walker for exercise once a day).

The information submitted by the applicants, outlines the vehicular movements during the week and at weekends. It is the weekends where access to and from the site is more frequent, as this when shows/events are taking place.

The yard is unlocked at 8am and closed again usually by 7pm at the weekends. The gates are then closed and locked for the night. An hours of operation condition has been considered, however, horses may require 24 hour care if they become ill, accordingly, such a

condition would be unreasonable and is unlikely to meet the tests of Circular 11/95: The Use of Conditions.

Whilst the business undoubtedly generates vehicular movements, noise and smells, it is not considered to cause significant harm to residential amenity to warrant a recommendation of refusal given the nature of the livery business. The applicant's business has been operating since 2007, since then it is understood there has been 2 additional stables erected. Florence Stables only accepts full and part liveries hence the staff carry out all, or most of the equestrian care. It is understood that the tenant owns a number of the horses stabled on site, and some customers have more than one horse stabled there. This reduces the amount of journeys for the owners, subsequently reducing traffic and the potential numbers of people on site.

As indicated in the highways section above, the traffic is not considered to be at a level that it has a significant impact on residential amenity.

Ecology

The Nature Conservation Officer has been consulted and advises that the construction of the stables buildings at this site may have had an adverse impact upon protected species, particularly great crested newts, if they were present at the time the works were undertaken.

However, the retrospective nature of the application means it is now impossible to determine whether any adverse impacts did occur or assess their significance. The proposed horse walker is too minor in nature to pose a significant risk to protected species. As such the scheme is not considered to raise concerns in terms of policy NE11.

Other matters

Comments have included issues surrounding the shared access and restrictive covenants, following the submission of a Certificate B and the appropriate notices being served; these matters are civil matters and fall outside of the jurisdiction of the planning department.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In principle, no objection is raised in respect of retaining the site in equestrian use as a livery. The converted agricultural building is self-contained, and does not materially affect the openness of the Green Belt. The 2 bay stable building is positioned with a complex of buildings and is considered appropriate, as is the horse walker. Both are required for outdoor sport and recreation.

The use of the site for livery purposes is considered acceptable. The traffic generation, noise and smells are not considered to be at a level which have a significantly detrimental effect on residential amenity.

The traffic surveys were carried out in October, when arguably the site is quieter. The Saturday survey revealed that on average 3 trips were generated per hour. Even if these results were doubled to reflect busier period, it would still only be 6 trips per hour, or 1 trip

every ten minutes. This cannot be considered to cause a significant impact on residential amenity.

No objection has been raised by the Strategic Highways Manager in respect of traffic generation, access, parking, turning or damage to highway verges.

However, significant concern is raised in respect of the lack of grazing land being dedicated to this business. It is not considered appropriate to permit stabling for 18 horses without any dedicated land. Whilst the horse walker and the ménage will alleviate the situation to some degree, this is considered insufficient and contrary to the guidance contained within policy DC32 and the SPG on Equestrian Facilities.

Whilst it is recognised that the applicant owns the adjoining fields, which the horses are currently turned out on, concerns are raised as to whether that land is used in association with his other equestrian business, or whether that land could be sold off or rented out independently.

It is concluded that the fields must be dedicated to Florence Stables for the business to operate well. Members will note that this is what is being proposed in application 13/3356M, which is elsewhere on this agenda.

On this basis, a recommendation of refusal is made.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

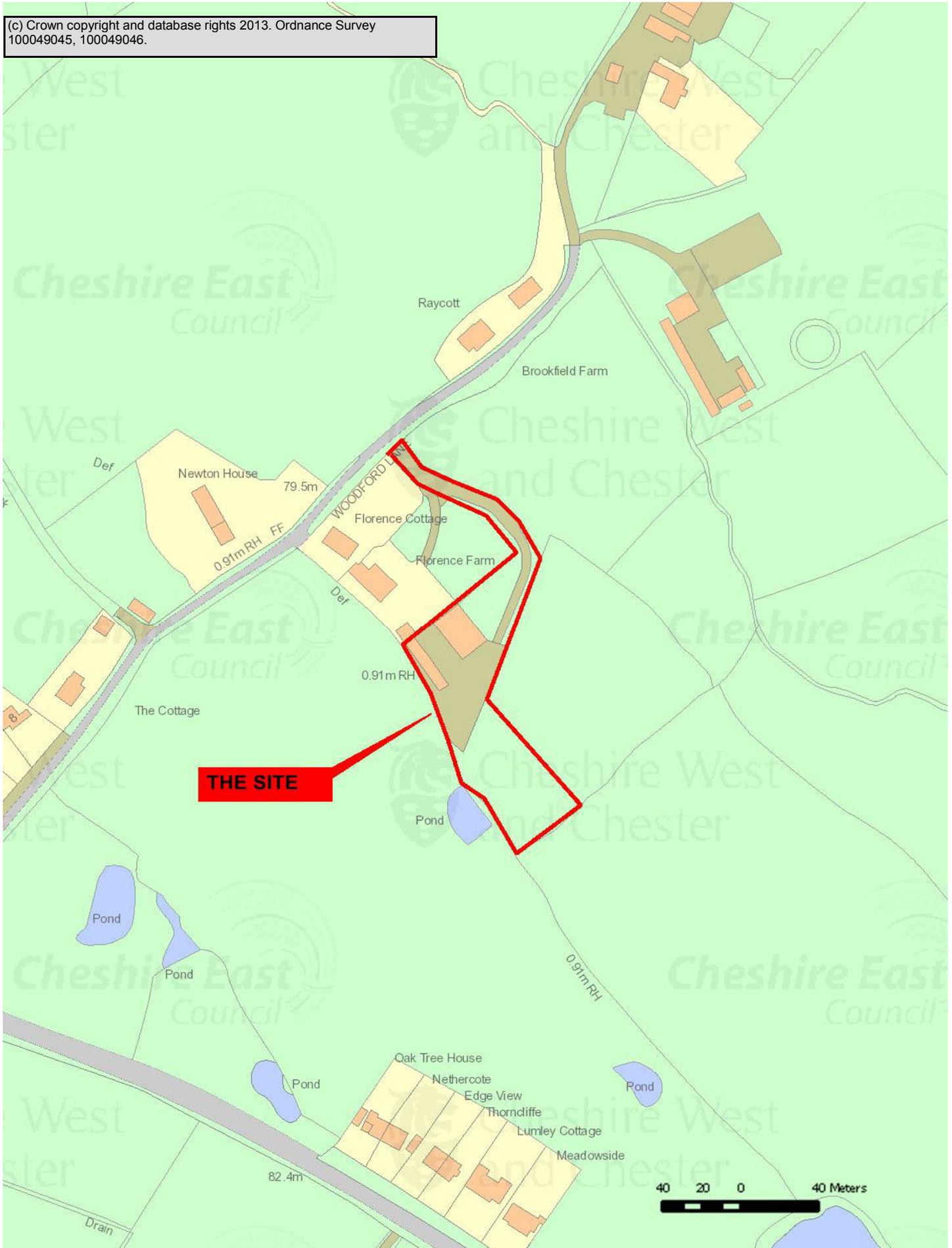
Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. R06MS - The equestrian facilities proposed are considered to be substandard, due to the lack of any grazing land being dedicated to the livery business, which stables 18 horses. The proposal thereby fails to comply with the requirements of Local Plan

