

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 22nd January, 2014</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the meeting held on 18 December 2013 as a correct record.

4. **Public Speaking**

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

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. **13/3520M-Reglazing windows including relocation of existing stained glass into the existing stained frames; protective guards to stained glass as existing, St Johns Parish Church, Church Hill, Knutsford Cheshire for the Parochial Church Council (Pages 9 - 18)**

To consider the above application.

6. **13/3883M-Residential development of 20 dwellings and associated works, Site of Knowle House, Sagars Road, Handforth for Nichola Burns, Morris Homes North Ltd (Pages 19 - 32)**

To consider the above application.

7. **WITHDRAWN-13/2867M-A Rural Education& Interpretation Centre including Agricultural store, Biodome, Visitor Building, Car Parking, Pathways and Landscaping, Land West of Mag Lane, High Legh for Mr David Fryer, David Fryer Management (Pages 33 - 44)**

To consider the above application.

8. **13/3082M-Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works, 22, 24, 26 & 36 Castle Street, 25, 25b & 25c Castle Street Mall, Macclesfield, Cheshire for Mr John Sullivan, Eskmuir Securities Limited (Pages 45 - 54)**

To consider the above application.

9. **13/2839M-Extension of the school netball court, strengthen existing vehicular ramp access to the playing field and infilling of small area of field with top soil from the netball court extension, play area and external disabled access ramp (Retrospective), The Kings School, Girls Division, Fence Avenue, Macclesfield, Cheshire for Mr J Spencer-Pickup, Kings School Macclesfield (Pages 55 - 64)**

To consider the above application.

10. **13/4091M-Demolition of existing two-storey restaurant and outbuildings. Development of 16 new houses and bungalows with associated infrastructure, highways works and amenity space, Boarsleigh Restaurant, Leek Road, Bosley for Kathy Poole, The Regenda Group (Pages 65 - 82)**

To consider the above application.

11. **13/4746M-Conversion of Existing B1 Office Use to Twelve Residential Dwellings with Parking. Re-submission 13/0599M, Peak House, South Park Road, Macclesfield, Cheshire for John Womby 3DM (Pages 83 - 90)**

To consider the above application.

12. **13/4530M-Outline Application for 11 Apartments (application identical to previously approved scheme), Woodend, Homestead Road, Disley, Stockport, Cheshire for Michael Cooksey, Village Heritage Ltd (Pages 91 - 100)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 18th December, 2013 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors L Brown, B Burkhill, K Edwards, H Gaddum, A Harewood,  
L Jeuda, J Macrae, D Mahon, D Neilson and P Raynes

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Mrs E Fairhurst (Design and  
Conservation Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern  
Area Manager) and Mrs D Rose (Landscape Architect)

### **72 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss C Andrew and  
Mrs O Hunter.

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

In the interest of openness in relation to application 13/2314M, Councillor  
Mrs H Gaddum declared that she knew Miranda Rijks who was speaking  
as an objector on the application, however she had not spoken to her in  
relation to the application.

In the interest of openness in relation to application 13/3536M, Councillor  
Mrs H Gaddum declared that she knew Mr Yates who was speaking as the  
agent for the applicant on the application, however she had not spoken to  
him in relation to the application.

In the interest of openness In respect of the same application, Councillors  
B Livesley and D Neilson declared that they knew Mr Yates who was  
speaking as the agent for the applicant on the application, however they  
had not spoken to him in relation to the application.

In the interest of openness in relation to the same application, Councillor R  
West declared that he had spoken to Mr Neale who was speaking as an  
objector on the application, however he had not expressed a view on the  
application to Mr Neale.

In the interest of openness in relation to application 13/3520M, Councillor  
P Raynes declared that he was a member of the Knutsford Conservation

and Heritage Group as well as a Member of Knutsford Town Council, however he had not made any comments on the application. In addition he had been approached by the Royal British Legion and the substance of what they had to say was contained within the Officers report.

In addition it was noted that Members had received correspondence in relation to a number of applications on the agenda.

**74 MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to a minor amendment to the declaration made by Councillor Mrs H Gaddum to state that she knew the applicant's mother and not applicant mother as printed in the minutes.

**75 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**76 13/2314M-ERECTION OF AN ENDURANCE 50KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE, INCLUDING A KIOSK AND ACCESS TRACK, LAND EAST OF DAWSON FARM, BOSLEY, CHESHIRE FOR HALLMARK POWER LTD**

Consideration was given to the above application.

(Councillor Mrs L Smetham, the Ward Councillor, Miranda Rijks, an objector and Stephen Bate, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposed wind turbine, by virtue of its height, rotor diameter and siting in an elevated location, would be a visually intrusive and uncharacteristic feature which would have a significant adverse impact on the character and quality of the sensitive landscape within which it sits. In coming to this conclusion, the Local Planning Authority have had regard to its proximity to the Peak District National Park, the surrounding landscape character, which is generally open and expansive, and its sensitivity to change, as well as its position within the Peak Park Fringe Area of Special County Value local landscape designation. It is therefore contrary to policies NE1 (Areas of Special County Value), NE2 (Diversity of Landscape) and DC62 (Renewable Energy Development) of the Macclesfield Borough Local Plan

and advice contained in the National Planning Policy Framework and the Planning Practice Guidance for Renewable and Low Carbon Energy.

(This decision was contrary to the Officer's recommendation of approval).

**77 13/3536M-DEMOLITION OF AN EXISTING HOUSE AND THE ERECTION OF 2 NO PAIR OF SEMI-DETACHED HOUSES, 44, CHESTER ROAD, POYNTON, STOCKPORT FOR EDMUND CARLEY**

Consideration was given to the above application.

(Garry Neale, an objector and Mr Yates, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be refused for the following reason:-

1. R07RD - Development unneighbourly

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.

**78 13/4431M-DEMOLITION OF A PAIR OF SEMI-DETACHED DWELLINGS AND THE CONSTRUCTION OF A TERRACE OF FOUR TWO-STOREY DWELLINGS WITH ASSOCIATED CAR PARKING (RESUBMISSION OF 12/3540M), 71, SOUTH OAK LANE, WILMSLOW FOR CLARE HUGHES**

Consideration was given to the above application.

(Councillor G Barton, the Ward Councillor and Nick Smith, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. Boundary Treatment
5. Obscurley Glazed Windows
6. Landscaping
7. Hours of Demolition
8. Dust Control
9. Pile Fondations
10. Waste provision
11. Construction deliveries
12. Garage not to be converted into living accomodation without consent from the LPA
13. Unitted Utilities
14. Highways- Vehicular crossing
15. Permitted Development Rights removed – Class A

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.

(The meeting adjourned for a short break. As Councillors R West and B Livesley had to leave the meeting early it was proposed and seconded that Councillor W Macrae take the Chair for the remaining applications. In addition Councillor D Neilson left the meeting and did not return).

- 79 **13/3520M-REGLAZING WINDOWS INCLUDING RELOCATION OF EXISTING STAINED GLASS INTO THE EXISTING STAINED FRAMES; PROTECTIVE GUARDS TO STAINED GLASS AS EXISTING, ST JOHNS PARISH CHURCH, CHURCH HILL, KNUTSFORD, CHESHIRE FOR PAROCHIAL CHURCH COUNCIL**

(Councillor R West vacated the Chair and Councillor W Macrae took over the Chair for the remaining applications. Councillor R West left the meeting and did not return).

Consideration was given to the above application.

(Town Councillor Jan Nicholson, representing Knutsford Town Council, Paul Webster, representing Knutsford Conservation and Heritage Group (KCHG) and John Lee a supporter representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Northern Area Manager on behalf of Councillor S Gardiner, the Ward Councillor).

RESOLVED

That the application be deferred for a site visit in order to ascertain the justification for the relocation of the windows and in order to assess the impact of the windows in the Church.

(This decision was contrary to the Officers recommendation of refusal. Councillor B Livesley left the meeting and did not return).

**80 13/2906M-REDEVELOPMENT OF SITE FROM KENNELS TO OFFICE ACCOMMODATION, BRYBOUR LODGE KENNELS, ALTRINCHAM ROAD, WILMSLOW FOR MATTHEW MCNULTY, MCNULTY ARCHITECTS**

Consideration was given to the above application.

(Councillor G Barton, the Ward Councillor and Mr Redgard, an objector attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A02AP - Approved plans and detail on plans overridden by condition
3. A06EX - Materials as application
4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A03TR - Construction specification/method statement - car park area

8. A02LS - Submission of landscaping scheme
9. A04LS - Landscaping (implementation)
10. Contaminated land
11. Crane
12. Highway consent
13. Noise generative demolition & construction restrictive hours
14. Dropped kerb and access
15. Removal of Permitted Development Rights for extensions and C.O.U.
16. 29 parking spaces to be provided on site – plan to be submitted and approved prior to commencement.

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.

**81 13/4373M-EXTENSION OF EXISTING BUILDING CONSISTING OF A SINGLE STOREY 2 CLASSROOM BUILDING WITH TOILETS AND STAFF AREAS. EXTERNAL LANDSCAPING AND CONSTRUCTION OF 6 NEW CAR PARKING SPACES, DEAN OAKS PRIMARY SCHOOL, HANDFORTH ROAD, HANDFORTH, WILMSLOW FOR DEAN OAKS, DEAN OAKS PRIMARY SCHOOL**

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 the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A32HA - Submission of construction method statement

5. Hours
6. Fence Details
7. Scheme to be submitted and agreed for deposit of any excavated soil within site

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.

**82 13/4039M-CONSTRUCTION OF A TWO-STOREY, TWO-CLASSROOM EXTENSION, AND CONSTRUCTION OF 6 NEW CAR PARKING SPACES, WILMSLOW GRANGE C P SCHOOL, ULLSWATER ROAD, HANDFORTH FOR CHILDREN, FAMILIES & ADULTS, CHESHIRE EAST COUNCIL**

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 the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. The development shall be carried out in strict accordance with the Arboricultural Report including Arboricultural Method Statement for Tree Protection, Tree Protection Plan and Method Statement for Cellular Confinement System (Urban Green Ref 10478 dated 24<sup>th</sup> August 2013).

**83 13/3663M-ERECTION OF AGRICULTURAL BUILDING TO REPLACE EXISTING REDUNDANT BUILDINGS. EXTENSION TO EXISTING AGRICULTURAL BUILDING, TABLEY HILL DAIRY FARM, TABLEY HILL LANE, TABLEY FOR THE CROWN ESTATE**

Consideration was given to the above application.

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

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A22GR - Protection from noise during construction (hours of construction)
4. A01AP - Development in accord with approved plans

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.

The meeting commenced at 2.00 pm and concluded at 5.50 pm

Councillor R West (Chairman)

Application No: 13/3520M

Location: St Johns Parish Church, CHURCH HILL, KNUTSFORD, CHESHIRE, WA16 6DH

Proposal: Reglazing windows including relocation of existing stained glass into the existing stained frames; protective guards to stained glass as existing

Applicant: Parochial Church Council

Expiry Date: 14-Oct-2013

**SUMMARY RECOMMENDATION: Refuse****MAIN ISSUES:**

- Impact on the character, appearance and setting of the Grade 2 \* Listed Building
- Impact on residential amenity

**REASON FOR TAKING THE APPLICATION TO COMMITTEE**

This application was deferred from the committee of 18/12/13, so that Members could undertake a committee site visit and fully ascertain the extent of the proposed works.

Councillor Raynes originally called the application in to committee on the following grounds:

By relocating the stained glass windows to the upper level of the building, access to them will be severely restricted, especially to those with mobility issues, rendering the detail of workmanship and commemorative inscriptions inaccessible to future generations.

**APPLICATION SITE AND CONTEXT**

The application site relates to St John's Parish Church, which is a C18th Georgian Grade 2 \* Listed Building located within Knutsford Town Centre and the Knutsford Town Centre Conservation Area.

**PROPOSALS**

The proposals are for the removal and relocation of 4no stained glass windows from the ground floor North and South elevations to the ground and first floor west elevation, and the removal and relocation of a ground floor

north elevation stained glass window to the ground floor south elevation.

These windows were installed over time in the Victorian period.

It is also proposed to replace 2no ground floor and 4no first floor south elevation windows, which are currently 'plain glazed' with relatively clear glass. The same is proposed to the north elevation, to 3no ground floor and 4no first floor windows. The same is also proposed to a first floor level east elevation window.

The proposals are required to allow more light into the church and to 'open it up' to the community, offering a better internal and external view. It is also stated in the submission that relocating the stained glass windows to the West elevation would make them and the church more prominent and visually accessible to the community. This would be facilitated through making the relocated windows 'back-lit' internally.

It is noted that the proposed works do not require Listed Building Consent as they are covered by ecclesiastical exemption. Planning permission is required because the alterations materially affect the appearance of the building.

#### **CONSULTATION RESPONSES (external to planning)**

English Heritage- do not wish to comment in detail and supply general observations. They have no objection in principle from a heritage point of view, subject to details regarding the technical aspects of the removal/ insertion of the windows. They do, however, note that there may be other considerations that need to be weighed into a decision, such as the community value the windows have in their current position. They conclude that the proposal should be determined in accordance with policy guidance and on the basis of our specialist conservation advice.

Knutsford Conservation and Heritage Group- object on the following grounds;

-The applicant has demonstrated insufficient justification for the proposed works and insufficient consideration of alternative possibilities.

-The stained glass windows proposed for relocation are the work of Heaton Butler and Bayne, one of the principal stained glass makers at the time, the firm's work including the Brunel memorial window in Westminster Abbey. The stained glass windows at St John's Church are in the Renaissance style, depicting Biblical scenes. They are an integral part of the Grade II\* listed building.

-The fact that the Church is listed as Grade II\* recognises the importance of the windows, demonstrated by their being expressly particularised and described in the national listing text as forming a "series". The series is of nave not gallery windows.

-There are other entirely viable methods to bringing light into the church which would not require the relocation of the windows.

-It is assumed the Church wishes to continue to focus the principal views as those within the Church, including of the Altar, rather than the views outwards from the inside of St John's Church. Views outwards would be very much a subsidiary reason for visiting the Church.

-The proposals do not provide a positive contribution to local character and distinctiveness.

Victorian Society- No Objection

Development Management Archaeologist- No Objection

## **VIEWS OF THE TOWN COUNCIL**

Knutsford Town Council- The Council objects to the application on the grounds that the proposed relocation of the stained glass windows would be to the detriment of the historical integrity of the building. The applicant has failed to provide sufficient reasoning for the Council to go against established practice for buildings of such significant historical importance.

## **REPRESENTATIONS**

Occupier of 9 Malvern Road (On behalf of the Royal British Legion)- recommends approval in relation to part of the proposal, which is to move the 1914-1918 War Memorial stained glass window from its present location to a new location.

28 other local residents have written in expressing support of the proposed development.

A Councillor is also in favour of the proposed development.

The planning related reasons for supporting the application comprise:

-The relocation of the windows would improve the light levels within this dark building and would make the windows more visible from the outside, to the benefit of the community

- Would open up the church to the community- it is noted that many other community groups already use the building for various activities such as Tatton Singers, Civic Services and May Day Celebrations and the works would open it up to more groups.

- No objections have been received from the Georgian Society, Victorian Society, the Diocese, or English Heritage.

## **RELEVANT HISTORY**

12/3273M

Alterations to entrance area, including new ramp, steps and railings. New bin store.

APPROVED

19/10/12

## **POLICY**

**Macclesfield Borough Local Plan – saved policies**

BE1 (Design principles for new developments)  
BE2 (Preservation of the historic environment)  
BE16 (Setting of Listed Building)  
BE21 (Archeaology)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC38 (Guidelines for space, light and privacy for housing development)  
H13 (Protecting residential areas)  
KTC1, KTC 2, KTC3, KTC 4 (Knutsford Town Centre Conservation Area)

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

### **National Planning Policy Guidance**

#### **National Planning Policy Framework**

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

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

### **KEY ISSUES**

#### **Impact on the Conservation Area/ Listed Building**

The comments from English Heritage have been carefully considered.

However, the Conservation Officer raises a strong objection to the proposals, stating the following;

There is an objection in principle to the assumed dismantling of and relocation of all the stain glass windows proposed with the exception of the war memorial window, for reasons outlined below. It is felt there is insufficient justification for the removal and potential damage to the windows which are an integral part of the building which is designated as Grade II\*. The

current situation of light within the church is deemed more than sufficient for its use as a religious building and any issues relating to light can be overcome in less harmful ways, allowing the integrity of the windows and church to remain.

It is also considered that the replacement of the other windows to plain glazing would similarly have an adverse impact on the historical and architectural fabric of this Grade 2 \* Listed Building.

It is considered that the proposed works will constitute 'Less than Substantial Harm.' Under the NPPF Paragraph 134 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

St John's Church is Grade II\*, a grading attached to only 5.5% of the nationally listed building stock. Where there is less than substantial harm this harm has to be weighed against the public benefit.

The stained glass windows signify both a biblical story but also a memorial to local worshippers and their personal story and relationship to the church. The location of the windows at ground floor level allows the windows to be viewed by all; if the windows to be inserted to the upper floors was permitted, this would restrict access for disabled and infirm members of the community, which would not be in the public benefit.

Whilst the 28 letters in support of the works have been carefully considered, the objections received from the Town Council and from the Knutsford Heritage Group also indicate some lack of support from the community. These points further question what the public benefits actually would be.

The Heritage Statement submitted mentions that the theological message for St John's is to be "belonging" to the Town, there are objections from sections of the community which goes against this message.

