

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 16th April, 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 - 6)

To approve the Minutes of the meeting held on 19 March 2014 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. **14/0046M-Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space, Former Garage, Buxton Road, Macclesfield for Mrs P Smith, Adlington and Canal and River Trust (Pages 7 - 26)**

To consider the above application.

6. **14/0355M-Two storey vicarage to be constructed on land within domestic curtilage of existing vicarage, St James Vicarage, Church Lane, Sutton for Peter Gowrley, Diocese of Chester (Pages 27 - 42)**

To consider the above application.

7. **14/0729M-Proposed 2 Classroom single storey modular building with wc's and storage areas. Kitchen extension built onto existing kitchen involving removal of existing wall. Widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish. External tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment, Mobberley C of E Primary School, Church Lane, Mobberley, Knutsford for Headteacher, Mobberley C of E Primary School (Pages 43 - 58)**

To consider the above application.

8. **14/0408M-Change of use of land to site 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M), Ladera, Back Lane, Eaton for Yvette Noad, Ladera Retreat (Pages 59 - 70)**

To consider the above application.

9. **WITHDRAWN BY OFFICERS-13/5248N-Outline application for new residential development of up to 14 dwellings, The Printworks, Crewe Road, Haslington for Georgina Hartley (Pages 71 - 90)**

To consider the above application.

10. **13/3931M-Change of use of existing glasshouse from horticultural uses to parking of cars associated with the existing airport car parking operation based at the site, Boundary Farm, Styal Road, Wilmslow for Frank Matthews & Sons (Pages 91 - 112)**

To consider the above application.

11. **14/0990M-Variation to condition 2 of application 11/0533M. For Erection of 10 No. Apartments with Basement Parking, 2 - 4 Holly Road North, Wilmslow, Cheshire for Wayne Seddon (Pages 113 - 120)**

To consider the above application.

12. **14/0655N-Steel portal framed agricultural building for the housing of livestock, Rookery Farm, Rookery Lane, Burleydam for Robert Vernon (Pages 121 - 126)**

To consider the above application.

13. **Information Item on Urgent decision relating to Land at Jasmine Park formerly Henbury High School, Whirley Road, Macclesfield (Pages 127 - 130)**

To note the above report.

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**NORTHERN PLANNING COMMITTEE – 16 APRIL 2014****UPDATE TO AGENDA****APPLICATION NO: 14/0729M****LOCATION MOBBERLEY C OF E PRIMARY SCHOOL,  
CHURCH LANE, MOBBERLEY, KNUTSFORD,  
CHESHIRE, WA16 7RA****UPDATE PREPARED 14 APRIL 2014**

Amended plans received relating to existing and proposed ground levels.

**OFFICER APPRAISAL**

This information was requested due to comments from the Forestry Officer which indicated that details of the proposed levels were required due to the proximity of retained trees. A condition was imposed requiring such details to be submitted as the Forestry Officer was confident that such works could be undertaken in a way which didn't impact upon retained trees. This information has now been received and is considered acceptable.

Therefore it is recommended that the application be approved but condition 7 be amended to say that the development should be carried out in accordance with the submitted details rather than requiring details to be submitted, as now these details have been received.

The recommendation remains for approval but with revised wording for condition 7.

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**NORTHERN PLANNING COMMITTEE – 16 APRIL 2014**

**UPDATE TO AGENDA**

**APPLICATION NO: 14/0408M**

**LOCATION Ladera, BACK LANE, EATON, CW12 2NL**

**UPDATE PREPARED 14 APRIL 2014**

A letter from the agent in response to comments received. The salient points are as follows:-

- cabins fall within the definition of a caravan
- developer working with the Council regarding discharge of conditions
- some cabins will be retained for rentals others would be sold and could not be sub-let
- would accept occupancy condition
- highways arrangement considered acceptable under previous application
- no material change in circumstance since previous surveys
- temporary access would only be used for the delivery for caravans which is anticipated to be 6 per year, the main access would be used for all other traffic and there is no third point of access
- site considered suitable and sustainable on appeal and NPPF strengthens this position.
- 15 units sold at Phase 1 and Inspector did not considered appropriate to wait until all of Phase 1 sold before granting permission for Phase 2
- Development would contribute to local economy by bringing visitors into the area who would spend in local shops and use local services.

**OFFICER APPRAISAL**

The relevant planning considerations in relation to the above representations have already been covered in the committee report.

The recommendation remains for approval as per the committee report.

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**NORTHERN PLANNING COMMITTEE – 16 APRIL 2014**

**UPDATE TO AGENDA**

**APPLICATION NO.**

13/3931M

**LOCATION**

Boundary Farm Styal Road Wilmslow

**UPDATE PREPARED**

11<sup>th</sup> April 2014

**ADDITIONAL INFORMATION**

The incorrect Parking Layout Plan has been referred to, a copy of the correct Parking Layout Plan is shown below. This plan indicates that 534 cars could be parked within the glasshouse as opposed to 480 vehicles referred to within the committee report. There is a difference of 54 vehicles. The figure of 480 vehicles was taken from the Parking Layout Plan originally submitted with the application and the supporting information.



## **CONSULTATIONS**

Highways – No objection

## **OFFICERS APPRAISAL**

### **GREEN BELT**

The parking of an additional 54 vehicles within the glasshouse does not change the Officer view that the proposal would be not inappropriate development within the Green Belt. This is for the same reasons stated within the committee report.

### **NEIGHBOURING RESIDENTIAL PROPERTIES AMENITY**

The additional vehicles have been taken in consideration however, the proposal is still not considered to significantly injure the amenities of nearby residential properties for the same reasons as stated within the committee report.

### **HIGHWAYS**

The applicants Highways consultant has advised that

*The expanded Park & Ride Facility at Boundary Farm, which includes the glasshouse comprising the current planning application, has been operational since the Autumn of 2012. The traffic generating potential of the expanded facility has been determined from surveys of usage undertaken throughout the month of April 2013, during which the facility was operating to its maximum capacity. The results of the April 2013 surveys therefore represent the total vehicle movement likely to be generated by the expanded operation.*

*The Parking Layout Plan indicates that the glasshouse will have the capacity to accommodate 54 spaces more than is quoted in the supporting Transport Statement, i.e. 534 spaces compared to 480 spaces. However, as the traffic generating potential of the expanded facility has been determined from surveys of usage of when the facility was operating to its maximum capacity, the likely traffic generated by the additional 54 spaces has already been taken into account in the assessment.*

*The likely traffic generated by the expanded facility, including the additional 54 spaces, can be accommodated on the highway network with no detriment to operation, or road safety.*

The Councils Highways department has been consulted and advise that they would have no objection to the proposal.

It is therefore considered that the proposal will not be detrimental to highway safety or have an adverse impact on the highway network.

## **CONCLUSION**

The reasoning and recommendation of approval subject to conditions remains the same as in the committee report.

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**NORTHERN PLANNING COMMITTEE UPDATE – 16<sup>th</sup> April 2014**

**APPLICATION NO:** 14/0990M

**PROPOSAL:** Variation of Condition 2 of application 11/0533M. For the erection of 10No. apartments with basement parking.

**ADDRESS:** 2 – 4 Holly Road North, Wilmslow Cheshire, SK9 1LX

**UPDATE PREPARED:** 14<sup>th</sup> April 2014

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**Consultation Replies**

Since the preparation of the committee report, representations have been received from the occupiers of Beechwood, No.3 Holly Road North and No.9 Holly Road North. The comments received are summarized as follows:

- Additional windows with extra and larger balconies will overlook Beechwood to the side;
- The removal of trees and the underground car park is a concern for the water table. This area is already susceptible to flooding;
- The underground car park will be detrimental to Beechwood with the noise and fumes from cars;
- Highway safety;
- Overdevelopment of the plot;
- A four storey building will result in a direct loss of privacy to no.3 Holly Road North and other neighbouring properties; and
- The development is out of context with the area and is contrary to the design policies of the Local plan;

**Officer Comments**

The comments raised in respect of highway safety, amenity and design have already been considered by the Officer in the Committee Report. The application site is not located within a flood risk area. This application seeks to vary the approved plans which also included basement car parking. It is not anticipated that the proposed scheme would have any greater impact on the water table than that already accepted.

**Recommendation**

The recommendation remains unchanged. The application is recommended for approval.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 19th March, 2014 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Mrs N Folan (Planning Solicitor),  
Mr T Poupard (Senior Planning Officer) and Mr N Turpin (Principal Planning  
Officer)

### **102 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs L Jeuda.

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

In respect of application 14/0004C, Councillor Mrs H Gaddum declared  
that she and a number of Councillors on the Committee had received  
email correspondence in respect of the application.

In the interest of openness in respect of applications 14/0046M and  
14/0004C, Councillor Mrs A Harewood declared that her former profession  
was in Nursing.

### **104 MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held on 19 February 2014 be approved as  
a correct record and signed by the Chairman.

### **105 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

### **106 WITHDRAWN 14/0111M-PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 APARTMENTS AND 4**

**DWELLINGS, FORD HOUSE, THE VILLAGE, PRESTBURY,  
MACCLESFIELD, CHESHIRE FOR MR & MRS J ELDER**

This application was withdrawn prior to the meeting.

- 107 **14/0046M-DEMOLITION OF MOT TESTING CENTRE AND GARAGE AND RE-DEVELOPMENT FOR USE CLASS C2 RESIDENTIAL ACCOMMODATION WITH CARE COMPRISING 47 APARTMENTS FOR PERSONS AGED 60 AND OVER WITH COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE, FORMER GARAGE, BUXTON ROAD, MACCLESFIELD FOR MRS P SMITH, ADLINGTON AND CANAL AND RIVER TRUST**

Consideration was given to the above application.

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

RESOLVED

That the application be deferred for further consideration to take place with the agent regarding highways safety, access, parking, servicing and pedestrian safety.

(This decision was contrary to the Officers recommendation of approval).

(Prior to consideration of the following application the meeting adjourned for a short break. Councillor D Neilson arrived to the meeting. As Councillor R West had to leave the meeting part way through consideration of the item, Councillor B Livesley took over the Chair).

- 108 **13/3684M-DEMOLITION OF EXISTING BUILDINGS AND CHANGE OF USE OF LAND FOR THE SITING OF UP TO 7 PARK HOMES INCLUDING ACCESS IMPROVEMENTS, CROFT PARK, NEWTON HALL LANE, MOBBERLEY, KNUTSFORD, KNUTSFORD, CHESHIRE FOR W. FLANNIGAN, FLANNIGAN ENTERPRISES LIMITED**

Consideration was given to the above application.

(Sid Blain, an objector and Alan Knott, 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 written update to Committee, the application be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee for approval subject to the receipt of amended plans to remove

the egress and for that area to be landscaped and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. The site shall be used for sitting of no more than 7 park homes;
4. No park homes shall be sited within 2 metres of a road, 3 metres of the boundary or 6 metres from another park home;
5. Removal of existing dropped kerb prior to first occupation;
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A17MC - Decontamination of land(Phase II report);
10. Contaminated Land - Site Completion Report
11. A04NC - Details of drainage
12. A12MC - No lighting without permission
13. Development in accordance with ecology statement' to 'additional Barn Owls survey prior to commencement'.
14. Bin details
15. Tree protection

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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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.

(During consideration of the application, Councillor R West left the meeting and did not return).

109        **14/0004C-THE CONSTRUCTION OF 10 SERVICE APARTMENTS ANCILLARY TO PARK HOUSE CARE HOME AND THE CONVERSION OF NUMBER 12 PARK HOUSE MEWS INTO A COMMUNITY FACILITY FOR THE RESIDENTS WITHIN THE COMPLEX, PARKHOUSE RESIDENTIAL HOUSE, CONGLETON ROAD, SANDBACH FOR EDWARD DALE**

Consideration was given to the above application.

RESOLVED

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

1. Time scale – 3 years
2. Comprehensive drawings required 1:50 scale
3. Materials – full schedule required
4. Hours of construction
5. Piling
6. Parking plan required including surfacing materials
7. Landscape scheme required
8. Landscape mitigation
9. Noise mitigation
10. Tree protection for retained trees and hedge to the eastern boundary
11. No dig construction measures for the extended parking area where works extend into tree protection areas

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 Planning and Place Shaping 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 Interim Planning and Place Shaping 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.

(This was a change in the Officer's original recommendation from one of refusal to one of approval).

**110 WITHDRAWN - 13/5221C - ERECTION OF 13 DWELLINGS, LAND TO THE NORTH OF CHURCH LANE, SANDBACH FOR CHELMERE HOMES LTD**

This application was withdrawn prior to the meeting.

**111 14/0081C-OUTLINE PLANNING FOR THE CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENT OF UP TO 26 DWELLINGS, LAND TO THE EAST OF, HERMITAGE LANE, CRANAGE FOR ESTATE OF S.H DARLINGTON (DECEASED)**

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor, Parish Councillor Cath McCubbin, representing Goostrey Parish Council, Caroline Goodchild, an objector and Mr Ian Pleasant, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Housing Land Supply / Open Countryside
2. Impact on Jodrell Bank
3. Inappropriate road layout

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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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.

112      **14/0483C-PROPOSED DEMOLITION OF EXISTING REAR EXTENSION AND REPLACE WITH TWO STOREY REAR EXTENSION TO FORM NEW MAIN ENTRANCE, SALES OFFICES, GROUND FLOOR ACCESSORIES SHOP, PARTS DEPARTMENT, CAFE & GROUND AND FIRST FLOOR OFFICES, ARCHIVE, MEETING ROOM AND STORAGE AREAS, SPINNEY MOTOR HOMES, KNUTSFORD ROAD, CRANAGE FOR MR B HOLLAND, SPINNEY MOTOR HOMES**

Consideration was given to the above application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A04MC - Electromagnetic protection (Jodrell Bank)
5. Dust

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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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 5.25 pm

Councillor R West (Chairman)

Application No: 14/0046M

Location: Former Garage, Buxton Road, Macclesfield, SK10 1LZ

Proposal: Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space

Applicant: Mrs P Smith, Adlington and Canal and River Trust

Expiry Date: 21-Mar-2014

**SUMMARY RECOMMENDATION**

Approve, subject to conditions.

**MAIN ISSUES**

- The principle of the development
- Impact of the design on the character and appearance of the Conservation Area
- Highways safety, access, parking, servicing and pedestrian safety
- Residential amenity issues
- Arboricultural and forestry implications
- Ecology implications
- Landscaping
- Surface water drainage
- Other drainage matters
- Environmental Health issues (including land contamination)
- Developer contributions
- Other material considerations

**REASON FOR REPORT**

This application was presented to Northern Planning Committee on 19 March 2014. The application was referred to Northern Planning Committee as the proposal was a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

Members voted to defer the application for further consideration to take place with the agent regarding highways safety, access, parking, servicing and pedestrian safety.

Officers have met the applicant to discuss the highways safety, access, parking, servicing and pedestrian safety issues of the scheme and can confirm the following: -

- Revised proposals for the scheme show the provision of **37 car parking spaces**; an increase from 33 spaces shown on the previous proposal, which itself was increased from 24 spaces shown on the original submission;
- The Strategic Highways Manager has raised no objections to the additional parking and the first spaces off the highway are positioned 10 metres away from the entrance for highway safety reason to ensure that cars can pull off from Buxton Road safely;
- The applicants have maximised the amount of parking space that can be provided on the site. As previously stated the building cannot be moved further back due to a sewer easement to the rear of the site and the existing electricity substation is not within the applicants ownership and cannot be accommodated within the development;
- A clear pedestrian route from Buxton Road to the entrance lobby of the apartments has been shown on the car parking plan;
- Servicing of the site by ambulances and other emergency vehicles has been shown on the attached plans. It is considered that there is sufficient space within the site for an ambulance to access the apartments with a dedicated bay towards the entrance;
- Servicing of the site by refuse and other service vehicles has been shown on the attached plans. It is considered that there is sufficient space within the site for service vehicles to access the site with a dedicated external bins store shown;
- The site is surrounded by double-yellow parking restrictions and both sides of Buxton Road from the site entrance to the far side of the canal bridge on the eastbound carriageway and from the far side of the canal bridge past Union Road and Longden Street on the westbound carriageway. Therefore on street parking in the vicinity of the site is already protected;
- It is worthy of note that as part of the management of the apartments a pool car with driver is available to book for the residents to use at their leisure;
- It is also worthy of note that no objections on highways safety, access, parking, servicing or pedestrian safety grounds have been received by the Local Ward Councillor, Amenity Groups or local residents during the publicity process of the application; and
- The increased parking spaces have resulted in a loss of landscaping from the front of the site. However it is considered with suitable conditions regarding the submission of a landscaping scheme and boundary treatment details, the character and appearance on the Conservation Area can be protected.

Discussions at the previous Committee did reference the 'Belong' scheme on Kennedy Avenue in Macclesfield. It was considered useful to provide a comparison between this proposal and the Belong scheme.

- Permission was originally granted for the erection of a three storey 90 bed care home in February 2005, under reference 04/1534P. A subsequent appeal was dismissed for the removal of a condition which required the provision of a bus shelter under reference APP/C0630/A/05/1175086 in June 2005;
- The 'belong scheme' provides 90 bed spaces with 30 parking spaces, a ratio of **33% parking**. This scheme now provides a ration of **79% parking**;
- The 'belong scheme' provides a significant amount of its parking in an undercroft which is underutilised. The parking for this scheme is wholly accessible;
- The 'belong scheme' provides 18 self-contained apartments for independent living where as this scheme does not; and
- Use of the 'belong scheme' is not limited to residents of the site; it can also be hired for conferences and formal business events, family parties and other local community meetings. This scheme cannot.

Therefore as per the previous report and subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

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

The application site is located east of Macclesfield town centre, with a range of local shops and services nearby. East of the site is the Macclesfield Canal; whilst to the south is Buxton Road. To the west is a footpath with houses beyond; whilst to the north are car parks and the playing fields of Kings School. Bus stops on Buxton Road near the site give access to the town centre and Macclesfield railway station.

The former garage comprises three main single-storey blocks, built between 1930s and 1950s around a forecourt adjoining Buxton Road. Approximately two thirds of the northern part of the site is vacant land with canal moorings. There is a substation on the eastern boundary of the site. The site has a single vehicular access point from Buxton Road.

The site itself is broadly level with the canal side, however the general topography falls east-west and extensive stone retaining walls run along the north and west boundaries. The south boundary rises to Buxton Road bridge

There is no significant vegetation on the site. However, there are off-site mature trees (subject to a TPO) to the side of 38 Lime Grove which partially overhang the site. It is worthy of note that all the trees within a Conservation Area are afforded similar protection.

The site lies within the Macclesfield Canal Conservation Area and it is immediately adjacent to Buxton Road Conservation Area.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of an MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care comprising 47 apartments for persons aged 60 and over, with communal facilities, parking and associated private amenity space at Buxton Road in Macclesfield.

The proposed building is centrally located on the site in a linear block with a double aspect. The proposed accommodation is three storeys in height. Access is from Buxton Road with parking to the front. The main entrance of the building would face Buxton Road. The scheme would comprise; 6 one bed apartments, 34 two bed apartments and 7 three bed apartments. The building would be mainly red brick, with render gables with a slate roof.

Within the development, there would be a; communal lounge, restaurant, office and facilities for 24 hour care, reception and small shop for residents, quiet lounge, hairdressers, therapies suite, spa room/ assisted bathroom, guest suite and internal 'mobility scooter' store. All these facilities would be for the sole use of the residents of the apartments and not be available to the general public.

The Care Statement accompanying this planning application sets out how the scheme would operate. A C2 permission will restrict the age and use of the scheme, following the same principles to that established for previous consents considered by the Council.

## **RELEVANT HISTORY**

There is no relevant planning history of the site that relates to this application.

## **POLICIES**

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

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

### **Local Plan Policy:**

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP). The site lies across the Canal from Puss Banks School which lies within the designated Green Belt and Area of Special Landscape Value, but these designations do not apply to the application site. The site is however within the Macclesfield Canal Conservation Area, therefore the relevant Local Plan policies are considered to be: -

- Policy H4: Housing Sites in the Urban Areas;
- Policy E1: Mixed Use areas;
- Policy H13: Protection of residential areas;
- Policy BE1: Design Guidance;
- Policy DC1: New Build;

- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC37: Landscaping;
- Policy DC38: Space, Light and Privacy;
- Policy DC57: C2 Residential Institutions;
- Policy BE3: Conservation Areas;
- Policy BE4: Design Criteria in Conservation Areas;
- Policy NE1: Landscape Protection and Enhancement;
- Policy NE2: Protection of Local Landscapes;
- Policy NE11: Nature Conservation;
- Policy RT1: Open Space;
- Policy T2: Provision of public transport;
- Policy T3: Pedestrians; and
- Policy T4: Access for People with Restricted Mobility.

*It is noted that Policies NE1, NE2, NE11, BE1, BE3, BE4, H4, H13, E1, T2, T3 and T4 are not being saved within the Cheshire East Local Plan.*

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Replacing MBLP policies NE1, NE2, NE11, BE1, BE3, BE4, H4, H13, E1, T2, T3 and T4 are (CELP) policies SE4, SE3, SE1, SD2, SE1, SE7, EG3 and CO1, which are summarised below: -

- Policy SE4: Areas of Special County Value are now known as Local Landscape Designations which are addressed by Policy SE4;

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles;
- Policy SE7: addresses the historic environment, including Conservation Areas, and its protection;
- Policy EG3: updates the approach to be taken to existing employment sites; and
- Policy CO1: deals with sustainable travel and transport including public transport.

### **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. The relevant Sections include:-

- The Framework (paragraph 7) requires good design as a key aspect of sustainable development. Developments should contribute positively to making places better for people. It notes ‘good design’ is more than aesthetics and takes account of for example function, optimising site potential to sustain the locality, and creating safe and accessible environments.
- The Framework (paragraph 13) relates to conserving and enhancing the historic environment with particular relevance to conservation areas and impact of development upon heritage assets.

### **Supplementary Planning Guidance:**

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

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council);
- Macclesfield Canal Conservation Area Appraisal and Management Proposals.

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

**Canal & Rivers Trust:** The Canal & River Trust in its capacity as statutory consultee has no objection to planning permission being granted. It should be noted that the Trust is joint applicant and the terms of the sale agreement will require the developer to work in co-

operation with the Trust to ensure that any risks to the canal during demolition and construction are addressed.

**Highways:** No objections, subject to conditions.

**Crime Prevention Officer:** No comments received at the time of writing this report.

**Environment Agency:** No objections subject to conditions to control contamination remediation and if any unexpected contamination is found. A condition is also suggested to control foundation details.