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Application No: 13/2073M
 Location: The Towers, Park Green, Park Street, Macclesfield
 Proposal: Proposed Residential Development for 14 no. Townhouses.
 Applicant: Welbeck Land
 Expiry Date: 19-Sep-2013

Date Report Prepared: 07.11.2013

SUMMARY RECOMMENDATION

APPROVE, SUBJECT TO CONDITIONS & s106 AGREEMENT

MAIN ISSUES:

- Principle of development
- Design/impact on the character and appearance of the Conservation Areas/street-scene and Listed Buildings
- Impact on the amenity of neighbouring properties/amenity of future occupants
- Highways safety
- Forestry/landscaping/ecological issues
- Housing policy and supply

REASON FOR REPORT

The application has been presented to committee for determination in line with the constitution. The proposed development is for 14 No. dwellings, i.e. a 'small scale major development of 10 or more dwellings'.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a prominent five-storey office block, which has been vacant for some time, with parking area and soft landscaping fronting onto Park Green. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street. There are a number of Listed Buildings within the vicinity of the site.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for demolition of the existing building and residential development for 14 No. town-houses. It is noted that a concurrent Conservation

Area Consent application has been submitted for demolition of the building (13/2559M). The CAC application is recommended for approval, subject to approval of the proposed residential scheme.

RELEVANT HISTORY

The most recent application on the site was 12/0127M, which was for a Mixed Use Development of Assisted Living Residential Apartments (61 No.) and a Café...Associated Landscaping and Servicing...Undercroft Parking Provided for Residents. The application was refused 16.11.2012, broadly due to detrimental impact on the Conservation Area and insufficient parking affecting highways safety. The corresponding Conservation Area Consent application was also refused as there was no agreeable scheme approved.

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
BE2 (Historic fabric)
BE3 (Conservation Areas)
BE16 (Protecting the setting of listed buildings)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 & DC37 (Landscaping)
DC9 (Tree protection)
DC35 (Materials)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
DC63 (Contaminated land)
IMP4 (Environmental improvements in Town Centres)
H13 (Protecting residential areas)
H1 (Housing phasing policy)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
NE11 (Protection and enhancement of nature conservation interests)
MTC12 (Mixed use areas)
MTC13 and MTC14 (Park green area)
MTC19 (Town centre housing)

Policies BE1, H2, H13 and DC1 seek to ensure a high standard of design for new development which is compatible with the character of the immediate locality of the site; BE2, BE3 and BE16 seek to protect the historic fabric, the setting of Listed Buildings and maintain and enhance Conservation Areas; DC35 seeks to ensure appropriate materials are used. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policies DC8 & DC37 seek appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value. Policy DC6 seeks to ensure that there is safe access/egress from the site for all users and appropriate levels of parking. Policies H1 and H5

relate to phased housing development and windfall housing sites. Policy NE11 seeks to protect and enhance nature conservation aspects. DC63 seeks to control any land contamination. DC41 relates specifically to infill housing development. MTC12 relates to mixed use development, which includes housing. MTC13 and MTC14 relate to development within the Park Green Area, which, amongst others things, allows for selective redevelopment whilst also seeking to preserve the Park Green open space gateway to the Town Centre. MTC19 encourages housing development within the Town Centre. Policy IMP4 seeks to secure contributions towards environmental improvements in town centres for significant town centre developments.

National Planning Policy Guidance

National Planning Policy Framework

Other Material Considerations

Macclesfield Town Centre Public Realm Strategy – June 2007

CONSULTATIONS

Heritage & Design – Conservation/Listed Buildings:

No objections, subject to conditions re materials, additional plan details (eg. windows, doors, chimneys, eaves, etc.), landscaping & boundary treatments and removal of certain Permitted Development Rights.

Heritage & Design – Forestry:

No objections, subject to conditions landscaping (to inc. tree planting) and tree protection.

Heritage & Design – Landscape:

No objections subject to conditions re landscaping details to be submitted and implemented accordingly, details of boundary walls (inc. ground levels).

Environmental Health

No objections, subject to conditions re noise mitigation scheme, scheme for mechanical ventilation and heat recovery, restricted hours of operation, pile driving and floor floating (if required), dust control and contaminated land.