It is noted that English Heritage do not object from a heritage point of view, but that they note that the impact on the historic fabric of the building has to be weighed against the benefit to the community as a result of the works. Advice from English Heritage states the following:

*All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134). Public benefits in this sense will most likely be the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF, provided the benefits will enure for the wider community and not just for private individuals or corporations. It is very important to consider if conflict between the provision of such public benefits and heritage conservation is necessary.*

In conclusion, the public benefit for the wider community is not considered clear nor substantiated by the proposed works and perceived harm to a grade II\* listed building.

Paragraph 132 of the NPPF states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*

*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

The justifications put forward within the supporting documents attached to the application are considered to be; the need for additional light in the Church; for those in the Church to view outside, and vice versa, lastly to restore the original Georgian church as originally constructed in 1744 and showcasing the building and windows to a wider public audience.

### **Assessment of Submitted Justifications**

1. Graham Holland provided Officers with photographs of the inside of the church to show the lighting concerns. From these images the building appears to have sufficient light, and together with the proposed and granted faculty works the light exposure and overall feeling of light will be enhanced beyond this seemingly satisfactory baseline position. This photograph does not show a dark and unusable building, therefore displaying no justification for window removal.
2. Church windows are usually relatively high compared to domestic window height, assuming less visibility into and out of the building to allow for the church to become a place to reflect and worship, not to be distracted by the outside world. Whilst it is noted that the applicants want to make the church more accessible, the requirement to see into and out of the building is not considered to be in accordance with its use.
3. Restoring the church back to its 18th century character is considered to be an inappropriate approach to a grade II\* listed building. The Victorian additions are a clear historical marker of the churches history, one which now adds to its special architectural and historic interest. Removing (dismantling) historic fabric associated with this and reordering from their original context, will ultimately water down the integrity of the building as the 19th century additions are part of the buildings character and architectural and historic interest.

### **Significance of the Heaton Butler and Bayne Windows**

The supporting evidence states the windows are of low/moderate significance, but doesn't state why or how this assessment and judgement has been arrived at. Heaton Butler and Bayne were significant stained glass manufacturers and their work is present in many buildings, most of these are grade II\* and grade I. The heritage statement then contradicts this low/moderate significance by stating the windows have a "high impact on the interior". The negative impact around these windows appears to be based upon lights levels, which given the photographic evidence is considered to be unsubstantiated.

St Johns Church is grade II\* and the stained windows are mentioned in the list description. Whilst the windows will remain in the church, and it is noted that their relocation would make them more visible from outside the church, nevertheless their visibility will be reduced for all members of the community and church when inside the church. The window's relocation

could also be damaged in the process of being moved without enough justification, which would compromise the work by Heaton, Butler and Bayne and also the church as a whole.

The stained windows are displayed in a series; this is referenced in the recent Pevsner Architectural Guide 2011. They tell a biblical story but like many windows were personally dedicated to the church by members of the parish, over time, which suggests that these windows are important (or were) to the congregation and therefore belong within the body of the church where they were initially placed, to be preserved in situ for the wider public benefit.

The List Description of the church mentions the windows "north and south aisles form a series in a similar renaissance style depicting old and new testament scenes, dated 1868, 1895, 1919, 1921, Heaton, Butler and Bayne."

Whatever the age of the church, stained glass has played its part in the decoration and enrichment of the architecture. These windows have also continued to tell another story, that of the people who have donated the window or are commemorated in them. By inscriptions and depictions the glass records for posterity the whole story of their installation and purpose. And so they are deemed to have historical, artistic, theological and personal significance. This is also considered to some extent to be true of the other more plain glazing to the ground and first floors, which would be replaced, resulting in a further loss of historical fabric and significance.

### **War Memorial Window**

When the War memorial chapel was relocated, the war memorial window was not relocated alongside. There is logic therefore to the moving of this window so it can be with the memorial chapel. There is no objection to this work being carried out subject to a method statement being conditioned, which would inform the relocation and any new materials or repairs which are needed.

### **Potential for damage**

Historic glass is very delicate and easily subject to damage, the only real justification for dismantling or removal would be for restoration due to extensive damage.

Stained glass is made of many components, each with inherent risks when being restored or in this case removed. The decoration of the glass itself, fixing, fixing system, support frame, and the condition of each material needs to be understood to understand what the risks will be, knowing this condition is important for overall preservation of each window.

This information has not been produced and therefore there is no evidence to state the windows would withstand the removal and level of restoration required.

Benefit to the historic glass should come before any other consideration. The intervention and treatment of the windows should be kept to a minimum; and signs of age are considered to be an integral part of the history of this building. Overall therefore the conservation of the windows should be the priority, and little has been provided in relation to a conservation plan, potential risks removing them, method for reinstatement, and potential for the loss of historic fabric.

For the reasons examined above, the proposed development is considered to adversely impact on the historic fabric and integrity of this Grade 2 \* Listed Building. The public benefits of the proposals are not deemed to outweigh this (less than substantial) harm and therefore the development is considered not to accord with local plan policies BE2, BE16, and the NPPF.

## **Amenity**

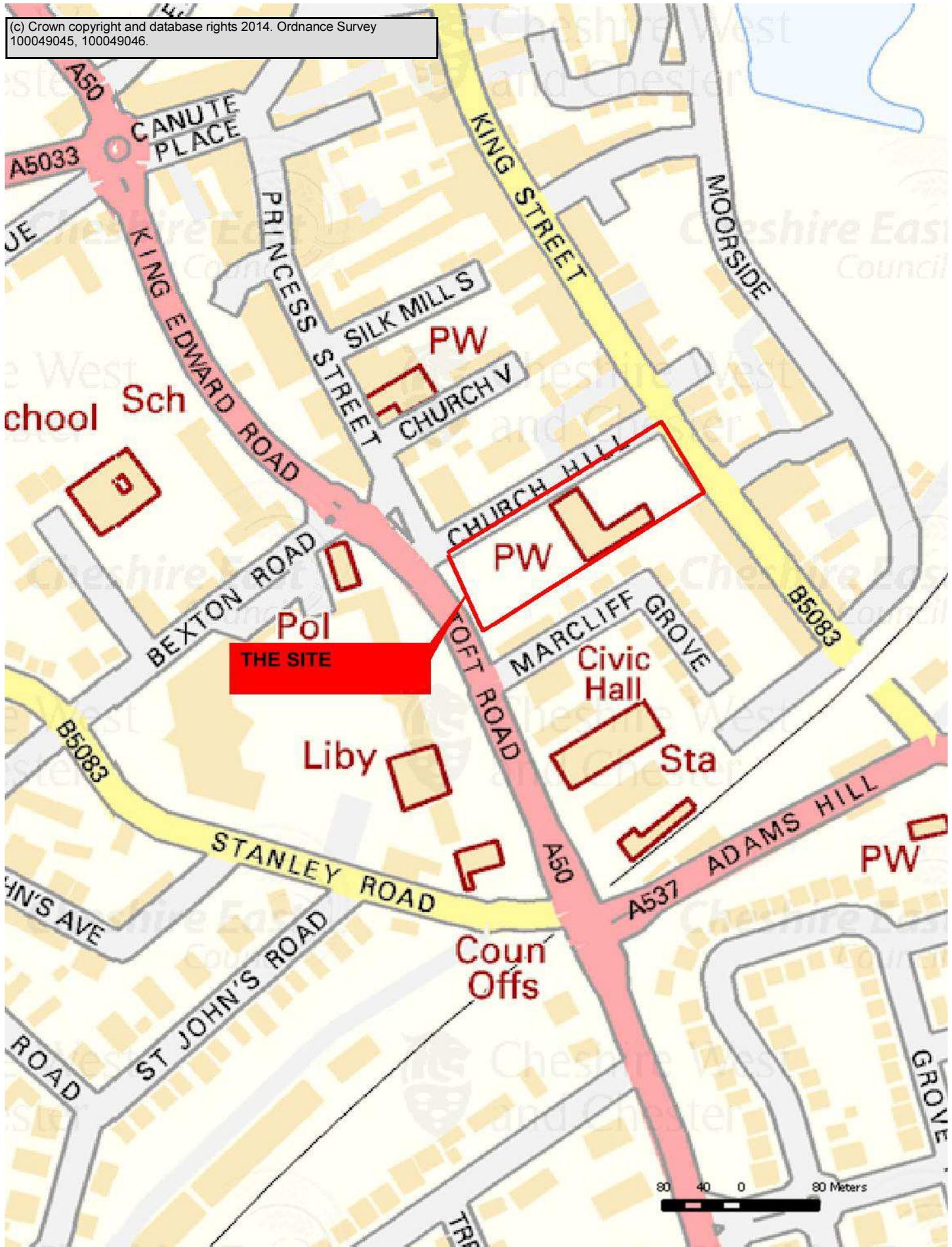
No amenity issues are raised and the scheme would be DC3 compliant.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, it is considered that there is insufficient justification for the removal and potential damage to the windows which are an integral part of this Grade 2 \* Listed Building. The relocation of these windows would adversely impact on the architectural and historical significance of this Listed Building and its setting, contrary to Macclesfield Borough Local Plan policies BE2, BE16, BE18 and the NPPF. The public benefits that could arise from this proposal is not considered to be outweighed by the aforementioned harm.

1. POL01 - Policies
2. Informative
3. Plans
4. Impact on the Grade 2 \* Listed Building

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Application No: 13/3883M  
Location: site of KNOWLE HOUSE, SAGARS ROAD, HANDFORTH  
Proposal: Residential development of 20 dwellings and associated works  
Applicant: Nichola Burns, MORRIS HOMES NORTH LTD  
Expiry Date: 13-Dec-2013

**Date Report Prepared:** 9 January 2014

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- The impact on the character of the area
- The impact the amenity of adjoining residents and future occupiers of the residential units proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The sustainability of the proposal

#### **REASON FOR REPORT**

The application is for the erection of 20 dwellings, and under the Council's Constitution is required to be determined by the Northern Planning Committee.

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

The site comprises an area of vacant land, some of which was previously occupied by a private nursing care facility, which was demolished (following a fire) in 1996. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to erect 20 dwellings.

#### **RELEVANT HISTORY**

71134P - HEALTH CARE FACILITY TO INCLUDE 24 BED ACUTE CARE UNIT 12 BED NURSING CARE UNIT 12 NO. LOW DEPENDENCY UNITS ADMINISTRATIVE UNIT AND 16 NO. GARAGES

96/0564P - TWO 48 BEDROOMED NURSING HOMES – Refused 03.03.1996

96/1725P - REBUILDING OF KNOWLE HOUSE TO PROVIDE NURSING CARE UNIT (OUTLINE APPLICATION) – Withdrawn 13.01.1997

01/0507P - RESIDENTIAL DEVELOPMENT OF FOOTPRINT OF KNOWLE HOUSE (OUTLINE) – Refused 25.04.2001

02/1131P - REPLACEMENT DWELLINGHOUSE – Withdrawn 12.08.2002

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
GC1 New Buildings in the Green Belt  
H1 Phasing Policy  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H8 Provision of Affordable Housing  
H9 Affordable Housing  
H13 Protecting Residential Areas  
T2 Integrated Transport Policy  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC35 Materials and Finishes  
DC37 Landscaping  
DC38 Space, Light and Privacy  
DC40 Children's Play Provision and Amenity Space

### **Other Material Considerations**

National Planning Policy Framework (the Framework)  
Interim Planning Statement on Affordable Housing

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

Public Rights of Way – The development does not appear to affect a public right of way.

Environmental Health – No objections subject to conditions

Environment Agency – No objections subject to conditions

United Utilities – No objections subject to conditions

Housing Strategy and Needs Manager – No objections

Strategic Highways Manager - No objections subject to further access details and conditions

## **VIEWS OF THE PARISH COUNCIL**

Handforth Parish Council – Support the application

## **REPRESENTATIONS**

67 letters of representation, and a petition signed by 169 people, have been received from local residents and interested parties objecting to the proposal on the following grounds:

- Local infrastructure cannot accommodate increase in population
- Impact on SSSI
- Out of character
- Highway safety
- Greenfield site
- Presence of Japanese Knotweed on the site
- Green Belt
- Handforth needs social housing
- Proposed houses locally unaffordable
- Site is open space and should not be built on
- Loss of openness
- Absence of recreational / play areas
- Impact on nature conservation
- Disturbance during construction
- Cheshire East Local Plan to be finalised – premature
- Adverse impact on conservation area
- Houses not needed in light of plans for Handforth East
- Damage to Sagars Road from construction traffic
- Cramped appearance
- Traffic calming needed on Sagars Road
- Unmet demand does not outweigh harm to Green Belt (Ministerial statement)

5 letters of representation have been received raising no objection and / or supporting the proposal for the following reasons:

- Brownfield site
- Housing more appropriate than any other use
- Hope that it will reduce antisocial activity
- Affordable houses are welcome
- Local economic growth through jobs

## **APPLICANT'S SUPPORTING INFORMATION**

The information that has been submitted alongside the plans and drawings include:

- i) Design & Access Statement
- i) Planning Statement
- ii) Flood Risk Assessment

- iii) Phase 1 contaminated land report
- iv) Ecological Assessment
- v) Arboricultural Impact Assessment
- vi) Access Appraisal

The planning statement concludes:

- Development is proposed on a previously developed site within Green Belt, adjoining settlement boundary of Handforth.
- Proposals are consistent with the local plan policies which are consistent with the Framework.
- Some local plan policies are silent, absent or out of date.
- Paragraph 14 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies indicate that development should be restricted.
- Proposal will have no significant adverse environmental impacts that would weigh against the benefits.
- The site is previously developed and the proposed scheme would have less impact on the openness of Green Belt than the previous use of the site; in the circumstances, it is capable of being favourably considered under paragraph 89 of the Framework.
- Notwithstanding this, the site has been cleared and an assessment of the scheme against paragraphs 87 and 88 indicate that the development would be inappropriate and result in harm by virtue of a loss of intrinsic openness.
- The harm would be tempered by the extent of developed features on the land and the limited though-views from outside of the site and the provision of open space and landscaping within the scheme. There would be no harm to the purposes of including land within the Green Belt and overall the proposals would result in beneficial effects in relation to the use of land within the Green Belt.
- The overall scale of harm as a result of the proposed development will be moderate.
- Seven considerations have been identified in this instance which, when taken together, amount to VSC. These include:
  - i. The Suitability of the Site for Redevelopment
  - ii. Handforth as a Sustainable Location for Development
  - iii. Housing Land Supply in Cheshire East and Handforth
  - iv. Affordable Housing
  - v. Community Benefits
  - vi. Existing Use / Environmental Benefits
  - vii. Support for Redevelopment
- These seven considerations which, when taken together, constitute very special circumstances, which clearly outweigh the identified harm to the Green Belt, thereby satisfying paragraph 88 of the Framework

## **OFFICER APPRAISAL**

### **Housing Land Supply**

The Framework states at paragraph 47 that there is a requirement for local authorities to maintain a 5 year rolling supply of housing. In light of recent appeal decisions, it is accepted that the Council cannot demonstrate the required five year supply of housing land.

Further to this, the NPPF clearly states at paragraph 49 that:

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

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

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

*n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

*n specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development. In addition it should be noted that Green Belt policy at paragraph 89 does indicate that development should be restricted, unless very special circumstances can be demonstrated.

### **Sustainable Development**

The site is considered to be adequately proximate to Handforth district centre and its associated shops, services and public transport links, which are approximately 600 metres from the site and within walking / cycling distance. It is therefore considered that the site is in a relatively sustainable location and the principle of a residential use in such a location is accepted.

Sustainable development is development that meets economic, social and environmental objectives. The main social and environmental considerations are highlighted in this report.

### **Green Belt**

The site lies in the Green Belt as identified in the Macclesfield Borough Local Plan. The submitted planning statement suggests that the site is previously developed land. Given that there was once a care building on this site, it is fair to say that the land has been previously developed. However, the definition of previously developed land in the Framework states that it excludes, *“land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”* In this case the buildings have been cleared from the site and as such any remains have blended into the landscape. Whilst there is nothing currently on the site other than building rubble and with some evidence of hardstanding, aerial photographs show a heavily vegetated site with little signs of hardstanding areas. Presumably some work has recently taken place to get the site to its current condition, however this is not considered to alter the fact that the site has reverted to a greenfield site. The construction of new houses in the Green Belt is an

inappropriate form of development, which is by definition harmful, and should not be approved except in very special circumstances. In terms of other harm, the construction of 20 dwellings on this open site will significantly reduce the openness of the Green Belt.

As noted above, the applicant's position is that the site is previously developed land, and is referred to as such in the Council's Draft Handforth Town Strategy Consultation and the Cheshire East SHLAA Update January 2013. They maintain that the Framework makes it clear that land which was occupied by development (i.e. where demolition has taken place) is classified as previously developed land. Information has been provided showing the extent of the building that previously occupied the site, and they consider that it is apparent from visiting the site (and in photographs provided) that there are areas of hardstanding associated with the previous development and rubble associated with the demolition of the previous building. Their view is that these elements have evidently not blended into the landscape and can clearly be distinguished in contrast to the natural character and appearance of the surrounding undeveloped Green Belt countryside.

If it was accepted that the land was previously developed land as defined in the Framework, then paragraph 89 is relevant to the determination of this application where it states, that one of the exceptions to inappropriate forms of development is:

*“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The applicants state that any impact on openness is contained to the site and is not a tangible or perceived impact on the openness of the wider Green Belt, the extent of which is substantial in this location. They also suggest that the proposed development will not have a greater impact upon openness or the purposes of including land in the Green Belt than the development approved under application 71134P in 1992. However, this is not the existing development. The existing development has to be that which exists on the site at present. There are no buildings or structures on the site at present as they were demolished in 1996. As such the proposed development will inevitably have a greater impact upon the openness of the Green Belt than the existing development. The proposal is therefore considered to constitute inappropriate development in the Green Belt, whether it is identified as previously developed land or not.