**United Utilities:** No objections subject to conditions to control foul and surface water details and the diversion of the sewer on the site.

**Environmental Health:** No objections, subject to conditions to control working hours, pile foundation operations and floor floating of concrete, dust control measure and to resolve land contamination issues.

**Cheshire East Adult Services:** No formal objections, but question the demand for residential nursing homes in Macclesfield.

**Cheshire East Housing:** No objections.

**Cheshire East Education:** No objections.

**Cheshire East Leisure Services:** No objections, but have requested a Greenspace contribution of £35,250.

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

Not applicable.

## **REPRESENTATIONS**

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

### **Macclesfield Civic Society:**

The Society considers that the redevelopment would be of benefit and accord with the national and local policy framework. The type of housing to be provided would be welcome and this appears to be an appropriate site close to shops and other services and accessible by various transport modes.

The Society also considers that the layout and configuration of buildings on the site are appropriate. They have some slight concerns regarding height and would ask that if the roof height could be reduced to lessen local visual impacts when viewed from Buxton Road, the canal towpath and William Street.

The Society have also stated that given the nature of the use the limited parking provision appears appropriate though an age-occupancy condition may be necessary to secure this in the longer term. Visibility at the access point to the east is limited by changes in level and this was always a point of concern when considering proposals for this site.

Consideration should be given to the retention of existing boat moorings along the west side of the canal to retain the character of the area and provide a focus of interest for residents of the scheme though this will require some form of access for boat owners through the site.

The Society also considers the metal fencing should be reconsidered and soft landscaping used to demarcate boundaries (set back a short distance from the canal bank if moorings are to be retained).

## **Local Residents:**

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

- Have a boat moored here and so do many other people and it is their home;
- Welcome the redevelopment on the site, but have concerns with regard the height of the building and planting that could affect the garden of No. 173 Buxton Road;
- The proposed dwelling is not of a design in keeping with the scale and appearances of the immediate area west of the site as the adjacent properties are mainly residential 2 stories;
- There are a number of TPOs in place at the top of Lime Grove described as "Civic Amenity";
- The proposed site is a full story above the adjacent property so a further three story development would significantly impact that eye-line, regardless of the partial masking from the existing mature trees;
- The Context Elevations are misleading as the Sketch views included seem to only include views from South East, North East & South West, not from North West;
- The proposed site plan seems to include seven mature trees along the boundary of 38 Lime Grove; in fact there are only four;
- The siting of the proposed three story building at the top of the rise results in the overlooking (front and back) to 38 Lime Grove;
- The height of the development is such that even with leaf cover this would lead to a significant reduction in privacy to 38 Lime Grove;
- The siting of the proposed three story building completely across the top of the road, a full two stories above the site wall will significantly reduce the amount of daylight falling on 38 Lime Grove;
- The development is too high and will overlook gardens and houses due to the orientation of the blocks, leading to a loss of privacy to neighbouring properties in Buxton Road and Lime Grove;
- The western side of the site the top of the boundary wall is shown as 161.28m;
- The finished floor level of the 1st storey is shown as 161.60m;
- The finished floor level of the 2nd storey is shown as 164.45m;
- Therefore two floors of flats will be looking directly over the gardens of properties in Lime Grove (particularly no. 36 Lime Grove), leading to a loss of privacy and enjoyment of the gardens;

- The ridge height of the block of flats is shown as 170.20 m which is 9 metres higher than the boundary wall. This will have a materially overbearing impact on properties in Lime Grove (particularly no. 36 Lime Grove); and
- The scheme needs to be reduced in height and the layout redesigned to minimise the impact upon neighbouring properties in Lime Grove (particularly no. 36 Lime Grove).

**4 letters of support** have been received from local residents and their comments can be summarised as follows: -

- Impressed with the applicants retirement home at Heaton Chapel;
- The proposed area on Buxton Road would very much be enhanced by a similar development;
- The proposals is something which Macclesfield needs;
- Few of the public who have expressed negative interests to the scheme
- Look forward to the plans being passed and possibly purchasing an apartment myself;
- This development is to be welcomed as providing much needed sheltered accommodation in this part of town and the restoration of this site to an attractive local facility can only be a good thing;
- Development of this site to provide sheltered apartments for 50+ households is a very good use of this Brownfield land which has been derelict and an eyesore for many years;
- This development could be considered sustainable because of its siting close to amenities such as buses to town and Buxton and Victoria Park(s);
- The sympathetic development proposed will also release family homes in the town when elderly people move to more appropriate accommodation;
- All these factors are in keeping with the policies of Cheshire East so this application should be supported;
- The building will face onto the canal and it is to be hoped that there will be attractive landscaping around it;
- At the moment the site is hideous, with fly tipping of rubbish and a jumble of old tumble down sheds and garages;
- It will not impinge on any neighbouring properties;
- There will be some increase in traffic should all the units be filled by car owners. However the proximity to public transport makes this likely to be minimal as many of the elderly residents may choose this move to take the opportunity to get rid of their cars and use the plentiful public transport available to them from Buxton Road;
- As this is currently a derelict site adjoining the canal there are no issues regarding loss of important trees or nature conservation;
- As this site will be viewed from the Cheshire RC walk which is routed along the canal towpath on the opposite side of the canal, it is to be hoped that the buildings will be in keeping with local architectural style and the site landscaped appropriately; and
- My Husband and I have lived Off Buxton Road for the past 50 years and would like to stay in the area. Being pensioners and living in a house at the moment we have been thinking of moving into an apartment.

A full copy of all the comments made by the local resident toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

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

The applicant has submitted the following documents, details of which can be read on file: -

- Planning Statement;
- Design and Access Statement;
- Care Statement;
- Ecological Appraisal;
- Ground Investigation Report;
- Landscape and Visual Impact Assessment;
- Transport Statement;
- Arboricultural Assessment; and
- Draft S.106 Legal Agreement.

### **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

#### **The principle of the development (*the development plan*):**

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP).

The principle of a residential proposal on the front section of the site is acceptable as it falls within a housing allocation.

Mixed use areas comprise several of the older industrial areas where many of the buildings are no longer suitable for their original purpose. Such areas often have poor access to the main road network, car parking is frequently inadequate and industry sometimes adjoins housing areas. By today's standards, the areas and buildings are not necessarily suitable for their original manufacturing purpose. A wide range of new uses may be permitted in such areas. It is considered that the principle of a residential development on the rear section of the site is acceptable as there is no conflict with other proposals of the plan and it will not materially harm adjoining or nearby uses. In this instance, residential is preferable and is a more sensitive use than the existing use on the site.

#### **The principle of the development (*SHLAA*):**

The site has been identified as 'sustainable', 'suitable', 'achievable' and 'deliverable' for housing in the most recent Cheshire East Strategic Housing Land Availability Assessment (SHLAA). The application site is addressed in two parts (housing allocation to the front and mixed use area to the rear) in line with the policy allocations above.

#### **The principle of the development (*Need*):**

The Council has some evidence that is sourced from the *emergent* vulnerable persons housing strategy\*. The key messages from the data are:

- There is a current oversupply of residential and nursing accommodation in Macclesfield town when taken against current demand;

- The earliest projected need for either residential or nursing homes is a slight requirement for residential accommodation in 2030; and
- There is a distinct current undersupply in Macclesfield for both extra care and sheltered accommodation, which should be the development priorities.

*\*Members should be aware that officers would wish to caveat this data by saying that it is a key evidence source in the emergent vulnerable persons housing strategy, which is currently out for consultation. As such, the strategy is not yet ratified nor does it have a surrounding planning policy at this time. Therefore little weight can be afforded to this.*

The application proposals are difficult to judge in this case given the elements of the provision, particularly the composition of the apartments and the flexibility of the care provision. This would be in-keeping with the extra care model, and promises a superior arrangement to classical residential care homes.

However, it could be argued that given that the development would only be catering for those with higher care needs, it was more typical of a residential institution. Extra care typically admits a portion of tenants with lower needs so that they can live independently with a limited level of support in an amenable environment, in order to curtail the chances of their care needs escalating in a crisis and provide a smoother transition into old age living.

However, this development seems to aim to only admit those who already have substantial needs upon their entry and require more intensive care, so would not have the same community needs mixture and flexibility of tenure that characterise many extra care schemes.

Whilst the above is noted, there is no requirement within the Local Plan, or within the NPPF that requires a needs assessment. Therefore, need is not a material planning consideration in this case. This has been established during the public inquiry for the appeals at Coppice Way in Handforth.

**The principle of the development (*Development Management Policy*):**

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

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

Each of the above criteria is addressed below:-

- (i) It is considered that the site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run adjacent to the site.
- (ii) It is not considered that the proposed care facility would give rise to a concentration of specialist housing or care facilities.
- (iii) As the site is surrounded by existing residential properties to the south and north, relationship between these properties and the proposed development has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet. These policy tests have been taken into account when assessing this application and whilst the scheme is a high density scheme that is contained in a three storey block, it is considered that this scheme broadly accords with these guidelines. Detailed assessments on impact on residential amenity are outline in the relevant section below.
- (iv) Accommodation would be provided for up to 95 residents. This would require a private garden in excess of 950 sq metres for the use of the residents. The garden area for the development would be well in excess of 1,000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed. The applications proposals also include balcony and internal amenity spaces;
- (v) The application proposals include parking provision for 33 cars. The site lies in a sustainable location. The Strategic Highways Engineer has raised no objections; this matter is considered in more detail below under the highways section.
- (vi) Given the historic use of the site, the Strategic Highways Engineer raises no significant concerns with regards to vehicular or pedestrian access.

**Summary of the principle of the development:**

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

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

**Impact of the design on the character and appearance of the Conservation Area:**

It is accepted that this application proposes a large three storey building. However, the east canal side elevation shows how the proposals establish a scale and rhythm appropriate to its setting. Gables give a rhythm appropriate to the building's proposed use while respecting the characteristics of traditional canal side architecture. The west side has a lower key scale and rhythm, responding to the topography and the largely domestic properties adjacent to the

west. It is considered that this side is viewed is partially fragmented by existing trees and buildings.

It is considered that the crucial view of the development is from the canal bridge on Buxton Road. The scheme has been design to show a corner focal point which articulates transition between the canal side and Buxton Road and is adjacent the main entrance marked by a colonnade. It is also considered that the scale of building diminishes westwards from the corner.

In relation from the view facing the canal, the linear massing of the building is articulated by a rhythm of gables, recessed link and changes in building angle responding to constraints and context. The recessed links help break up the building and selected gables are rendered to introduce some castellation.

It is considered that overall given the previous use of the site and the amendments that have been received to the elevations, that the scheme in its current form does preserve the character of the conservation area.

### **Highways safety, access, servicing and pedestrian safety:**

The Strategic Highways Manager raises no objections to the proposals. The site is located within walking distance of local amenities on Buxton Road and essential services within the town centre, with the main strategic (rail) public transport connections and no further than 15 minutes travel on foot. Buxton Road is on a bus route. The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

The Strategic Highways Manager has reviewed the proposal and would make the following comments on highways and transportation grounds. All recommendations are provided within the context of the National Planning Policy Framework (NPPF), which states that “severe” residual cumulative impacts should be demonstrated in order to prevent or refuse a development on transport grounds (paragraph 32).

It is proposed to maintain and improve the existing Site access/Buxton Road junction to serve the development. Visibility splays of 40m are proposed and that is considered to be a sufficient visibility for the speed limit on Buxton Road, in the absence of speed survey data. A 1.8m delineated footway access is proposed to serve the development on the entrance to the car park. It is considered that the proposed Site access arrangements provide a suitable means of access for the proposed development.

Notwithstanding the sustainable location of the site, the supply of parking has been agreed by the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods.

Previous proposals for the scheme showed the provision of 33 car parking space. This was an increase from 24 originally proposed. This car parking provision was based on the following breakdown: -

- 1 space per 5 apartments for visitors = 9.4
- 1 space per 2 non-resident staff (max) on site at any one time = 4.5

- Spaces for those residents able to drive + flexible spaces (1 per 3.5 apartments) = 17.4  
This gives a total of 31.3 spaces, where as 33 are being provided.

To conclude, the Strategic Highways Manager raises no objection, following the provision of additional parking (totalling 37 spaces), and representative information regarding typical daily activity at other sites that the applicant operates, subject to a Travel Plan, which would seek to ensure that the proposed level of parking is ultimately sufficient to meet the identified needs of staff and visitors.

### **Residential amenity issues:**

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

The Gables would be located about 28m from the building. The views of the people inside that house would be reduced significantly by that distance. 36 Lime Grove would be located about 26m from the building. Views of the building and overlooking from the site to No.36 would be partially blocked by No.38 Lime Grove.

173 Buxton Road would be in the region of 35m from the buildings. The occupiers of No. 173 would not suffer a material loss of privacy, having regard to that distance and the angle of views from the building entrance elevation to that building. Properties on Lime Grove and 173 Buxton Road are separated by a public footpath, high boundary wall & significant vegetation. Amendments to the scheme have been secured with additional screening and this would mitigate any loss of privacy to these properties.

It is considered that the occupiers of The Gables, 36 and 38 Lime Grove and 173 Buxton Road would not suffer a material loss of privacy, having regard to that distance and the existing topography of the site.

Houses at William Street face the site across the road and canal and are over 43m from the development which would substantially reduce any overlooking into the house from the development.

Illustrative sun paths for the proposed developments have been submitted with the application. They show that throughout the day the proposed building has no detrimental impact on sunlight and daylight of adjoining properties, nor is it affected by neighbouring buildings.

The application site is in proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations and floor floating are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

### **Arboricultural and forestry implications:**

The application is supported by an Arboricultural Assessment which indicates that an assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan. As a consequence it is possible to determine the direct, or indirect impact of the proposed layout on retained trees.

The development proposals require the removal of four individual trees and six groups in order to facilitate the design build footprint and associated peripheral landscape features including car parking. All are considered to be low value self set specimens (Category C), which contribute little to the amenity of the immediate area, or the wider landscape aspect. A number of those identified for felling would have required removal irrespective of development by virtue of their social proximity to a number of existing features. Strategic replacement specimen planting should be seen as a significant net gain compared with those specimens which are schedule to be removed.

Standing off site to both the north and west are two groups of trees protected as part of a 2006 Tree Preservation Order. The development proposals as presented are located a significant distance from any individual or collective Root Protection Area (RPA), with adjacent features such as compacted ground associated with an informal track and boundary wall significantly restricting root development within the site. Protective fencing will not be required.

Issues in terms of social proximity in relation to the protected off site trees are also not considered to be a significant factor given the acceptable layout distances between proposed build and trees. Any subsequent tree application could be confidently dealt with on merit.

### **Ecology implications:**

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

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that no European Protected Species have been recorded on site. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The Council's Ecologist has reviewed the application submission and it is not anticipated that there would be any significant ecological issues associated with the proposed development. No evidence of occupation by bats was recorded in association with any of the buildings within the site. However, if planning consent is granted conditions are recommend requiring the lighting scheme for the site to be agreed. This would be to protect light spill onto the canal. Conditions are also suggested to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds on the site.

**Landscaping:**

As part of the application a Landscape, Townscape and Visual appraisal has been submitted. The application site is adjacent to the Peak park fringe Local Landscape Designation Area, (formerly ASCV). This is a transitional area adjacent to the Peak National Park and has many of the qualities associated with the National park. The Peak park fringe is a distinctive landscape of stone walls, steep slopes and recognisable skylines including Mow Cop, Tegg's Nose and the Kerridge Ridge.

The proposed development is for a three storey development with a car parking area and landscape works. It is considered that whilst this proposed building would be significantly lower in height than the Hovis Mill, the proposed development has a greater ridge height than any of the adjacent or nearby buildings. That being said, three storey building can reflect the continuous building massing along this stretch of the Macclesfield Canal.

It is considered that the proposed landscape scheme provides an attractive setting for the benefit of residents and to the canal side, both for the residents' amenity and for appropriate public visual amenity from Buxton Road Bridge and the canal towpath. Boundary treatment can be conditioned. Overall it is considered that there will be an improvement from the existing garage use on the site.

**Drainage matters:**

It is considered that the scheme will not adversely affected drainage in the area as a water supply can be provided.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Permission would be required from United Utilities regarding connection to the water mains/public sewers therefore a planning condition would not be required. There is a public sewer that crosses site and this would need to be diverted before work would commence on site.

**Contamination:**

The application area has a history of use as a garage and wharf 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. Supporting reports contained within the application submission recommend that intrusive investigations are required in order to identify any contamination and make recommendations for remedial measures. A condition is suggested to control this submission prior to commencement of operations.

**Developer contributions:**

The proposed residential apartments with care are to be occupied by residents over 60 years of age who are assessed to determine their need for care and the occupancy of the apartments would be controlled via a Section 106 Agreement.

**Affordable Housing:**

It is considered that given the level of care proposed, the scheme would fall within Class C2 use and as such it does not have an affordable housing requirement.

**Education:**

Bearing the above in mind, the scheme does not have an education requirement

**Greenspace:**

Within the Local Plan and SPG the requirements for amenity public open space provision includes sheltered accommodation. The policy states that such housing should provide 20sqm per dwelling. As this is rarely provided on site (most sites not being suitable for onsite public open space) a commuted sum of £750 per bed space would be required in those instances. Unfortunately this refers to sheltered housing which this scheme is not.

The scheme would fall within Class C2 use and as such it does not have a Greenspace requirement. In addition, due to the care assessment requirements and the eligibility criteria for those only in need of care being of an average age of 80+ would be expected for the development. It is therefore also considered that the future residents are unlikely to create an additional drain on Greenspace assets.

**Other material considerations:**

At the moment the northern part of the site at Buxton Road Wharf is leased to Peak Forest Cruisers. The current moorings fronting the site are private moorings operated and managed by the tenant. The moorings are occupied by way of mooring licences between Peak Forest Cruisers and the individual boater which can be terminated by either party on giving 1 month's notice.

Peak Forest Cruisers have entered into a legal agreement and will vacate the site prior to redevelopment. In May 2013 following marketing of the site and the selection of Adlington as preferred developer, Peak Forest Cruisers invited all the moorers to a meeting. The boaters were updated on the proposed development of the site and advised that the moorings would not be available following redevelopment. A representative of the Canal & River Trust attended this meeting and offered to supply details of alternative mooring sites if required.

Prior to this meeting there were 10 boats moored at the site, however after the meeting a number chose to relocate and the numbers were reduced to 3. An additional boat is now moored at the site making it 4.

Since the meeting Peak Forest Cruisers have been keeping the boaters updated on progress and emphasising that they will need to vacate the moorings. There are no authorised residential moorings at this site.

The applicants understand that Mr Ludlow has a mooring licence at the site on the terms set out above. The Canal & River Trust is willing to provide details of alternative mooring sites in the area if any of the boaters request this.

At the northern end of the application site the canal widens and accommodates some of the private moorings. Removal of these moorings will allow the Canal & River Trust to designate this as an authorised winding hole which will discourage boats from turning in unsuitable locations elsewhere along this stretch of canal.

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

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of a modern form of care home provision is a significant benefit (*Especially one which allows the level of care to be changed without causing inconvenience of the residents*) of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

It is considered that the proposed development for the demolition of a MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care, comprising 47 apartments, for persons aged 60 and over with communal facilities, is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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. A06LP - Limitation to C2 use
4. A06LP\_1 - Operational Management Plan
5. A02EX - Submission of samples of building materials
6. A09EX - Rainwater goods and flues
- 7 A20EX - Submission of details of windows and balconies
- 8 A01LS - Landscaping - submission of details
- 9 A04LS - Landscaping (implementation)
- 10 A12LS - Landscaping to include details of boundary treatment
- 11 A19MC - Refuse storage facilities to be approved
- 12 A07HA - No gates - new access
- 13 A01HP - Provision of car parking
- 14 A04HP - Provision of cycle parking
- 15 A06NC - Protection for breeding birds
- 16 A08MC - Lighting details to be approved
- 17 A22GR - Protection from noise during construction (hours of construction)
- 18 A23GR - Pile Driving
- 19 A17MC - Decontamination of land
- 20 A04NC - Details of drainage
- 21 Travel Plan
- 22 Measures to encourage nesting birds
- 23 A scheme to minimise dust emissions
- 24 Unexpected contamination
- 25 Sewer easement



Application No: 14/0355M

Location: St James Vicarage, CHURCH LANE, SUTTON, SK11 0DS

Proposal: Two storey vicarage to be constructed on land within domestic curtilage of existing vicarage

Applicant: Peter Gowrley, Diocese of Chester

Expiry Date: 14-Mar-2014

**SUMMARY RECOMMENDATION:**

Refuse planning permission

**MAIN ISSUES:**

- Principle of development – Green Belt policy;
- Design, scale, character and appearance;
- Impact on the locally listed building;
- Impact of the development on residential amenity;
- Impact of the development on highway safety;
- Impact of the development on landscape;
- Impact of the development on nature conservation;
- Impact of the development on trees.

**1. REASON FOR REFERRAL**

This application has been referred to the Northern Planning Committee as it was called-in by Councillor Gaddum for the following reasons:

*'In view of the importance of this issue to the local community, I believe it should be debated in Committee rather than being a delegated decision. Part of the challenge for any proposed development in Sutton is the fact that it was washed over by Green Belt, hence this request.'*

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is within the North Cheshire Green Belt and Peak Park Fringe Local Landscape Designation (formerly Area of Special County Value). The site comprises part of the existing garden of St James Vicarage located on the east side of Church Lane, Sutton. The existing Vicarage is a locally listed building. To the east and south of the site are open

fields with the existing church hall and car park to the west on the opposite side of Church Lane. Beyond the Church Hall is St James Church. To the north is a scout hall.

### **3. DETAILS OF PROPOSAL**

This application seeks planning permission for the erection of a new two storey vicarage in the garden of the existing vicarage. The proposal includes a new access and driveway off Church Lane to the south of the existing access, which would be retained for use by the existing vicarage. The existing vicarage and part of the existing garden would be sold to finance the construction of the new vicarage.

The existing incumbent's post at Sutton is vacant. A new incumbent will be installed in July 2014 serving a new benefice covering the combined parishes of Sutton, Bosley, Wincle and Wildboardclough. The new incumbent and any future incumbent's would reside in the proposed vicarage.