Heritage & Design – Nature Conservation:

No objections

Strategic Highways and Transportation Manager:

No objections

Archaeology service:

No objections

United Utilities:

No objections, subject to condition re management of surface water.

Environment Agency:

No objections

Greenspace:

No objections, subject to the following commuted sums: Public Open Space (£42,000), Recreation Outdoor Sports (£14,000) and Public Realm Contribution (£14,000).

REPRESENTATIONS

Representations have been received from the occupant of 1 No. neighbouring property (7 Park Street), the Macclesfield Civic Society and the Macclesfield Guild & Chamber of Trade. None of the representations object to the proposed development; most of the comments received are in support and a few comments expressed are reservations regarding a few features of the proposed development. The comments received are summarised below:

- Approve concept of appropriately designed housing on the site
- Site is well laid out; appropriate scale and design detail
- Interest and variation in design; varied roof profile works well; pitched roofs welcome
- Appropriate materials indicated; details of materials and finishes to be conditioned (eg. natural stone, where stone used, and slate for roofs)
- Support retention of specific trees and additional landscaping; recommend detailed landscape condition
- 2.5 and 3 storey dwellings are a bit excessive; outlook from bedroom window will change
- Dormer windows not a feature of Park Street and may result in amenity issues

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following reports/surveys, details of which can be read on file:

- *Noise Assessment Report*
- *Air Quality Assessments*
- *Design & Access and Heritage Statement*
- *Tree Survey report*

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable; the key policies allow for residential development on this site.

Policy

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

Design/impact on the character and appearance of the Conservation Areas, relationship with the street-scene and impact on setting of Listed Buildings

The proposed development is for 14 No. Town Houses that include a mix of semi-detached and terraced properties of 2.5 and 3 storeys high. Parking (inc. garages) is to the rear of the dwellings and accessed off Parsonage Street, at a level of 200%. Gardens are also provided to the rear of the properties. Many of the trees around the Park Green/Park Street junction are to be retained. Boundary treatments are provided comprising a mix of brick walls and piers, metal railings and timber boarded fencing. The materials are primarily brick walls (with a couple of properties rendered), feature stone surrounds, cills, band courses etc. and roof tiles. As noted, the site lies within the Park Green Conservation Area, is opposite the High Street Conservation Area and there are a number of Listed Buildings within the vicinity of the site. The Park Green area is also a significant public realm gateway to the Macclesfield Town Centre. Within this context the design of the proposed dwellings is a significant factor.

The Park Green Conservation Area centres around a triangular area of open land used part as a car park and part as a memorial garden subdivided by the junction of Park Street, Sunderland Street and Park Green. This open area is surrounded by buildings of considerable variety in terms of scale, size and design, some of which make positive contributions to the character of the area; some have a neutral impact and others have a negative influence, one of which is the existing building on the application site. There are a number of trees within the Park Green Conservation area which also contribute positively to its general character and ambiance, including those trees along the boundaries of the application site. Historically, the area was more densely developed.

It is noted that Conservation Officer raises no objections to the proposed development. The form, layout and scale are considered to be in keeping with the area. The properties have a vertical emphasis with steep sloping roofs which echo surrounding properties. Detailing such as the proposed doors which front Park Street also echo the door detailing of properties opposite. The modest set back of properties is comparable to properties on the opposite side of Park Street and this allows for the retention of some of the trees on the Park Green and Park Street frontage. Whilst the proposed dwellings would present rear elevations to Parsonage Street, which is not characteristic of the locality, it is considered that, provided the detailing of the proposed boundary walls, railings, landscaping and surfaces are controlled, this would not be harmful to the character of the Park Green Conservation Area. The dormer windows proposed on the front elevations are also not characteristic of the area. However, a dormer window does exist on a property on the corner of Sunderland Street and Park Green. Hence, this feature is not without precedent. Subject to appropriate facings and detailing the Conservation Officer considers the proposed dormers would not be harmful to either of the Conservation Areas or the setting of any listed building.

The overall design, including indicative materials, is considered to be acceptable as is the impact on the character and appearance of the Conservation Areas; the proposed is considered to provide an enhancement to the Park Green Conservation Area. The relationship with the street-scene is acceptable. The impact of the proposed development on the setting of neighbouring Listed Buildings is also considered to be acceptable. Hence, the proposed accords with policies BE1, BE2, BE3, BE16, H13, DC1 and DC35 of the Local Plan.

Impact on neighbour amenity

The nearest residential properties to the application site are those located on the south-eastern side of Park Street, numbers 3-13. The nearest of these properties (number 13) will be approximately 19 metres from the proposed dwelling opposite; other properties further to the north on Park Street (Nos 3 to 11) range between 21m and 23m from proposed dwellings opposite. The proposed dwellings are nearer than the existing office block to those dwellings which are opposite the office block. Policy DC38 has a desired distance standard of 21m front to front for new two-storey dwellings; 7m is to be added for each additional storey. Although the proposed dwellings opposite numbers 3-13 Park Street do not meet the desired distance standard in policy DC38, DC38 does allow for approval providing the proposed distances are commensurate with the area. In this instance, it is noted that many of the three-storey weavers' cottages that are located within the vicinity of the application site face each other at a distance of approx. 9-10m front to front. Hence, the proposed dwellings opposite the existing dwellings on Park Street are at a distance commensurate with the area. Also, for some of the properties the proposed dwellings are lower in height than the office building. And, the location is a Town Centre location, where the desired distance standards are unlikely to be achievable. Hence, the comments made in representations have been borne in mind re outlook and amenity, however, it is considered that the proposed dwellings provide a commensurate degree of space, light and privacy for both adjoining neighbours and the future occupants of the proposed development.

It is considered that relationships with all other surrounding properties are acceptable and that there are no significant amenity issues arising from the application.