### **Affordable Housing**

The Strategic Housing Market Assessment (SHMA) Update 2013 identified that for the Wilmslow and Handforth sub-area there is a net need for 25 new affordable units per year between 2013/14 – 2017/18, this totals a requirement for 125 new affordable homes for the period and is made up of an annual requirement for 49 x 3 beds, 5 x 4+ beds and 13 x 1 bed & 3 x 2 bed older persons accommodation. (There is an oversupply of 1 bed and 2 bed accommodation).

There are also currently 278 active applicants on the housing register with Cheshire Homechoice who have selected Handforth as their first choice. These applicants require 87 x

1 bed, 124 x 2 bed, 45 x 3 bed & 7 x 4 bed (15 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement on Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented (affordable rent is also acceptable) and 35% intermediate tenure.

The applicant is offering 6 dwellings as affordable housing which is acceptable, however there is no detail as to the number of rented and intermediate units. As there is clearly a housing need in this area (as shown above) and a high demand for 2 bed accommodation on the Cheshire Homechoice system there is no reason to provide anything other than the 65% rent / 35% intermediate split required by the IPS. The SHMA Update shows that there is an oversupply of 2 bed accommodation in the Wilmslow and Handforth area however, Strategic Housing advise that due to the evidence from Cheshire Homechoice that all 2 bed units is acceptable.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. It is accepted that pepper-potting on this site is difficult to achieve due to its size however it is necessary to ensure that the materials used for the affordable units are compatible with the open market units.

The affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007) (as per the IPS). They should be provided no later than the sale or let of 50% of the open market units (as per the IPS), and their provision will need to be secured in perpetuity.

### **Design and site layout**

The application site sits adjacent to an established housing area, which is characterised by a wide variety of properties. As such, the proposed design of the dwellings will not be unduly out of keeping with the local area.

The existing access and driveway is retained, which does ensure that the houses are set well back from Sagars Road, reducing their visual impact from public vantage points. The row of 10 parking spaces in front of the affordable units is not ideal, however given that the other properties provide a range of parking options, which will reduce frontage parking, and overall car dominance, the layout is generally considered to be acceptable.

The proposal is therefore considered to comply with policies BE1 and DC1 of the Local Plan.

### **Trees / landscaping**

Trees within and immediately adjacent to the site are not afforded statutory protection by a Tree Preservation Order and the site does not lie within a Conservation Area.

The site has been mostly cleared of trees except for a group of Holly and Yew along the north west side of the existing access, a specimen early mature Beech within the triangular shaped piece of land to the rear of 6 Ash Grove; an early mature Cypress and Beech to the rear of 36 Knowle Park and an early mature Copper Beech to the rear of 38 Knowle Park. These trees are the last remaining landscape features within the site and present a moderate contribution to the amenity of the area as they are visible from a footpath which follows the south east boundary to the woodland (Dobbin Brook) adjacent to the site. The woodland is administered by Cheshire East Council and contributes significantly to the landscape within the locale.

The submitted arboricultural survey has identified four individual trees and eight groups of trees within and immediately adjacent to the application site and have been categorised as High (A), Moderate (B), Low (C) and unsuitable for retention (U) in accordance with Table 1 of BS5837:2012. The survey identifies two individual trees as moderate (B) category, two individual trees As Low (C) category. Three groups of trees have been identified as High (A) category, which are located offsite, two groups form part of the woodland boundary to the north of the site, the third group (G5) form part of the woodland boundary to the south on a steep embankment. Two groups are identified as Moderate (B) category and three as low (C) category.

The Tree Constraints plan identifies a number of trees that require removal for development. One individual B category tree, a Copper Beech (T3) to the rear of Plot 1; six trees within group G5 to the south of the site; two trees within Group G6 to the north of the site to facilitate the new access and a small number of low category trees located close to the entrance.

Generally, these trees are considered not to contribute significantly to the wider landscape. Although included within moderate and high category groups, these losses are not considered to contribute significantly to the wider landscape and amenity of the area. The individual Copper Beech (T3) has a relatively low contribution to the wider amenity, although is visible from the footpath that follows the edge of the woodland. Removal of this tree is not considered to present a significant impact on the wider amenity of the area.

The arboricultural officer has raised some concerns with regard to the position of the proposed access and footpath where it interfaces with the adjacent woodland to the north (G6 and G8) and to Group. The Tree Constraints Plan identifies the areas of conflict with the Root Protection Area (RPA) and advises a 'Proposed Tailored Engineered Road Surface'. BS5837:2012 places an emphasis on evidence based planning and requires a more precautionary approach and certainty of outcome. It is likely that given the access serves more than three properties, it will need to be constructed to adoptable standard. Further details have therefore been requested relating to special engineering within the root protection area to ensure feasibility and adequate protection of the rooting environment of trees. The Strategic Highways Manager will also need to be satisfied that such special measures are acceptable from a highways perspective. A favourable solution is anticipated and the outcome will be reported in an update.

## **Ecology**

The nature conservation officer advises that the application is supported by an acceptable ecological appraisal, and makes the following comments:

The proposed development borders Bobbin Brook Clough Local Wildlife Site on its western and southern boundary. The proposed development is unlikely to have a significant adverse impact upon the adjacent wildlife site and the layout of the proposed development will assist in mitigating indirect impacts.

No evidence of badgers was recorded during the submitted survey, and this species is unlikely to be affected by the proposed development. However, as badgers are known to occur in this broad locality it is recommended that an updated badger survey is undertaken and submitted prior to the commencement of development.

In addition conditions requiring the submission of a breeding birds survey, and detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds, including house sparrow, are recommended.

## **Highways**

The Strategic Highways Manager has commented on the application and noted that the existing width of Sagars Road appears to be about 5.2m just to the east of the existing site access. The Applicant proposes to narrow the carriageway at this location to a width of about 4.8m. The narrowing marginally improves the very limited visibility and allows a wider footway to the east of the site access. There is already a limited width footway to the east of the proposed access and the proposed footway widening will reduce the carriageway width opposite Hampson Crescent to 4.8m. The limited width proposed at this location is exacerbated by on-street parking on Sagars Road to the east. Certainly the proposed footway widening would not be implemented during construction and, indeed, consideration could be given to shortening the length of footway widening (effectively to just a build out) so that carriageway width is not unduly restricted at Hampson Crescent. Such a proposal would reduce proposed visibility but this is unlikely to be a significant issue in this location.

Within the built up area of the site, the applicant has suggested provision of a minimum 4.5m road and a minimum 1.2m footway with a 600mm service strip. The footway width is constrained to no more than 0.6m at the site access by the gated pillars to the development. The applicant relies upon the width of the road and service strip being beneath the overhang of shrubbery for a considerable length on entry to the development and beneath the crown of trees thereafter. A passing area is provided about 25m from the access to Sagars Lane; widening to 6.0m over 12.0m. The length of carriageway from the point where the carriageway narrows on Sagars Road to the 4.8 to 5.5m carriageway in the proposed housing area is some 110m; interrupted only by the widening for the passing place. In reality, the length of constrained width is further constrained by significant on-street parking on Sagars Road to the east of the site access and Hampson Crescent opposite.

The submitted highways technical note shows the tracking for a refuse lorry accessing the site. The tracking indicates that the refuse lorry can make the movements necessary to serve the site, although some of the turning movements do overhang kerbs. Although such

movements are infrequent, once every two weeks, a car and a refuse lorry could not pass within the development or even on stretches of Sagars Road.

The applicant has indicated that all parking spaces on site will be provided at a minimum 2.4 x 4.8m and this should be conditioned along with the provision of parking at a minimum of two spaces per dwelling.

No indication has been provided of how construction vehicles would safely access the site. Given the limited width of Sagars Road this is a material consideration for the planning application, and will need to be conditioned accordingly.

In terms of issues that need to be addressed, the Strategic Highways Manager advises that the width of the service strip and the provision of an “informal footpath” alongside the carriageway are not acceptable. In light of the comments from the arboricultural officer, further information will be required to demonstrate that an access of a suitable width at a suitable construction depth can be achieved whilst maintaining an acceptable relationship with adjacent trees. The Strategic Highways Manager considers it more appropriate for the applicant to design the access road as a shared surface. It also seems likely that the pillars at the site access will need to be taken down for construction access and rebuilt at a later date. This ought to allow the pillars to be rebuilt such that a less restrictive width is provided at the access point to the development. This needs to be confirmed by the applicant.

Subject to the matters above being satisfactorily resolved, the Strategic Highways Manager raises no objections to the proposal subject to conditions. Further details regarding the outstanding issues above will be reported to members in an update.

### **Impact on residential amenity**

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

A number of two-storey dwellings are located adjacent to the site to the east. The proposed dwellings do not face directly onto these existing properties, and having regard to the distances involved, the specific relationships with existing properties comply with the objectives of policy DC38 and provide an acceptable amount of space, light and privacy.

In terms of the relationships between dwellings within the development site, it is noted that a number fall below the recommended distance guidelines of policy DC38. For example, plot 12a and plot 3, and plot 12 and plot 5 have facing habitable room windows with a separation distance of approximately 15 or 16 metres. This is well below the 21 metres recommended in policy DC38. These relationships could be made acceptable with small amendments to the plans, and a request has been made to the applicant in this regard.

Subject to the receipt of revised plans to address the relationships above, the proposal is considered to comply with policies DC3 and DC38 of the Local Plan.

### **Open space**

The proposed development will trigger a requirement for public open space provision and recreation and outdoor sport provision. In the absence of any on site provision of either, commuted sums will be required for offsite provision.

Based on 20 family dwellings, the required contribution for public open space will be £60,000. The commuted sum will be used to make play and amenity additions, improvements and enhancements at Meriton Road Park just a short distance from the application site and Handforth's main recreational facility.

The recreation and outdoor sport contribution based on the 14 open market dwellings will be £14,000 and will be used, as above, for recreation and outdoor sports additions, improvements and enhancements at Meriton Road Park.

### **Education**

Comments from Education are awaited, however, recent applications in Handforth have indicated that forecasts show that the Council it will have insufficient places in both primary and secondary schools in the locality. Therefore, it is anticipated that financial contributions will be required towards accommodating the pupils generated by this development. Confirmation of this will be provided in an update.

### **Other considerations**

In the event that the Council identify the proposal to be inappropriate development, the applicant has submitted the following material considerations, which when taken together, they consider amount to the required very special circumstances to outweigh the identified harm to the Green Belt:

i. The suitability of the site for redevelopment

This relates to the limited visibility of the site from the surrounding area due to the extensive boundary screening, the site's proximity to Handforth centre and the settlement boundary, the absence of technical or environmental constraints, the fact that the SHLAA identifies the site as being suitable for housing, and that the site is more suitable than other potential housing sites being considered for housing by the Council.

ii. Handforth as a sustainable location for development

Reference is made by the applicant to the fact that the emerging Local Plan confirms Handforth is a Key Service Centre which can support some modest growth in housing to meet local needs in order to secure its continuing vitality and that it goes on to confirm that small scale alterations to the Green Belt may be required to achieve this growth.

iii. Lack of a 5 year housing land supply in Cheshire East and Handforth.

iv. Provision of affordable housing to contribute toward an identified local need.

v. Community benefits

- increased population to support local shop and services
- financial contributions towards off site public open space
- financial contributions towards education
- financial benefits through new homes bonus

vi. Existing Use / Environmental Benefits

The proposed development would result in the beneficial re-use of a vacant and derelict site, improvements to visual amenity, landscaping and biodiversity, and will avoid instances of anti social behaviour.

vii. Support for Redevelopment is offered by Handforth Parish Council and through responses received to the public consultation process.

**Assessment of considerations in favour of the proposal**

With regard to the applicant's suggested very special circumstances, many of the considerations such as the limited visibility of the site, the absence of technical or environmental constraints, provision of affordable housing, the sustainability of Handforth as a location for development and financial contributions towards open space and education simply serve to demonstrate that there is no "other harm" in addition to that identified above, having regard to relevant planning policies. Indeed these issues are examined in detail elsewhere in this report.

Whilst it is acknowledged that there is some local support for this development from the Parish Council and 5 letters of support from local residents, a much greater level of objection has been received from third parties, and as such the weight that can be afforded to the support for the development is limited.

In terms of the improvements to the condition of the site, aerial photographs appear to indicate that the site had blended into the adjacent woodland, and has only adopted its "derelict" appearance since it was cleared to its current state. The established vegetation would have previously provided its own landscape and biodiversity benefits. In this state, it would facilitate no more anti-social behaviour than the adjacent woodland and wooded track at the end of Sagars Road. Accordingly, only very limited weight can be afforded to this as a material consideration in favour of the development.

The one matter remaining is therefore the Council's lack of a five year housing supply. The site is identified in the SHLAA where it is referred to as "not currently developable" and does not contribute towards the Council's housing land supply over the next five years. The SHLAA is a study that is intended to inform future policy development and does not confirm the acceptability of specific sites as this would be done through the local plan process.

It is accepted that the lack of a five year housing land supply is a significant material consideration in the assessment of the application. However, the proposal is inappropriate development in the Green Belt, and paragraph 14 of the Framework does indicate that such development in the Green Belt is one area where development should be restricted. Furthermore, as one of the objectors has correctly identified a written Ministerial Statement by the Local Government Minister in July 2013 stated:

*"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt."*

It is therefore concluded that the above considerations, taken together or individually, do not amount to the required very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other identified harm.

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

Further clarification is required regarding access to the site, trees and relationships between some of the proposed dwellings. These matters will be reported in an update.

The proposal is however an inappropriate form of development in the Green Belt, which reduces openness. The considerations in favour of the proposal are not considered to amount to the required very special circumstances to clearly outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policy GC1 of the Local Plan and paragraph 89 of the Framework. A recommendation of refusal is therefore 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 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.

1. Inappropriate development in the Green Belt, which reduces openness. No very special circumstances exist to clearly outweigh the identified harm to the Green Belt.



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Application No: 13/2867M

Location: Land West of Mag Lane, High Legh, WA16 0RT

Proposal: A Rural Education & Interpretation Centre including Agricultural store, Biodome, Visitor Building, Car Parking, Pathways and Landscaping.

Applicant: Mr David Fryer, David Fryer Management

Expiry Date: 17-Sep-2013

**SUMMARY RECOMMENDATION**

REFUSE

**MAIN ISSUES:**

- Principle of Development
- Design
- Sustainability
- Highway Safety and Traffic Generation
- Nature Conservation
- Trees

**REASON FOR REPORT**

The application was called-in by Councillor Wilkinson in response to concerns expressed by neighbours relating to highway safety, sustainability and appropriateness within the Green Belt.

**DESCRIPTION OF SITE AND CONTEXT**

The application site area edged in red measures approx 2.5ha and comprises a Greenfield site located within the designated North Cheshire Green Belt. The site is accessed from Mag Lane approximately 150m north of its junction with Warrington Road (A50) in High Legh. Mag Lane is an adopted highway measuring approximately 5m wide excluding verges. At the time of the officer's site visit, the site comprised short meadow grass grazed periodically by sheep bounded by hedgerows with a five bar field gate opening onto Mag Lane half way along the sites boundary to Mag Lane. The site backs onto an area of woodland to the west known as 'Little Oaks' and is surrounded by open fields to the north and south and on the opposite side

of Mag Lane to the east. The nearest buildings are those located along Warrington Road approximately 170m to the south.

## **DETAILS OF PROPOSAL**

The proposals relate to a rural education & interpretation centre with visitor building. The overall concept for the site involves redeveloping existing grazing land for a combination of activities including agriculture, recreation and education. Two new buildings are proposed including a visitor centre and agricultural storage building. Other alterations to the site involve the laying of hardstanding for an area of car parking and engineering operations associated with the formation of ponds etc.

The visitor centre would measure 9.76m x 12.2m reaching a height of 2.5m to the top of the flat roof. The design includes a flat roof, bird box, wildflower planters and walls would be timber cladded.

The agricultural store building would measure 10m x 15m reaching a height of 4.6m to the ridge of the pitched roof. It would be constructed of wood cladding and insulated green sheets also with a bat box.

The above relates to the scheme as amended – originally bigger buildings were proposed along with additional animal sheltered and a bio dome. The total floor area would be 260 sq. m reduced from 861 sq. m.

## **Planning History**

12/0587M Change Of Use From Agriculture To Pizza Farm Including A Two Storey Building Containing A Restaurant And Meeting Rooms For Educational Purposes, Agricultural Storage Building, Ticket Office, Landscaping, Pathways, Car Parking And Outdoor Adventure Park. The application was withdrawn prior to recommendation for refusal on 17.4.12.

12/4882M A Farming & Food Visitor Centre including Access, Car Parking, Pedestrian Routes, Visitor Centre, Bio-dome, Mobile Field Shelters and Landscaping. Refused 5.4.13.