### **4. RELEVANT HISTORY**

No relevant planning history

### **5. POLICIES**

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

- NE1 (Areas of Special County Value)
- NE2 (Protection of local landscapes)
- NE11 (Nature Conservation)
- BE1 (Design principles for new developments)
- BE2 (Preservation of historic fabric)
- BE20 (Locally important buildings)
- GC1 (Green Belts – new buildings)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and Access)
- DC8 (Requirements for Landscaping)
- DC9 (Tree Protection)
- DC35 (Materials and finishes)
- DC38 (Guidelines for space, light and privacy for housing development)

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

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

### **Other Material Considerations**

- National Planning Policy Framework
- List of Locally Important Buildings Supplementary Planning Document
- Cheshire East: Local Landscape Designations (May 2013)

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

Environmental Health: No objections subject to conditions controlling hours of construction.

Highways: No objections subject to a condition to ensure the visibility of 2.4 x 43m is achieved with no obstructions higher than 0.6 metres.

United Utilities: No objection to the application. General guidance relating to drainage and water supply provided.

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

No objection but raises concern that the drive is in the Green Belt and visibility out of the proposed driveway is limited.

### **8. OTHER REPRESENTATIONS:**

The consultation period expired on 6<sup>th</sup> March 2014. The application was advertised by way of site notice and neighbour notification. 11 representations were received in relation to the application. 11 of those representations were in support of the application, with 1 offering a general observation. Some of the key points raised are:

- The existing vicarage is too large and expensive to run;
- The new vicarage will be in keeping with the character of the area;
- The vicarage would be within the existing domestic curtilage;
- The development is within the boundaries of land used by the vicar and Parochial Church Council for many years;
- The proposal ensure Church Lane would remain the focus of community life;
- There are clear community benefits arising from the development;
- It is essential for the pastoral wellbeing of the community;
- It will provide spiritual continuity;
- The vicar requires adequate and affordable accommodation to study and prepare for the ministrations of the new benefice;
- There are very special circumstances to allow this development.

One representation suggested an alternative site on the Church Glebe land off Judy Lane noting there is already access in the form of a field gate and the proposed scheme reducing the garden would have a negative effect on the selling of the existing vicarage.

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

The following documents have been received with the application:

- Design and Access Statement;
- Heritage Statement;
- Planning Statement;
- Statement of Community Engagement;
- Sequential Assessment of suitable available accommodation in the area;
- Arboricultural Impact Assessment and Method Statement;
- Tree Survey Report;
- Energy Report;
- Extended Phase 1 Habitat Survey.

In addition to the above an Addendum Report to the Sequential Assessment has been submitted during the course of the application. This supplements the Sequential Assessment submitted with the application and seeks to address whether any existing available properties could be adapted for use as a vicarage.

## 10. OFFICER APPRAISAL

### Principle of Development - Green Belt Policy

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It makes clear that the essential characteristics of Green Belts are their openness and their permanence.

At Paragraph 87 the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.* At paragraph 88 the NPPF states:

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

It goes on to state in paragraph 89 that new buildings should be considered inappropriate development in the Green Belt unless it falls within one of the exceptions which are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

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

Policy GC1 of the Macclesfield Borough Local Plan, which relates to new buildings in the Green Belt, is similar in approach to the NPPF, although it was adopted in 2004 before the publication of the NPPF.

#### Inappropriate Development

Of the above exceptions the only potential exception against which this proposal could be assessed is that it constitutes limited infilling. The Macclesfield Borough Local Plan defines infilling as:

*'the filling of a small gap in an otherwise built-up frontage. (a small gap is one that can be filled by one or two house).'*

This site is not considered to be an infill plot. To the south and east (rear) the site is surrounded by fields. The existing vicarage is situated to the north. It would not therefore sit within a gap in an existing built-up frontage. Regardless the applicant accepts that the site is not an infill plot (paragraph 5.7 of the submitted Planning Statement) and is therefore seeking to demonstrate that there are very special circumstances to justify the proposal.

The proposal is therefore considered inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. As noted above substantial weight should be given to any harm to the Green Belt, including harm by reason of inappropriateness.

#### Any Other Harm

The proposal would result in the construction of a new building on a greenfield site which is currently garden land associated with the existing vicarage. The proposed building would be a substantial two storey, 4 bedroom house with sizeable ground floor accommodation designed to contain the private and public spaces required for the incumbent.

The proposal would therefore result in a reduction in openness. Openness is identified as one of the essential characteristics of the Green Belt, as noted at paragraph 70 of the NPPF, and therefore substantial weight should be attached to this.

#### Other Considerations

As previously stated inappropriate development in the Green Belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward a number of considerations which as a package, it is argued, clearly outweigh the harm to the Green Belt. These are discussed below.

Canon Law imposes a legal duty on a Bishop to provide a place of worship in every parish in his diocese; this duty is carried out in each benefice by a vicar or rector, who is in turn required to reside in his or her benefice for the care of all the people. This is a material consideration.

The Church of England document *Parsonages: A Design Guide* (from here on referred to as the Parsonage Design Guide) is a Church of England advisory document which sets out standards and guidance relating to new parsonages. The application refers to the new parsonage as a vicarage and therefore this is how it is referred to in this report.

- The proposed vicarage site is of historical importance

The proposed Vicarage would be located within close proximity to Sutton St James Anglican Church and the Church Hall. The Church has been at the heart of the village since its dedication in 1840. By locating the Vicarage in close proximity to the Church and Church Hall it maintains the historic connection and capitalises on the existing community and ecclesiastical infrastructure.

As noted above incumbents are normally required to live in the area of their benefices. The Parsonage Design Guide states that it is very desirable for a new Parsonage to be within 10 minutes walking distance of the Church.

To further support the importance of the location it is argued that a new vicarage built to the Parsonage Design Guide standards would ensure a long term solution providing flexible accommodation to suit the needs of future incumbents.

It is also argued that the location of the vicarage would provide increased security and surveillance of the Church. The applicant points to theft of building materials and artefacts from places of worship as being well documented in the media. There is no disagreement with this, however no evidence has been submitted to demonstrate that this is a particular problem in Sutton or whether there have been any instances of theft in the past. As such only limited weight can be attributed to this consideration.

- The existing vicarage is not fit for purpose and is economically unviable

The proposed vicarage would serve the parishes of Sutton, Bosley, Winkle and Wildboarclough. These parishes are to be merged under one ministry. At an open meeting of the combined Parochial Church Councils of Sutton, Winkle, Wildboarclough and Bosley there was unanimous support for the new benefice to be located in Sutton.

There is of course an existing vicarage in Sutton, the application site forms part of the garden area of the existing vicarage. There is also an existing vicarage in Winkle whilst Bosley and Wildboarclough do not have vicarages. It is proposed that the new incumbent resides in Winkle until such time that the new vicarage in Sutton was available. It should be noted that the intention is that a curate would be appointed in the longer term to assist in the spiritual and pastoral ministry of the combined parishes and they will reside in the vicarage at Winkle. That vicarage would therefore be retained in the short and long term.

Details have been submitted to show that the existing Vicarage in Sutton is not fit for purpose and does not present an economically viable proposition. The existing vicarage is an 8 bedroom residence comprising a floor area of 329.5 square metres (3,547 square feet) over 3 floors. The plot is large comprising an extensive garden and covers approximately 3,565 square metres (38,373 square feet).

The scale and grandeur of the property reflects the period in which it was built however it is no longer appropriate for the role of a minister in the 21<sup>st</sup> century. Some merit must be given to this argument as the property is not reflective of the spiritual and pastoral role of the minister in today's society and the community they serve.

The Planning Statement identifies the floor area of the Vicarage as being 84% greater than is recommended in the Parsonage Design Guide which recommends new vicarages are in the region of 181-190 square metres floor area and comprise 4 bedrooms (amongst other accommodation requirements).

It has also been put forward that due to the size of the house and the garden the running and maintenance costs would be beyond the financial reach of the minister. The Diocese is financially liable for the structure, with the incumbent responsible for matters such as heating and internal upkeep. The Planning Statement identifies the average annual income of a vicar is £23,460, although it is not known what the salary will be of the new incumbent in this case, nor what the total household income would be.

The applicant has put forward figures from uswitch.com showing that, on average, the annual cost of gas and electricity for a 5+ bedroom house is £3,504.25, and £4,273.68 for a 5+ bedroom house with below average insulation. They have supplemented these figures with an ONS survey from 2012 which identified that the average household income is £39,468 and the average household spend on gas and electricity in the home is £1,211 per annum. These figures do show that if the incumbent was to reside in the existing vicarage it would result in a disproportionate financial burden when compared to the average household. It is noted however that the incumbent's salary may not be the only source of income as they may have a spouse whose income would supplement their salary. Even so the sheer size of the existing vicarage is such that it is likely there would still be a disproportionate financial burden.

Members should also note that this does not take into account the cost of the internal upkeep and maintenance of what is a very large garden. These are likely to be relatively high given the size of the house and garden, and again disproportionate given the average salary of a vicar.

The applicant also highlights the disparity between the average vicar's salary and the market cost of an 8 bedroom property in Sutton, the point being it would be far beyond the means of anyone on a comparable income to afford to buy, maintain and run.

- Alternative Options

The applicant has also considered the alternatives available to the construction of a new dwelling and seeks to demonstrate that there are no viable alternatives. The options explored are the subdivision of the existing vicarage in order to create a more viable proposition, and

whether or not there are any suitable existing properties available on the market that could be used as the new vicarage.

In terms of subdividing the existing vicarage into more than one dwelling the applicant notes a number of constraints, namely: it does not split easily due to the position of the central staircase; the Diocese does not have finding to pursue this option; the garden, parking and access would have to be shared resulting in issues of privacy, legibility and potential harm to the locally listed building. Two options for subdivision have been submitted including plans showing how this could be achieved.

The first option involves a subdivision along the front elevation and the provision of a single storey side extension. This is discounted because it would create a six bedroom vicarage over three floors which does not address the issues of size and running/maintenance costs. Additionally the second dwelling would be relatively small and one bedroom over two storeys.

The second option would split the building through the middle. This would result in a 5 bedroom Vicarage occupying the western side of the existing house with the second dwelling occupying the eastern side. A two storey extension on the east elevation would facilitate the creation of the second dwelling. This is discounted because it may not comply with Green Belt policy in relation to extensions and would substantially impact on the locally listed building. It would also include shared parking and bin storage.

Looking at the floor plans submitted for this option it is not fully understood why a separate access and parking area could not be provided similar to option 1. Additionally no calculations have been submitted to show what percentage of floorspace increase the extension would result in, it is therefore not possible to conclude either way whether or not this extension is a genuine possibility.

The Conservation Officer has been consulted. He is satisfied that the existing property could be subdivided and extended so as not to have an unacceptable impact on the locally listed building.

Members should satisfy themselves that based on the two options put forward, and the reasons given for discounting them, the possibility of subdividing the Vicarage does not present a realistic and viable alternative.

The second of the alternatives examined to constructing a new build vicarage is whether or not there are any suitable alternative properties available on the market that could be used as the Vicarage. Two sequential assessments have been carried out to identify suitable and available accommodation in the area. A search was carried out on 6<sup>th</sup> January 2014. A previous search was carried out five months previously during the pre-application stage, on 30<sup>th</sup> August 2013. The search was for properties within a 1 mile radius of the application site and properties containing three or more bedrooms. This consisted of a search of the Rightmove website.

Members should carefully consider whether the sequential test represents a thorough search of the local market which is sufficient to discount the prospect of there being any suitable existing properties being available to use as the Vicarage. The applicant contends that it does not represent a snapshot in time as a search has been carried out on two separate

dates five months apart. Rightmove is a very good source of information for properties for sale, however the search was limited to just this one website.

Each property identified in the search was assessed against accommodation standards in the Parsonage Design Guide to judge their suitability. The criteria it was assessed against are:

- Well located within the benefice
- Minimum total floor area of between 181-190m<sup>2</sup>
- Access for car, parking and hard standing with a garage
- Level Access from front door to driveway
- Garden
- Entrance Porch
- Study with minimum floor area of 20m<sup>2</sup>
- 2 No. self-contained reception rooms(excluding kitchen)
- Minimum Living Room size 20-22m<sup>2</sup>
- Kitchen
- Utility
- 4 no. Bedrooms
- Ground floor WC suitable for disabled access and with space for baby changing
- 2 no. bathrooms
- Storage
- Security Measures
- Fire Precautions

The Parsonage Design Guide relates to the construction of new Parsonages. It makes clear that it is a guide and not a 'blueprint' and that *'Diocesan Parsonage Committees should certainly not feel that it is obligatory to upgrade to the new standards parsonages already in existence or houses to be purchased for that purpose...'*

The role of the minister is indeed unique and the vicarage has special requirements given the need for both the private family space of the minister and the public space required to carry out their role in the community. It is therefore recognised that the requirements in the Parsonage Design Guide provide a good reference point for assessing existing dwellings. Nonetheless it is clear that flexibility should be applied to these requirements, particularly when considering whether there are other properties available in the area which could be used as the vicarage. The Parsonage Design Guide states:

*'In a purchased house...it may well not be possible to meet all the criteria set out in this guide. However, these notes may serve as a point of reference in these cases, and Category 1 will clearly remain important in all projects'*

In order to show flexibility in the application of the standards no properties were discounted on the basis of the last three criteria in the list above. Furthermore, 'well located within the benefice' is defined as within 10 minutes walking distance of the church (advised as being very desirable in the Parsonage Design Guide) however the search included properties within a 1 mile radius which could be in excess of a 10 minute walk. The search also included three bedroom properties although the Parsonage Design Guide indicates 4 bedrooms as being fundamental.

The applicant contends that the remaining criteria are fundamental. However, it has not been fully explained why these could not be applied flexibly in the case of existing dwellings given the Parsonage Design Guide relates to new builds, and clearly offers room for flexibility in each case. For instance, the incumbent will serve the 4 parishes of Sutton, Bosley, Wincle or Wildboarclough and therefore flexibility in terms of its proximity to the church in Sutton must be considered reasonable. Other requirements such as a garage and entrance porch would seem to be criteria to which flexibility could be applied. Additional commentary has been provided to address whether or not flexibility could be applied to the criteria identified. The applicant maintains that, other than those noted above to which they have applied some flexibility, the remaining criteria are fundamental and cannot be compromised on.

Members should consider carefully what weight to give to the standards in the Parsonage Design Guide and how rigidly they should be applied to an existing dwelling. Careful consideration should also be given to whether sufficient flexibility has been applied in this case.

In addition to the above, the Parsonage Design Guide makes clear that when considering a replacement parsonage (vicarage):

*'The means of replacement will depend on whether a house which is or can be brought up to standard is available for purchase...'* (emphasis added)

In view of this and given the applicant seeks to construct a new dwelling in the Green Belt, it is considered necessary to assess whether the existing properties could be adapted or brought up to standard, although again, the Parsonage Design guide does make clear this is not obligatory. As such the applicant was asked to provide further details as to why the adaptation/extension of an existing dwelling could not provide a suitable alternative to a new build option. The applicant does not agree that it is necessary to consider whether existing properties could be adapted however, they have provided additionally commentary as requested which has looked at six of the properties identified in the original search. The others are no longer available and therefore were not looked at. They did not look at any new properties available at this point which were not previously available as this would require repeating the sequential assessment which was not the purpose of the exercise.

The possibility of adaptation of the six properties still available has been discounted in all cases. They have been rejected for varying reasons including reference to restrictive Green Belt policy making the possibility adaptation uncertain, difficulty of pedestrian access, shared access, and 'other constraints which render this property unsuitable'. In four of the six cases the main reason would appear to be that they are not within 10 minutes walking distance of the church. This particular requirement has been discussed previously in this report.

Having reviewed the Addendum to the Sequential Assessment and considered the degree to which flexibility has been applied in looking at existing available dwellings, concern remains that the criteria have been applied too rigidly given they apply to new vicarages and are meant as a guide. The proposal seeks approval for an inappropriate form of development in the Green Belt and substantial harm has been identified which weighs heavily against the proposal. It is reasonable to expect that the alternative options are first fully explored and the criteria of the Parsonage Design Guide applied flexibly.

The prospect of adapting an existing property would seem like a realistic one too. Some of the criteria, such as level access, entrance porch, hardstanding for parking, garage, utility room, ground floor WC, are all minor forms of development which in most cases would likely comprise permitted development. It is not considered that this option can be fully discounted on the evidence put forward.

- Public support

In addition to the above considerations appropriate weight should be given to the fact that there is local support for the application. A number of representations have been made in support of the application and clearly there would be community benefits arising from the development.

#### Conclusions to Green Belt policy considerations

The considerations put forward are of considerable merit and appropriate weight should be attached to them. It is not considered that alone any of the individual matters discussed above clearly outweigh the harm to the Green Belt however what members must consider is whether as a package, these considerations clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and harm to openness. Appropriate weight should be attached to the fact that the existing vicarage is not a realistic option and to the historic and ecclesiastical linkages between the site and the church. Members should consider whether these alone outweigh the harm to the Green Belt. Careful consideration must also be given as to whether all other possible alternatives have been fully explored. This is considered important because it forms part of the overall package of considerations which could demonstrate there are very special circumstances to justify the development. The role of the incumbent and nature of the requirements for a vicarage are clearly unique. However, the Parsonage Design Guide is just that, a guide, and it relates to new build parsonages. It is not considered full consideration has been given to whether the criteria can be applied flexibly in this case when looking at existing available dwellings and therefore whether there are existing properties in the vicinity that could be suitable for this purpose. It is also not considered the possibility of adaptation of an existing vicarage has been fully explored and can be discounted. Members should carefully consider whether the information submitted has fully considered these options and what weight to give to this in the overall package of considerations put forward to seek to justify the development.

It is the view of officers that the considerations put forward do not clearly outweigh the substantial harm to the Green Belt identified in the report. As such, very special circumstances do not exist to justify the development.

#### **Design, Scale, Character and Appearance**

The proposed dwelling would be a reasonably large part two storey, part single storey dwelling. Its footprint would be roughly T-shaped with the two storey aspect centred around the central core with single storey “wings” containing the lounge, garage and vicarage study. It would be constructed using stone walls with the roof materials being blue slate. The windows would be double glazed painted timber frames, with painted timber doors. The dwelling, in terms of the size and amount of accommodation provided has been designed to the Church of England Parsonage Design Guide.

The detailed design of the dwelling would be appropriate in the setting. It would sit comfortably in the context of the surrounding buildings, namely the existing vicarage, the church hall, St James Church and the scout hall. It would front on to Church Lane providing legibility for public access. Its position within the site would be reflective of the pattern of development in the immediate vicinity with space around the building and a reasonable garden proportionate to the dwelling.

It is considered the proposed dwelling would have an acceptable impact on the character and appearance of the site and surroundings and is of a design suitable for its unique purpose and function.

### **Impact on the Locally Listed Building**

The existing St James Vicarage is identified in the Cheshire East Local List of Historic buildings. It is described as a *'Victorian Gothic style detached dwelling in stone with slate roof'*.

Policy BE20 of the Macclesfield Borough Local Plan seeks to ensure development does not adversely affect the architectural or historic character of locally listed buildings. Policy BE2 of the Macclesfield Borough Local Plan seeks to ensure development preserves, enhances and interprets the historic fabric of the environment.

The proposal would involve splitting the existing curtilage of St James Vicarage and constructing a new dwelling in part of the garden. The new dwelling would be approximately 21 metres from the existing Vicarage at its closest point. The Conservation Officer has been consulted and does not raise any objections to the proposal.

The position of the new dwelling away from the existing vicarage and its design would fit in with the village setting and appear congruous with the immediate surrounding buildings. It is not considered the proposed dwelling would upset the locally listed building or its setting.

Given the sensitivity of the development in the setting of the locally listed building should permission be granted conditions requiring the submission of samples of materials, and detailed drawings of all window and doors should be imposed. Additionally conditions requiring all windows and doors, including the garage door, to be timber should be imposed.

### **Residential Amenity**

In terms of residential amenity, it is necessary to consider the relationship between the proposed dwelling and existing dwelling. No other residential properties are in close proximity.

The proposed vicarage would be located to the south of the existing vicarage. The southern elevation of the existing vicarage contains a number of principle windows serving habitable rooms. On the ground floor are windows serving a living room, dining room and study/office. On the first floor there are three windows all of which serve bedrooms. On the second floor there are two windows serving bedroom 7 and bedroom 8.

The north elevation of the proposed vicarage has been designed to be mostly blank although there are two windows, one at ground floor serving the dining room and one at first floor serving a 4<sup>th</sup> bedroom.

The north wall of the proposed vicarage would be approximately 21 metres from the south wall of the existing vicarage. However this would be a single storey section of the proposed vicarage containing the study. The two storey aspect of the building would be even further distance away. Policy DC38 of the Macclesfield Borough Local Plan provides guidance in terms of separation distances between buildings to provide adequate space, light and privacy. It states that between two habitable rooms facing each other a distance of 21 metres front to front or 28 metres back to back should be achieved.

For the reasons described above it is considered the proposed development would have an acceptable impact on living conditions at the existing vicarage and sufficient standards of amenity would be achieved at the proposed dwelling.

Environmental Health have requested a condition restricting the hours of construction should planning permission be granted. The hours suggested are 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays with no working on Sundays and Bank Holidays. Such a condition is considered reasonable and would protect the amenity of local residence in the locality from construction noise and traffic.

### **Highway Safety**

The proposal includes the creation of a new separate access to serve the proposed vicarage. The existing access would be retained for use by the existing vicarage.

The new access would be located on Church Lane to the south of the existing access. Visibility at the new access would be 2.4 x 43m in both directions. This would require the cutting back and realignment of the existing hedge behind the right hand visibility splay. The Strategic Highways Manager has been consulted and does not raise any objections to the proposed access. To ensure the visibility stated is achieved this should be conditioned to be provided prior to first occupation.

In addition the proposed new vicarage has sufficient off street parking available and space for turning within the site.

### **Landscape Impact**

The application site is within the Peak Park Fringe Local Landscape Designation (formerly referred to as Areas of Special County Value). Policy NE1 of the Macclesfield Borough Local Plan states that the Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance.

The site is currently part of the garden of St James Vicarage. It is mainly laid to lawn with an existing mature hedge forming the boundary with Church Lane. There are a number of mature trees along the boundary and within the existing garden along the line that will form the new boundary between the existing and proposed vicarage.

Having regard to the special qualities of the Peak Park Fringe identified in the Local Landscape Designations report, it is not considered a new dwelling on this plot would adversely affect its quality or character. The strong sense of rural place would be retained, the materials would reflect buildings in the immediate locality, it would be in close proximity to existing buildings on land in domestic use. Overall the harmony between landscape and humans would be retained.

### **Nature Conservation**

An Extended Phase 1 Habitat Survey has been submitted with the application. The Council's Nature Conservation Officer has reviewed the information and does not object to the proposal. He does however note that a section of hedgerow would be lost as a result of the development. Hedgerows are a Biodiversity Action Plan priority habitat and therefore a material consideration.