The living standards for future occupiers are also a relevant material consideration. The key issues in this respect are noise and air quality, noted below. The site is located opposite commercial/industrial premises on Parsonage Street. This and other noise generative sources in the locality have been considered in the noise assessment submitted with the planning application. The layout and siting of the housing is such that properties are located away from the commercial premises. Subject to conditions the amenity of future occupiers can be adequately protected.

Noise

It is noted that the Noise Assessment was undertaken when the detailed design of the dwellings was not available. Consequently, the Environmental Health Dept. recommend a noise mitigation scheme be submitted, should the application be approved, which demonstrates noise mitigation measures achieve the internal noise levels defined within the BS8233:1999 "good" standard.

Air Quality

It is also noted that the initial Air Quality report submitted with the application was followed up with an up-to-date survey. The Environmental Health Dept consider the results of the Air Quality Assessment indicate that levels of NO₂ are above the desired levels and therefore a suitable Mechanical Ventilation and Heat Recovery scheme needs to be provided, which can be achieved via a condition.

The applicant has been made aware of the conditions likely to be applied to any approval re noise and air quality mitigation and accepts such conditions.

Contaminated Land

The application area has a history of use as a Brewery, Coal Yard and Works and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in line with the Phase I report submitted, the Environmental Health Officer (Contaminated Land) a condition be attached to any approval requiring a Phase II contaminated land survey.

Bearing all the above factors in mind re impact on residential amenity (inc. the amenity levels for the incumbents of the new dwellings) it is considered that the proposal complies with policies DC3, DC41, H13, DC63 and DC38 of the Local Plan.

Highway safety

The strategic highways manager notes that the extant use of the site (B1 Office) and the potential traffic generation of this use need to be considered when assessing the current application. The trips associated with 1700 Sq.m of B1 Office use more than outweighs the traffic generation of 14 residential units. As such, there is no reason to raise any issues concerning traffic impact from the proposal.

The proposed townhouses all have a 200% car parking provision, Given the central sustainable location of the site this is considered to be acceptable.

Refuse collection would take place from Parsonage Street and there is an existing turning head provided at the end of Parsonage Street.

Bearing these points in mind it is considered that there are no highways safety/parking issues arising from the proposed development and therefore the proposed accords with policy DC6 of the Local Plan.

Forestry/landscaping/ecological issues

The Arboricultural Officer notes that the submitted Landscape Appraisal appears to show only three trees of the 13 trees within the application site will be retained. These three trees comprise of one flowering Cherry and two semi mature Norway Maple fronting Park Street. All the existing trees within the site present a low to slightly moderate contribution to the visual amenity of the area. In terms of the historic character of the Conservation Area, all the trees

are recent plantings and therefore their contribution to the Conservation Area is considered to be relatively low.

However, the group of trees fronting onto Park Green do provide continuity of the landscape character in the street-scene linking existing mature planting to the north-east of Parsonage Street and opposite the site through the Park Green Memorial Gardens. These trees, located off site on land within the ownership of CEC, are depicted for retention. The relationship and social proximity of the trees to the adjacent proposed dwellings will be an ongoing factor, with regular maintenance required in order to maintain an acceptable tree/property relationship. These trees are not considered worthy of formal protection as part of a TPO.

The Landscape Officer considers the proposed development to be acceptable from a landscape perspective, being of the opinion that it would enhance the Park Green area overall. However, it is considered that the design of the proposed boundary walls and railings could be improved. As such, if the application is to be approved it is recommended conditions are attached requiring the following to be submitted: a) details of existing and proposed levels, particularly for the Park Street frontage and the area between plots 4 & 5; b) details for any low retaining walls and steps between plots; revised details for the design and materials of the boundary walls, piers, copings, railings and gates, including details of any steps in wall height along the Park Street frontage.

The nature conservation officer does not anticipate there being any significant ecological issues associated with the proposed development.

Bearing the above comments in mind it is considered that the proposed accords with policies DC8, DC9, DC37, BE1 and NE11 of the Local Plan.

Housing

Recent appeal decisions have concluded that the Council cannot demonstrate a 5 year supply of housing land. This carries weight in favour of approval of the proposed dwellings, particularly as the site is brownfield and in a highly sustainable location. To refuse permission for such an application impacts would have to be significantly adverse. That said, policies to protect Conservation Area are not overridden by the housing supply position. In this case the proposal complies with policies to protect/enhance the Conservation Areas.

It is considered that the proposed development would contribute to the housing needs of the area and comply with all relevant housing policy.

Heads of terms

Should Members be minded to approve the application it would be subject to a s106 agreement to secure a commuted sum for Public Open Space, Recreation and Outdoor Sport and Public Realm improvements.

The following commuted sums are requested in accordance with the Council's SPG on Planning Obligations, policy IMP4 of the Local Plan and the Macclesfield Town Centre Public Realm Strategy – June 2007: Public Open Space (£42,000), Recreation Outdoor Sports (£14,000) and Public Realm Contribution (£14,000), i.e. a total of £70,000. The commuted

sums would be used to make additions, enhancements and improvements to existing POS and ROS facilities likely to be used by the future residents at Park Green War Memorial, St Georges play area, South Park, Maple Avenue allotments, Christ Church Open space, Victoria Park and Public Realm improvements in the Park Green area.

It is noted that the Council are in negotiations with the applicant at present as the applicant has submitted information claiming that the proposed scheme is not economically viable to make the commuted sums requested. A sum of £10,000 has been offered (as opposed to the £70,000 in total noted above). Members will be provided with further details in the up-date report.

As the proposed development is for 14 no. residential properties no affordable housing provision is required.

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

The commuted sum is to be paid to the Council to enhance open space / recreation and sport / public realm facilities in the local area to provide opportunities for all parts of the community including the incumbent residents of the proposed dwellings.