## **POLICIES**

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

Relevant policies within the Macclesfield Borough Local Plan (MBLP) are as follows:

- NE11 Nature Conservation
- BE1 Design Guidance
- GC1 Green Belt – New Buildings
- RT8 Access to Countryside
- RT13 Promotion of Tourism
- T4 Access for People with Restricted Mobility
- T5 Provision for Cyclists
- DC1 Design – New Build

DC2 Design – Extensions and Alterations  
DC3 Amenity  
DC6 Circulation and Access  
DC7 Car Parking Standards  
DC8 Landscaping Scheme  
DC9 Tree Protection  
DC13 Noise  
DC28 Agricultural Buildings  
DC33 Outdoor commercial recreation

### **Material Considerations**

National Planning Policy Framework  
Cheshire East Local Plan Draft Development Strategy  
Ministerial Statement of 23 March 2011 on "Planning for Growth"  
Circular 02/09  
The Planning System – General Principles  
Rural Issues Summary Document  
Cheshire East Visitor Economy Strategic Framework

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

**Visitor Economy Officer** – In summary, considers this attraction could make a positive contribution to the Cheshire East visitor economy. It fits with the strategic objective of growing the Cheshire East Visitor Economy as well as adding value to the wider economy.

**Environmental Health** – No objections

**High Legh Parish Council** – The buildings that are being proposed are designed to be sympathetic with the surroundings.

The project itself is something that fits in well with our rural farming community. The crops etc and animals are the sorts of things that we see all over the parish, so it is not out of place.

Express concerns regarding increased traffic, traffic flow along Mag Lane, impact on local roads, support for traffic management proposals. Concerns regarding precedent and requests that land revert to agriculture after use ceased.

We recognise the benefits that such an endeavour would bring to the Parish in terms of economic benefit, but also recognise the strength of opposition from local residents.

No comments were received from consultees on the amended scheme at the time of writing the report.

### **REPRESENTATIONS**

Letter of objection received from 15 households - The Hay Barn, The Wheelwright's Cottage, Cherry Nurseries, Silent Valley Cottage, 3 Crabtree Barn, 5 Orchard Gardens, Broadheys

Farm, Deansgreen Cottage, Field House, Deansgreen House, 16 Euclid Avenue, Yew Tree House Farm, Great Oak Farm House, Swallows Rest and Old Farm on the following grounds:-

- Inappropriate development within the Green Belt
- Impact of visitors on highway safety
- Little demand for jobs in local area
- Increased litter
- Visual impact upon the landscape/ character of the area
- Not bringing anything new to the area
- Impact on existing agricultural business due to increased traffic
- Concerns regarding importation of produce and sustainability of the business
- Inaccuracies in submission
- Adequacy of existing drainage to deal with additional discharge
- Request light illumination validation test
- No very special circumstances

The following comments have been received from Great Oak Farm, 3 Crabtree Barn and Broadheys Farm in respect of the amended scheme:

- Inappropriate development in the Green Belt
- Not an agricultural use
- Highway safety
- Planning history/ lack of past precedent
- Concerns relating to reduction in employment figures

## **APPLICANTS SUPPORTING INFORMATION**

A Tree Survey, Space Analysis Assessment, Planning Statement, BREEAM Pre-Assessment, Impact Assessment, Visual Impact Assessment, Education Statement, Design and Access Statement, Habitat Survey have been submitted in support of the application. Full copies of these documents are available to view on the Council's website.

A revised Business Plan, Planning Statement and Design & Access Statement have been submitted in support of the amended application. Full copies of these documents are available to view on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is a greenfield site used as pasture/ arable land and located within the designated North Cheshire Green Belt - Para 89 and 90 of The Framework indicate the types of development which are appropriate within the Green Belt. Provision of new buildings is inappropriate development within the Green Belt unless it is for one of the purposes listed. Policy GC1 within the MLP accords with this guidance and therefore full weight is given to this policy.

Amongst those appropriate uses listed include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

Clearly, the agricultural storage building would fall within the former category therefore the issue of whether or not the proposals represent an appropriate form of development within the Green Belt hangs on whether or not the 'visitor centre' constitutes outdoor recreation.

Notwithstanding that some elements of proposals, in isolation, may be considered appropriate development within the Green Belt, the proposals must be considered in their entirety.

The description of development summarises the proposals as "A Rural Education & Interpretation Centre with Visitor Building. The proposed visitor centre would include facilities such as toilets, a ticket office, education room and box scheme sorting and packing area.

In the officers view, this is a tourism use- tourism uses are not listed as appropriate development within paras 89 & 90 within The Framework.

The proposals therefore represent an inappropriate form of development within the Green Belt. Para 88 of The Framework states that substantial weight should be given to *any* harm to the Green Belt.

The following additional harm has been identified:

#### Harm to the Green Belt: Openness

In addition to the harm by reason of inappropriateness which in itself attracts substantial weight, the proposals would also have an adverse impact upon the openness of the Green Belt.

The Framework places the emphasis on *any* harm to the Green Belt and does not require that such an impact has to be significantly adverse. Therefore the harm identified above and any other harm would need to be outweighed by other considerations.

It is duly acknowledged that the proposals represent a substantial reduction in terms of size and scale and buildings from the original submission and the extent of associated works such as the formation of car parking areas. It is also acknowledged that the landscape visual impact has been minimised. Notwithstanding the above, the proposed visitor centre and the associated activity on the site and the provision of parked vehicles on a field that is at present essentially open, could inevitably have an adverse impact upon the openness of the Green Belt.

Significant weight is attached to this consideration.

### Harm to the Green Belt - Encroachment

Para 80 of the NPPF states that 'safeguarding the countryside from encroachment' is one of the purposes for including land within the Green Belt.

The construction of any inappropriate development which impacts upon openness in the Green Belt would also represent encroachment.

Significant weight is attached to this consideration.

In summary, the proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have an adverse impact upon the openness of the Green Belt in this location. The proposals would also conflict with one of the purposes of including land within the Green Belt and would have an adverse visual impact upon the landscape.

Very special circumstances are therefore required to justify proposals which are inappropriate within the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 88 of The Framework). The onus is therefore on the applicant to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt identified above.

### **Very Special Circumstances**

#### Contribution to Green Belt Objectives

It is duly noted that the development would make a contribution towards providing opportunities for outdoor recreation in the Green Belt and the promotion of Healthy Communities.

The creation of biodiversity and habitats in the Green Belt is also advocated by the NPPF.

This consideration carries moderate weight.

#### Educational Benefits

The Planning Statement considers that the educational benefits of the scheme would also contribute towards a case for very special circumstances. These educational benefits would be difficult to quantify, and difficult to control to ensure that they are delivered.

This consideration carries limited weight.

#### Design & Sustainability

The Planning Statement indicates that the design promotes high levels of sustainability and that this is a material consideration in favour of the proposals. The sustainability credentials of

the development are commendable (although significantly reduced when compared to the previous application), this would only carry limited weight given the unsustainable nature of the location.

Whilst the design is acceptable as an isolated consideration, it is not of such outstanding quality to represent a benefit of the proposals. No weight is attached to this consideration in representing very special circumstances.

#### Contribution Towards Other Strategies

It is duly acknowledged that this tourism enterprise would make a positive contribution towards rural tourism. The proposals would also accord with a number of other Council strategies and policy documents. However, the Development Plan is the starting point with the NPPF as a material consideration. Policies within the Development Plan carry weight according to their consistency with the NPPF. Therefore accordance with the NPPF is the main consideration.

This consideration carries limited weight.

#### Employment Benefits

The proposals would result in the creation of 4 FTE jobs. This is a factor in favour of the proposals.

This consideration carries moderate weight.

#### Lack of Alternative Sites Outside of the Green Belt

The submission indicates that this field which the applicant has purchased is the only site where this development can be accommodated. It is not considered that a lack of alternative sites would represent VSCs or contribute even moderate weight as a consideration. The Framework does not advocate a Sequential Test approach to development proposed in the Green Belt, and there is no defined need for the proposals identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations.

For the reasons noted above, no weight is attributed to the argument that there is no other site within Cheshire where this development could be accommodated which would be more appropriate in respect of its impact upon the Environment.

#### **Conclusions on Green Belt Matters**

The proposals therefore represent an inappropriate form of development within the Green Belt which in itself attracts substantial weight. The proposals would also have a significant impact upon the openness of the Green Belt which in itself attracts substantial weight. It is

also considered that the proposals would represent encroachment into the Green Belt, which in itself attracts substantial weight.

Para 88 of The Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Moderate weight is attached to the benefits to the visitor and tourism economy and the benefits of job creation. Limited weight is also attached to factors such as education benefits and the contribution towards Green Belt objectives. No weight is given to those arguments relating to a lack of available alternative sites, sustainability or the design of the development. Whilst a number of seemingly ordinary factors can cumulatively represent very special circumstances, such factors need to clearly outweigh the harm to the Green Belt in order to represent very special circumstances. Given the level of harm identified and the moderate weight attached to the considerations put forward, it is considered that the combination of these factors would not represent very special circumstances justifying the development.

### **Design Standards & Landscape Impacts**

Chapter 7 of The Framework indicates the importance of good design. Policies BE1, DC1, DC2, DC8 and DC28 within the MBLP are considered consistent with The Framework as they seek to reinforce local distinctiveness which is noted as an objective at para 60 of The Framework.

The field boundaries, whilst not reflecting existing field patterns, seek to replicate historic field patterns found in this location. The majority of the land would remain open and boundary treatment would comprise a sensitive mix of post and rail fencing and native species hedgerow which reflects the existing boundaries utilized in adjacent fields. The proposals include an extensive Landscape Masterplan including areas of new planting, a new orchard and sensitive use of surfacing materials. The proposed new buildings would be agricultural in appearance and the relative heights have been kept low to minimize the impact upon the landscape. The buildings would be seen against a backdrop of woodland areas although the later buildings by virtue of the amount of glazing/ visually permeable construction materials would have a greater visual impact upon the landscape.

Notwithstanding this, the proposals represent a high quality design which would not have a significant adverse visual impact upon its surroundings and has been designed as sensitively as possible. The areas of car parking whilst located to the front of the site would be obscured by the presence of the new hedgerow boundaries and tree/ shrub planting across the site.

The proposals would therefore respect local vernacular in accordance with policies policies BE1, DC1 and DC28 within the Local Plan and guidance at para 60 of The Framework.

### **Amenity**

Para 17 of The Framework notes that securing a good standard of amenity for all existing and future occupants of land and buildings is a core principle underpinning the planning system. Policy DC3 within the MBLP is consistent with this core principle within The Framework and therefore carries significant weight. Policy DC3 seeks to protect residents from loss of privacy, overbearing effect, loss of sunlight/ daylight, noise, vibrations, smells, fumes etc, environmental pollution, hazardous substances and traffic generation.

Objections from neighbours have not expressed concerns relating to noise/ odour and Environmental Health have no objections to the proposals. On that basis, it is considered that the proposals do not raise any concerns in respect of amenity.

The proposals are in accordance with policy DC3 within the MBLP and guidance within para 17 of The Framework.

### **Highway Safety**

It is duly acknowledged that Mag Lane is a narrow lane and that the proposed development would add additional traffic movements onto this road. Under the previous application, the Strategic Highways Manager did originally raise concerns in respect of the proposals however these issues were overcome. The development now proposed includes widening the existing point of access and a hard surfaced area for parking. The layout would enable vehicles to manoeuvre around the site and additional overspill car parking is shown on the submitted drawings.

The comments from neighbours are duly acknowledged, and whilst no comments from the Strategic Highways Manager were received at the time of writing the report, in light of the comments on the previous application and the pre-application discussions the applicant has had with the Strategic Highways Manager, it is not considered that a reason for refusal on highway safety grounds could be substantiated. The comments from the Strategic Highways Manager will be incorporated within the update report prior to the Committee meeting.

### **Trees**

There are no protected trees on the site however there is an area of woodland to the west and a number of these trees overhang the site. In addition the site is bounded by native species hedgerow which would need to be assessed against the criteria within the Hedgerow Regulations 1997. Whilst such an assessment is not included within the Tree Survey, the Council's arboriculturalist does not consider the hedgerow at the front of the site which would be removed to facilitate the improvements proposed to the visibility splays to be important. Given that replacement hedgerow of native species is proposed together with improvements to the overall tree and hedgerow cover at the site, it is not considered that the proposals would have an adverse impact upon trees or hedgerows which make a positive contribution to the character of the area. The proposals would therefore accord with policies DC8 and DC9 within the MLP which are consistent with guidance within The Framework and therefore carry full weight.

A condition would be imposed to ensure that works are carried out in accordance with the supporting documents submitted.

### **Nature Conservation**

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE11 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted. This policy is compliant with the NPPF.

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

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

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

In this instance, the area of woodland to the west is a suitable habitat for bats and the ponds in adjacent fields are suitable habitats for Great Crested Newts. The Phase 1 Habitat Survey submitted with the application indicates that there was no evidence of protected species although mitigation is proposed, and in the event of approval, the Council's ecologist has recommended a condition in respect of mitigation.

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

#### **Other Matters**

Neighbours have expressed concerns regarding drainage and it is considered appropriate to include a drainage condition to ensure no adverse impact upon the existing drainage infrastructure.

Concerns were also expressed regarding lighting which can have a harmful impact upon the landscape and neighbouring amenity. No external lighting is proposed as part of the application and given that external lighting could be erected, it is considered appropriate to restrict this via condition.

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

Green Belt policy strictly controls development and for inappropriate development to be approved there must be genuine very special circumstances to allow such a departure from the Development Plan. Those VSCs do not exist to justify the proposals which constitute inappropriate development within the Green Belt and which could be accommodated on a different site which does not raise the same policy objections. In addition to the policy objection to the scheme, it would also result in substantial harm to the Green Belt by reason of adverse impact on openness, encroachment and there would also be an adverse impact upon the landscape character of the Green Belt in this location. The proposals would therefore be contrary to policy GC1 within the MLP and guidance within The Framework.

It is therefore recommended that the application be REFUSED for this reason.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice and the submission of amended plans and the suggestion of alternatives, a satisfactory solution has not reached which would not result in the environmental harm identified above.

1. inappropriate development in the Green Belt



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Application No: 13/3082M

Location: 22, 24, 26 & 36 CASTLE STREET, 25, 25B & 25C CASTLE STREET MALL, MACCLESFIELD, CHESHIRE.

Proposal: Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works.

Applicant: Mr John Sullivan, Eskmuir Securities Limited

Expiry Date: 11-Nov-2013

#### **SUMMARY RECOMMENDATION**

Delegated Authority to Northern Planning Manager to Approve, subject to conditions and no new objections being raised during the consultation period which ends on 24<sup>th</sup> January 2014.

#### **MAIN ISSUES:**

- Principle of Development
- Heritage & Design
- Sustainability
- Regeneration
- Highway Safety and Traffic Generation

#### **REASON FOR REPORT**

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the proposed floorspace would comprise retail/commercial and other floorspace exceeding 1,000 sq. m.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site measures approximately 2982 sq. m. It comprises a three to four storey B1 office building (former Cheshire Building Society premises) located at the junction of Churchill Way and Castle Street in Macclesfield Town Centre and a two storey section of the Grosvenor Centre in the south west corner which lies adjacent to the former Cheshire Building Society premises.

The section of the Grosvenor Centre included within the site boundary comprises five ground floor retail units with storage and servicing above, plus a projecting canopy above and the entrance into the Grosvenor Centre taken from Castle Street. All of the retail units are currently occupied.

The entire site lies within the designated Primary Shopping Area, an area of archaeological potential and adjacent to the High Street Conservation Area. The building formerly occupied by Cheshire Building Society is also a locally listed building.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of five retail units contained within the Grosvenor Centre, partial demolition of the Cheshire Building Society and construction of a replacement two storey building forming an extension to the former Cheshire Building Society premises. A replacement glass canopy over the entrance to the Castle Street Mall is also proposed.

This would facilitate the creation of 6 new units (three two storey units and three single storey units) and two office units (one single storey at first floor level and one spanning three storeys).

Permission was granted in 2012 for proposals to redevelop the site although that permission related to the redevelopment of part of the Grosvenor Centre and change of use of the Cheshire Building Society premises to create an extension of the Centre and three retail units with offices above. Now the Cheshire Building Society is to be demolished with the Castle Street and Churchill Way elevations retained and an extension constructed now housing 2 flexible units (uses Classes B1(a), A1, A2, A3 and/or A4), 4 Retail Units, 5 car parking spaces and construction of glass canopy.

## **RELEVANT HISTORY**

The former Cheshire Building Society premises were constructed circa 1927 and the Grosvenor Centre was constructed latterly around 1970. There have been 46 applications submitted within the application site boundary including an extension to the former Cheshire

Building Society premises in the 1990s. None of these applications are relevant to the proposals.

However the following applications are relevant:

12/2073M Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works. Approved with conditions 23-Aug-2012

12/4532M Removal of Condition 5 (Servicing Plan), 6 (Films/Transfers) and 7(Renewable Energy Measures) on Planning Application 12/2073M - Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works. Approved with conditions 22-Feb-2013

## **POLICIES**

### **Regional Spatial Strategy**

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

### **Local Plan Policy**

Policy BE1 - Design Guidance

Policy BE2 - Preservation of Historic Fabric

Policy BE20 - Locally Important Buildings

Policy BE22 – Sites of Archaeological Potential

Policy T9 - Traffic Management and Traffic Calming

Policy S1 - Town Centre Shopping Development

Policy MTC1 - Prime Shopping Area

Policy MTC22 - Offices

Policy DC1 - Design and Amenity

Policy DC2 - Design and Amenity

Policy DC3 - Design and Amenity

Policy DC5 - Design and Amenity

Policy DC6 - Design and Amenity

Policy DC13 - Noise

Policy DC14 – Noise

Policy IMP4 – Environmental Improvements in Town Centres

**Other Material Considerations**

PPS4: Planning For Sustainable Economic Growth – Companion Guide  
National Planning Policy Framework (The Framework)  
SPD List of Locally Important Buildings  
Cheshire Retail Study Update  
Macclesfield Town Centre Public Realm Strategy  
Macclesfield Town Vision  
Ministerial Statement – Planning for Growth (March 2011)

**PUBLICITY**

Initially advertised on 21 August 2013 for a period of 21 days. Revised plans were received and re-consultation began on 3 January 2014 also for a period of 21 days. This publicity period will expire on 24 January 2014.