If planning consent is granted a condition should be attached to ensure that suitable replacement hedgerow planting is incorporated into the development to compensate for its loss.

The Nature Conservation Officer has also advised that should planning being granted a condition should be imposed to safeguard breeding birds. This condition should require, prior to the commencement of any development between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, that a detailed survey is carried out to check for nesting birds.

### **Trees**

An Arboricultural Impact Assessment and Tree Survey Report have both been submitted with the application. The proposal requires the removal and loss of a section of boundary hedging and two Lawson Cypress (identified as T8 and T9 in the report). A third Lawson cypress is identified for removal on safety grounds.

Both the cypress (T8 and T9) to be removed stand on the footprint of the proposed building. They are visually prominent and form part of the Church lane street scene. Their loss would have a moderate impact on the amenity of the area, but this needs to be balanced against their non-native landscape contribution and the space available to accommodate compensatory specimen planting.

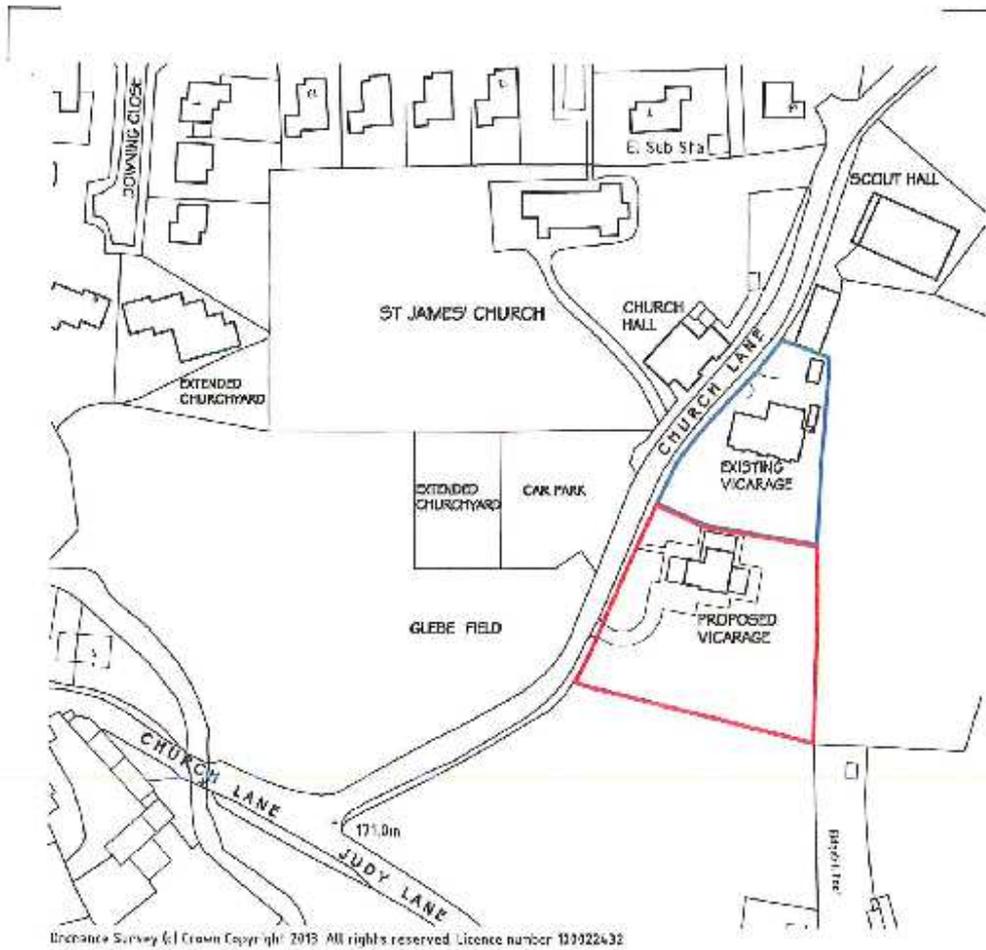
The retained trees can be protected in accordance with best practice as identified in the submitted details. Subject to a condition ensuring all works are carried out in accordance with the report the Council's Arboricultural Officer does not object to the application. They have also requested a landscape condition to ensure appropriate replacement planting. A landscaping plan has been submitted by the applicant to avoid the need for a condition. Nonetheless the replacement tree planting proposed is not considered appropriate to the rural character of the site and its setting. As such should members approve the application a condition should be attached to require the submission of revised landscaping details.

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

The information submitted with the application has been carefully considered. The proposal is for a new dwelling in the Green Belt which is inappropriate development. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. As well as the substantial weight to be given to the harm to the Green Belt by reason of inappropriateness the proposed development would reduce openness. Openness is one of the essential characteristics of the Green Belt. Substantial weight should be given to this matter.

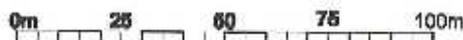
The applicant has put forward other considerations which they consider clearly outweigh the harm to the Green Belt. These include the historic connection between the site and St James Church and the Church Hall, the existing ecclesiastical infrastructure, the community benefits; and that the existing vicarage is unfit for purpose as it is too large and costly to run and maintain. The applicant has also ruled out two alternative options, namely subdividing the existing vicarage, or purchasing an existing available property in the local area for the purpose.

Based on the information submitted with the application it is clear that there is merit to the arguments and they should be afforded appropriate weight. Members must decide whether the arguments put forward clearly outweigh the identified harm. They should also consider whether the applicant has fully explored all available alternative options and the importance of this in the overall package of considerations. It is the view of officers that the possibility of subdividing the existing vicarage or purchasing an available property in the locality and adapting it cannot be ruled out. It has not been fully explained why flexibility cannot be applied to the Parsonage Design Guide standards when looking at existing properties given the substantial harm to the Green Belt that would arise from a new build. As such it is not considered the other considerations clearly outweigh the harm to the Green Belt. A recommendation of refusal is made on this basis.



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NORTH



1:1250 Scale

# VWB ARCHITECTS

Milford House, West Street, Congleton, Cheshire, CW12 1JW FAX: 01260 273406 Telephone: 01260 272891

PROJECT	NEW VICARAGE, CHURCH LANE, SUTTON	SCALE	1 / 1250
CLIENT	Diocese of Chester	DATE	Jan '14
TITLE	LOCATION PLAN	DRAWN	3704/14

Application No: 14/0729M

Location: MOBBERLEY C OF E PRIMARY SCHOOL, CHURCH LANE,  
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7RA

Proposal: Proposed 2 Classroom single storey modular building with wc's and storage areas. Kitchen extension built onto existing kitchen involving removal of existing wall. Widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish. External tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.

Applicant: Head Teacher, Mobberley C of E Primary School

Expiry Date: 18-Apr-2014

**Date Report Prepared:** 27 March 2014

#### **SUMMARY RECOMMENDATION**

APPROVE subject to conditions

#### **MAIN ISSUES**

- Principle of Development on the Site
- Impact to the Green Belt
- Impact on Heritage Assets
- The Impact upon Landscape Character
- The Impact upon Trees of Amenity Value
- The Impact upon Highway Safety
- Design
- The impact upon the Amenity of Neighbouring Property

#### **REASON FOR REPORT**

The application involves the Council as applicant and whilst this is a minor development which accords with planning policy, objections have been made. Under the Council's Constitution, is required to be determined by the Northern Planning Committee.

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

The application site measures 4096 sq. m and comprises Mobberley C of E Primary School its grounds and the adjacent property known as Mode Cottage which is in residential use and comprises the house, outbuildings and its curtilage.

The site is located within the designated North Cheshire Green Belt, with the site of the existing school and cottage also being located within Mobberley Conservation Area.

## **DETAILS OF PROPOSAL**

The application relates to the construction of a new classroom building within the curtilage of Mode Cottage but which would be utilized in connection with Mobberley C of E Primary School, the construction of a single storey kitchen extension to the school involving removal of existing wall.

In addition the proposals also include the widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish and the provision of external tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.

## **Planning History**

02/2592P New porch entrance Approved 29-Jan-2003 (school)

52685P Conversion of outbuilding to garage and new access Approved 06-Apr-1988 (mode cottage)

81651P Single-storey extension to form two classrooms Approved 31-Aug-1995 (school)

CY/5/96/0098P Conservation area consent for 2 classroom extension and to revert 2 classrooms to form a hall Approved 17-May-1996 (school)

96/0098P 2 Classroom extension and to revert 2 classrooms to form a hall Approved 17-May-1996 (school)

11/2694M Single storey side extension to form new entrance, admin area and head teachers office Approved 21-Sep-2011 (school)

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

NE11 Nature Conservation  
BE1 Design Guidance  
BE2 Preservation of Historic Fabric  
BE3 Conservation Areas  
BE4 Design Criteria in Conservation Areas  
GC1 New Buildings  
DC1 New Build  
DC2 Extensions and Alterations  
DC3 Amenity  
DC6 Circulation and Access  
DC9 Tree Protection

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Policy Practice Guidance  
The Mobberley Conservation Area Character Appraisal

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

Archaeology – recommends condition

Environmental Health – recommends conditions in respect of construction hours, floor floating, pile driving and the submission of a noise report

Strategic Highways Manager – No objections but recommends informative

Manchester Airport – No objections

## **VIEWS OF THE PARISH COUNCIL**

Object to the application on the following grounds:

- The design of the proposed building is out of character with the other buildings located within the conservation area.
- The proposal has still not adequately addressed the parking problems, including the access and egress arrangements for that additional traffic.
- Concerns over the safety of pupils given the additional traffic generated.

If Cheshire East Council are mindful to refuse this application, Mobberley Parish Council would be happy to comment on a alternative application which might be that Mode Cottage is refurbished/extended/adapted to meet the needs of the school. We believe that this advice has already been given to the applicant in a pre advice meeting.

## **OTHER REPRESENTATIONS**

Letters of objection received from 3 properties raising the following issues:

- design not in keeping
- existing highway safety issues
- existing drainage issues
- school oversubscribed
- existing drop off problems need addressing

Letter of support also received supporting school expansion and indicating that the school is a community facility.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Design & Access Statement/ Heritage Assessment**

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. It also provides justification for the proposals are details of the pre-application discussions with the LPA.

### **Travel Plan**

The report sets out the schools commitments and what the Travel Plan is seeking to achieve. It provides details of survey work a list of objectives and an action plan for implementation. It also provides details of how this will be monitored and reviewed.

### **Bat Survey**

No evidence of Bats and therefore no mitigation required.

### **Arboricultural Report**

The report identifies the tree impacts including during construction and changing ground conditions and provides a method statement.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to the construction of an extension to the existing school building and the construction of new classrooms within the curtilage of a dwellinghouse and associated infrastructure and engineering operations. The entirety of the application site lies within the Green Belt.

Paras 89 and 90 of the NPPF set out the types of development appropriate within the Green Belt.

### Extension

Para 89 states that extensions to existing buildings may be appropriate provided that they are not 'disproportionate'. Policy GC12 defines disproportionate as extensions over 30% of the original floor area. However, this policy is applicable for residential properties only and therefore is not applicable, although it provides a useful benchmark.

The existing school premises have been extended in the past (as detailed in the planning history section) and these extensions are over a 30% increase in floor area. Given the modest footprint of the building shown in the 1970s any further extension, (no matter how modest) would constitute a disproportionate addition when taken with previous extensions.

The proposed extension is, therefore, inappropriate development in the Green Belt.

Given that the extension is small in scale and grouped with the existing building it would not represent encroachment or impact upon the openness of the Green Belt. The only harm identified is therefore harm by reason of inappropriateness which in itself attracts substantial weight.

### Temporary Classroom Building

Para 89 sets out the types of new buildings appropriate within the Green Belt – school buildings are not included and therefore this component of the scheme is inappropriate.

The siting of the temporary classroom would also impact upon the openness of the Green Belt by virtue of its size – however, this impact would not be significant given the building is

single storey, sited behind an existing outbuilding, and given the level of tree cover across the site.

### Engineering Operations

The widening of the access drive, formation of play areas and car parking constitutes an engineering operation which according to para 90 of the NPPF, this is not inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

The main issues are therefore whether or not the proposals maintain openness and do not conflict with the purposes of including land in the Green Belt.

Various appeal decision which relate to the consideration of 'other operations' in the Green Belt. In cases related to the laying of hardstanding, Inspectors have considered that the surfacing materials were critical to the assessment of whether or not the works represented inappropriate development. In such instances, gravel and stone were considered appropriate however tarmacadam and concrete were not. The proposals relate to the laying of tarmacadam and on that basis, the proposals are inappropriate as they would represent encroachment into the Green Belt. The playground areas would need to be tarmacadam for health and safety purposes however the additional car parking and widened access could be constructed of 'softer' materials. This would in all likelihood not be practicable for the widening of the access which is already hard surfaced, however the additional car parking provided could be constructed of stone or gravel which, if conditioned, would make this particular component, appropriate within the Green Belt.

### Gate, Gate Post, Fencing and Rebuilding of Walls

The gate, gate posts and rebuilding of walls are defined s new buildings in s.336 of the 1990 Town and Country Planning Act. The gates and gateposts do not fall within the categories of buildings or structures allowed for in the NPPF – this interpretation has been supported at appeal.

The gates and gate posts and rebuilding of the wall are therefore inappropriate development in the Green Belt.

In terms of any other harm to the Green Belt, due to the scale, construction materials and detailing, the harm to the Green Belt would be limited given that these are appropriate to their context. In addition, the harm to the openness of the Green Belt would be negligible given that similar gates could be constructed under permitted development rights id proposed in connection with the residential use of Mode Cottage rather than as part of the redevelopment of the site for the expansion of Mobberley C of E Primary School.

The proposed fencing at 1.4m high could be constructed under permitted development rights however it is considered appropriate to condition that it be finished in green to minimise its impact upon the Green Belt.

### Change of Use

The works involved do, by association, also constitute a change of use from C3 dwellinghouse use to D1 non- residential institution would also be inappropriate development within the Green Belt as strictly speaking, it is not one of the other operations set out in para 90 of the NPPF. This approach has also been supported at appeal. It is not considered that the change of use would result in any other harm to the Green Belt.

### Conclusion of Green Belt Harm

The extension to the school is inappropriate, the classroom building is inappropriate, selected components of the engineering operations are inappropriate, the gates et al are inappropriate and the change of use of the site from residential to a Di non- residential institution would also be inappropriate.

In addition to this, the classroom building would impact upon the openness of the Green Belt and the hardstanding would result in encroachment. All of the harm identified above attracts substantial weight.

Very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

### Case for Very Special Circumstances

In a nutshell, the expansion of the school premises is required in connection with increased demand for school spaces.

The evidence base for this was submitted in a report to the Portfolio Holder on 12 September 2013 a copy of which has been submitted as part of this application. In addition to this, a copy of a public consultation document in respect of the expansion of the primary school.

The school is already oversubscribed and therefore all local children within the immediate area cannot attend and are forced to travel further afield to schools in Knutsford and the surrounding rural areas which put additional pressure on these schools and the surrounding road network. It is therefore more sustainable to increase school spaces at local schools to meet demand.

In addition to the existing demand, this is set to increase due to population forecasts and would be further exacerbated if major housing developments in and around Mobberley were to come forward over the plan period.

It is stressed within the submission that the expansion is required to meet existing need and not future projections at this stage.

Para 72 states that 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues

before applications are submitted.

On that basis, substantial weight is attached to the benefits of providing additional school places at the site.

Turning to the engineering operations, the provision of the play equipment would improve open space provision at the site as overall there would be a net increase in play areas (despite some being lost to provide the kitchen extension) which would support the creation of healthy and sustainable communities.

In this regard, para 73 of the NPPF 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. Planning policies should be based on robust and up- to- date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

On that basis, substantial weight is attached to the benefits of providing additional open space and play equipment at the site.

It should also be noted that expansion is necessary for the longevity of the village – whilst school expansion plans should normally come forward as part of the Local Plan process, this application needs to be judged on its merits. In any event, as there is a robust evidence base for the proposals, this does provide clear and convincing justification.

The pre-application discussions and the submission also indicate that consideration has been given to other options; however, these would have a greater impact upon the Green Belt and therefore given that expansion is inevitable, the construction of classrooms and an extension would be the most sustainable option.

The sustainability credentials in terms of this site being the most appropriate option out there and the sustainability benefits of providing additional school places so children can go to a local school are also a benefit of the proposals attracting substantial weight.

It is noted that there are a number of components which are inappropriate and these individually attract substantial weight as does the impact on openness associated with the classroom building and the encroachment associated with the car parking expansion.

Given the substantial weight attached to the benefits and given that expansion is inevitable and would have to be in a Green Belt location, this application represents the best options in terms of impact upon the Green Belt.

It is considered that the combination of these factors would amount to very special circumstances which would clearly outweigh the harm to the Green Belt.

## **Heritage Assets**

The main issue is the impact of the proposals on the significance of heritage assets – in this regard, the issues relate to the impact upon Mode Cottage which is an *undesigned* heritage asset, and the impact upon designated heritage assets including nearby listed buildings and Mobberley Conservation Area.

#### Impact on Mobberley Conservation Area – Designated Heritage Assets

There are a number of issues that contribute to the overall impact upon the Conservation Area - the scale and design of the proposed new development and the impact upon trees and landscaping of the site.

Both para 132 of the NPPF states that when considering the impact to designated heritage assets, 'great weight should be given to the assets conservation' and that 'any harm or loss would require clear and convincing justification'. The key issue is therefore whether the loss of the building, the impact on trees and the impact of the new building components would either individually or cumulatively constitute 'substantial harm' and if so, can it be demonstrated that this harm is necessary to achieve substantial public benefits or the following criteria apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Historically, the buildings have sat quietly within the plot set back substantially from the road and hidden behind a high level of tree cover.

The loss of some low amenity value tree specimens would not have an adverse impact upon the character of the site given that the substantial trees and overall level of tree cover and appearance of tree cover would remain largely the same.

Additionally, the site already comprises areas of hardstanding so the expansion of this would also not have a harmful impact upon the character of the site. Similarly play equipment would have a comparable impact to domestic paraphernalia which, if constructed in association with the lawful residential use of Mode Cottage, would not require planning permission. On that basis, the installation of play equipment would not be harmful.

There would be no impact whatsoever associated with the extension of the school due to scale and location which means it is not associated with the Mode Cottage site.

The most harmful elements of the proposals include the construction of the fencing and the classroom building. The classroom building has a large floorplate – far larger than the existing dwelling or the outbuilding. The introduction of this building and its associated use would also not be consistent with the history of the site. However, it is a low lying building which would sit behind the existing outbuilding – this together with the level of tree cover on the site would reduce the visibility of this from public vantage points.

Turning to the fencing, being finished in Green and containing an open mesh would reduce its visual impact comparatively. However, it would still carve up the site and would also be visible from public vantage points by virtue of its height and given that it would sit forward of the existing garage. It is considered that not all of this fencing is necessary and that this would apply more to those elements which are the most harmful i.e. the fencing forward of the garage than that around the classroom building. Amended plans have been requested and it is anticipated that these will be received in advance of the committee meeting.

Provided that amended plans are secured, it is considered that the impact of the proposals and the loss of the trees would not either individually and cumulatively result in substantial harm to the heritage asset. The proposals would accord with policy BE3 within the MBLP 2004, policy SE7 within the emerging Local Plan and chapter 12 of the NPPF.

#### Historic Building – Undesignated Heritage Asset

The building appears on the tithe maps in 1875 and given its age is an undesignated heritage asset.

Para 135 suggests that harm/ loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

As Mode Cottage and its outbuilding will be retained as part of the proposals. the impact associated with the development would be limited.

#### Archaeology

The site of the proposed development lies within the historic core of Mobberley, close to the parish church. The land does not appear to have been seriously disturbed in the recent past, which will have ensured the survival of any archaeological evidence that is present. Work in the immediate vicinity of parish churches elsewhere in Cheshire East has revealed evidence for archaeological remains. It is entirely possible that evidence of this kind may be present on this site and could be damaged by the proposed development, particularly where the new building and hardstanding are proposed.

The Council's archaeologist recommends that trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary is secured by condition.

#### **Design**

##### School Extension

The extension to the school is small scale, relates to the existing building would be constructed of matching materials and would reflect the existing fenestration. It would therefore reinforce local distinctiveness.

##### Classroom Building

The building would be timber clad which whilst not being locally distinctive, is appropriate to its context given the level of tree cover and the need to soften the impact of the building.

Whilst it has a large floorplate, it would have a flat roof which reduces its bulk and massing and it would be situated behind a two storey outbuilding which would also reduce its visual impact.

#### Fencing

The mesh weave of the fencing and its green finish would reduce its visual impact despite being a tall structure. In addition, provided that acceptable amended plans are received, this fencing would be set back substantially into the plot which would reduce its prominence to the streetscene.

#### Gates, Gate Posts, Rebuilding of the Wall

Detailed plans of these components have not been received however the detail can be controlled via condition to ensure it does not have an adverse impact upon the character of the area.

#### Hardstanding

As the plot already has areas of hardstanding this in itself would not be harmful to the character of the area. Choice of materials can be conditioned, and given the concern regarding impact to the Green Belt, it is considered that this approach is justified.

#### Play Equipment

Given the location of the playground which would be shielded by buildings and enclosed by fencing the impact of this would be limited.

### **Trees / Landscaping**

There are 34 trees/ groups of trees across the site which are protected by virtue of their location within the Conservation Area.

The submitted Arboricultural Report indicates that several trees are scheduled for removal but this does not include trees which have a high amenity value.

The Council's forestry officer has raised concerns in respect of the impact of new hardstanding on existing trees and has requested details of levels and construction details. This information has been requested and ought to have been received and the issue resolved by the committee meeting. However, the Council's forestry officer is of the opinion that this issue can be resolved and therefore should these details not be received by the committee meeting, officers would suggest that these details be conditioned.

The proposals as conditioned would accord with policies DC9, BE3 within the MBLP 2004 and SE5 and SE7 within the emerging Local Plan and guidance within the NPPF.

### **Ecology**

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, if there is

- no satisfactory alternative

- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

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

In the NPPF the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A protected species survey was carried out by a qualified ecologist on behalf of the applicant and this failed to identify any species being present. The ecologist has recommended conditions in respect of breeding birds and reptiles.

### **Amenity**

Given the proximity of Mode Cottage to the playground and classrooms, it is considered necessary to remove residential use of this building or restrict it to a person employed by the school.

Environmental Health has recommended conditions in respect of the construction phase and has requested the submission of a noise assessment (via condition) due to the proximity of the site to Manchester Airport’s flight path.