On this basis the provision of the commuted is deemed to be necessary, directly related to the development and is considered to be fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the reservations made in representations have been borne in mind. The principle of the proposed development is acceptable. The design of is considered to be acceptable and to have an acceptable impact on the Conservation Areas and an acceptable relationship with the street-scene. The impact on the settings of nearby Listed Buildings are considered to be acceptable and unaffected by the proposal. The proposed dwellings are considered to have a limited and acceptable degree of impact on the amenities of neighbouring properties. There are no significant highways, landscape, forestry or ecological issues arising from the application. There are no significant environmental health matters arising from the application. The proposed development would contribute to the housing needs of the area in a sustainable location..

The presumption in favour of sustainable development applies under paragraph 14 of the NPPF and it is recommended the application be approved, subject to conditions and the completion of a s106 Agreement.

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In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

#### Application for Full Planning

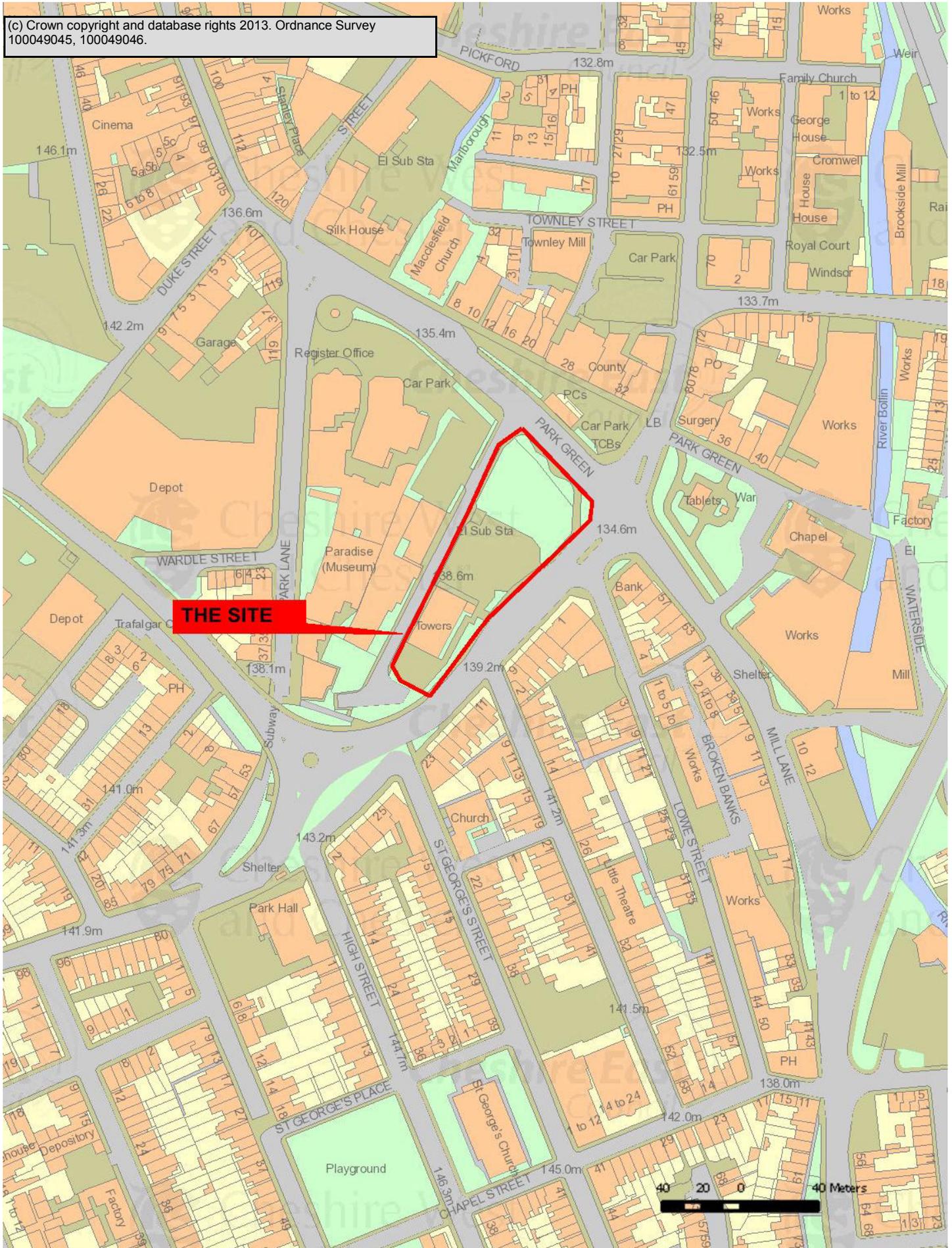
RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A02EX - Submission of samples of building materials (external surfaces)
4. A07EX - Sample panel of brickwork to be made available
5. A11EX - Details to be approved (eaves, rainwater goods, doors, chimney stacks, etc.)
6. A20EX - Submission of details of windows
7. A18EX - Specification of window design / style
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A04LS - Landscaping (implementation)
11. A13LS - Details of walls, piers, gates, fencing , steps, railings, copings to be submitted
12. A02TR - Tree protection (details to be submitted)
13. A22GR - Protection from noise during construction (hours of construction)
14. Noise mitigation scheme to be submitted
15. Details of mechanical ventilation and heat recovery scheme to be submitted
16. Dust control (details to be submitted)
17. Floor floating (details, if undertaken)
18. Contaminated land Phase II Study to be submitted

19. Drainage (to comply with united utilities requirements) details to be submitted

20. Details of existing and proposed levels to be submitted

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Application No: 13/2559M  
Location: THE TOWERS, PARK STREET, MACCLESFIELD, CHESHIRE  
Proposal: PROPOSED DEMOLITION OF THE EXISTING TOWERS BLOCK.  
Applicant: WELBECK LAND  
Expiry Date: 15-Aug-2013

**DATE REPORT PREPARED - 07.11.2013**

**SUMMARY RECOMMENDATION      APPROVE SUBJECT TO CONDITIONS**

**MAIN ISSUES:**

- Contribution of the existing building to the character of the conservation areas and the impact of its loss.