**CONSULTATIONS (External to Planning)**

**United Utilities**

No comments received at the time of writing report

**Cheshire Constabulary**

No comments received at the time of writing report

**Environmental Health**

Conditions recommended in respect of noise, dust, odour, demolition and waste management.

**Town Centre Manager (Macclesfield)**

No comments received at the time of writing report

**Strategic Highways Manager**

No objections

**Archaeology Planning Advisory Service**

Does not think that any significant archaeological deposits are likely to have survived and advises that further archaeological mitigation would not be required.

**Macclesfield Civic Society**

Proposal is welcome in principle but detailed elements (see above) require careful assessment. Would wish to comment on any amended proposals.

The Macclesfield Civic Society welcomes proposals for redevelopment and enhancement of the former Cheshire Building Society HQ and the Grosvenor Centre (fronting onto Castle

Street). The mix of uses appears entirely appropriate for the town centre location. We have reservations about the new build elements on the south and west elevations. The new two storey units with flat roof elements contrast rather unfavourably with the former post office building in terms of scale, material and design and we consider more could be done to integrate these units into the existing townscape. A parapet or pitched roof (at least in part) could assist in this respect.

## **OTHER REPRESENTATIONS**

None received at the time of writing the report

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement and a Planning Statement were submitted with the planning application.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to the creation of four retail units, two 'flexible' units and offices. These uses are considered to represent town centre uses. As the site lies within the prime shopping area of the town centre policies MTC1 and MTC3 are applicable. Policy MTC1 seeks to encourage the consolidation and enhancement of the prime shopping area. Whilst the potential loss of A1 retail to the uses specified i.e. A2, A3, A4, A5 or B1 would not accord with this remit, the redevelopment of the site to provide larger modern retail units would. Moreover, an element of flexibility would help the Prime Shopping Area to change and adapt in accordance with policy MTC1. On that basis, it is considered that the proposals would accord with policies MTC1 and MTC3 which accord with chapter 2 of the NPPF.

Policy MTC22 encourages the use of upper floors as offices – this is also compliant with the NPPF which supports town centre uses in the town centre. The proposals would accord with this policy.

### **Heritage & Design**

The Cheshire Building Society premises are a locally listed building and the NPPF considers this to represent a heritage asset.

The list description notes that it is an imposing building, constructed in 1925, as the main post office for Macclesfield. The design incorporates stone with an ashlar base. It also features a slate Mansard roof with stone detailing.

In contrast, the adjacent Grosvenor Centre was constructed circa 1970. It has a flat roof and is constructed of dark brown brick with rendered pillars and modern shop fronts. A projecting glazed canopy and entrance features from Castle Street into the Grosvenor Centre. These were added latterly.

The changes from the extant scheme relate to the demolition of the atrium area behind the ashlar and stone frontage and the demolition of the extension facing Churchill Way which was added in 1980s.

However, substantial demolition does not automatically constitute substantial harm to the heritage asset.

In this instance, it is the stone and ashlar façade which contributes to the character of the building and justifies its being locally listed. The atrium to the rear was added at a later date and is not part of the public realm. The extension added in 1980s is a later addition.

The removal of the atrium is acceptable as its importance to the special qualities of the heritage asset is limited. Moreover, it represents a significant constraint to the redevelopment of the site as it has resulted in different floor levels across the building. This would not be suitable for the operational requirements of large scale retail units. When balancing the very positive benefits of providing large scale retail units within the town centre against the relatively limited impact of removal of the atrium which is not visible within the public realm, it is considered that demolition of this element is acceptable.

As noted above, the 1980s extension contributes to the character of the building albeit to a lesser degree than the original Post Office building. Nevertheless, whilst not specifically mentioned within the list description, considerable effort was made to ensure that this extension reflected the quality and character within the fenestration of the original building which makes it now difficult to distinguish this as a later addition.

Amended plans have been submitted due to officer concerns that the replacement extension did not reflect the same character and quality as the extension which was proposed to be demolished. Whilst the LPA does not wish to impose a particular architectural style, it is appropriate to try and seek to reinforce local distinctiveness by providing a replacement extension which respects the character of the building and reflects the same quality present in the existing fenestration.

The design as amended achieves this - the design incorporates mock sash windows with reconstituted stone lintels and with mock stone banding which reflects the detailing on the existing building. Whilst the design includes use of more modern materials, the design is consistent and the choice of materials would ensure that the extension is easily distinguishable as a later addition which would be more appropriate than a pastiche as it is honest to the historic hierarchy of the evolution of the building and would meet the functional requirements of the new uses.

The Conservation Officer has expressed concerns regarding the choice of materials and more specifically the use of UPVC windows as the windows within the original building are timber. However materials details can be conditioned to ensure that high quality materials are utilised which respect the character of the building.

### **Sustainability**

Under previous applications the LPA sought to impose a condition relating to renewable energy measures which was subsequently removed in acknowledgement that the proposals would re-use an existing building and constitutes a brownfield site within the urban area of Macclesfield and retrofitting renewable can be problematic.

Whilst the majority of the scheme is now new build which would make renewable energy measures easier to incorporate, the relevant policy (EM18) is not part of the Development Plan as the RSS has been abolished. Whilst there is an emerging policy within the Pre-Submission Core Strategy, this carries limited weight as the document has not gone through a formal consultation process. There is no policy within the adopted Local Plan and therefore it would be unreasonable to impose this condition.

## **Regeneration**

The Cheshire Retail Study update states that the Council should promote the redevelopment of the existing town centre to reverse current shopping behaviours to out-of-centre destinations through strengthening the comparison goods and leisure offer in the town centre, in accordance with the emerging economic master plans. The proposals would help to achieve this goal and accords with Cheshire East's Town Vision.

The site lies within the central retail quarter of the town centre, and provided that entrance points are proposed along Churchill Way and Castle Street, the proposals would aid movement along the retail circuit between the traditional heart and central retail quarter.

The Town Vision also notes that proposals should take opportunities to rectify areas of weak urban form created in the 1960s. In this regard, not only would the proposals bring back a significant building which is currently vacant into viable economic use, but would also involve the partial removal and improvement of the appearance of the Grosvenor Centre.

The proposals would therefore bring about regeneration benefits.

## **Highway Safety and Traffic Generation**

The Strategic Highways Manager has commented that as the proposed uses are consistent with a central town centre use there are no objections to the proposals. There are existing parking restrictions fronting the site to prevent unauthorised parking and customer parking for the site is available at the nearby Grosvenor Centre, although 3 parking spaces are retained in the site.

Servicing to the site will be via the dedicated service yard at the Grosvenor Centre.

## **Other Material Considerations**

### Archaeology

It is noted that the site lies within an area of archaeological potential as the area was thought to lie within that part of the town developed in the medieval period and subsequently used in the post-medieval period for residential and industrial purposes.

As the area of archaeological potential covers the entire town centre and the area has already been seriously disturbed by the construction of the 1970s shopping mall, significant archaeological deposits are unlikely to have survived. On that basis, the Cheshire Archaeology Planning Advisory Service has advised that further archaeological mitigation would not be required.

As it has been demonstrated that there would be no harm to sites of archaeological importance as a result of these proposals, the proposals would accord with policy BE23 within the Local Plan.

### Amenity

There are no nearby residential properties affected by the proposals and given that the uses proposed would not generate significant levels of noise, it is not considered necessary to remove permitted development rights for flats above shops. The proposals would therefore accord with policies DC3, DC5, DC6, DC13 and DC14 of the Local Plan.

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

The proposals would represent a sustainable form of development as it would improve the retail offer and improve the vitality and viability of Macclesfield Town Centre, re-use a brownfield site and bring back a vacant heritage asset into active use whilst improving the historic setting and architectural character of the building. In addition, the proposals would bring about some improvements to town centre regeneration and would have no discernable impact upon amenity or archaeology.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Therefore, withholding planning permission cannot be justified under the test that should be applied under paragraph 14 of the Framework.

The proposals would therefore comply with policies Policy BE1: Design Guidance, Policy BE2 - Preservation of Historic Fabric, Policy BE20 - Locally Important Buildings, Policy BE22 – Sites of Archaeological Potential, Policy T9 - Traffic Management and Traffic Calming, Policy S1 - Town Centre Shopping Development, Policy MTC1 - Prime Shopping Area, Policy MTC22 – Offices, Policy DC2 - Design and Amenity, Policy DC5 - Design and Amenity, Policy DC6 - Design and Amenity, Policy DC13 – Noise and Policy DC14 – Noise, Policy DC1: New Build, Policy DC3: Amenity, Policy DC6: Circulation and Access, of the Macclesfield Borough Local Plan 2004 and guidance within the National Planning Policy Framework.

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.

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. shop front not obscured
6. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
7. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
8. Drainage details to be submitted to and approved in writing by the Local Planning Authority

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Application No: 13/2839M

Location: THE KINGS SCHOOL, GIRLS DIVISION, FENCE AVENUE,  
MACCLESFIELD, CHESHIRE, SK10 1LT

Proposal: Extension of the school netball court, strengthen existing vehicular ramp access to the playing field and infilling of small area of field with top soil from the netball court extension, play area and external disabled access ramp (Retrospective)

Applicant: Mr J Spencer-Pickup, Kings School Macclesfield

Expiry Date: 15-Oct-2013

**Date Report Prepared: 9<sup>th</sup> January 2014**

**SUMMARY RECOMMENDATION Approve subject to conditions**

**MAIN ISSUES**

- Impact upon the character and appearance of the area
- Impact upon the Green Belt and Area of Special County Value
- Impact upon residential amenity
- Impact upon existing open space
- Impact upon trees and landscaping
- Impact upon protected species

**REASON FOR REPORT**

The application is a retrospective application for the extension of the school netball court, the addition of gravel to create an access to the playing field and turning area and infilling of a small area of field with top soil from the netball court extension, also a play area with equipment and external disabled access track. The application was called into committee by Councillor Neilson because of residents' concerns over the retrospective development within the Green Belt.

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a private Secondary School located close to the centre of Macclesfield. The school itself lies within an area of Green Belt and Area of Special County Value with the front section of the school, adjacent to Fence Avenue, falling within the Buxton Road Conservation Area.

The site is also designated as open space, which includes the playing fields and pitches that lie to the rear of the existing school buildings. These recreational facilities and space are utilised by the school during normal school hours. The area where the netball court extension, playground and track are located was previously used as an area of grassed playing field. There were no pitches marked out in this area and hence the development does not include the loss of any pitches.

To the north the school's playing fields are surrounded by agricultural fields under the ownership of the school. Beyond the fields to the north there are some residential properties on Landsdowne Street located over 150m from the nearest works. To the west of the works the nearest residential properties are located on Fence Avenue positioned over 50m from the nearest works and screened by mature trees and shrubs.

## **DETAILS OF PROPOSAL**

The proposal seeks permission for a retrospective full planning application for the following works:

- Creation of a gravel track and vehicular turning area leading up the slope from the car park to the netball court.
- The extension of the netball court to create an additional area of approximately 39.5m by 36.5m, doubling the size of the netball courts with a total additional area of 1440m<sup>2</sup>. The extension is surrounded by a 2.75m high black chain fence to match the existing fence.
- The infilling of a small area of the agricultural field to the north of the site with top soil from the netball court extension. This has since been grassed over to blend in with the surrounding fields.
- The creation of a playground containing various play equipment, with an Astroturf base, surrounded by a timber picket fence.
- An external disabled access ramp positioned on the south elevation of the main block.

## **RELEVANT HISTORY**

None relevant

## **POLICIES**

### **Local Plan Policy**

NE1 (Landscape Protection and Enhancement)  
BE1 (Design Principles for New Developments)  
BE2 (Historic Fabric - seek to preserve or enhance)  
BE3 (Conservation Areas - preserve or enhance the character or appearance)  
DC1 (High Quality Design for New Build)  
DC3 (Protection of the Amenities of Nearby Residential Properties)  
DC8 (Landscaping)  
H13 (Protecting Residential Areas)  
RT1 (Protection of Open Space)  
GC1 (Green Belt New Build)

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

MBLP policy GC1 seeks to limit development within the Green Belt with an exception for essential facilities for outdoor sport and outdoor recreation, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

### **Other Material Considerations**

#### National Planning Policy Framework

Since the NPPF was published on 27<sup>th</sup> March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

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

Conservation - No objections

Sport England - No objections

Canal and River Trust - No comments

### **VIEWS OF THE TOWN COUNCIL**

N/A

### **OTHER REPRESENTATIONS**

There have been 3no. letters of objection from neighbours residing on Fence Avenue.

The following issues were raised:

- The spoil that has been moved onto the adjoining field should not be allowed in an Area of Special County Value and Green Belt. – *dealt with in the appraisal section.*
- Concerns over the retrospective nature of the applications have been raised. – *retrospective applications must be assessed in the same manner as any application.*
- The netball courts are 'huge and resemble a car park'. – *dealt with in the appraisal section.*

- The courts almost reach the canal, which is in the conservation area. – *the extension to the court is over 150m from the canal and over 80m from the Buxton Rd Conservation Area.*
- ‘Large scale incursion and destruction of the landscape’. – *dealt with in the appraisal section.*
- The development has destroyed the undulating landscape in an Area of Special County Value, changing its inherent value. – *dealt with in the appraisal section.*
- The habitats of local species have been adversely affected. – *the extension, playground and track were formed on grassed areas with no known habitats destroyed.*

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted in support of the application and is available to view on the planning file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of development in this location is considered acceptable, subject to the impact upon the character and appearance of the area, the Green Belt and Area of Special County Value, residential amenity, the existing open space, Protected Species, trees and landscaping, and opportunities to improve sporting facilities.

Paragraph 73 of the National Planning Policy Framework states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

### **Design / Character and Appearance**

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

Whilst it is noted that some open green space has been lost to the extended netball court, this is not considered to have a significantly adverse impact on the character and appearance of the locality. The tarmac surface is at a higher level and well screened from the closest

residents and so is not highly visible from outside the site. It also extended an existing court and so is not an alien feature in the landscape. The fencing may be visible but this is lightweight and again extends from an existing fence.

The playground is located directly adjacent to the school building and the netball court and so does not impact on the openness. The short, lightweight timber fence is an appropriate addition to the setting of the school grounds.

The track is small scale and well screened by the adjoining trees and the materials used have a small impact on the surrounding character, particularly in the future once grass and other plants start to grow through the stones.

The disabled ramp attached to the school building is not visible from outside the site and is considered to be an acceptable addition to the school.

The area of infill in the adjoining field has been grassed over and blends in with the surrounding field. It is now difficult to see where the additional material has been deposited.

The siting of the court, track and playground is considered acceptable in design/character terms, utilising the site effectively without overdeveloping it.

Overall it is considered that the development has an acceptable impact on the character and appearance of the area.

Whilst the objections have been carefully considered, the proposed development is deemed to accord with local plan policies BE1, DC1, H13 and the National Planning Policy Framework.

### **Green Belt / Area of Special County Value**

The site lies within the North Cheshire Green Belt and an Area of Special County Value within which the council seeks to conserve and enhance the quality of the landscape and to protect it from development that is likely to have an adverse effect on its character and appearance.

Local Plan policy GC1 and paragraph 89 of the NPPF state that new buildings in the Green Belt are inappropriate by definition. However, there can be exceptions to this policy. Policy GC1 states that the construction of buildings to provide essential facilities for outdoor sport and recreation can be acceptable in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

The works undertaken are not actually "new buildings", therefore the key issues are whether the openness of the Green Belt is preserved and whether there is any conflict with the purposes of including land within the Green Belt.

In this case the netball extension, playground and associated hardstanding are considered to be appropriate for the existing and proposed facilities on the site. It is also not deemed to

have an adverse impact on the character and appearance of this Area of Special County Value.

A condition can be attached to ensure that the materials of the proposed building are acceptable in this location.

Although the site lies within the Green Belt and an Area of Special County Value and is designated as a playing field in the Local Plan, it is considered that the extension to the netball court, playground, infilled area of field and area of hardstanding do not harm the objectives of relevant Green Belt policies; nor is the openness of the Green Belt detrimentally affected. The proposal is not considered to be inappropriate development in the Green Belt and the impact on the character and appearance of the area is considered to be acceptable.

### **Amenity**

Local Plan policies H13, DC3 and DC13 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight, traffic generation and car parking and noise. H13 simply seeks to protect the amenities of the occupiers of adjoining or nearby houses.

The development is a sufficient distance away from neighbouring residential properties and so would not harm the residential amenity of these residents. There are also no extra floodlights surrounding the new court.

### **Leisure Services / Open Space**

Sport England do not object to the proposed development. They state:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

The extension to the netball court is immediately to the west of the existing netball court. Although there is room for a mini pitch to be marked out in this area there is no evidence of a pitch having been marked out historically or currently. It is considered this element of the proposal meets exception 5 of the above policy and the third criterion of paragraph 74 of NPPF:

*‘The proposed development is for an indoor or outdoor sports facility, provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the playing field’.*

The vehicular ramp access is to the south of the netball court and is not on the functional part of the playing field. It is considered this element of the proposal meets exception 3 of the above policy:

*'The proposed development affects only land incapable of forming part of a playing pitch and does not result in any of the following:*

- loss of any part of a pitch;*
- inability to use any pitch (including retaining adequate safety margins);*
- reduced sporting capacity of the playing field to accommodate pitches or capability to rotate or reposition pitches to maintain quality;*
- reduction in the size of any pitch; or*
- loss of other sporting or ancillary facilities on the site.'*

The area that has been infilled using topsoil from the netball court extension is in the western area of the playing field. This area appears to be an informal grassed area and not used for pitch sports historically or currently. It is considered this element of the proposal meets exception 3 of the above policy.'