For the reasons noted above the proposals would accord with policy DC3 within the MBLP 2004.

### **Highways**

The applicant undertook pre-application advice and extensive discussions took place with the highways engineer who has been involved at the outset. The level of car parking is appropriate to the operational requirements of the school and the amendments to the point of access would be suitable for the level of use proposed.

The highways engineer has no objections to the proposals.

The comments from neighbours are duly noted however this application cannot resolve the existing highway safety problems associated with pick up/ drop off at the school which inevitably occur at all schools and in particular where they are in rural areas where pupils may not be able to access the site by any other means.

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

The development constitutes inappropriate development in the Green Belt however there are very special circumstances which would clearly outweigh the harm to the Green Belt. In addition the proposals as conditioned would not have an adverse impact upon heritage assets, highway safety, amenity, nature conservation or in any other way. The proposals therefore accord with policies BE3, DC3, DC9, NE11, BE1, BE2, GC1, DC1, DC2 and DC6 of the MBLP 2004 and policies MP1, PG2, SD1, SD2, SE1, SE2, SE3, SE4, SE5, SE7 and CO1 within the emerging Local Plan. Accordingly, a recommendation of approval subject to conditions is made.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

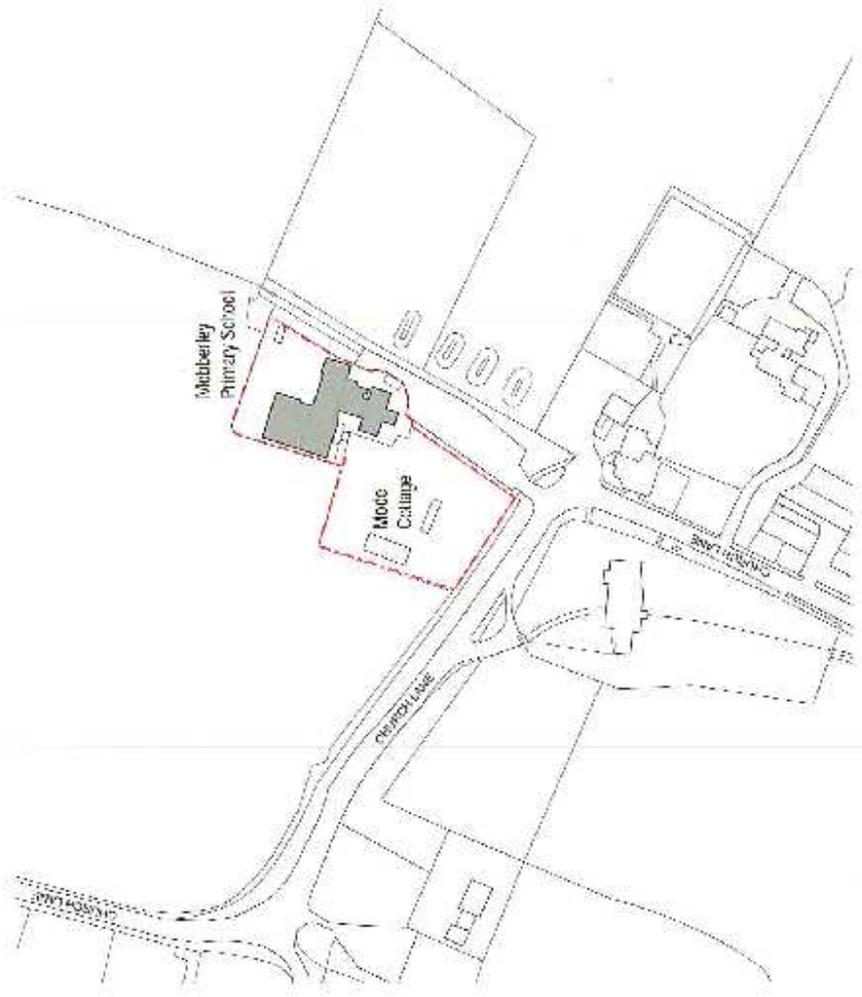
1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials- mode cottage site

4. A03EX - Materials to match existing - school extension
5. A04NC - Details of drainage
6. A23MC - Details of ground levels to be submitted
7. A02TR - Tree protection
8. A04LS - Landscaping (implementation)
9. A22GR - Protection from noise during construction (hours of construction)
10. details of play equipment
11. submission of noise assessment
12. residential use of mode cottage in connection with school only
13. details of visibility splays
14. car parking to be provided
15. details of floor floating
16. details of pile driving operations

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land our only owned  
(Area 477.0m<sup>2</sup> / 0.47 hectares.)



Client	Holiday Meecham
Project	MOCC Cottage, Mibberley, Shropshire
Site	MOCC Cottage, Mibberley, Shropshire, WV3 7JG
Date	09/10/2017
Scale	1:500
Author	H.M.
Checked	H.M.
Drawn	H.M.
Project No.	17/001
Sheet No.	1 of 1



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Application No: 14/0408M

Location: Ladera, BACK LANE, EATON, CW12 2NL

Proposal: Change of use of land to site 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M)

Applicant: Yvette Noad, Ladera Retreat

Expiry Date: 22-Apr-2014

**Date Report Prepared:** 27 March 2014

#### **SUMMARY RECOMMENDATION**

Approve, subject to the receipt of an updated protected species survey and subject to conditions.

#### **MAIN ISSUES**

- Principle of Development on the Site
- The Impact upon Landscape Character
- The Impact upon Trees of Amenity Value
- The Impact upon Highway Safety
- Design
- The impact upon the Amenity of Neighbouring Property

#### **REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee under the terms of the Scheme of Delegation as the site area is between 1-2 ha.

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

The application site comprises 1.83 hectares of grassland adjacent to a semi-natural woodland, located approximately 2.5km north of Congleton. The site is roughly rectangular and lies between the residential property of Novar to the south (the applicant's residence), and Phase 1 of the approved caravan site – "Ladera". Two highways, Back Lane and Macclesfield Road, border the site.

The application site is currently used for the grazing of animals. The appeal decision allowed the siting of 23 timber clad twin unit caravans as an extension to the site of 32 currently under construction in the adjacent woodland. The site is located within Countryside Beyond the Green Belt as identified in the MBLP.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the change of use of land to allow the siting of 23 static caravans as an extension to a previously approved caravan park (06/2254P), currently under construction. The two schemes together will result in a total of 55 caravans at the site. This is a resubmission of a scheme approved but which has expired - 09/3544M.

The 23 caravans would be positioned around a large central pond/pool and the perimeter of the site will be mounded and screened with mature landscaping.

The caravans will be twin units, single storey in height, with a pitched roof, clad in timber, in keeping with the caravans on the adjoining site. Each caravan will measure a maximum of 6.8 metres in width, 20m in length and have an internal ceiling height no greater than 3.05m. The static caravans fall within the statutory definition of a caravan under the Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006.

Reception, office facilities and a visitor car park are to be shared with the Phase 1 of the development – to the west of the site. An internal road would be provided within the site to give vehicular access to each unit – which would have one parking space. Access to the site will be gained via the existing access on Back Lane through the existing caravan park.

The scheme includes an enhanced landscaping scheme, including the mounding to the A536, additional boundary planting and additional internal planting. More details have also been submitted outlining the effectiveness of the proposed mitigation planting.

### **Planning History**

13/2654M Application to Remove Condition 3 of Previously Approved Application 09/3544M to Allow the Holiday Park to Operate All Year Round. Dismissed at appeal 25-Mar-2014

13/2611M Removal of Condition 12 of Approved Application 06/2254P to allow siting of 32 timber clad twin unit caravans, access work and landscaping. Dismissed at appeal 25-Mar-2014

10/3803M – Remove condition 12 on planning permission 06/2254P (appeal reference APP/C0630/A/07/20339390) – Refused 24.12.2010

10/4083M – Variation of conditions 9, 10, 12 relating to 06/2254P (appeal decision APP/C0630/A/07/2033939). The purpose of this application is to ensure one of the units can be occupied full time by a manager including during the closed season – This received a resolution of approval by the Northern Planning Committee in January 2011, however the required s106 remains unsigned, and therefore a decision has not been issued.

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

NE11 Nature Conservation  
BE1 Design Guidance  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC9 Tree Protection  
RT13 - New Tourist Attractions  
GC5 - Countryside Beyond the Green Belt

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development  
PG4 – Safeguarded Land  
PG5 – Open Countryside  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
CO1 – Sustainable Travel and Transport  
EG4 – Tourism

#### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Policy Practice Guidance

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

Environmental Health – recommends informative in respect of contaminated land and that chalets are 6m apart

Strategic Highways Manager – No objections but recommends conditions

Environment Agency – recommends a drainage condition

Manchester Airport – No objections

Jodrell Bank – No comments

#### **VIEWS OF THE PARISH COUNCIL**

The Parish Council of North Rode strongly object to the above application.

The application is a renewal of a previous application that expired through effluxion of three years. If there had been the substantial demand as suggested by the proposal for holiday accommodation in the "back-woods" of North Rode then these lodges would have been built.

If the proposal receives permission it is most imperative that the "closed season" be instigated rigorously so as to prevent them becoming permanent dwellings. If they were to become

permanent residences they should pay council tax like everyone else. The present development has a Rateable Value of £3,000 for the whole site. At present there is rate relief of 100% below a RV of £6,000. On a personal note we have to pay Council Tax on our farmhouse of £2,438.33. This development pays NOTHING, thus they contribute NOTHING to the area.

A residential development is unsustainable under the terms of the National Planning Policy Framework. The caravans are being marketed as homes "down-sizing". The applicant is abusing the Planning Framework.

When looking at the submission paperwork they date back several years. The application is not submitted in accordance with the latest Policy Standards and should be refused.

The Parish Council of Eaton comments as follows:

As the applicant, in a period of some seven years has sold less than 50% of the original phase of 32 units despite aggressive and intensive advertising, employing agents and holding open weekends, we feel that this has proved a lack of demand for these lodges and we consider that renewing the permission for the additional 23 units should be refused until the full impact is shown on the original phase of units.

Within a half mile there is a development of a similar nature and therefore there is additional competition for even the first phase.

In addition, despite the passage of some seven years, the applicant has still not yet complied with the pre-occupation conditions laid down by the Planning Inspectorate at the time the original permission was given.

For the above reasons, we again feel that permission should be refused.

## **OTHER REPRESENTATIONS**

Letters of objection received from 3 properties raising the following issues:

- landscape and visual impact
- concerns regarding effectiveness of landscape mitigation
- concerns regarding temporary access
- concerns regarding historic non compliance with conditions
- TA needs redrafting to accord with NPPF and core strategy
- recommends a condition regarding transport improvements
- concerns regarding motives of applicant and precedent issues
- tourism benefits overstated
- concerns regarding need
- concerns regarding adherence to regulations
- concerns regarding full time occupancy
- requests submission of a construction management plan
- concerns regarding third point of access and safety of temporary access

- updated protected species surveys required
- tree survey needs updating
- no planning statement
- unsustainable location
- permission no longer extant

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Woodland Care Plan**

The report provides details of landscaping and maintenance/ management of this.

### **Tree Survey and Assessment**

The report assesses the quality and amenity value of existing vegetation and provide recommendations based on the impact of the scheme.

### **Ecological Appraisal**

No evidence of protected species and no mitigation required.

### **Landscape and Visual Impact Assessment**

Assesses the visual impact assessment form various vantage points

### **Transport Statement**

The report assesses the transport implications of the development and sets out details of mitigation.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site lies within the designated countryside beyond the Green Belt. In terms of principle, this is a resubmission of a scheme allowed at appeal in 2010. Whilst that application has lapsed and therefore does not constitute a fallback position, the assessment of the application would be identical unless there has been a material change in circumstances since that application was considered.

The site conditions since 2010 have not changed – the main changes relate to the publication of the NPPF, PPG and the emerging Local Plan.

However the Development Plan remains the starting point and therefore these policies remain the same.

The proposals relate to the construction of cabins in connection with rural tourism – the site is already utilized in this capacity and therefore the proposals seek to expand an existing rural

business. The NPPF encourages the expansion of sustainable rural tourism facilities in appropriate locations. Guidance within the PPG is similarly supportive.

The suitability of this site for additional cabins has already been assessed and was deemed acceptable – therefore the site is sustainable for additional tourism facilities.

Policy EG4 within the emerging Local Plan requires that the facilities are required in connection with an existing attraction (which in this case is the appreciation of the Cheshire countryside) and that there are no adverse impacts upon the character of the landscape, residential amenity, infrastructure and that the site has access to local services and employment.

The site was considered sustainable under the last applications and there has been no change in site circumstances to alter this view.

The comments from objectors are duly noted however, the proposals accord with current policy guidance and are therefore acceptable in principle.

### **Landscape Impacts**

The applicant has resubmitted the Landscape and Visual Impact Assessment which was submitted in support of application 09/3544M. Whilst the objectors do not consider that this adequately or correctly identifies the impacts to neighbours and the wider countryside, the conclusions of this report were accepted by officers and by the Inspector under the last application. There has been no material change in site circumstances since that time and policies which seek to protect landscape character including emerging policies would not alter the assessment of the application in this regard.

### **Trees**

As there has been no material change in site circumstances since the last application, therefore the applicant has resubmitted the Woodland Care Plan and Tree Survey and Assessment which was submitted in support of application 09/3544M. Whilst the objectors consider that this needs updating, the Council's Forestry Officer has confirmed that the contents and conclusions would remain sound and that an updated set of conditions to reflect the most recent British Standard would ensure that the proposals would not have an adverse impact upon the trees on the site.

### **Ecology**

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, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

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

In the NPPF the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A protected species survey was carried out by a qualified ecologist on behalf of the applicant and this failed to identify any species being present. Unfortunately, this is now out of date. However, the applicant has indicated that an updated survey is forthcoming. Provided that a satisfactory report is received which either indicates protected species are not present or proposed mitigation, the proposals would not have an adverse impact upon protected species and would accord with policy NE11 and guidance within the NPPF.

Members will be updated on this following the receipt of the relevant surveys.

### **Amenity**

The contents of the objections are duly noted however there has been no material change in circumstances since the last application or a tightening of planning policy in respect of amenity considerations which would justify coming to a different conclusion.

### **Highways**

The applicant has resubmitted the Transport Assessment which was submitted in support of application 09/3544M. Whilst the objectors consider this to be out of date as it was written post NPPF and before the submission of the emerging Local Plan, this is a technical document based on MfS and the policy requirements of the NPPF or the emerging Local Plan would not alter the assessment within this report or its conclusions. This has been confirmed by the Council's highways engineer who has confirmed that the content of the report is acceptable and recommends the same conditions as imposed by the Inspector at appeal.

It should also be noted that there has been no material change in site circumstances since that time.

### **Other Matters**

Issues relating to the applicants actions, need and precedent are not material to the determination of the application.

Drainage issues will be dealt with via condition as recommended by Environmental Health/ Environment Agency.

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

There has been no material change in circumstances or changes in planning policy since the appeal which would warrant coming to a different conclusion on this application, subject to receipt of a satisfactory protected species survey. On that basis, the proposals would accord with the relevant policies within the Macclesfield Local Plan 2004 and relevant policies within the Cheshire East Local Plan Strategy – Submission Version listed above and guidance within the NPPF. Subject to updated protected species surveys confirming no adverse impact on nature conservation interests, the application is recommended for approval subject to 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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04LS - Landscaping (implementation)
3. A01TR - Tree retention

4. A02TR - Tree protection
5. A04TR - Tree pruning / felling specification
6. A07TR - Service / drainage layout
7. A04NC - Details of drainage
8. A02EX - Submission of samples of building materials
9. A01AP - Development in accord with approved plans
10. caravans restricted to holiday purposes only
11. caravan occupation restricted to
12. no caravan occupied between 14 Jan - 1 March
13. termination/ stopping up of temporary access
14. submission of Travel Plan
15. submission of woodland care management plan
16. external appearance of caravans
17. details of refuse storage
18. provision of passing places
19. provision of footpath between site and the A536
20. bus stop improvements



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Application No: 13/5248N  
Location: The Printworks CREWE ROAD, HASLINGTON, CW1 5RT  
Proposal: Outline application for new residential development of up to 14 dwellings.  
Applicant: Georgina Hartley  
Expiry Date: 13-Mar-2014

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:-**

**Planning Policy and Housing Land Supply  
Affordable Housing,  
Highway Safety and Traffic Generation  
Trees and Landscape  
Ecology  
Design  
Amenity  
Sustainability  
Education**

**REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it relates to a small scale major development and a departure from the development plan.

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

The surrounding area is characterised by residential properties set within large gardens. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

## DETAILS OF PROPOSAL

This is an outline application for the erection of up to 14 dwellings on land adjacent to 204 Crewe Road, Haslington. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Access is proposed from a junction to be created off Crewe Road. The access road shown on the **indicative** layout plan runs straight through the site to a turning head at the end with the dwellings arranged around it.

## RELEVANT HISTORY

12/1535N	2012	Non material amendment to application number 12/0325N
12/0325N	2012	Approval for replacement dwelling for previously approved residential conversion.
11/3894N	2012	Withdrawn application for conversion to residential
10/4295N	2010	Approval for residential conversion

## POLICIES

### National Guidance

National Planning Policy Framework

### Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 9 Energy Efficient Development  
Policy SE 12 Pollution, Land Contamination and Land Instability  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy PG5 Open Countryside  
Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species

NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

**CONSULTATIONS (External to Planning)**

**Environment Agency:**

No objection.

**Strategic Highways Manager:**

Recommends refusal as satisfactory visibility splays cannot be demonstrated and conflict with the re-instated access at 204 Crewe Road.

**Environmental Health:**

Recommend conditions relating to contaminated land, noise generation, light pollution, electric vehicle infrastructure and travel plans.

**United Utilities:**

No objection.

**VIEWS OF THE PARISH COUNCIL**

Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

The application is contrary to Policy NE2 and pre submission core strategy Policy PG5, ‘The Printworks’ falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development

it will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

The pre submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.

Safe route to schools have not been demonstrated within the application. There is no footpath on the Printworks side of the busy Crewe Road putting all children at increased risk during their journey to school by foot, or via bus.

The Local Plan statement 'Development will be confined to small scale infill and the change of use or conversion of existing buildings' has been blatantly ignored in favour of low density new build. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Haslington has 2300 houses and the addition of an additional 14 houses to the already proposed 250 houses at the nearby Hazel Bank development with a further 44 approved properties at Vicarage Road; a possible 34 on The Dingle, 70 at Kent's Green Farm, and 45 on Pool Lane Winterley would not comply with any appropriate scaling levels.

The Printworks building has been demolished, the site should be returned to Open Countryside, there is no existing rural building to be converted or reused on the site.

The size of the overall range of developments is utterly unsustainable and as such is against Cheshire East Council's current Local Plan replacement, which states it will "avoid loading development onto the periphery of existing constrained settlements"

The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of 'ensuring that new development does not result in any overall net loss to the man-made heritage'. The proximity of this development to the Grade 1 Listed Haslington Hall, and a number of Victorian Farm buildings on Holmshaw Lane is unacceptable, and non-compliant with the local plan requirements

This proposal is outside the village curtilage, infringes the separation between the two villages of Haslington and Winterley, and erosion of green space. The proposals are not adjacent to the existing settlement boundary so cannot be considered as a logical extension to the boundary.

Sewage and surface water do not appear to have been considered for this site. The streams feeding into Fowle Brook around Haslington have become increasingly liable to flooding in recent years, with gardens becoming inundated with flood water and contaminated farm effluent. It is vital that any new development proposal in and around Haslington and Winterley fully address drainage issues.

The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future. These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.

The current primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that these properties occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy

process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.

Haslington Parish Council also notes:

The proposed site is in a very prominent position and would create a new entrance / gateway to the built up area of the village. There are no substantial details of how the proposed houses would be designed. It is very dangerous to approve any sort of permission without more detail given the sensitive nature of the location.

The phase 1 desk study from 2011 relates to the now demolished Printworks building and does not cover the full area of the outline planning application. It covers an area outside the SHLAA Site 4247 boundary. Much of the report is generic and of no direct relevance to the proposed development site. So the report appears to be out of date and fails to cover the full application site.

The proposals appear to be very much outline with very little detail included with the application. Plots 1 and 2 are very close to Crewe Road and are forward of the building line established by neighbours at 204 and 212 Crewe Road.

The part of the site was reviewed as a SHLAA Site 4247 in the most recent update where room for 19 houses was proposed on only part of the site - this application is for a much lower density on a larger area of land. The SHLAA site 4247 did not include the Printworks building.

## **OTHER REPRESENTATIONS**

At the time of report writing, approximately 45 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision
- Access issues particularly pedestrian access
- Noise generation
- Disruption during development
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- Not in the Parish Plan or the emerging local plan
- There are plenty of empty homes available
- Brownfield sites should be used
- Erosion of the green gap between Haslington and Winterley
- Opportunist application
- Over development of the site
- Poor layout out of character with the area
- Misleading information contained in the application
- Schools and doctors are over subscribed
- Lack of affordable housing
- Impact on wildlife
- Approval would set a precedent for future development

- Loss of trees
- Inadequate drainage
- Flooding
- Adverse impact on heritage assets
- Loss of views
- Impact on house prices
- Waste and materials falling into Fowle Brook
- Increase in crime
- Haslington is under siege by developers

These can be viewed on the application file.

## **OFFICER APPRAISAL**

### **Principal of Development**

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*.

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.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough’s five year housing land requirement is 8,311. This is calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough’s past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been ‘sense-checked’ and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the ‘Sedgefield’ methodology and a 5% ‘buffer’, the *Five*

*Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the Cheshire East Local Plan Strategy – Submission Version, of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon within the Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer. It is acknowledged that there is an extant consent for one dwelling on the site; however this does not provide sufficient justification to allow for a development of 14 dwellings in this open countryside location.

### **Open Countryside Policy**

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

*“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”.*

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “not sufficient directly related to housing land supply that it can be considered time expired for that purpose.” Instead the Policy is “primarily aimed at countryside & green belt protection”. These objectives are largely in conformity with the NPPF and attract “significant weight”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

*“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.*

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Children’s playground (500m)

The site fails to meet many of these standards and is not considered to be in a sustainable location.

### **Affordable Housing**

The site is located within Haslington which falls within the Haslington and Englesea sub area for the Strategic Housing Market Assessment (SHMA) update 2013. The SHMA identified an annual requirement of 44 affordable homes in the period 2013/14 – 2017/18. This is made up of a need for 1x 1bd, 11x 2bd, 19x 3bd, 10x 4/5bd general needs units and 1x 1bd and 1x 2bd older person’s accommodation.