**DESCRIPTION OF SITE AND CONTEXT**

The site is located between Park Street, Park Green and Parsonage Street on the edge of Macclesfield Town Centre within the Park Green Conservation Area and across the road from the boundary of the High Street Conservation Area.

The site currently comprises a five-storey, concrete slab, flat roof office building and associated car parking.

A full planning application has been submitted concurrently (13/2073M) for the erection of 14 No. residential properties.

**RELEVANT PLANNING POLICIES**

**Macclesfield Borough Local Plan – saved policies**

BE3 Conservation Areas  
BE4 Conservation Areas (Consent for Demolition)

**National Planning Policy Guidance**

National Planning Policy

**Other Material Considerations**

Concurrent planning application 13/2073M

## **RELEVANT SITE HISTORY**

The most recent applications on the site was the 12/0127M application, which was for a Mixed Use Development of Assisted Living Residential Apartments (61 No.) and a Café....Associated Landscaping and Servicing...Undercroft Parking Provided for Residents. The application was refused 16.11.2012, broadly due to detrimental impact on the Conservation Area and insufficient parking affecting highways safety. The corresponding Conservation Area Consent application (12/0242M) was also refused as there was no agreeable scheme approved.

## **CONSULTATIONS**

**Heritage & Design:** Conservation/Listed Building & Design

No objection, subject to conditions

## **PUBLICITY**

The application was advertised in the Macclesfield Express and a site notice was displayed near the site.

## **REPRESENTATIONS**

None received in respect of the Conservation Area Consent application.

## **APPLICANT'S SUBMISSION**

A 'Design & Access and Heritage Statement' has been submitted with the application, details of which can be read on file.

## **DETAILS OF PROPOSAL**

The application seeks to demolish the existing office building located on the site.

The parallel planning application (13/2073M) seeks to erect 14 No. residential properties.

## **KEY ISSUES**

The key issues are: 1) whether the existing building has any historical or architectural merit; 2) whether the existing building makes any positive contribution to the character and appearance of the Conservation Area and 3) whether a suitable scheme for replacement has been submitted.

As noted above, the Conservation Officer has no objection to the principle of demolishing the office building that is currently on site. The building is considered not to have any historical or architectural merit. It is also considered that the building does not make a positive contribution to the Park Green Conservation Area.

The proposed parallel application (13/2073M) is considered to be acceptable and is recommended for approval. As such, the demolition of the existing building accords with policy BE4 and the site would not therefore be left vacant.

**CONCLUSION/RECOMMENDATION**

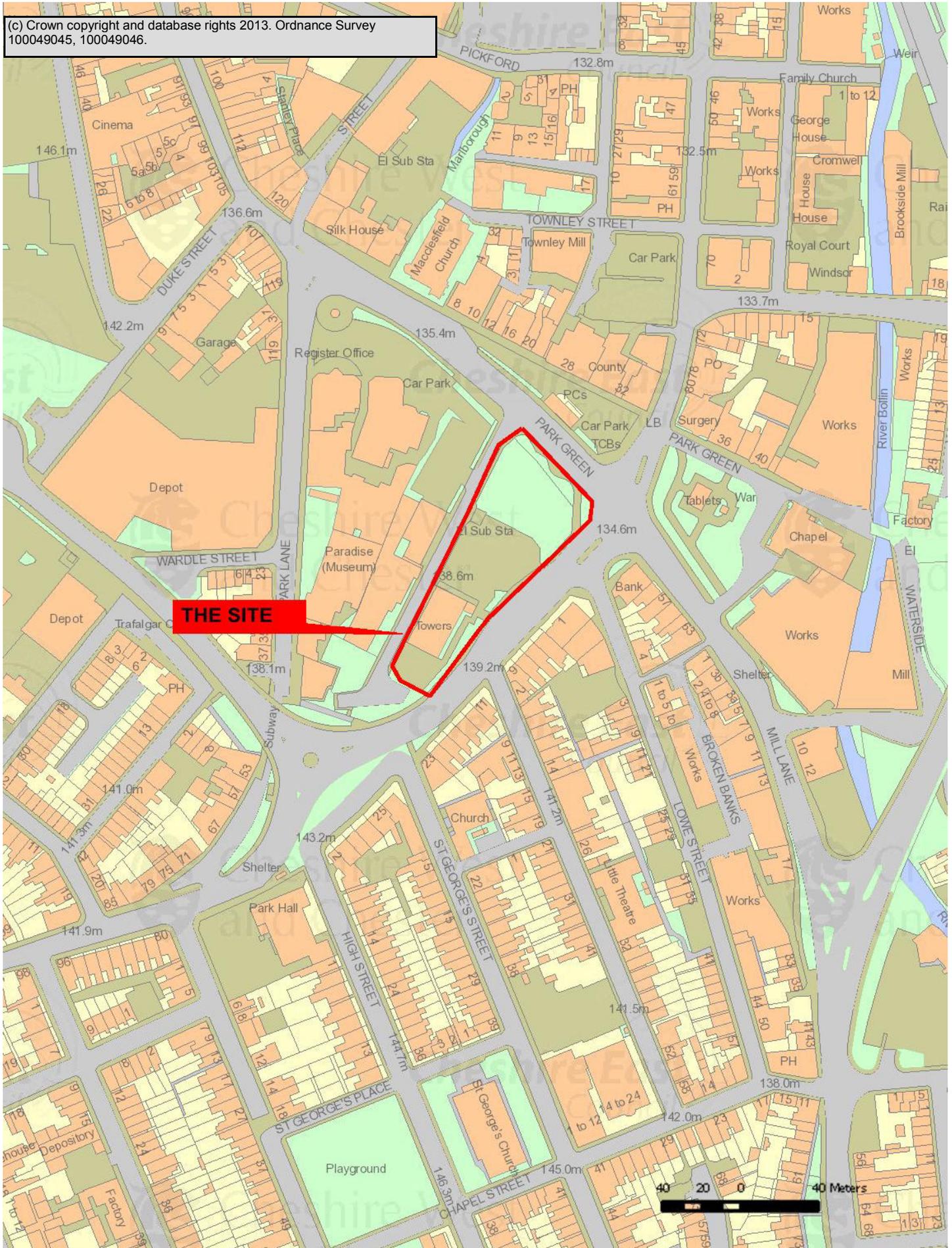
In summary, it is considered that the existing building does not have any significant historical or architectural merit and that its loss would not harm the character or appearance of the Park Green Conservation Area, nor the street-scene. A parallel application for development has been submitted (13/2073M) which is considered to be acceptable. A recommendation of approval is made, subject to the approval of the parallel application 13/2073M.