Subject to this the development would accord with local plan policy RT1 and the NPPF.

### **Nature Conservation**

There are no known protected species that have been affected by the development.

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

The application is for a sustainable form of development that is in accordance with objectives of the Framework to promote improvements to education facilities and improvement to health and well-being through improved sports facilities and use of open space.

The proposal is an appropriate form of development in the Green Belt when considered against the tests set out in paragraph 89 of the National Planning Policy Framework.

The objections to the development have been considered. However, the development does not give rise to significant impacts in terms of harm to the conservation area, Green Belt and Area of Special County Value.

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

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

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.

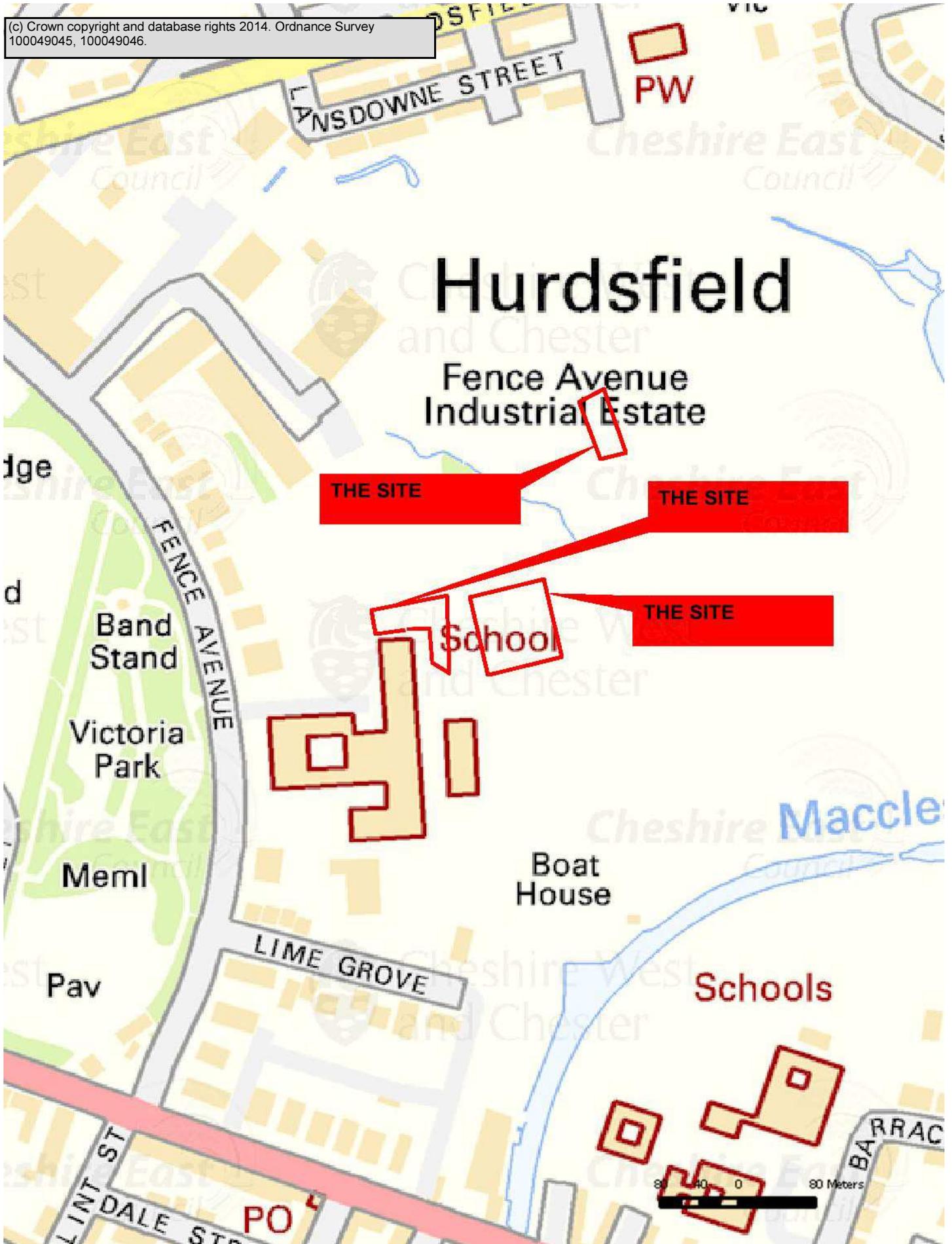
Application for Full Planning

RECOMMENDATION:

1. A01AP - Development in accord with approved plans



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Application No: 13/4091M

Location: Boarsleigh Restaurant, LEEK ROAD, BOSLEY, SK11 0PN

Proposal: Demolition of existing two-storey restaurant and outbuildings. Development of 16 new houses and bungalows with associated infrastructure, highways works and amenity space

Applicant: Kathy Poole, THE REGENDA GROUP

Expiry Date: 15-Jan-2014

Date Report Prepared 9th January 2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions & the prior completion of a S106 legal agreement

#### **MAIN ISSUES**

- The principle of the development in this location;
- Whether the proposed development is sustainable;
- Whether the need for affordable housing has been proven;
- The design and appearance of the proposal and its impact upon the character and appearance of the countryside.;
- Impact upon the residential amenity of nearby residents;
- Whether access and parking arrangements are suitable;
- Impact upon existing trees and Landscaping;
- Impact of the proposal upon Nature Conservation;
- Public Open Space

#### **REASON FOR REPORT**

This is an application for 16 affordable dwellings in Countryside beyond the Green Belt, and as such, meets the criteria outlined in the Council's constitution for it to be determined by the Northern Planning Committee.

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

The application site comprises a two storey detached building which in the past has been used as a public house restaurant building and car park, which does not appear to have been in use for a number of years. The site covers an area of approx 0.34 hectares and is sited adjacent to the A523 a busy arterial road that links the Marker towns of Leek and Macclesfield.

Access to the site is via Fold Lane a small narrow lane, which also segregates the plot. This particular site sits on the edge of the Bosley village. There is a small caravan park immediately to the north east and rear of the site and open fields to the north west.

The site is located within countryside beyond the Green Belt and Peak Park Fringe Local Landscape Designation Area (formerly an Area of Special County Value) as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the demolition of the existing building and the erection of 16 affordable dwellings,

3 X (2 bedroom, 3 person) Bungalows  
6 X (2 bedroom, 4 person) Houses  
4 X (3 bedroom, 4 person ) House  
3 X (2 bedroom, 3 person ) House

The dwellings are to be built and managed by The Regenda Group a Housing Association and would all be for affordable rent and shared ownership. The dwellings have been designed in a modern style and are proposed to be constructed in materials such as brick, render and slate. Vehicular access to each of the dwelling will be off Fold Lane. Each dwelling will provided with two parking spaces.

Although the applicants undertook the full pre application service prior to submitting a planning application at this site, during the course of this application, numerous plan revision have been received to make alterations to the layout of the development and the design of the dwellings.

**RELEVANT HISTORY-** None relevant

## **POLICIES**

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

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

### **Local Plan Policy**

BE1 & DC1 – Design principles for new developments  
GC5 – Countryside beyond the Green Belt  
DC3 - Protection of the amenities of nearby residential properties  
DC5 - Natural surveillance  
DC6 - Circulation and access  
DC8 - Landscaping

DC9 - Tree protection  
DC15 - Infrastructure  
DC18 - Water resources  
DC35 - Materials and finish  
DC36 - Road layout and circulation  
DC37 - Landscaping  
DC38 – Space, light and privacy  
DC40 - Provision of children’s play and amenity space  
H1 - Phasing policy  
H2 - Environmental quality  
H5 - Windfall housing sites  
H8 - Provision of Affordable Housing  
H9 - Affordable Housing  
H13 -Protecting Residential areas  
IMP2 - Transport measures  
NE11 - Nature Conservation  
RT5- Provision of Open Space  
T2 - Integrated Transport Policy  
T3 - Access for pedestrians  
T5 - Cycling  
T6 - Highway improvement schemes

### **Other Material Considerations**

Members will be aware that The National Planning Policy Framework (NPPF) replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

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

The following are also of relevance;

SPG Planning Obligations (Macclesfield Borough Council)  
Interim Statement on Affordable Housing (Cheshire East Council)

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

**Archaeologist-** No objections as the potential for significant archaeological deposits to be present is extremely low

**Environment Agency-** No objections subject to a condition.

**United Utilities** – No objections subject to advice note.

**The Canal & River Trust** - No comments to make

**The Strategic Highways Manager** – No objections subject to conditions

**Environmental Health (Contaminated Land)** - No objection subject to condition

**Environmental Protection** – No objections subject to conditions

**Leisure Services** – In the absence of on site provision the proposed development would be required to make a commuted sum payment for offsite provision of public open space.

**The Housing Strategy and Needs Manager** –support this application subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

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

Bosley Parish Council have been consulted on this application and advise that there are no objection's to the proposal and make the following comments;

- The increase of affordable housing in Bosley would have a positive & significant impact on numbers attending the local primary school, which will help to ensure the sustainability of this village school. We would also hope that the development would help with the sustainability of the local shop, recently opened, which now serves the community.
- The proposed design layout is very in keeping with a rural landscape; with small groups of buildings and a variety of sizes to accommodate new starter homes, young families and also bungalows for the retired or disabled. (Policy NE1 & NE2)
- A Section 106 agreement must be in place and adequately worded to ensure the priority for local residents, or those working in the village, to have access to this affordable housing project. The Parish Council would like there to be a cascading effect for surrounding villages to be included (1st Bosley, 2nd Winkle, 3rd North Rode, then others; Wildboardclough, Sutton, Rushton?) This aspect should involve further consultation of the s.106 wording with Bosley Parish Council.
- Local landowners and the caravan park residents have both raised concerns about the current inadequate drainage system used by the restaurant & caravan park. Currently this is a shared septic tank which should be better maintained as it overflows fairly often under the main road and out into an open brook and runs past the farmhouse at Pye Ash Farm. The new houses **MUST** be on a separate system with a proper maintenance routine undertaken by the housing association.
- The raised "speed table" would be a positive addition as it will have 2 uses; firstly it will help to slow traffic entering the lane which soon narrows to single track beyond the development, and secondly will help the 2 sides of the development become joined.
- Public transport routes run directly from the main A523 and in other directions within 600m at the A54 junction. Therefore allowing use easily by the residents.

Bosley Parish Council have been pleased to work with both the Housing Association and the Architects on this proposal and were keen to have been able to host the Public Consultation event last year.

The Parish Council wish to support the application as it provides a sustainable development for village growth and will improve the visual aspect of the vacant brownfield site. We shall require input in the drafting of the s.106 agreement.

## OTHER REPRESENTATIONS

12 letters have been received during the course of this application. Copies of the representations can be viewed on the online application file.

Prior to final revised plans being submitted; 7 letters of support have been received and 2 letter of objection .A following three letter were received two in objection and one in support after consultation was undertaken on the revised plans

The main points of the comments are summarised below:

Supporting comments:

- A very well thought out scheme, following much involvement of the local community;.
- fully support this application in its entirety which , we believe, will enhance the village and provide much needed affordable housing;
- This development is needed in the village, based on the plans; submitted, not developments of hundreds of homes which alter the nature of an area. This should provide a small number of starter homes for young people who would not be able to stay in this area otherwise. This would not alter the rural nature of Bosley;
- I support the application based on the plans of the development; demonstrated at the public meeting at Basley Primary School last year.
- The building of 16 new homes on this site would have a significant impact on school numbers. This in turn would help to ensure the sustainability of our village school;
- It would also have a positive impact on local businesses and the village church;
- This is an absolutely brilliant plan which will bring life to the village and help to support Bosley St. Mary's Primary School;
- The amenity /play space is ideally sited to help give some segregation between the new houses and the existing caravans;
- The layout has been well thought out on the whole;
- Will there be more street lights on the lane? This is a rural site, but street lights can deter burglars;
- Pleased to see that 2 parking spaces have been allocated to every property;
- Inclusion of several bungalows will be beneficial to not just the older generation, but also for the disabled;
- Very well thought out scheme which will enhance the village

Objections:

- Will residents be compensated if the development reduces the value of our properties?
- Will the new houses share the septic tank?
- Where will future residents put heir wheelie bins?
- Will my property be overlooked and result in a loss of sunlight;
- We will loose privacy, peace and quite if the development goes ahead
- Development will cause noise and disturbance;

- I did not want to live in the middle of a housing estate;
- concerns regarding the access to the proposed site. fold lane is almost a single track lane and as such could cause difficulty for the current residents of the park;
- There are limited parking places in the area;
- The proposal will increase traffic noise;
- Concerns over drainage , currently excess water form the site and caravan park go into the a stream;
- Flooding is an issue at the site very dangerous in the winter;
- Fold Lane is very narrow and there are concerns that driving a tractor along here with increased traffic and pedestrians could be dangerous;
- Will future residents want a tractor driving so close to their properties?

Following re consultation on the final set of revised plans three letters from local residents were received; one in support and one in objection. Comments made are as follows:

Objections;

- Fold Lane is narrow. There will be no space for any overflow parking for new properties;
- a quiet site in the countryside and this will all be destroyed by this development;
- Concern with regards the impact the build will have upon a neighbouring property in terms of dust coating the property and reduce its life's expectancy, will cost to re-texture the exterior, roof overhaul & base inspection when this complex is completed.

Support;-

- The small housing development will retain the character of an area, aid neighbourliness and provide a very real need for housing. This is particularly so if some of this comprises affordable housing.
- Pleased that the design of the plot adjacent to our property (No. 13 and the other properties on the residential park site - No. 10 and No. 12) has been revised to omit the equipped formal play area. As retirees, we bought our property for peace and quiet. We are pleased that the newly revised plan dated 13 December 2013 incorporates visitors' parking for this area instead.

## **APPLICANT'S SUPPORTING INFORMATION**

The key documents submitted in support of this application area as follows: Design and Access Statement, Ecological Survey, Statement of Community Involvement, Rural Housing Needs survey and report.

## **OFFICER APPRAISAL**

### **The principle of development**

The Framework sets out a presumption in favour of sustainable development..

Paragraph 49 advises that;

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

Following recent appeal outcomes Members will be aware that the Council does not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted”

This site is designated within the Local Plan as Countryside beyond the Green Belt.

Policy GC5 of the Local Plan states that;

“Development within the open countryside will not normally be permitted unless it is essential for agriculture, forestry, outdoor, recreation or for other uses appropriate to a rural area.”

The principle of affordable housing is however set out within the Council’s Interim Planning Statement on Affordable Housing (IPSAH). Paragraph 7.1 of the IPSAH states that when considering proposals within rural areas:

“In certain circumstances planning permission may be granted for small schemes of affordable housing where;

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary
- There is an identified need for affordable housing in that village or locality
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity
- The development is in accordance with other local plan policies”

It is paragraph 54 of the NPPF, which makes reference to affordable housing in rural areas it, states that:

“Local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”

## **Sustainability**

Paragraph 55 states that, “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Local Plan policies H5 and T2 also seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This is also acknowledged within the IPSAH, where it identifies that priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport.

It is acknowledged, that Bosley is limited in terms of public services and facilities that are available. With the exception of a pub, village hall, church and primary school the nearest facilities are located in either Macclesfield or Congleton Town Centres. Public transport options are limited to a bus service, which runs between the neighbouring Market Towns of Leek, Macclesfield, Congleton and Buxton.

Essential facilities are not readily accessible and therefore, the site is clearly less sustainable than a town centre location. The site of the existing restaurant and car park are, in most parts, brownfield land. Due to the parish of Bosley sporadic nature there is no clearly defined Settlement boundary identified within the Local Plan, the site is however located at the end of a ribbon of development.

Provided there is a need for affordable housing, it is considered that affordable housing within this location would sustain the existing rural community of Bosley, by providing additional affordable housing for those with a connection with the village (and surrounding hinterland parishes). This would enable people with a connection with Bosley to remain within or return to the village, which is considered a weighty material planning consideration, when viewed against the sites sustainability in terms of location and accessibility.

The proposal seeks the demolition of an existing restaurant. Paragraph 28 of the NPPF promotes the retention of local services and community facilities in Villages. I am aware that the Boarsleigh site has been vacant for a number of years and that there are currently two operating public houses within Bosley Parish. Although, the redevelopment of the Boarsleigh will remove a community facility, this is not however considered to be a primary function of the village. The need for affordable housing within the Borough and economic and social benefits will very likely, outweigh the loss of this particular function.

## **Assessment of Need**

As the application is put forward as a rural exceptions site there is a necessity for there to be proven housing need for the proposed development.

The Interim Planning Statement: Affordable Housing (IPSAH) states that: -

- With regards to Rural Exceptions Sites proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL.
- In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community. Unless the survey indicates a need for such provision, planning permission will not be granted.

- In addition the provision needs to meet the strategic priorities of the Council in relation to the development of affordable housing in rural areas.