In addition to this, information taken from Cheshire Homechoice, identifies a housing need. There are currently 72 applicants who have selected the Haslington lettings area as their first choice; these applicants require 27x 1bd, 25x 2bd, 13x 3bd and 6x 4bd properties (1 applicant did not specify their bedroom requirement).

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that on sites of 15 dwellings or more or more than 0.4 hectares in size, the Council will normally seek an on-site provision of 30% affordable housing, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The site is 0.7 hectares in size and therefore a requirement of 30% affordable housing is required on-site. The proposal is for 14 dwellings which equates to 4 affordable units to be provided as 3 for social or affordable rent and 1 for intermediate tenure. Furthermore the Council would like to bring the applicants attention to other aspects of the Interim Planning Statement on Affordable Housing which outlines the Council's policy and states 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.
- 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).
- The IPS also states: In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50% of the open market homes.

The IPS states that: -

"The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

The IPS goes on to state: -

"In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

The affordable housing statement accompanying the application states that the proposal includes 30% affordable dwellings and as such complies with policy. The applicant makes reference to Draft Heads of Terms agreement including a provision of affordable housing submitted with the outline application; however this does not appear to be included.

The affordable housing should be secured by way of a S106 agreement, which:

- secures 30% of the total dwellings to be provided as affordable housing

- secures 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- requires them to transfer any rented affordable units to a Registered Provider
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters application stage that includes full details of the affordable housing on site including location, type and size.
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

### **Amenity**

The application is in outline form and the site layout submitted is only indicative. Nonetheless, it is considered that the site is capable of accommodating 14 dwellings without having an adverse impact having regard to privacy, light loss or outlook.

Adequate private residential amenity space could be provided within the domestic curtilages of each property.

Should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation, contaminated land and electric vehicle infrastructure.

### **Highways Implications**

The application is for 14 new dwellings on the site of a former printworks and undeveloped land adjacent to a single residential dwelling at 204 Crewe Road. The site currently shares a highway access with 204 Crewe Road, and as part of the application it is proposed that the new dwellings will be served from a new access adjacent to the existing access to 204 Crewe Road.

SCP have been appointed by the applicant as highways and transport consultant, and have liaised with Cheshire East Highways (CEH) regarding the application. A Highways Statement and Proposed Site Access drawing were produced by SCP, and following a review of the information, the Strategic Highways and Transport Manager (SHTM) raised an objection to the proposals in the consultation response.. The basis of the objection was that a safe and appropriate highway access had not been demonstrated.

The SHTM was contacted by SCP to clarify some points relating to the site access from the SHTM's original consultation response. Subsequently, a Technical Note (13309 / 27.03.14) and Revised Site Access Drawing (SCP/13309/GA02) were provided on 27/03/14.

The SHTM's previous objection related to the site access. Having reviewed the revised information three issues have been identified in relation to the access proposal:

1. Achieving appropriate visibility measurements to and from the access;
2. Providing visibility to/from the access within the available land ownership; and
3. Providing sufficient spacing between the access and existing accesses.

### *Visibility Measurements*

Following discussions between SCP and CEH and in the SHTM's original consultation response comments, it was made clear that a speed survey should be provided close to the proposed site access to determine the appropriate visibility measurements to and from the proposed site access.

The required visibility measurement should be based on the 85<sup>th</sup> percentile wet weather speed, which can only be determined by an on-site speed survey. It was noted in the SHTM's previous comments that SCP had not undertaken a speed survey and had instead erroneously based the visibility distance on the 30mph local speed limit.

Subsequent to the SHTM's previous comments being submitted, speed surveys have again been requested from SCP to indicate local on-street speeds. These requested surveys have not been undertaken. Therefore, as a compromise, the SHTM has agreed to accept the highest speed listed in Manual for Streets (MfS) visibility table as being a reasonable assumption of 85<sup>th</sup> percentile observed wet weather speeds. This would result in an assumed speed of 38mph, which is consistent with other speeds recorded locally in the past; however, the SHTM has made clear that surveys should be undertaken

Based on the assumption of 38mph wet weather speeds, the appropriate MfS visibility distance would be 59m. This 59m distance should be measured 2.4m back from the site access, to the left and the right of the main road kerblines.

A revised Proposed Site Access Drawing has been received from SCP, which indicates that up to 90m visibility can be achieved to the east. This is in excess of the required 59m and is therefore acceptable. However, to the left, the drawing suggests that only 50m can be achieved to the kerblines, which is more than 15% below the required 59m standard.

To overcome the inability to achieve the required visibility distance, it is suggested in SCP's Technical Note that visibility to the left is a "non-critical" direction, while visibility to the right is the "critical" direction. The SHTM does not accept that there is a "critical" versus a "non-critical" direction. Visibility in both directions is critical, and there is no use or suggestion of this dichotomy in MfS.

Visibility from site accesses to the left is measured to the nearside kerblines to ensure visibility between the access and overtaking vehicles on the main line. SCP's Technical Note proposes that visibility to the carriageway centreline is sufficient because of a "very limited" likelihood of overtaking at that location. This proposition is inconsistent with MfS, which states that visibility should only be measured to the centreline where overtaking is prohibited. That is not the case at this location, and there is no evidence presented to suggest that overtaking does not occur. Therefore, visibility to the left of the access should be measured to the kerblines at this location, as is normal.

In summary, no speed survey has been undertaken as requested, and an assumed observed speed has been agreed as a compromise. Nonetheless, based on this assumed speed, achievement of the required visibility distance has not been demonstrated.

### *Land Ownerships*

In relation to the aforementioned visibility splay to the west of the site access, the Technical Note provided by SCP states the following:

*The splay has been shown to cross the grassed embankment in front of the adjoining property. However, the ownership of this land between the fence line and the edge of carriageway is in a different ownership to that of 204 Crewe Road. Confirmation has been provided by the landowner that rights of visibility over this land can be secured. Furthermore, the same area of land is required for visibility for vehicles emerging from 204 Crewe Road.*

The above sets out that, in order to achieve visibility to the west of the site access, sightlines across a third party section of land is required. Visibility must be provided across land either within the applicant's ownership or within land adopted as part of the public highway, to ensure that the CEH can maintain visibility across the land in the future.

It is not sufficient for the applicant's highway consultant to simply suggest that there is informal agreement with the third party landowner that visibility rights can be secured, particularly where there is no additional evidence provided to this effect. Without land ownership; an appropriate formal legal agreement; or the land forming part of the public highway, there can be no guarantee at the present time that visibility across the section of land can be maintained, as the land is liable to be built across or the visibility otherwise obstructed in future.

In addition to the concerns relating to the achievable visibility distances mentioned above, the SHTM is unable to accept the security of a visibility splay which passes across the third party verge, and the proposed access arrangement would be unacceptable for this reason.

#### *Access Spacing*

The current site access drawings show the existing site access for number 204 Crewe Road being reinstated, such that there would be a separate access for 204 Crewe Road and for the new development. This leaves only approximately 17m between the two accesses, which is too little and would result in an unacceptable likelihood of potential conflicts between vehicles entering/exiting the access at 204 Crewe Road and the adjacent proposed access to the 14 new dwellings.

The applicant was informed that this arrangement would not be acceptable, due to the highway safety concerns that would be raised by having the existing access in such close proximity to an access serving 14 dwellings. It was requested that the access solution should provide a single access point for both the retained 204 Crewe Road and the 14 proposed new dwellings.

It is possible that the current layout might have potentially been adapted to form an acceptable arrangement serving both developments as requested as part of the recent discussions. However, in light of the additional visibility and land ownership issues identified above, it is considered that no workable arrangement has been presented.

In summary, discussions have taken place with the applicant's highway consultant since the submission of the SHTM's previous consultation response. The additional information provided by the consultant does not alleviate the SHTM's concerns relating to providing a



undertaken during the optimal survey season of late spring/summer. The survey should include a full botanical species list with DAFOR (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare) ratings for each plant species recorded on site.

*Great Crested Newts*  
Pond are present a short distance from the proposed development. The ponds have the potential to support breeding Great Crested Newts and the proposed development site also supports suitable terrestrial habitat for this species.

In order for the Council to make an informed assessment of the potential impacts of the proposed development upon this species, a detailed survey is required. The survey should be undertaken by a suitably qualified and experienced ecological consultant and the results of the survey submitted to the Council prior to the determination of this application.

#### *Badgers*

A Badger sett has been identified in close proximity to the proposed development. It is recommended that the applicant submits an outline mitigation method statement detailing how the sett would be safeguarded as part of the proposed development.

#### **Education**

A development of 14 dwellings is anticipated to generate 3 primary and 2 secondary aged pupils.

The local primary schools (i.e. within a 2 mile radius) are cumulatively forecast to be oversubscribed and so a contribution will be required for all of the pupils anticipated.

The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity, however there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Primary = £32,539  
Secondary = £32,685

#### **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.

As explained within the main report, education contributions and the provision of affordable housing would help to make the development sustainable and would be fair and reasonable.

## CONCLUSIONS

The site is within the Open Countryside where under Policies NE.2 and RES.5 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

The proposal does not accord with Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version.

Insufficient information has been submitted in order to assess the impact of the development on Great Crested Newts and Badgers.

The proposal is unacceptable in highway safety terms due to inadequate visibility splays and the access being too close to the proposed access to 204 Crewe Road.

## RECOMMENDATIONS

### REFUSE:

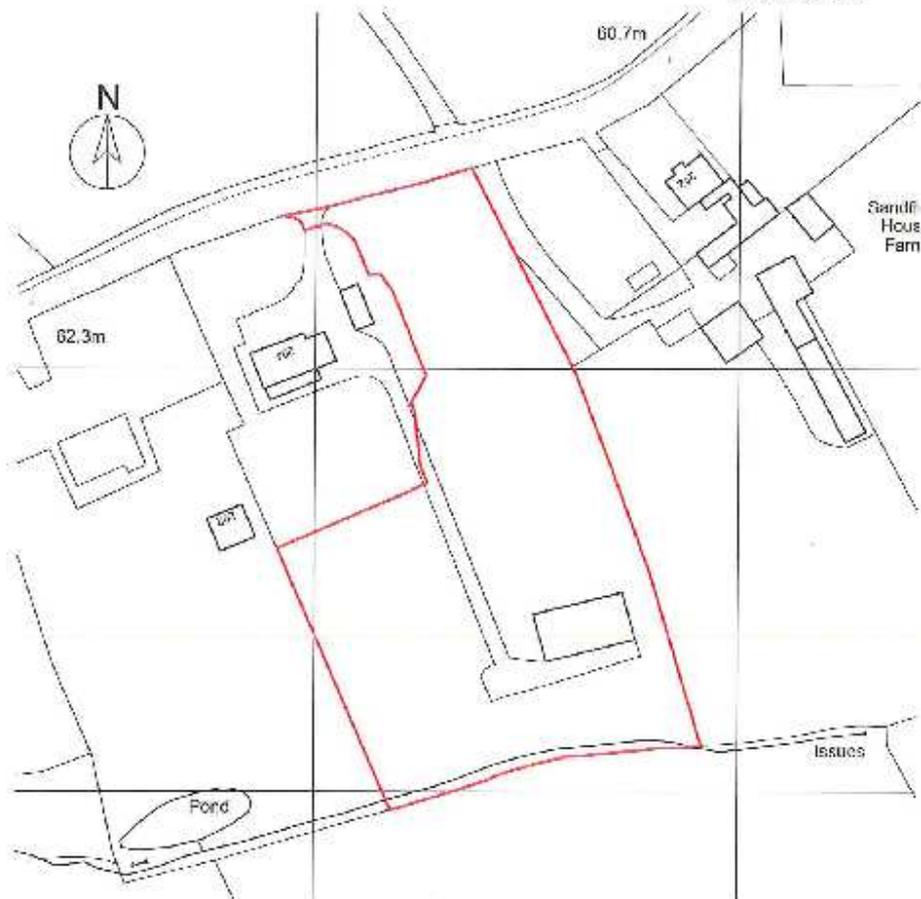
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Insufficient information has been submitted with the application relating to ecology in order to assess adequately the impact of the proposed development having regard to Great Crested Newts and Badgers. In the absence of this information it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**
- 3. The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of access onto Crewe Road, Haslington. The proposal is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 4. There would be unacceptable conflict between the reinstated access for 204 Crewe Road, Haslington and the proposed access to the development, by virtue of only having approximately 17m between both accesses. The proposal is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

**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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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.**

**Redevelopment of the Printworks, Haslington  
Location Plan**

**Notes:**  
 1. All dimensions are in metres unless otherwise stated.  
 2. All dimensions are to the centre of the boundary unless otherwise stated.  
 3. All dimensions are to the centre of the boundary unless otherwise stated.  
 4. All dimensions are to the centre of the boundary unless otherwise stated.  
 5. All dimensions are to the centre of the boundary unless otherwise stated.  
 6. All dimensions are to the centre of the boundary unless otherwise stated.  
 7. All dimensions are to the centre of the boundary unless otherwise stated.  
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 9. All dimensions are to the centre of the boundary unless otherwise stated.  
 10. All dimensions are to the centre of the boundary unless otherwise stated.



Rev: 01	Title: 101 - 101	07.12.10
<b>Redevelopment of the Printworks Haslington</b>		
DRAWING: Location Plan		
DRAWING NO: 101-101		Rev <b>P0</b>
SCALE: 1:500 @ A1	DATE: 12.11.10	
 <b>JAA</b> Jay Ashall Associates Chartered Architects		
No responsibility is accepted by the architects for the use of the drawings for any purpose other than that for which they were prepared.		

Application No: 13/3931M

Location: BOUNDARY FARM, STYAL ROAD, WILMSLOW, CHESHIRE, SK9 4LE

Proposal: Change of use of existing glasshouse from horticultural uses to parking of cars associated with the existing airport car parking operation based at the site

Applicant: FRANK MATTHEWS & SONS

Expiry Date: 12-Nov-2013

**Date Report Prepared: 27th March 2014**

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

- Whether the development is inappropriate development within the Green Belt and if so, whether very special circumstances exist
- The impact on neighbouring residential properties amenity due to the intensification of the use
- Whether the development would have an impact upon the local highway network

#### **REASON FOR REPORT**

Under the Council's Constitution this application is required to be determined by the Northern Planning Committee as it is a commercial site with a floor space between 1000 – 9999 square metres.

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

The application site is located on Styal Road close to the boundary with Manchester City Council and approximately 250m North of the junction with Moss Lane.

The application site comprises a glasshouse and an area of hard standing. The glasshouse itself measures approximately 7000 square metres, the area of hard standing is located by the entrance to the glasshouse and measures approximately 160 metres. Access to the glasshouse is through an established airport car parking facility which is also under the applicant's ownership.

The whole of the site extends to approximately 2.52 hectares. Within it are two further glasshouses, an area of open air car parking, a security office located near the main access to the site, a portacabin used as an office/reception, security cabin, outbuildings and a vehicle repair garage operating from a brick building. Access to the whole of the site is off Styal Road.

To the North of the site is an open air port car park run by Manchester Airport known as 'Jet Parks Plus'. Styal Road runs to the East of the site, this is where the existing access to the site is located and a number of residential dwellings. To the West of the site is agricultural land and to the South is agricultural land under the applicant's ownership.

The site is within the North Cheshire Green Belt

## **DETAILS OF PROPOSAL**

Full Planning permission is sought for the change of use of a glasshouse and area of hard standing from horticultural use to the parking of cars associated with the existing airport car park operation on the site.

## **RELEVANT HISTORY**

The application site

08/0227P      Retention of toilet block and lamp post to serve existing nursery use  
Approved subject to conditions      28/03/08

06/2629P Retention of track, area of hard standing, toilet block and lamp post  
Refused 14/12/06

01/1866P Change of use of existing glasshouse to accommodate electricity  
generator plant with associated equipment and erection of chimney  
stack  
Approved subject to conditions 10/10/01

50636P Glasshouse extension  
Approved subject to conditions 07/10/87

Whole of the site

**08/1217P Change of use of an existing glasshouse from horticultural uses to  
storage of cars associated with the existing airport car parking  
operation at the site (resubmission of application 07/2261P)  
Refused 01/09/08  
Allowed on appeal 25/03/09**

07/2261P Change of use from Glasshouses to the storage and parking of vehicles  
Withdrawn 22/10/07

**05/1435P Change of use of existing glasshouse to airport car parking  
(Resubmission of 05/0227P)  
Approved 27/07/05**

05/0227P Change of use of existing glasshouse to use for airport car parking  
Refused 13/04/05

**01/2854P Change of use of Glasshouse to airport car parking  
Refused 30/01/02**

**Appeal dismissed 05/02/03**

**Decision quashed in the High Court**

**Remitted appeal Allowed 31.03.04**

01/1901P Change of use of Glasshouse to airport car parking  
Withdrawn 12/09/01

**777287P Certificate of lawfulness for use of land as car park**  
**Lawful with conditions 19.05.94**

## **POLICIES**

### **Local Plan Policy:**

The application site lies within the North Cheshire Green Belt and whilst not sited within the defined Airport Operational Area, is subject to Airport safeguarding policies.

The relevant Macclesfield Local Plan 2004 policies are considered to be: -

GC8 (Reuse of buildings)

T20 (Airport related development within the Green Belt)

T21 (Airport related development)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Circulation and access)

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.

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **Other Material Considerations**

National Planning Policy Framework

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

Highways – No objections

Manchester Airport Safeguarding - No safeguarding objections

Parish Council - Objected to the application on the grounds of loss of land/buildings for car parking

Manchester Airport – Objection on the grounds that allowing the development would compromise Manchester Airports ability to fulfil its ground transport objectives and surface access strategy. The development is also inappropriate development within the Green Belt. The case presented is based on a gross car park space projection produced by the Airport and is not based on annual passenger numbers. This approach is too simplistic. The applicant's analysis to demonstrate the need for further space is a car park survey that is flawed. There are errors in the assessment and concerns over its reliability exist. The statement that there is a car parking shortfall is unsubstantiated and cannot be relied upon for demonstrating of a need for Boundary Farm.

## **REPRESENTATIONS**

The application has been advertised by a Site Notice and neighbour notification. The consultation period expired on 4<sup>th</sup> November 2013. 6 No. letters of representation have been received which can be seen on the application file.

To summarise the comments are

- The small rural historic village is turning into one big airport car park
- Styal is a National trust rural village, it might be ruined by airport car parking facilities
- If the application is granted it may set a precedent for other rural areas of Styal being turned into unsightly busy car parks
- Styal is unsuitable for expansion of airport car parking, both legal and illegal

- Increased car parking is gradually destroying what in effect was a rural farming community
- Need to safeguard the countryside and preserve the setting and characteristics of Styal
- The greenhouses were built for a specific purpose and are unsuitable for airport car parking. Access to the area is dangerous
- Should the greenhouses not be used for the purposes they were intended for then they should be demolished and the land turned back into Green Belt for rural conservation and animal grazing
- Area proposed is horticultural land and should be classed as inappropriate development
- Granting of the application may lead to an increase in car parking and storage
- Increase in volume of traffic, noise and disturbance to local properties and the wider village
- Styal Road is an extremely busy road and any increase in traffic would exacerbate the situation especially at peak times, in the morning and evenings, during rush hour, when commuter traffic drastically increases the volume of traffic for a period of about two hours on each occasion
- Any increase in traffic would have an even greater detrimental effect on the quality of life that the local residents have by adding to the levels of noise, pollution and general inconvenience that we already endure
- Will lead to more traffic and disruption on the roads through Styal which are already overloaded with airport bound vehicles
- Styal already has problems with heavy traffic and speeding, more car park spaces will add to this problem

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a Planning Statement and additional supporting information. Details of these can be read on the application file. A summary of the key points outlined in the documents is provided below –

- The principal of using the site for long stay car parking has been established with the historical planning approvals and appeal decisions. The inspector has accepted the reuse of glass houses and hard standing for long stay airport car parking, it is regarded as an appropriate form of development in the Green Belt
- The proposal does not involve any changes to the external appearance of the glasshouse only internal alterations
- The hard standing area was formally used in association with the nursery. It is wholly incidental to the use of the site, the small nature of the hard standing area combined with its incidental use and its former use results in its use for airport parking being immaterial
- The purpose of the application is to accommodate the expansion requirements of the existing airport facility that operates from the site by using an empty horticultural building and area of hard standing. The previous occupier of the site has ceased trading
- The existing glasshouse is of a permanent and solid construction and in good condition
- There is a need for a Green Belt location for airport car parking, the airport is surrounded by a tight Green Belt boundary without sufficient space for expansion to provide parking facilities for projected growth in passenger numbers, lack of alternative sites within Airport Operational Area, under provision of long stay parking facilities, need for significant increase in long stay parking facilities to meet sustainability objectives, the proposal provides additional overflow parking to established site. On this basis the provision of long stay overflow car parking should be considered appropriate development in accordance with the third bulletin in paragraph 90 of the NPPF
- Manchester Airport Land Use Plan identifies that the airport plans to expand to accommodate 40 million passengers annually. There is need for 35,000 long stay car park spaces which are required by 2030 provided both on and off site to ensure the airport can develop in the future
- The Ground transport Plan identified in 2009 there were 19,660 car parking spaces at 31 private sites and 8,140 spaces provided at the airport totalling 27,000 spaces. There was a deficit of 7000 spaces
- Last audit by Manchester Airport identified that there was less than 27,650 long stay car park spaces either on-site or off site. This is significantly short of the set parking

requirements for passengers and staff of up to 36,800 spaces to ensure the airport achieves sustainable economic development

- Apart from an application for up to 9,000 spaces long stay surface car park on land to the Northeast of Manchester airport there have been no large scale application for long stay airport car parking since 2009
- The current parking provision is 16,052. The parking provision has dropped by 10,000 spaces since a parking audit was undertaken in conjunction with the 2007 land use plan
- There is a significant need for additional long stay car parking facilities  
Demand is not being met, private airport facilities exist, some, but not all are lawful. The need cannot be met within the designated airport zone, the situation will be compounded by the construction of Airport City which has contributed to the removal of existing airport parking provision.
- The Shell Carrington site which has 9000 spaces is to be sold as a mixed development site
- The peak check in times for passengers are between 03.00 and 07.00 and the only feasible, economically viable option for passengers getting to/from the airport in time is long stay car parks close to the airport
- Manchester Ground Transport Plan identifies a hierarchy of preferred transport modes; public transport is followed by long stay car parking
- Long stay car parking is a means of actively reducing road miles undertaken by vehicles and subsequently reduces emissions
- The proposal is in accordance with policies set out within the development plan, national planning guidance and the central aims and policies of the Manchester Airport Master plan
- Additional information is also attached to the Planning Statement in the form of appeal decisions, assessment of parking provisions, sale details for Carrington site, Letter of support from Bewleys hotel, Letter from K H Bloor and Sons the previous occupants of the glasshouse, passenger check in and arrival times, details of proposed operational area extension and an extract on how much parking is required.