Application for Conservation Area Consent

RECOMMENDATION: Approve subject to following conditions

1. A03CA - Standard Time Limit
2. A02CA - Demolition as precursor of redevelopment

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Application No: 13/2645N

Location: Upper Lightwood Green Farm Audlem CW3 0EN

Proposal: Extension to Time Limit of Application 10/2328N for Conversion of Three Barns to Seven Dwellings with Three Detached Garage Blocks, Access Roads, Refuse Collection Bays and Demolition of Other Agricultural Buildings

Applicant: Mr Steven Bailey

Expiry Date: 18-Aug-2013

**SUMMARY RECOMMENDATION**

**Approve with conditions**

**MAIN ISSUES**

**Impact of the development on:-**

- **Protected Species**
- **The structural condition of the buildings**

**REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as the applicant is married to a Member of the Council.

**1. DESCRIPTION OF SITE AND CONTEXT**

The site is located at the southern end of Lightwood Green Avenue, and is currently a working farm with an existing farmhouse and a number of traditional brick and modern farm buildings. The site is located within the open countryside.

Barn 1 is a traditional two-storey red-brick barn with a grey tiled roof; this barn has been extended in the past with a single-storey rear extension and a two-storey side extension. Barn 2 is a similar two-storey barn which has seen a roof lift and numerous alterations to its openings in the past. Barn 3 is an open-ended Dutch barn which runs parallel with Barn 2 there is a separation distance of 13 metres between the two barns. Barns 1, 2 and Upper Lightwood Green Farmhouse are located around a central grass midden. The modern agricultural buildings are mainly located to the south and west of the site.

**2. DETAILS OF PROPOSAL**

This application is for the extension to the time limit condition to planning permission 10/2328N which was an extension to the time limit for application P07/0476. This planning permission relates to conversion of barn 1 into three dwellings, the conversion of barn 2 into two dwellings and the conversion of barn 3 into two dwellings with the erection of 5 double garages in 1 block of two and 1 block of three.

### **3. RELEVANT HISTORY**

10/2328N - Extension to Time Limit on Application P07/0476- Approved 23<sup>rd</sup> August 2010  
P07/0476 - Conversion of Three Barns to Seven Dwellings with Three Detached Garage Blocks, Access Roads, Refuse Collection Bays and Demolition of Other Agricultural Buildings – Approved 29<sup>th</sup> June 2007  
7/05181 – Steel framed silage building - Approved 29<sup>th</sup> March 1979

### **4. POLICIES**

#### **Local Plan policy**

NE.2 – Open countryside  
NE.9 – Protected Species  
NE.16 – Re-use and adaptation of a rural building for residential use  
BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure

#### **National policy**

National Planning Policy Framework

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

**Environmental Health:** Request condition regarding contaminated land.

**Highways:** No objection

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

No comments received

### **7. OTHER REPRESENTATIONS**

No representations received

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

**Protected Species Survey (Produced by Pearce Environment Ltd and dated September 2013)**

This document is available to view on the application file.

## **9. OFFICER APPRAISAL**

### **SCOPE OF THIS APPLICATION**

Extensions to the time limit for implementing existing planning permissions was brought into force on 1<sup>st</sup> October 2009 and subsequently extended for a further year for planning permissions approved before 1<sup>st</sup> October 2010. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

### **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

In this instance it is considered that the circumstances that may have changed since the last application are in terms of protected species. As part of this application an updated protected species survey has been provided in support of the application.

Evidence of bat activity in the form of a maternity roost of a relatively common bat species has been recorded within barn 1. The loss of the roost in the absence of mitigation is likely to have a high impact upon on bats at the local level but a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the converted buildings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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 NE.9 states that development will not be permitted which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended) or their habitats. Where development is permitted that would affect these species of their places of shelter or breeding conditions will be used to facilitate the survival of the species and to provide adequate alternative habitats to sustain the current levels of population.

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

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

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

In this case:

(a) In this case there are imperative reasons of overriding public interest, as the development would result in the creation of new dwellings to assist the Councils 5 year housing land supply and without conversion the barns could deteriorate further.

(b) There is no satisfactory alternative as without conversion the barns could fall into further disrepair resulting in the loss of the habitat.

(c) There is no detriment to the maintenance of the species population at favourable conservation status in their natural range will occur as adequate mitigation can be secured.

The proposed development may also have an impact upon nesting birds. However detailed compensation measures have been included in the submitted ecology report and the timing of the works to mitigate the impact on roosting bats would also reduce the risk of breeding birds being disturbed.

There would be no impact upon Great Crested Newts or Barn Owls.

The case officer has viewed the barns and they still appear to be structurally capable of conversion.

The original application was subject to amendments in relation to the layout of the site and a reduction in the number of alterations to the elevations of the barns. It is considered that the design which was accepted in 2007 and 2010 is still acceptable in this location and will preserve the character and appearance of this group of traditional barn buildings.