The Housing Strategy and Needs Manager has commented on the application are in full support of the proposal. It is noted that following pre application advice a Housing Need Survey was carried out in Bosley Parish in Spring 2013 with the final report being written in June 2013. At the same time as the Bosley survey a rural housing survey was carried out in the neighbouring parishes of Wincle and North Rode. Both surveys showed a need for affordable housing. In the case of Wincle, development is difficult due to it being situated in the Peak District National Park, as such, the Wincle need could therefore also be met at this development. The finding from both surveys indicated that there was a sufficient need for 16 affordable homes in Bosley Parish.

For the purposes of the Strategic Housing Market Assessment 2010 Bosley comes under the Macclesfield Rural sub-area. The SHMA 2010 has recently been updated and identifies that the annual affordable housing need for this sub-area is 59 new homes each year between 2013/14 – 2017/18. This is made up of an annual need for 9 x 1 bed, 6 x 2 beds, 23 x 3 beds, 11 x 4/5 beds and 2 x 1 bed older persons & 8 x 2 bed older persons properties. Overall this equates to a requirement for 295 new affordable homes in the Macclesfield Rural sub-area between 2013/14 – 17/18.

Cheshire Homechoice which is the choice based lettings system for allocating social housing across Cheshire East, currently has 12 applicants who have selected Bosley as their first choice, these applicants require 1 x 1 bed, 8 x 2 bed and 1 x 3 bed and 2 applicants did not specify the number of bedrooms. The low number of applicants is potentially due to Bosley having limited affordable housing.

In addition to the above, in December 2012, the applicant carried out a consultation event and interested residents were invited to express interest in the properties; 27 people have registered an interest in the properties.

The Rural Housing Needs Survey identified a clear need for at least 16 affordable homes taking account of the incomes and local house prices, and the proposal is for 16 affordable dwellings. The Head of Strategic housing supports the mixture of rent and shared ownership tenures as well as the mix of 13 houses and 3 bungalows. Members should be made aware that The Regenda Group (the applicant) has secured funding from the Homes and Communities Agency to develop this scheme subject to the development being completed by March 2015.

Occupancy will generally be restricted to a person resident or working in the relevant locality, or who has other strong links with the locality. The locality to which the occupancy criteria are to be applied will need to be agreed with the Council prior to determination of the relevant planning application. Generally this is taken as the Parish or adjoining Parishes. Finally, to ensure an adequate supply of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the geographical area immediately surrounding the application site, widening in agreed geographical stages. The pre requisites of the above can be secured through a section 106 agreement.

## **Character & Design**

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

Bosley is not a conventional village with a formal centre, as the village is segregated by the A523 and development has sporadically formed in pockets along it. Sited on the edge of Bosley this site is predominantly rural in character with views of open fields enjoyed from most aspects of the plot. This particular area is generally characterised by low-density properties, which sit on plots of land surrounded by reasonable sized gardens and spaces between properties. There is a wide range of mostly traditional architectural styles of one and two storey dwellings, which are humble in character. Common building materials for this area appear to be red brick, render and tile hanging.

The applicant proposes 16 dwellings on the site a mix of two storey-detached semi detached properties and bungalows. The layout of the site has been designed as such to take account of the constraints of the A523, Fold Lane (which runs through the centre of the site) and the residential amenity for the occupants of the caravan park to the north east of the site.

Properties have been orientated to front the A523 and are set back over 6.5 m from the highway. This proposed linear strip of development along the road will provide a strong defining feature as a gateway into Bosley and it is therefore essential that boundary treatment along the frontage is appropriate to the area.

It is considered that a more preferable layout would have included larger plot sizes for each dwelling and greater separation distance between properties, in order to more in keeping with rural surroundings, rather than giving the appearance of an urban estate. However, the consequences of achieving this would require a reduction in the amount of affordable homes proposed.

Members should be aware that there has been strong Local Support for this application particularly from the Parish Council as it will provide much needed affordable housing to the area. During the course of this application, several revisions have been made to the proposal to achieve an acceptable layout. The density and scale of the proposed housing is considered to provide an adequate compromise between the need to make efficient use of land, meeting the demand for affordable housing and respecting the character of the locality.

In order to ensure adequate spacing between properties is maintained in perpetuity it is advised that permitted development rights be removed.

The design of the properties is another element altered during the determination of the application. The applicant has chosen to move from a more traditional style to a more modern design with large glazed windows and porches details that reflect more of a 1930's feel. As Members will appreciate, matters of design are subjective. Due to the spread of development along the A523 and variety of properties, there is no distinct architectural style to properties

within this area. The scale bulk and massing of the properties is considered to be acceptable and sympathetic to the character of the surrounding area.

The properties are to be constructed in a mix of brick and brick with render with Marley blue black slate for the roof. It is advised that a material condition is attached to ensure material are in keeping with those within the surrounding area.

Access to the properties will be via Fold Lane. The applicant have made reasonable attempts to ensure that parking provision is positioned (in most cases) to the side of the properties in order to accommodate soft landscaping in front of properties. Towards the centre of the site, directly adjacent to Plots 5 and 4 a small grassed area is proposed. This provides a good opportunity to incorporate soft landscaping, which will soften the appearance of frontages facing Fold Lane. In order to ensure the proposed development is in keeping with the character of the area it is advised that a full hard and soft landscaping scheme are submitted for subsequent approval.

The applicant proposes an approx 2m high timber fence which will be softened in part by hedging. The entrance of the site is to be framed by a stone wall, which will reduce in height from posts. It is advised that details of boundary treatment are also secured to ensure the proposal is in keeping with its surroundings.

### **Amenity**

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

During the course of the application, revisions have been made to achieve a more appropriate relationship between the proposed dwelling and the Caravan park which is located directly to the east and north east of the site. The Caravans can be occupied during 12 months of the year. The distance between each of the caravans is tight knit.

Due to the constraints of the site there are, however, a few pinch points within this development, which provide a sub standard spacing between properties. Policy DC38 of the Local Plan advises that habitable room facing non habitable room should be 14m.

Plot 1 (proposed bungalow House type A1) will be positioned 8.6m from the side elevation of an existing static caravan which is sited on the opposite side of Fold Lane. Running parallel to the side elevation of the caravan and Fold Lane there is a mature hedge which provides an element of screening to the side windows the caravan. There are no windows are proposed on the front elevation of Plot 1 and the proposed property will be a bungalow with a low ridge height. The proposal is therefore unlikely to have a significantly harmful impact upon the residential amenities of the adjacent caravan in terms of loss of privacy or loss of light.

Plot 16 is to be sited approx 3.6m from the side elevation of a static caravan, which is sited adjacent to the south-eastern boundary of the site. The proposed bungalow is sited approx 4.6m forward of the caravan. It is noted that there are primary windows in the side elevation of

the caravan. Provided appropriate boundary treatment can be obtained between the two properties, on plan the relationship between the Plot 16 and the static caravan would appear to be acceptable. A section drawing showing the relationship between the proposed bungalow and caravan has however been requested to ensure the proposal will not have an overbearing impact. This will be available to member in an update.

Aside from the above, the other proposed dwelling are considered to be an acceptable distance from existing neighbouring properties so as not to have a significant impact upon living conditions.

It is noted that the spacing between properties in some places is of a minimal standard. The dwellings have been carefully designed so there will be no direct or substantial overlooking into primary windows between properties. No corners with regards to impact upon privacy levels, overbearing impact or loss of light are therefore raised.

Environmental Protection advice that site is located within very close proximity of the A523, which is considered to be reasonably busy. In order to avoid the impact of traffic noise upon the future residents conditions to ensure details of Acoustic Fence/ Boundary Treatment, Acoustic Double Glazing and Acoustic trickle vents / wall ventilators are built into the scheme.

Conditions obtaining details of a construction phasing, details of any pile operations and construction hours of operation in order to protect the residential amenity of neighbouring properties is also advised.

### **Highways**

The Councils Strategic Highways Manager has been consulted on this application and raises no objection. The proposal proposes a mix of 2 and 3 bedroom bungalows/houses, which each has 2 parking spaces provided plus 4 visitors parking spaces. This complies with the Councils Draft Cheshire East Parking Standards, which require 200% parking provision.

Access to the properties would be via Fold Lane. The applicant proposes a speed table at the access points to the site. Limited details of material have been provided within the application. The Highways Manager advises that the speed table will need to be delineated by a change in materials. Full details of design, materials and construction and works to provide a footpath to the northwestern part of the site and southern end of Fold Lane should be subject to further agreement through a Section S278 Agreement.

Due to the narrow carriageway width proposed and lack of turning head facilities within the proposal the Highway Manager advises that the proposed cul de sacs would not be able to accommodate refuse vehicles to enter and exit the site in a satisfactory manner. The proposed new access roads off Fold Lane are therefore not considered to be of an adoptable standard. In view of the of the small number of dwellings served from each access; the small scale of the overall development; and the opportunity for alternative refuse access it is considered that private accesses are acceptable in this instance. Therefore, if the application is approved, the cul-de-sac off Fold Lane would not be adopted as part of the public highway. The developer would therefore need to make arrangements for these roads to be maintained privately.

A 2m footway connection to Leek Road is shown on the proposed layout. In addition, the drawing indicates some widening to Fold Lane in the northern part of the site to provide footway access to four dwellings, which would be accessed, directly from Fold Lane. It is considered that these will create acceptable connectivity to local services in Bosely to the east of the site, and to bus services on Leek Road to the site. Therefore, subject to the footway improvements, there are no concerns are raised in relation to the site's accessibility by sustainable modes.

Having regard to the above, it is not anticipated that the proposed development will raise any significant highway safety issues.

### **Trees / Landscaping**

Located within Peak Park Fringe Local Landscape Designation Area (formerly ASCV) This is a transitional landscape between the Peak District national park and has many of the qualities associated with the National Park. The Council Landscape officer has been consulted on the application and advises that the proposed development subject to full landscaping conditions will not have a significant landscape or visual impact .

It is noted that there is a mature Cypress tree located at the front of the site, This however is noted as having a limited amenity value.

### **Ecology**

The Nature Conservation Officer has commented on the application and has noted that the existing restaurant building has been identified as offering low potential for roosting bats. Bats, a European Protected Species, are not reasonable likely to be affected by the proposed development. There are no ecological constraints to this development.

### **Leisure Provision**

The proposed development triggers the requirements for the provision of POS and Recreation / Outdoor Sport as identified in the SPG on S106 Planning Agreements. In the absence of on site provision, the developer would be required to make a commuted sum payment for offsite provision.

The provision of public open space, recreational and community facilities are as important to rural communities as those in urban areas. They provide essential opportunities for all ages. This commuted sum would be used for the offsite provision of POS including children's play and amenity provision in Bosley, via enhancements, additions and improvements to existing areas of POS or via the creation of new areas of POS and connecting green spaces within the village.

The commuted sum for public open space (POS) would be £48,000. The sum for recreation and outdoor sport (ROS) would be £16,000, but in the case of 100% affordable developments the requirement for ROS would be waived.

### **OTHER CONSIDERATIONS**

## **Drainage and Flooding**

The Contaminated Land Officer has advised that since the application is for new residential properties, which are a sensitive end use they could be affected by any contamination present. Therefore, a phase 1 contaminated land survey is required, which can be dealt with by condition.

Concerns with regard to flooding and drainage are acknowledged but both United Utilities and the Environment Agency have raised no objection subject to conditions which ensure a scheme to dispose of the foul drainage and surface water is submitted and agreed in writing by the Local Authority.

## **Heads of Terms**

Should Members be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Bosley and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough.(To be agreed with Regenda and The Council)
- commuted sum of £48,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Bosley.

## **Levy (CIL) Regulations**

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

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

The provision of affordable housing would help to sustain the existing rural community of Bosley as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be.

The commuted sum to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Bosley, which is in need of substantial works will ensure it provides opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum and affordable housing is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

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

It is noted that this application has local support. Those comments objecting to the proposal have been acknowledged, however it is considered that principle of rural affordable housing in this location is acceptable and is supported by local and national policies.

The specific proposal for 16 dwellings in Bosley on a Brownfield site is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least this number of dwellings. The siting, layout and design of the scheme is considered acceptable, as are the access and parking arrangements. The proposal will not have a harmful impact upon protected species.

For the reasons outlined within the report this proposal is considered to be acceptable subject to further details concerning the relationship of the proposal to neighbouring static caravan, conditions and the prior completion of a S106 legal agreement.

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.

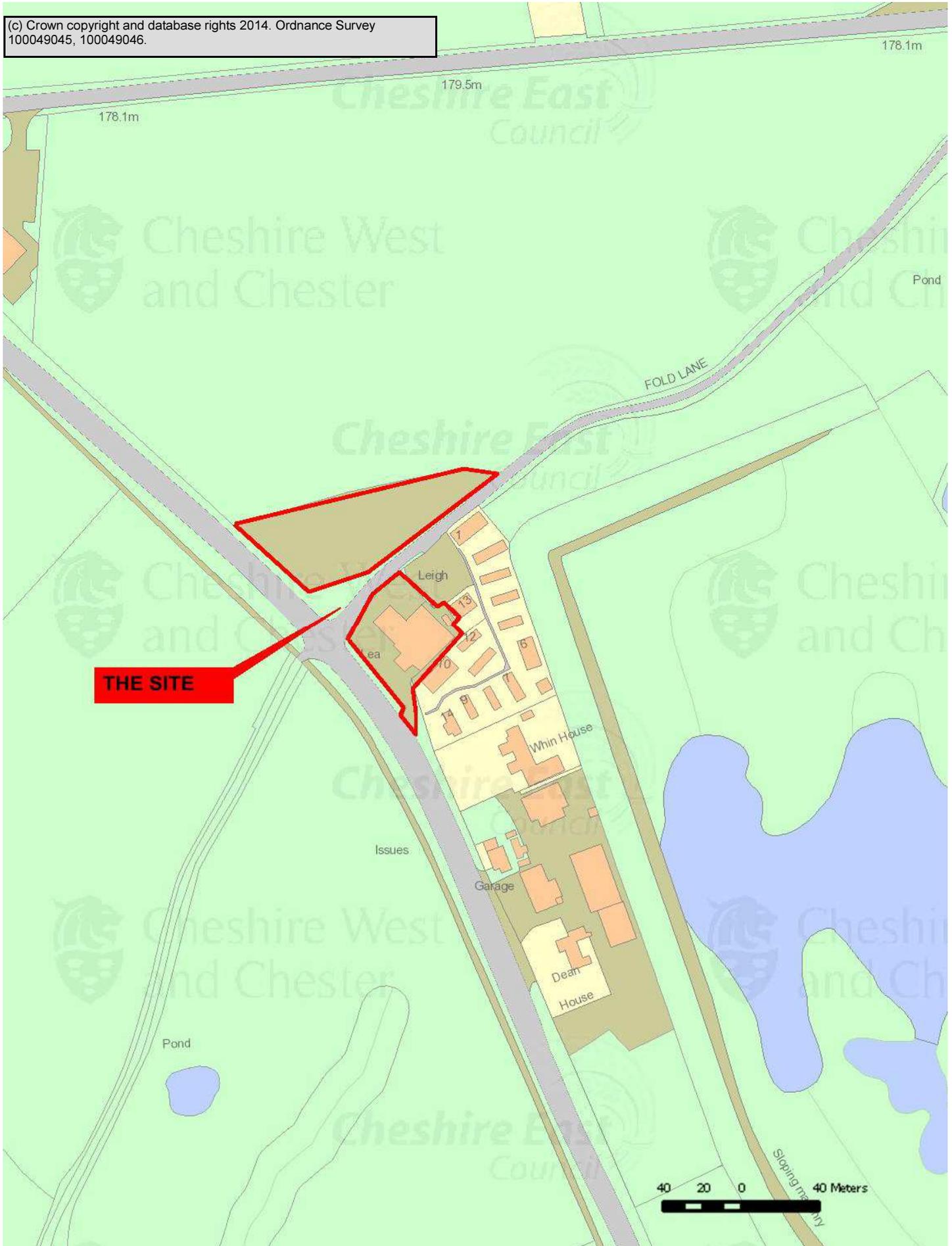
#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01GR - Removal of permitted development rights
8. A07HA - No gates - new access
9. A13HA - Construction of junction/highways
10. A26HA - Prevention of surface water flowing onto highways
11. A30HA - Protection of highway from mud and debris
12. A32HA - Submission of construction method statement

- 13.A08MC - Lighting details to be approved
- 14.A04NC - Details of drainage
- 15.A19MC - Refuse storage facilities to be approved
- 16.Detail of garden sheds to be submitted
- 17.Acoustic Fence/ Boundary Treatment
- 18.Acoustic Double Glazing
- 19.Acoustic trickle vents / wall ventilators
- 20.Acoustic trickle vents / wall ventilators
- 21.Acoustic trickle vents
- 22.Demolition and Construction phase of development
- 23.Demolition and construction phase of development
- 24.Pile Foundations
- 25.Construction Hours of operation
- 26.Contaminated land
- 27.Details of Road widening, footpath and road surfacing

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Application No: 13/4746M

Location: PEAK HOUSE, SOUTH PARK ROAD, MACCLESFIELD, CHESHIRE, SK11 6SH

Proposal: Conversion of Existing B1 Office Use to Twelve Residential Dwellings with Parking. Re-submission 13/0599M

Applicant: John Womby 3DM

Expiry Date: 10-Feb-2014

**Date Report Prepared:** 13 January 2014

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions & S106

#### **MAIN ISSUES**

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

#### **REASON FOR REPORT**

The application is for the erection of 12 residential units (a previously withdrawn scheme was for 13 units), and under the Council's Constitution is required to be determined by the Northern Planning Committee.