In the additional supporting information submitted a number of other points have been raised, these are summarised below

- In a recent High Court case the judge found that an inspector had erred in law when an appeal against an enforcement notice was rejected. The appeal was relating to enforcement action taken by Luton B.C. against GPS Estates, concerning the provision of off-airport parking spaces at Luton Airport. The judge found that the inspector had misapplied policy and failed to take into account not only a lapsed planning permission for airport parking but also the anticipated expansion of the airport which will see an increase in passenger numbers. The inspector had not grappled with whether the use was in compliance with a long term need for additional parking for the airport. The judge ordered the Secretary of State to pay 75% of the appellants' legal costs and for the appeal to be reconsidered
- There will be an on-going substantial shortfall in parking provision with the loss of Carrington, local private parking sites subject to council enforcement action, redevelopment of Jet Parks and the West Apron
- The inspectors in the appeal decisions for the site accepted the change of use of the glasshouse was not inappropriate development and that there is a need for additional parking and expansion of the existing operation that would improve operational efficiency of the airport
- The current local plan policies are out-of-date and do not address the need for airport related development outside the operational area of the airport
- The policy context is provided by the Framework, in particular at paragraphs 31, 33, 90 and 111, which promote the provision of transport infrastructure to support airport growth, which can be considered not to be inappropriate in a Green Belt location and promote brownfield development by reusing existing structures and also by the Aviation Policy Framework

A traffic statement has also been submitted. The report is based on data surveys undertaken in April 2013. To summarise the report says

- The hourly vehicle movements associated with the expanded park and ride operation are extremely low throughout the week and during the traditional weekday am and pm peak hours for background traffic on Styal Road.

- The layout of the site access junction is appropriate in geometric terms and the available visibility splays are appropriate for the 40 mph speed limit on Styal road.
- The junction will operate well within acceptable capacity limits during peak hours with minimal queues and delays. The additional traffic can be safely accommodated by the junction without having a detrimental effect on the operation of Styal Road.
- When compared to the total junction inflow in 2010 during the weekday am and pm hours, the additional traffic from the expanded park and ride operation equates to increases of less than 1% during both peak hours.
- The additional traffic flows through any new junction on Styal Road to be created as part of SEMMMS A6 to Manchester Airport relief road are very low and would be undetectable within the daily variation in flow.
- Traffic associated with the expanded park and ride operation can be accommodated on the highway network with no detriment to operation or road safety.

## **RELEVANT PLANNING POLICIES**

There are also parts of the NPPF listed within the Planning Statement. The key parts of the National Planning Policy Framework which are considered to relevant to this application are

- Sustainable development is at the heart of the NPPF and this includes economic, social and environmental roles (foreword, par. 6, 7, 9, 14, 18, 19, 151)
- The purpose of the planning system is to contribute to the achievement of sustainable development (par.6)
- Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (par.2, 11, 150)
- Proposed development that accords with a Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (par.12)
- The Core planning principles that should underpin plan-making and decision-taking include proactively drive and support sustainable economic development, secure a good standard of amenity, protecting the Green Belts, encourage the effective use of land by reusing land that has been previously developed (brown field land), promote

- mixed use developments and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. (par.17)
- The Government is committed to securing economic growth in order to create jobs and prosperity (par.18)
  - Planning should operate to encourage and not act as an impediment to sustainable growth (par.19)
  - Support a prosperous rural economy. Support sustainable growth and expansion of all types of businesses and enterprises in rural areas through the conversion of existing buildings and promote the development and diversification of agricultural and other land-based rural businesses (par. 28)
  - Promote sustainable transport. The transport system needs to be balanced in favour of sustainable transport modes (par. 29)
  - Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development or transport investment necessary to support strategies for the growth of airports (par. 31)
  - All development that generate a significant amount of movement should be supported by a transport statement (par.32)
  - Protecting Green Belt Land. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of the Green Belts are their openness and permanence. (par. 79)
  - The Green Belt serves five purposes: to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. (par. 80)
  - Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (par. 87)
  - When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (par. 88)

- Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are mineral extraction; engineering operations; local transport infrastructure that can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to build Order. (par. 90)
- Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brown field land), provided that it is not of high environmental value. (par. 111)

The relevant Development Plan policies are those within the Macclesfield Local Plan.

Policy GC8 sets out four tests for the re-use and adaptation of buildings in the countryside. The policy which states that the reuse and adaptation of existing buildings within the Countryside for commercial use, amongst others, will not be permitted unless:

1. There is no materially greater impact than the present use on the openness of the Green Belt
2. The building is of a permanent and substantial construction capable of being converted without major or complete reconstruction
3. The form, bulk and general design of the building is in keeping with its surroundings
4. The proposal respects Local Building Styles and materials. The extension of or reuse of buildings and the associated uses of surrounding land must not reduce the openness of the Countryside. Within the Green Belt such proposals must not conflict with the purposes of including land within it

Policy T20 states that the Council will seek to minimise the impact of the airport within the Green Belt and development will not be permitted, except in very special circumstances, in accordance with the Borough Councils Policies.

Policy T21 states that airport related development other than that referred to in Policy T20 will not be permitted. The Council will encourage development to be located within the Airport

Operational Area or within nearby urban areas where this is compatible with other Local Plan policies.

Policy DC3 states that development, including changes of use, should not injure residential amenity due to, amongst other things, noise, traffic generation and parking.

Policy DC6 seeks amongst other things to ensure safety from vehicular movement.

Within the Planning Statement submitted reference is made to Local Plan policy GC1 and T23 these policies are not considered to be relevant as policy GC1 relates to new buildings in the Green Belt and the site is not within the operational area.

## **OFFICERS APPRASIAL**

The planning application is for the change of use of an existing glasshouse and an area of hard standing from horticultural use to a use for long stay airport car parking. The applicant wants to expand the existing established airport parking facility which is operating from the remainder of the site by using the vacant glasshouse and associated area of hard standing.

The glasshouse was previously rented to Bloor Nurseries which ceased trading in March 2012. The company ceased trading due to the market for smaller growers of bedding plants shrinking, this along with stagnant prices and rising costs made the business unviable. The area of hard standing located at the entrance to the glasshouse was used in association with the horticultural use for the parking of tractors, implements, pallets and boxes.

There are no external alterations proposed to the building, just a number of internal alterations proposed, these include

- Fixing of horticultural shading material to the underside of roofs and walls to restrict glare from the glass panels and light pollution
- Painting of internal walls thereby further eliminating any light pollution
- Installation of security fencing to internal supports

- Wire mesh fixed to underside of glass to protect from broken glass

The application is retrospective, the glasshouse and area of hard standing is currently being used for the parking of vehicles associated with the established airport parking facility. The glasshouse can accommodate up to 480 vehicles and the area of hard standing 8 vehicles.

There has been planning permission granted on appeal and by the former Macclesfield Borough Council for the incremental use of the glasshouse for airport parking. The existing park and ride operation has the capacity to accommodate up to 920 vehicles. The vacant glasshouse can accommodate up to 480 vehicles and the area of hard standing 8 vehicles.

The existing “park and ride” facility provides a service which gives people the choice to use more sustainable modes of transport, other than public transport, in getting to and from Manchester Airport. The existing airport car parking facility currently operates a park and ride scheme which works in three ways. The first is by customers leaving their cars at a designated area on site and then people are driven to the airport by a bus. Alternatively passengers leave their cars at Bewleys Hotel on Outwood Lane at Manchester Airport and then their cars are driven to and from Boundary Farm, or customers are driven in their own car to the airport and back from Boundary Farm.

The expanded park and ride operation would be able to accommodate up to 1400 vehicles.

### Key issues

The key issues are

- Whether the development is inappropriate development within the Green Belt and if so, whether very special circumstances exist
- The impact on neighbouring residential properties amenity due to the intensification of the use
- Whether the development would have an impact upon the local highway network

### **GREEN BELT**

All development within the Green Belt is considered to be inappropriate unless it is identified in paragraphs 89 and 90 of the NPPF as being potentially not inappropriate.

Paragraph 90 of the NPPF states that certain forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

One of the forms of development listed within paragraph 90 is

- The reuse of buildings provided that the buildings are of permanent and substantial construction.

It has already been accepted in granting previous planning permissions on this site and by the Secretary of State that the glasshouses are of permanent and substantial construction capable of reuse. It has also been accepted that the use of the existing glasshouse on site would have no harm to the openness of the Green Belt. This is because vehicles are being housed within the glasshouse and there would be no further loss of openness compared to the use of the building for horticultural purposes. It has also been found that the development would not conflict with the purposes of including land within the Green Belt.

The area of hard standing located outside the entrance to the building is proposed to be used outside for the parking of up to 8 vehicles as and when required for example, if a vehicle is too high to fit through the entrance of the glasshouse. This use would have no further impact on openness than its present use for horticultural purposes.

With regard to Local Plan policy GC8 the four tests are similar to what is identified within Paragraph 90 of the NPPF. The proposal satisfies the first, second and fourth test due to there being no materially greater impact on openness than the horticultural use of the building, it does not conflict with the purposes of including land within the Green Belt and the building is of permanent and substantial construction capable of being converted without major or complete construction. With regard to the third test, the form bulk and design of the

existing building would be in keeping with its surroundings as it stands with other glasshouses which are similar in their appearance.

Local Plan policy T20 seek to minimise the impact of the airport within the Green Belt. It states that airport related development will not be permitted except in very special circumstances in accordance with the Boroughs policies. It has been taken that the reference to very special circumstances is that referred to in the NPPF test. As the development is considered to not be inappropriate development within the Green Belt, the proposal is not subject to the very special circumstances test. Given the compliance with policy GC8 of the local plan and the NPPF, it is not considered that the proposal could be refused in reference to policies T20 and T21 of the Local Plan, which are specific to airport related development.

Overall it is considered that the change of use of the glasshouse and the associated hard standing from horticultural use to the parking of cars must be considered to not be inappropriate development within the Green Belt.

#### **NEIGHBOURING RESIDENTIAL PROPERTIES AMENITY**

Concern has been raised that the change of use may result in additional noise, traffic and disturbance for local residents. The existing facility would expand so that it would be able to accommodate an additional 488 vehicles. The glasshouse is located approximately 130 metres away from some of the neighbouring properties on Styal Road and approximately 135 metres away from those on Moss Lane. The vehicles going to and from the glasshouse would use the existing access to the airport car parking site from Styal Road and would be driven through the site away from the neighbouring residential dwellings. The applicant is proposing to introduce measures to the inside of the building to prevent glare from the vehicles. Taking these factors into account, the access to the site and the location of the glasshouse is considered to be far enough away from neighbouring residential properties to not significantly injure the amenities of nearby residential properties.

## **HIGHWAYS**

Concern has been raised about the additional traffic that will be made as a result of the proposal and its impact on the road network and the existing access. Any additional traffic generated would use the existing access to the existing air port car parking site on Styal Road. There is another access to the glasshouse from Styal Road adjacent to the property known on Ellwood however, it is stated within the transport statement that this access will be closed to vehicular traffic. In the transport statement that was submitted with the application, the Council Highways department were consulted on the proposal. The highways department raised no objection to the proposal. With regard to the traffic impact of the site, as the operation of the site is not a peak traditional peak hour generator when the majority of flow is using the road network, the trips to the site were spread throughout the day. Traffic count data from the existing use has been submitted that indicates the peak hour generation is very small indeed. There were no concerns regarding the access as it is a good standard and there is sufficient visibility available in both directions.

It is therefore considered that the applicant has provided sufficient information to demonstrate that the proposal will not be detrimental to highway safety or have an adverse impact on the highway network.

## **OTHER MATTERS**

The case has also been put forward that the proposal could also be classed as being not in appropriate development within the Green Belt in the context of paragraph 90 of the NPPF, as the proposal could be considered to be

- local transport infrastructure which can demonstrate a requirement for a Green Belt location

The term 'local transport infrastructure' is not defined within the NPPF glossary. It is not considered that this proposal meets this definition. Weight is also given to the comments of Manchester Airport and the information in support of this application does not demonstrate a

need or requirement for the development to be in a Green Belt location. The claims made in respect of the extent of long stay parking provision required, the current long stay parking provision, the demand for long stay parking provision, and the amount of land available for such development do not stand up to scrutiny. A survey has been undertaken regarding the current provision of parking however, the methodology used and the analysis undertaken has not been robust. In any event, as explained in the Green Belt section above, the proposal is considered to be not inappropriate development within the Green Belt for different reasons.

The concerns raised by Manchester Airport are fully considered. However, taking into account the previous Inspector's decision, it is not considered that a reason for refusal based on potential conflict with the Airport's surface transport and infrastructure strategy could be sustained at appeal.

The comments of Styal Parish Council are also fully considered. The Council has taken action to resist many unauthorised off-airport car-parking sites in the Green Belt. This particularly case is different in that it is not inappropriate development in the Green Belt and as such there is no policy presumption against the development.

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

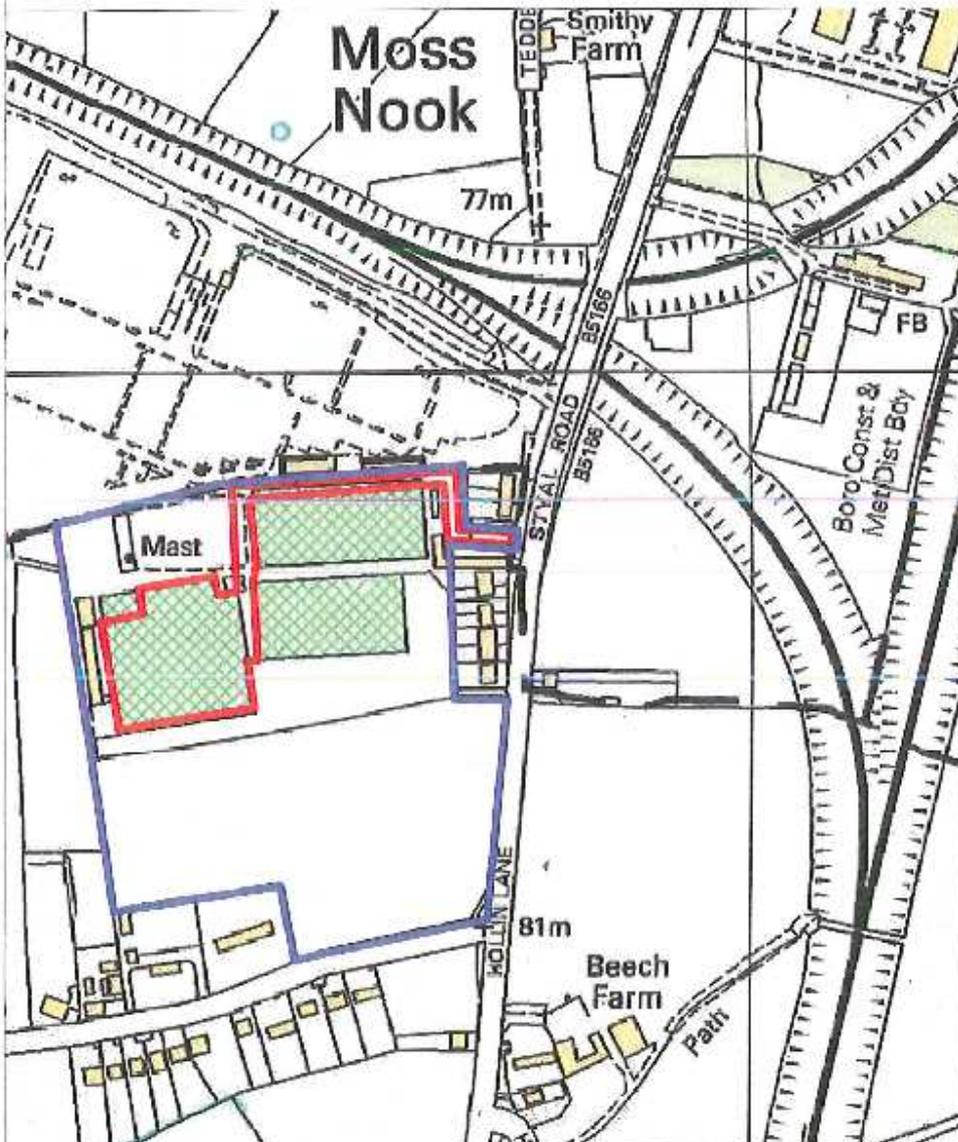
The proposal is considered to not be inappropriate development within the Green Belt. It is also considered that the proposal would not be detrimental to highway safety or would have an adverse impact on the highway network above the existing use of the main site. Neither would it result in a significant impact to neighbouring residential amenity. On that basis, the proposal is considered to be in accordance with policies GC8 (Reuse of buildings), DC3 (Protection of amenity for nearby residential properties) and DC6 (Circulation and Access) of the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework. The application is recommended for approval subject to 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.

Location Plan



envs : 0022152, Plotted Scale - 1:2000

*Mathew's Nursery, Styal Road, Styal*

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Application No: 14/0990M

Location: 2 - 4 Holly Road North, Wilmslow, Cheshire, SK9 1LX

Proposal: Variation to condition 2 of application 11/0533M. For Erection of 10 No. Apartments with Basement Parking

Applicant: Wayne Seddon

Expiry Date: 21-Apr-2014

**Date Report Prepared: 3<sup>rd</sup> April 2014**

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

#### **MAIN ISSUES**

- Impact on the character and appearance of the application site and wider locality;
- Impact on the residential amenity of nearby properties;
- Highway safety; and
- Impact on protected trees.

#### **REASON FOR REPORT**

Planning approval is sought to vary Condition 2 (approved plans) of planning approval 11/0533M for the erection of 10no. apartments with basement parking. Accordingly, in line with the Council's Constitution the application should be determined by Members at Northern Planning Committee.

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

The application site is currently a vacant plot positioned on the southern side of Holly Road North, within a predominantly residential area of Wilmslow. Historically the site comprised of 2 no. individual planning units occupied by 2 no. two storey dwellings that were demolished in association with planning reference 07/0961P.

Holly Road North is predominantly characterised by detached circa 1940s, two storey dwellings positioned centrally within fairly spacious plots. Modern additions to the immediate street scene have been constructed over time including a 1960's apartment block located to the southeast and a mews housing development positioned opposite, to the northeast. The road has retained a sylvan, low density character with a number of mature trees, soft boundary treatment and manicured gardens to the front.

#### **DETAILS OF PROPOSAL**

It is proposed to vary Condition 2 (approved plans) of planning reference 11/0533M.

## RELEVANT HISTORY

- 13/5094M Variation of condition 2 (Approved Plans on permission 11/0533M to allow revised design of building.  
Withdrawn, 18.02.2014
- 11/0533M Extension to time limit to 08/0783P for the erection of 10no. apartments with basement parking.  
Approved with conditions, 10.06.2011
- 11/0534M Extension to time limit to 07/0961P for the erection of 9no. apartments in a 5 storey building, including attic space and basement parking (amendment to approved application reference 05/0789P). Application 07/0961P was refused on 11.07.2007 and subsequently allowed on Appeal ref: APP/C0630/A/08/2063072.  
Approved with conditions, 07.06.2011
- 08/0783P Erection of 10No. Apartments with Basement Parking  
Approved with conditions, 25.06.2008
- 07/0961P Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roofspace and basement parking for 20 cars & 2 external car parking spaces.  
Refused 17.07.2007 Appeal Allowed 20/06/2008
- 06/1914P Erection of 10No. apartments in a 5-storey building, including attic space & basement parking.  
Refused 4.10.2006.
- 05/0789P Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roofspace & basement parking for 17no. cars & 2no. external car parking spaces.  
Approved 23.05.2005

## POLICIES

### Local Plan Policy

- BE1 Design Guidance
- DC1 New Build
- DC2 Extensions and Alterations
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H13 Protecting Residential Areas

**National Planning Policy Framework**  
Chapter 7 Requiring Good Design

**Local Plan Strategy Submission Version March 2014**

SD2 Sustainable Development Principles

SE1 Design

SE1 Efficient Use of Land

**CONSULTATIONS (External to Planning)**

**Environmental Health:** No objection.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:** recommends refusal on the grounds of the proposal being significant change to the fundamental nature of this development resulting in a 4 storey residential building, which would have a significant impact on the amenity of neighbouring properties, most notably in Summerfield Place and Holly Road North. The Town Council expressed concerns at the distances of neighbouring properties from the new gable end and dormer windows and would stress that any Tree Protection Order Orders be enforced and any other trees that are removed be replaced.

**OTHER REPRESENTATIONS**

The consultation period for this application expires 11<sup>th</sup> April 2014. To date representations have been received from no.16 and no.18 Summerfield Place, positioned to the rear of the application site. Both raise objection to the application. The points raised are summarised as follows:

- Detrimental to the character of the local area due to scale and massing;
- Loss of privacy due to proximity of balconies to neighbouring properties;
- Increased capacity of the site leads to concerns relating to highway safety, having regard to the proximity of the site to the high school;
- The site has been left derelict with no sign of development, irrespective of 12 years of planning approvals;
- Harm to protected trees.

**APPLICANT'S SUPPORTING INFORMATION**

The application has been supported by an Arboricultural Statement.

**OFFICER APPRAISAL**

**History**

The application site has a fairly extensive site history that spans over a 12 year period. The majority of applications essentially seek approval for minor alterations to previously approved schemes. Two of those refused by the Council were taken to appeal and dismissed, the first (03/2450P) on grounds of housing supply and the second (04/2555P) on grounds of design and character.

A third application refused by the Council, and arguably the most relevant, was Allowed on appeal (07/0961P). This gave permission for the construction of a 5 storey apartment block comprising 9 no. apartments and basement parking. Further to this, approval was granted for

the provision of 1 no. additional apartment resulting in the provision of a 5 storey apartment block comprising 10 no. apartments with basement car parking (08/0783P).

Extensions of time limits have been granted for planning references 07/0961P and 08/0783P and both remain extant.

The principle of the approved development has been assessed and accepted by the Council and the Inspectorate. The purpose of this application is to vary the approved plans condition on planning approval 08/0783P / 11/0533M. Accordingly, it is not necessary or reasonable for Members to re-visit the principle of constructing a 5 storey apartment block during their assessment.

### **Design**

Local Plan policies DC1 and BE1 seek to ensure that the overall scale, density, height, massing and palette of materials of new developments are sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. New development should respect the characteristics of the area; respect the form, layout, siting, scale and design of the locality; contribute to the rich environment and vitality of the area; be human in scale and use appropriate materials.