## **11. CONCLUSIONS**

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined. The development would be an appropriate design, to preserve the character and appearance of the existing complex of barns which are still capable of conversion to residential use. Furthermore it is not considered that the development would have a detrimental impact upon the conservation status of any protected species.

## **12. RECOMMENDATIONS**

**Approve subject to conditions**

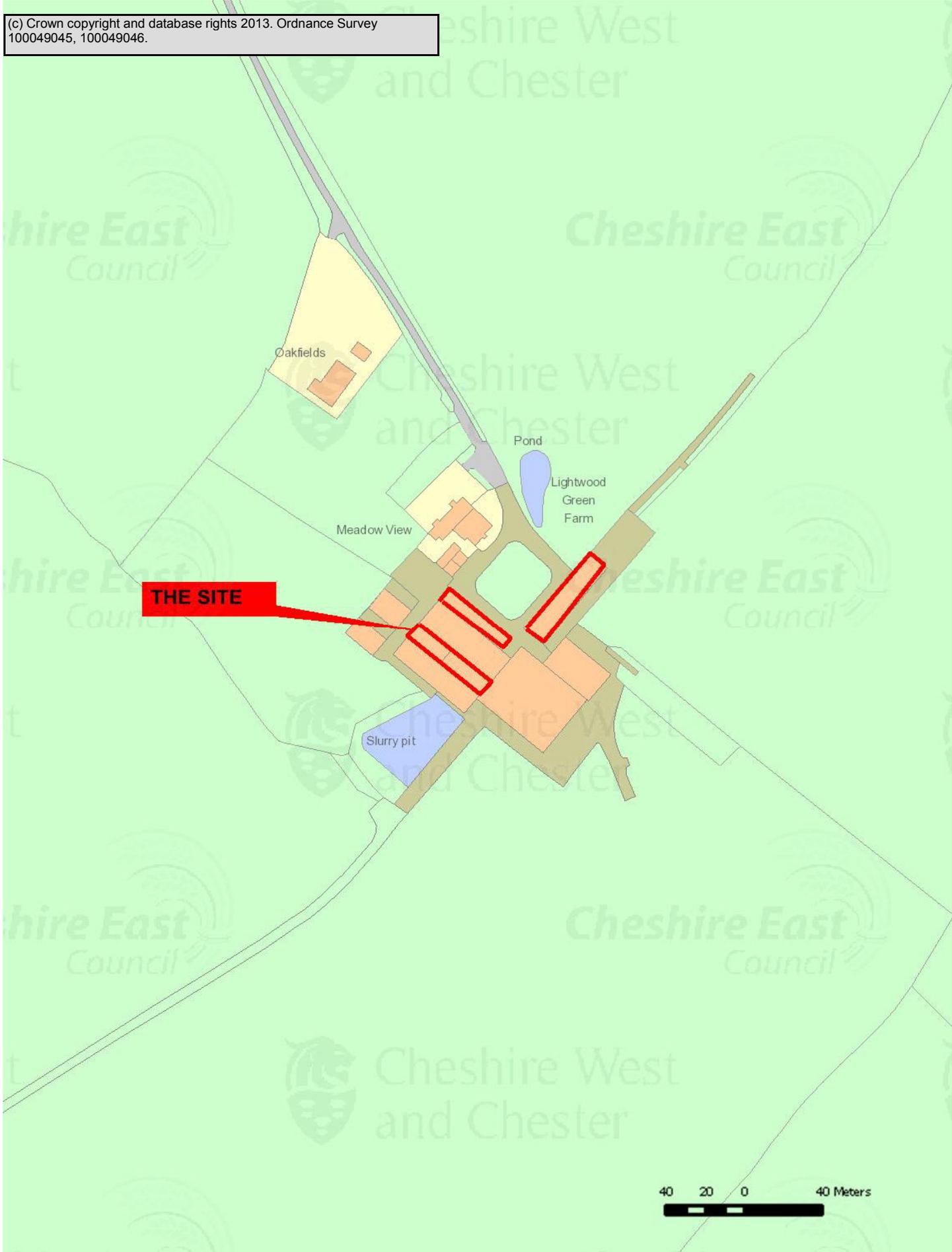
- 1. Standard time limit 3 years**
- 2. Details of all materials to be used on the development to be submitted to the LPA and approved in writing**
- 3. Details of all surfacing materials to be used on the development to be submitted to the LPA and approved in writing**
- 4. Landscaping details to be submitted including native hedgerow to all boundaries, with removal of Permitted Development for hedgerow removal**
- 5. Landscape to be completed in accordance with the approved details**
- 6. Retention of garage spaces**
- 7. Removal of all Permitted Development**
- 8. Drainage details to be submitted to the LPA and approved in writing**
- 9. Contaminated land survey to be submitted to the LPA and approved in writing**
- 10. Windows and doors to be timber with a minimum 55mm reveal**
- 11. All roof lights to be Conservation Area roof lights**
- 12. The proposed development to proceed in accordance with the recommendations made by the submitted Ecological Survey report dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.**
- 13. Prior to the commencement of development an inspection should be carried out to ensure no nesting birds are using the site**
- 14. If protected species are found, works are to stop and qualified Ecologist is to be contacted to be contacted**

- 15. Restoration and repair of the buildings only**
- 16. Limit residential curtilage to that shown on the submitted plans**
- 17. Removal of modern agricultural buildings prior to the occupation of the barns**
- 18. Details of 2 passing places to be provided on the eastern and western side of the existing drive at 100m and 200m from the farmhouse**
- 19. Bin storage details to be submitted and approved in writing by the Local Planning Authority**
- 20. Retention of open bays to barn 3 which shall not be enclosed**
- 21. Approved Plans**
- 22. Hours of construction restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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