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

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

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

#### **DETAILS OF PROPOSAL**

This application seeks Planning Permission for the conversion of the existing building from offices (Class B1) to 12 residential apartments (Class C3). The proposals would provide 6 one bed and 6 two bed apartments, some with additional Mezzanine levels.

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

## **RELEVANT HISTORY**

13/0599M – Conversion of Existing B1 Office Use to 13No Residential dwellings with parking  
Withdrawn 05-Jun-2013

## **POLICIES**

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

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

### **Local Plan Policy:**

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

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

### **Other Material Considerations**

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

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

### **Supplementary Planning Documents:**

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

- Local List of Important Buildings (October 2010).

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

**Highways:** The Council's Strategic Highways & Transportation Manager comments are awaited.

**Leisure:** Contributions required

**Environmental Health:** The Environmental Health department recommends conditions in terms of noise mitigation, waste provision, dust control, pile foundations, hours of construction. The Contaminated Land Officer notes that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

### **REPRESENTATIONS**

1 objection has been received from a local resident and their objection can be summarised as follows: -

- Generally like the idea of the building being turned into flats;
- Insufficient parking for the flats (only 11 spaces proposed);
- Significant parking problems in the area particularly during the evenings and weekends;
- No visitor parking proposed;
- Parking situation worse following conversion of Chapel on South Park Road into apartments and recently converted mill on Brown Street into 16 apartments (with no parking);
- Allowing this permission will exacerbate the traffic problems in the area;
- Scheme may encourage parking on both sides of Hatton Street.

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

A Design & Access Statement was submitted with the application. The application was also accompanied by a Transport Assessment.

### **OFFICER APPRAISAL**

**The principle of the development:**

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

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

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

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

There are a number of buildings which are valued for their contribution to the local scene or for their historical associations. These buildings do not merit listing on a national scale. However, Local Planning Authorities can draw up lists of locally important buildings and to formulate Local Plan Policies for their protection. This former labour exchange building is such a locally listed building as it displays evidence of local historic interest and makes an important contribution to the street scene. Only minor external work is proposed as part of this application, therefore no objections are raised to the scheme on this issue as the development would not adversely affect the architectural and historic character of the building. As the exterior of the building will largely be unaffected by this conversion the Conservation Officer concludes that this conversion will be acceptable with the character and appearance of the building and area. Conditions are recommended to control the details of any materials, rainwater goods, conservation roof lights and replacement windows and doors.

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

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

As office premises, the national parking assessment for this size of building would be 22 spaces. Whereas only about 8 spaces are actually available within the rear curtilage, a deficit of 14 spaces. A limited number of further spaces could be provided off-road around the front of the property, but at the expense of kerbside spaces available to the general public.

A Transport Assessment accompanied this application which is being assessed by the Strategic Highways Manager; Members will be updated in due course of their response. No transport assessment was submitted with the previous submission.

The supplied plans demonstrate 11no. spaces, 7no. situated within the rear courtyard area of the site accessed off Armit Street, 2no. to the front of Peak House on the junction of Armit Street & South Park Road, the final 2no. are located to the front of Peak House on Hatton Street in proximity to no. 28 Hatton Street.

As residential development, the requirement is for 1 space for each of the 1 bedroom units and two spaces for each of the 2-bedroom units, a total of 18 spaces, though this can be varied in central locations. There would therefore be a deficit of 7 (previously deficient by ten spaces) against the Council's parking guidelines.

Use	Policy Requirements	Proposed	Deficiency
Office	22 Spaces	8 Spaces	10 Spaces
Residential	18 Spaces	11 Spaces	7 Spaces

Although this implies a slight improvement in parking pressures compared to reuse as offices or the previous scheme, residential parking demand peaks in the evening, so a change of use will exacerbate the evening and overnight on street parking levels.

Unlike the previous scheme, these plans illustrate dedicated bin storage. The scheme also provides 12no. secure cycle storage in the basement which is considered particularly important in view of the car parking shortfall.

#### **Residential Amenity:**

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

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

The scheme proposes parking on the internal courtyard of the existing building, whilst it is accepted that this area is used for parking and services of the existing offices, having parking so close to bedroom windows with no separation distances or mitigation would lead to a loss of residential amenity to those apartments through noise and disturbance of car movements and associate activities. However, it is considered that there would be an element of 'beware beware', and there are other town centre apartments with parking in proximity to ground floor bedrooms.

The internal layout of the scheme proposes to put the bedrooms of the apartments towards the rear of the building. Whilst this is understandable as the rear of the building would be the quieter side as it is away from the road, this does lead to other implications. As it is a u-shaped building some of the bedroom windows would look into each other. Previously there was concern that there would be a loss of privacy to the bedroom of those apartments that

look directly at each other. Bedroom windows of apartments Nos. seven to three, seven to four, twelve to four, thirteen to two and thirteen to one would be only 4.5 metres, 7 metres, 12 metres, 10.2 metres and 9.1 metres apart respectively. During pre-application discussions a design solution has been reached which includes opaquing the affected windows up to 1.8m above floor level. This is controllable by condition.

#### **Developer Contributions:**

The development for 12 apartments triggers the requirement for the provision of Public open space [POS] and Recreation and Outdoor Sports provision [ROS] in line with current policy.

In the absence of the provision of any POS or ROS on site, commuted sums will be required for off site provision. This is especially crucial given the location of the site in a densely populated area of Macclesfield Town Centre and the absence of any on site amenity space for the residents.

A total contribution of £30,000.00 will be required and will be used to make additions, enhancements and improvements to the existing facility of South Park, just a short walk from the application site. This could be secured through the submission of a S.106 legal agreement, which at the time of writing this report is awaited, following confirmation from the applicants agent that this figure will be paid.

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

##### Contaminated Land:

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

##### Waste Provision:

The Environmental Health Team have requested a condition regarding waste provision, however, the proposed layout includes a 6m<sup>2</sup> bint store in proximity to the access off Armitt Street, and as such a condition would be unduly onerous.

##### Ecology Implications:

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

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

As Members are aware, the presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (*paragraph 14*) and that housing applications

should be considered in the context of this presumption. In addition the Council has a deliverable 7.15 years supply of housing for the years April 2013 to March 2018, in accordance with Paragraph 49 of the NPPF. It is considered that this revised scheme has generally overcome the concerns with the previous submission.

It is accepted that the site is in a sustainable location and that the Council have approved other flatted schemes in the area, whilst there would be a degree of availability pressure on the parking in the surrounding roads, the reduction in the number of units and the increase in parking spaces have on balance overcome the previous concerns and the benefits of the provision of housing in a sustainable location is considered to outweigh this harm.

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.

1. A03FP - Commencement of development (3 years)
2. A04EX - Materials to match existing
3. A09EX - Rainwater goods
4. A17EX - Specification of window design / style
5. A20EX - Submission of details of windows
6. A21EX - Roof lights set flush
7. A25GR - Obscure glazing requirement
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile Driving
10. A17MC - Decontamination of land
11. NOISE MITIGATION
12. Dust Control



Application No: 13/4530M

Location: Woodend, Homestead Road, Disley, Stockport, Cheshire, SK12 2JN

Proposal: Outline Application for 11 Apartments (application identical to previously approved scheme).

Applicant: Michael Cooksey, Village Heritage Ltd

Expiry Date: 23-Jan-2014

**Date Report Prepared:** 8<sup>th</sup> January 2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions and completion of an S106 agreement.

**MAIN ISSUES**

- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon Highway safety
- Impact upon Protected Trees
- Impact upon Nature Conservation Issues
- Impact upon Environmental Health Issues
- Public Open Space provision via an s106 agreement

**REASON FOR TAKING THE APPLICATION TO COMMITTEE**

This application seeks outline consent for 11 apartments and is brought before the Northern Planning Committee in accordance with the Council's Scheme of Delegation.

**DESCRIPTION OF SITE AND CONTEXT**

The site in question is a large open plot of land which prior to its demolition accommodated a 20 bed care home.

The site is located within a predominantly residential area within the village of Disley and access is via Homestead Road which is an un-adopted highway.

Properties within this particular road occupy similar substantial plots of land which are occupied by a varying style of detached residential properties.

**DETAILS OF PROPOSAL**

Members will note from the planning history below that the principle of a residential development at this site was established at appeal under planning application 02/0881P for 10No. apartments. Since then a number of applications have been submitted to the Local Planning Authority for consideration.

The last application to come before Committee was application 10/2889M which was identical to the scheme currently submitted. This previous application was approved by Members subject to conditions.

The application which is now before Committee seeks a renewal of the outline planning permission 10/2889M for 11 apartments. Approval is sought for reserved matters relating to access, layout and scale only.

## **RELEVANT HISTORY**

10/2889M	Erection of 11 Apartments Approved 19.11.10
08/2389P	Erection of 9 Apartments Approved 16.01.09
06/1662P	Demolition of existing building and erection of 9no apartments (amended scheme) Approved 23.08.06
05/0209P	Residential development of 11 apartments (amended scheme to include one additional unit at second floor) Refused 23.03.05
03/3358P	Residential development of 10 apartments Approved 28.01.04
03/2146P	Residential development of 10 apartments Withdrawn 30.10.03
02/0881P	Residential development of 10 apartments Refused 12.06.02 Appeal Allowed 30.01.03
01/0803P	Residential development of 10 apartments Refused 30.05.01 Appeal dismissed 07.01.02

## **POLICIES**

### **Local Plan Policy**

- BE1- (Design Principles for new Developments)
- DC1- (High quality design for new build)
- DC3- (Residential Amenity)
- DC6- (Circulation and Access)

DC8- (Landscaping)  
DC9- (Tree Protection)  
DC38- (Guidelines for space, light and privacy for housing development)  
DC40- Children's Play Provision and Amenity Space  
DC63- (Contaminated Land)  
NE11- (Nature Conservation)  
H1- (Phasing Policy)  
H2- (Environmental Quality in Housing Developments)  
H13- (Protecting Residential Areas)

### **Other Material Considerations**

Interim Planning Statement on Affordable Housing 2011

SPG on S106 (Planning) Agreements 2004

National Planning Policy Framework

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

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

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

#### **MOD Airfield Safeguarding**

No safeguarding Objections.

#### **The Strategic Highways and Transportation Manager**

No objections subject to conditions.

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

Disley Parish Council- No Objection.

### **OTHER REPRESENTATIONS**

None.

## **APPLICANT'S SUPPORTING INFORMATION**

A comprehensive Planning, Design and Access Statement has been submitted along with supporting information. These documents are available to view online and provide an understanding of the existing and future context of the proposal, planning policy and design issues relating to it.

### **OFFICER APPRAISAL**

#### **Principle of Development / Policy**

The scheme proposed is identical to that of the previous approved planning application 10/2889M. Site circumstances have not materially changed since this approval.

This application seeks consent for reserved matters relating to access, layout and scale. However indicative plans relating to appearance and landscaping have also been submitted. The principle of the development is considered acceptable, subject to amenity, highways, forestry/ landscaping, ecology issues. Furthermore it is noted that the policy position in favour of this development has strengthened further since 2010, noting the advice in paragraph 14 of the NPPF.

The proposal provides housing in a sustainable location, and will contribute to the Borough's much needed supply of housing.

#### **Layout**

The front elevation of the proposed building is to be sited approx 12m from Homestead Road and will occupy an identical footprint as the building previously approved under application 10/2889M which expired 19/11/13. The site measures approx 0.3 hectares in area. Although large in scale the building is considered to sit comfortably within the site and with ample communal garden space to wards the rear of the property.

Having regard to the scale of the plot, and given that an identical scheme has been approved under application 10/2889M, no concerns are raised with regard to the layout of the proposal.

#### **Scale**

The proposed development seeks consent for a two storey building with a third floor within the roof space and will accommodate 11No. 2 bedroom apartments. Indicative plans have been submitted illustrating the internal layout with one apartment at basement level, four apartments at ground floor, four apartments at first floor and two apartments at second floor. The scale, bulk, height and mass of the building is to remain unchanged from what has been approved under application 10/2889M; therefore no issues are raised with regard to the impact upon the character and appearance of the surrounding area.

#### **Amenity**

Sufficient space exists to the boundaries of the site. Minimum distances to adjacent and surrounding properties are to be maintained to ensure privacy and rights to light of

neighbouring properties. As with the identical previously approved scheme, overall there would be no adverse impact on the amenities of residential properties as a result of the development and the increase in traffic generation.

### **Access/ Highway safety**

Access to the site is to be served off Homestead Road via the existing site entrance which is located to the north east of the site. The access proposals sought are the same as approved under planning application 10/2889M. As previously approved, parking provision for residents is to be sited within the basement and parking for visitors is within the grounds.

The Council's Strategic Highways and Transportation Manager has been consulted on the application and has the following comments:

The Strategic Highways Manager recognises that Homestead Road is a private cul-de-sac and that the Highway Authority only has specific concern with regard to the junction of Homestead Road with Jacksons Edge Road. There are no accident statistics for this junction in the last 5 years and therefore the Strategic Highways Manager considers that this junction operates safely.

27 off-road car spaces are proposed within the site and this is acceptable against current parking standards. The proposed access onto Homestead Road does not show the provision of any visibility splays and whilst the Strategic Highways Manager acknowledges that the slow speed characteristics of this private road will give some natural visibility to emerging traffic, in order to ensure highway safety it is considered expedient to require visibility splays to be created at the access point, as per the previous permission. This can be conditioned.

Subject to this, given that the junction with Jacksons Edge Road operates safely and the traffic generation from this small development would not have a material impact on the highway network the Strategic Highways Manager raises no objection to this development proposal and the development is deemed to accord with policy DC6.

### **Forestry and Landscaping**

The Forestry Officer has been consulted on the application and advises that the development can be implemented without detracting from both on and off site trees, as per the previous permission. Therefore no objections are raised subject to conditions.

A landscaping scheme should be conditioned to ensure appropriate landscaping of the site is achieved, to improve the character and appearance of the area.

### **Ecology**

The Council Ecologist has been consulted and no objections are raised.

### **Environmental Health (Contaminated Land)**

Environmental Health advise that the proposal is for a sensitive end use and the site may be contaminated; therefore a contaminated land Phase I survey is required to be obtained via

condition and an advice note drawing the applicants attention to regulation regarding contaminated land.

### **Environmental Health (Public Protection and Health)**

Environmental Health do not object, subject to conditions including the requirement for details of the proposed bin store facilities to be submitted.

### **Affordable Housing**

The interim Planning Statement on Affordable Housing states that the threshold for the requirement for the provision of affordable housing within residential development schemes is 15no. dwellings in settlements with a population of over 3,000. Disley has a population of over 3,000 and as such there would be no affordable requirement for the 11no. units proposed at this site.

### **Open Space**

It is noted that a commuted sum for public open space provision has not historically been requested for the development of this site on previous planning permissions.

However, the proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities, therefore commuted sums are required. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required on the commencement of development.

An s106 legal agreement will therefore be required to include the following heads of terms, calculated with the SPG on planning obligations.

## **HEADS OF TERMS**

### **Public Open Space (including children's play and amenity)**

Based on 11 two bedded apartments, all open market, a commuted sum of £33,000 will be required and will contribute to the existing Arnold Rhodes open space in Disley which includes children's play, amenity open space and sports facilities.

### **Recreation and Outdoor Sports**

For the off site provision of Recreation and Outdoor Sports, a commuted sum of £5,500 will be required and will contribute to the existing Arnold Rhodes open space in Disley which includes children's play, amenity open space and sports facilities.

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 11no apartments, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

### **United Utilities**

United Utilities raise no objections to the proposed development. They note however that an informative should be added to state that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/ watercourse/surface water sewer and may require the consent of the Local Authority.

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

To conclude, the principle of a residential development for apartments at this site has already been formally accepted under the identical application 10/2889M and the circumstances of the site are not considered to have materially changed since then. It is considered that the creation of 11no. apartments on this site complies with the objectives set out within National and Local Planning policies for new housing and sustainability objectives and will not have a harmful impact upon highway safety.

The proposed development is therefore considered to be acceptable and is recommended for approval, subject to conditions and the completion of an s106 agreement regarding public open space provision, with the following heads of terms.

### **S106 AGREEMENT- HEADS OF TERMS**

#### **Public Open Space (including children's play and amenity)**

Based on 11 two bedded apartments, all open market, a commuted sum of £33,000 will be required and will contribute to the existing Arnold Rhodes open space in Disley which includes children's play, amenity open space and sports facilities.

#### **Recreation and Outdoor Sports**

For the off site provision of Recreation and Outdoor Sports, a commuted sum of £5,500 will be required and will contribute to the existing Arnold Rhodes open space in Disley which includes children's play, amenity open space and sports facilities.

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 Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01OP - Submission of reserved matters
2. A02AP\_1 - Detail on plan overridden by condition
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A30HA - Protection of highway from mud and debris
6. A32HA - Submission of construction method statement
7. AEX21 - Submit samples of building materials
8. AGR51 - No windows to be inserted
9. AHA91 - No gates
10. ALSG1 - Landscaping - submission of details
11. ALS21 - Implementation of landscaping scheme
12. ARM41 - Details of ground levels submission
13. DGLC1 - Hours of working during construction
14. A11EX - Details to be approved- Bin Store
15. Access to CTO specification
16. Access to specified gradient
17. Basement for parking of vehicles only
18. Details of highway verge
19. Vehicular visibility
20. Turning facility
21. Pedestrian visibility

- 22. Existing access to be closed
- 23. Secure cycle store
- 24. Visitor cycle provision
- 25. Parking to be surfaced and marked out
- 26. Contaminated Land
- 27. Pile Driving

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