The alterations proposed would comprise an increase in the ridge height by 500mm to enable compliance with current building regulations requirements. It is proposed to increase in the eaves level by 800mm and the wings to either side of the building are to be increased in height from 5m to 6m. Fenestration detailing is to change and a central feature gable is proposed to the front. Approved gables to the rear are to be increased in width and height and balconies are to be increased in width and form. Enclosed balconies are to be open with privacy screening to the sides. A detailed palette of materials has not been provided and is something that should be requested via condition if Members are minded to approve the application.

The proposed scheme would present a development of larger proportions to that previously approved, which maintained an eaves line comparable to neighbouring properties. The approved window detailing is fairly modest and does not clutter the façade of the building allowing it to maintain a relationship with the established properties within the surrounding area.

The proposal is a more contemporary design in comparison to the previous planning permission, which was a more traditional approach. The revised design has taken cues from the extant scheme, in particular in respect of the eaves detailing and balconies which are more in keeping with the two storey character of the neighbouring properties.

Increases to the originally approved scheme in 2003 which allowed for a three storey apartment building have been achieved through the submission of numerous minor amendments over the years. Though each application has been considered to be acceptable at the time of assessment, it should be recognised by Members that this application seeks yet another revision that would allow for a further increase in the overall massing of the development. Cumulative changes can water down the architectural merit of a scheme to the detriment of the wider setting of the site. The increases achieved to date together with those now proposed pushes the upper limits of what this site could comfortably accommodate. A

recent planning application was withdrawn following concern raised by officers that the alterations resulted in an unacceptable design. This application has sought to address those concerns. The revisions currently proposed are to be contained within the building envelope and, on balance, are considered to have a similar impact on the character and setting of the application site when compared to that previously approved. The proposal is considered to have an acceptable impact on the street scene and complies with policies BE1 and DC1.

### **Amenity**

Sufficient distance would remain between the front elevation of the building and properties located opposite to raise no additional concern in respect of their amenity.

It is proposed to increase the height of 2 no gables positioned on the rear elevation by 1.5m. It is also proposed to increase their width by 3.5m. These alterations would be visible and undoubtedly felt by neighbouring properties to the side and rear of the application site. The overall massing of the additional roof volume would be drawn away from neighbouring properties positioned to the side by virtue of the gabled roof formation. Privacy screens are to be installed to the side of each balcony. Accordingly it is not considered that these changes would significantly differ from the impact imposed by the extant permission.

Careful consideration has been given to the objections raised by the occupiers adjoining the application site to the rear. The application site is located within an established residential area where some degree of overlooking into neighbouring gardens occurs. The spacing distances proposed are commensurate with those deemed to be acceptable by the Inspectorate and it would be unreasonable for the Council to reach a different conclusion on this matter now.

In addition to the changes to the building, it is proposed to change the access arrangements to the basement car park to western side of the site. There is an extant permission on the site for the same parking and access arrangements as this proposal (planning reference 07/0961P). That application was refused by the Council due to the proximity of the access into the basement car parking area with the adjoining property, Beechwood. The application was allowed on appeal (APP/C0630/A/08/2063072/NWF).

The inspector accepted that there would be an increase in vehicular movements near to the house and garden of Beechwood compared to the single dwelling that previously resided on the site and the approved scheme. In assessing the appeal The Inspector gave consideration to the positioning of a double garage that would separate the access ramp and the main living accommodation of Beechwood; the positioning of the access relative to the rear garden of Beechwood and existing boundary treatment.

It was concluded by the Inspector that there would be likely to be some increase in noise and disturbance for the occupiers of Beechwood, however it was not considered that this would be significant taking account of the site circumstances. There have been no changes in site circumstances since that conclusion was drawn and it is considered that a refusal on the grounds of the siting of the access is unlikely to be upheld on appeal.

### **Trees**

This application has been supported by an updated Arboricultural Survey that has been carried out by Cheshire Woodlands. The report identifies a number of trees of moderates and

low amenity value. A mature Horse Chestnut and Sycamore trees located to the front of the site offer the greatest amenity value and are the subject of a tree Preservation Order. These trees are identified for retention.

The impact of the new access to the basement car park will remain the same as for the extant permission which allows for the same access arrangements.

No objection has been raised by the Council's Arboricultural Officer.

### **Highways**

The reorganisation of the internal accommodation will allow for the provision of 1 no. additional bedroom within the second floor apartment. 4 no additional parking spaces are proposed within the basement car park area, providing a total of 21no. spaces of which 5 are for disabled use. In addition to the basement 2 no. visitor/disabled spaces are to be positioned to the front of the site as per the approved scheme.

No comments formal comments have been received from the Strategic highways Manager; however no concerns or objections are anticipated.

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

In conclusion, the revisions currently proposed are to be contained within the building envelope and, on balance, are not considered to lead to materially greater harm to the character or setting of the application site, residential amenity, highway safety or to the well being of protected trees within the site than that previously approved. The resulting development will have an acceptable impact on the street scene and will not significantly injure the amenities of the occupiers of nearby residential properties. The proposed development accords with the relevant policies of the Development Plan and guidance within the Framework.

A recommendation of approval is provided.

Application for Variation of Condition

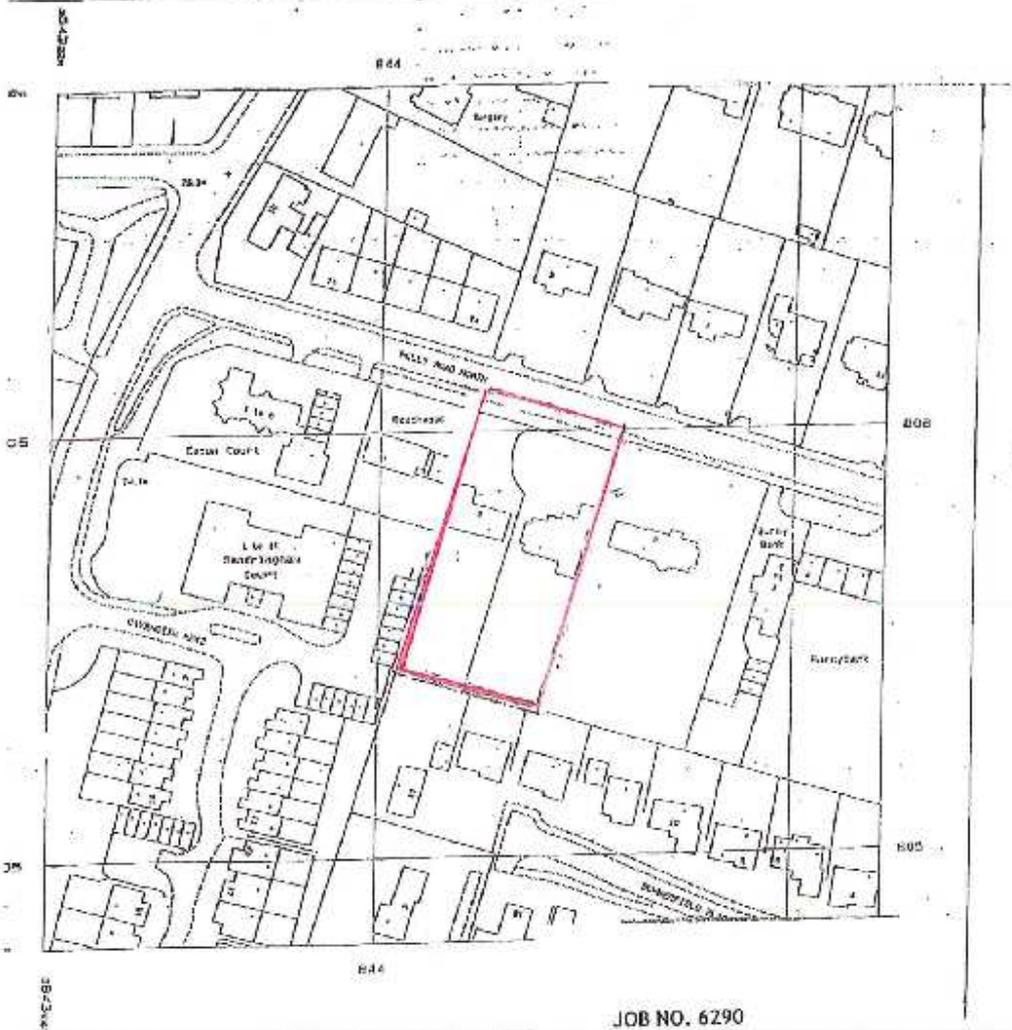
### **RECOMMENDATION:**

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A12HA - Closure of access
5. A13HA - Construction of junction / highways (outline)
6. A01HP - Provision of car parking
7. A10HP - Driveway surfacing - single access drive
8. A01LS - Landscaping - submission of details

9. A04LS - Landscaping (implementation)
- 10.A01TR - Tree retention
- 11.A02TR - Tree protection
- 12.A03TR - Construction specification / method statement
- 13.A05TR - Arboricultural method statement
- 14.No gates or obstruction shall be erected across the vehicular access
- 15.Access to be constructed before occupation of the building
- 16.Drainage of car park surfaces
- 17.Provision of cycle stands
- 18.Provision of cycle store
- 19.Windows in side elevation shall be obscured and non-opening
- 20.External Appearance
- 21.non standard

Ordnance Survey  
Superplan

Planning Extract - 1  
Site-centred



JOB NO. 6290

2-4 HOLLY ROAD NORTH  
WILMSLOW  
CHESHIRE  
SK9 1LX

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Application No: 14/0655N  
Location: Rookery Farm, ROOKERY LANE, BURLEYDAM, SY13 4AY  
Proposal: Steel portal framed agricultural building for the housing of livestock.  
Applicant: Robert Vernon  
Expiry Date: 08-May-2014

**SUMMARY RECOMMENDATION**

Approve with Conditions

**MAIN ISSUES**

- Principle of Development
- Residential Amenity
- Design and Layout
- Open Countryside

**REASON FOR REPORT**

This application has been referred to the Northern Planning Committee in accordance with the Council's Scheme of Delegation as the proposal is over 1,000 square metres in size.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to Rookery Farm, an established farm situated at the junction of Royal Green Lane and Whitchurch Road within the Open Countryside to the south of Nantwich.

The application site lies to the east of the existing groups of agricultural buildings associated with the existing farm.

**DETAILS OF PROPOSAL**

The proposed development is the construction of a modern steel portal framed agricultural building measuring 67 metres by 31 metres, with an eaves height of 3.8 metres and a roof ridge height of 8.4 metres. It will be finished with 1 metre high concrete panel walls with tantalised timber Yorkshire boarding above. The roof shall be clad with natural grey fibre cement sheets.

The proposed building will be used for the housing of livestock.

**RELEVANT HISTORY**

14/0981N – Agricultural building – yet to be determined at time of report writing

## **POLICIES**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD.1 Sustainable Development in Cheshire East  
SD.2 Sustainable Development Principles  
SE.1 Design  
PG.5 – Open Countryside  
MP.1 – Presumption in Favour of Sustainable Development  
EG.2 - Rural Economy

### **Crewe & Nantwich Borough Council Local Plan Policy**

BE.1 – Amenity  
BE.2 – Design  
BE.3 – Access and Parking  
NE.2 – Open Countryside  
NE.14 – Agricultural Buildings Requiring Planning Permission

National Planning Policy Framework

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

### **Environmental Health**

No objection subject to recommended condition relating to hours of construction.

### **Highways**

No comment or objection

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

None received

### **OTHER REPRESENTATIONS**

None received

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

Design and Access Statement

### **OFFICER APPRAISAL**

#### **Principle of Development**

Policy PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version is consistent with Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 in that development within the Open Countryside is restricted to which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area.

Policy NE.14 (Agricultural Buildings Requiring Planning Permission) states that proposals for the erection of agricultural buildings will be permitted where:

- The development is essential either to the agricultural operation of to comply with current environmental and welfare legislation, and maintains the economic viability of the holding.

The submitted Design and Access Statement states that the proposed development is needed to allow the farm to house its cattle and meet current industry standards.

### **NPPF**

Paragraph 28 of the National Planning Policy Framework states that Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development, in particular:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

The NPPF encourages LPA's to actively support the existence and enhancement of rural businesses of all types. This is further enhanced by Policy MP.1 (Presumption in Favour of Sustainable Development) which states that:

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy EG.2 (Rural Economy) states that when outside of Principal Towns, Key Service Centres and Local Service Centres developments that encourage the retention and expansion of existing businesses.

Therefore the proposed dirty water lagoon accords with both Local and National Policy in terms of its functional need.

### **Amenity**

The proposed agricultural building will be used for the housing of livestock, as such it is likely that this activity will generate noise and smells associated with cattle.

The application site is located over 40 metres from the closest residential dwelling to the west, as well as this there are existing agricultural buildings in between. There has also not been any objection from the Environmental Health Officer.

With this in mind it is not considered that the proposed development will have a significantly detrimental harm upon residential amenity.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Character and appearance**

This is an application for the construction of an agricultural building associated with an existing farming enterprise within an agricultural field within the Open Countryside.

The proposed development will be situated close to the existing complex of agricultural buildings of associated with Rookery Farm and, when viewed from the public highway, will not appear as a prominent form of development to the detriment of the open countryside. It is considered that the proposed development is of a size, scale and design which is appropriate to its rural location, and will not have a significantly detrimental impact on the streetscene or Open Countryside setting.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards), NE.14 (Agricultural Buildings Requiring Planning Permission) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 as well Policy SE.1 (Design) of the Cheshire East Local Plan Strategy – Submission Version.

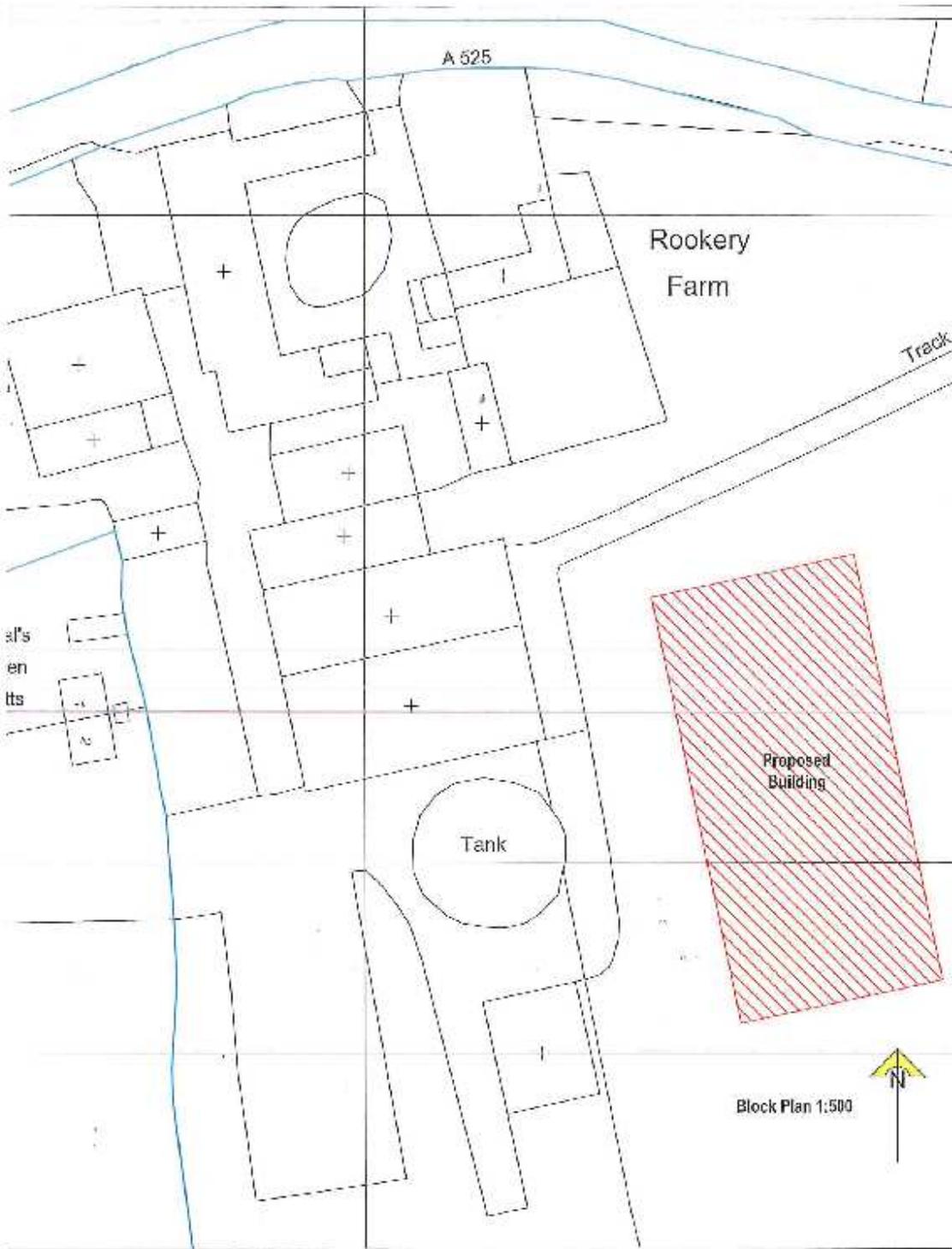
### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed agricultural building is an appropriate form of development within the Open Countryside. The development will not have a detrimental impact on the character and appearance of the surrounding area and as conditioned would not have a significantly detrimental impact on the amenity of nearby buildings. The proposal complies with Policies NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies SD.1 (Sustainable Development in Cheshire East), SD.2 (Sustainable Development Principles), SE.1 (Design), PG.5 (Open Countryside), MP.1 (Presumption in Favour of Sustainable Development) and EG.2 (Rural Economy) of the Cheshire East Local Plan Strategy – Submission Version and the National Planning Policy Framework.

## **RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Standard time 3 years**
- 2. Materials as stated**
- 3. Plans**
- 4. Hours of Construction**



## **INFORMATION ITEM ON URGENT DECISION RELATING TO LAND AT JASMINE PARK FORMERLY HENBURY HIGH SCHOOL, WHIRLEY ROAD, MACCLESFIELD**

### **BACKGROUND**

In February 2006, Macclesfield Borough Council granted planning permission for the redevelopment of Henbury High School for the erection of 123 dwellings (05/1184P).

The permission is subject to a section 106 agreement dated 24<sup>th</sup> February 2006 and subsequent variation dated 2<sup>nd</sup> December 2011 which provided for the provision of Open Space which includes an area of open land, a play area (LEAP), a Multi Use Games Area (MUGA), a pavilion comprising changing facilities and community rooms, car park and Sports England standard pitches.

The development was enabling development and the capital raised from the sale of the school land for the housing development has been used by the former Cheshire County Council to help fund the Macclesfield Learning Zone development and relocation of the synthetic turf football pitch to Fallibroome High School (now The Fallibroome Academy).

The Housing Development is now complete and the remaining provision of the open space provided for under the terms of the original s106 are yet to be completed with works still required before a completion certificate can be issued. The issue of a completion certificate will trigger a 12 month maintenance period or sum in lieu and thereafter transfer of the whole of the Open Space together with commuted sums for maintenance.

The local residents/local community have been lobbying the Council and the developer/Owner Taylor Wimpey to open the children's play area (LEAP) and the multi use games area (MUGA). These areas have been certified complete under a ROSPA but are within the Open Space and therefore part of the whole Open Space provision which is not complete and up to standard. Therefore no completion certificate can be issued in respect of the whole site until such time as the Open Space development is completed in accordance with the agreement and thereafter the development of the open space provision is of a standard to be handed over to the Council.

At the public meeting held on Friday 21st March a commitment was made by Taylor Wimpey to open the two play areas (the LEAP and MUGA) for public use but in order to satisfy their insurers they would require confirmation of the completion from the council in the form of a certificate of completion for the two play areas. In order to facilitate this departure from the terms of the s106 agreement it was necessary to vary the s106 by

Deed to ensure that the triggers are not affected by the issue of a certificate relating to two specific areas within the otherwise incomplete provision of the Open Space and to preserve the Council's position so that maintenance and transfer are not affected by the variation and the whole site is delivered as envisaged within the original s106 agreement.

The Council have worked with Taylor Wimpey and in order to enable them to acquire public liability Insurance the council agreed to issue a certificate for the parts to be opened but not to alter the terms of the s106 agreement so as to minimise in any way the provision of the open space and subsequent transfer of the whole of the Open Space with sums payable on transfer.

Taylor Wimpey will retain responsibility for the maintenance of the LEAP area and MUGA until the open space is complete and a certificate of completion can be issued in respect the remainder of the whole open space provision and thereafter until transfer of the whole to the Council.

At a meeting at the Council Offices on Monday 24<sup>th</sup> March Taylor Wimpey agreed to the variation by Deed and to open the said areas to the public by the 4<sup>th</sup> April 2014 and furthermore to complete all outstanding works on the Open Space land including buildings ready for transfer by the 30<sup>th</sup> June 2014. The Council have agreed to prepare the legal documentation for transfer by this date on completion of the works and in accordance with the terms of the existing s106 agreement.

The Council have agreed to issue a certificate for the play areas only (the LEAP and MUGA) to facilitate the opening of those areas prior to the completion of the open space provision as a whole and transfer after the issue of a completion certificate for the remainder of the open space provision as set out in the existing s106. The Chair and Vice Chair in consultation with the Head of Strategic & Economic Planning authorised the variation of the s106 to enable the issue of a certificate for insurance purposes and for completion of the deed of variation before 4<sup>th</sup> April 2014.

The deed of variation was completed on the 1<sup>st</sup> April 2014. The play area and MUGA at Jasmine Park were open to the public by the 4<sup>th</sup> April 2014.

#### **REASON FOR THE URGENCY**

The Head of Strategic & Economic Planning, in consultation with the Chairman and the Vice Chairman of Northern Planning Committee, authorised a variation of the original Agreement to allow for the issue of a completion certificate for the parts of the open

space comprising the play area (LEAP ) and the Multi Games Area (MUGA) incorporating the changes agreed at a public meeting attended by local press, residents, the Local Member of Parliament, the Developer/ Owner of the land and Officers of the Council to facilitate the opening of the LEAP and MUGA by Taylor Wimpey's declared deadline of 4<sup>th</sup> April 2014 and without further publicity, the proposed changes outlined above, in order to conclude a variation of the 2006 S106 Agreement and complete the legal process by the agreed date.

### **ACCESS TO INFORMATION**

The background papers relating to this report can be inspected by contacting the report writer:

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