

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 4th February, 2015</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the meeting held on 7 January 2015 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. **14/3395M-Wood Chip Biomass Boiler, Robinson Nurseries, Bolshaw Road, Heald Green for Peter Robinson, W Robinsons Nurseries Ltd** (Pages 9 - 20)

To consider the above application.

6. **14/3884M-Outline application with all matters reserved for a residential development of up to 26 units, Land Off, Rotherwood Road, Wilmslow for P.E. Jones (Contractors) Limited** (Pages 21 - 36)

To consider the above application.

7. **14/5487M-Proposed detached two storey dwelling house at garden plot (rear of 128 Oxford Road), 128 Oxford Road, Macclesfield for Paul Simms, FCB** (Pages 37 - 46)

To consider the above application.

8. **14/4981M-Variation of Removal of Condition 11 on application 14/0729M, Mobberley C of E Primary School, Church Lane, Mobberley for Nick Cook, CEC** (Pages 47 - 54)

To consider the above application.

9. **14/5386C-Reserved matters application for approval of details of access; relating to Phase 1 of outline consent reference 13/0918C comprising 1N° dwelling and construction of new road junction to Manchester Road, Land off Manchester Road, for Whittaker and Biggs** (Pages 55 - 60)

To consider the above application.

10. **14/5388C-Reserved matters application for approval of details of access relating to phase 1 of outline consent C comprising of 1N° dwelling and construction of new road junction to Manchester Road, Land Off Manchester Road Phase 1, Manchester Road, Congleton for Congleton Inclosure Trust** (Pages 61 - 66)

To consider the above application.

11. **14/5197C-Demolition of existing building and formation of stables, menage and change of use of land to horse culture (Resubmission of 14/2624C), Land off, Davenport Park Lane, Congleton for D S Sheard & Sons (Pages 67 - 74)**

To consider the above application.

12. **14/5368M-A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development, Brookfield Hydro Motors Limited, 10, London Road South, Poynton for Aldi Stores Ltd (Pages 75 - 82)**

To consider the above application.

13. **14/5063M-Application for full planning permission for the change of use of part of the first floor from B2 to 19 apartments, Clarence Mill, Clarence Brow, Bollington, Macclesfield for Clarence Mill Ltd (Pages 83 - 92)**

To consider the above application.

14. **14/5065M-Application for full planning permission and Listed Building Consent for the change of use of part of the first floor from B2 to 19 apartments, Clarence Mill, Clarence Brow, Bollington, Macclesfield for Clarence Mill Ltd (Pages 93 - 96)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th January, 2015 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors C Andrew, Rhoda Bailey (Substitute), L Brown, B Burkhill,  
H Gaddum, S Gardiner, A Harewood, O Hunter, L Jeuda, D Mahon,  
D Neilson, L Roberts and L Smetham (Substitute)

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr J Williamson (Planning Officer), Mr N  
Turpin (Principal Planning Officer) and Miss B Wilders (Principal Planning  
Officer)

### **83 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Macrae and A  
Thwaite.

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

In the interest of openness in respect of application 14/3844M, Councillor  
S Gardiner declared that he used to be the Planning agent involved in the  
site opposite to the application.

It was noted that the majority of Members had received email  
correspondence in respect of application 14/3844M.

In the interest of openness in respect of application 14/4481M, Councillor  
B Burkhill declared that he was the Ward Councillor and had dealings with  
residents in assisting with procedural advice.

In the interest of openness in respect of applications 14/4732C and  
14/4705C, Councillor Mrs Rhoda Bailey declared that she was a Member  
of the Southern Planning Committee who had considered the applications  
previously.

In the interest of openness in respect of application 14/4932N, Councillor  
S Gardiner declared that he had a previous working relationship with the  
Architect connected to the application.

### **85 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 26 November 2014 be approved as a correct record and signed by the Chairman.

**86 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**87 14/3844M-CHANGE OF USE FROM INDUSTRIAL TO RESIDENTIAL. DEVELOPMENT OF 33 NEW DWELLINGS INCLUDING 8 APARTMENTS, IMPROVEMENTS TO LAND LEVELS, AMENITY, INFRASTRUCTURE AND LANDSCAPING TO SUIT, LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON FOR ROWLINSON INVESTMENTS LTD**

Consideration was given to the above application.

(Town Councillor Ken Edwards, representing Bollington Town Council, Sandra Edwards, Vice Chairman of the Bollington Civic Society, John Weston representing 2<sup>nd</sup> Bollington Scout Group, Dr Stokes, an objector and David Roberts, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Planning Officer on behalf of Councillor M Jones).

**RESOLVED**

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

- 30% Affordable Housing (i.e. 10 units as proposed);
- A contribution of £54,231.00 is required towards primary education
- A contribution of £65,371.00 towards secondary education
- Provision of £40,500.00 towards Public Open Space
- Provision of £23,000.00 towards Recreational Open Space
- Inclusion of cascade mechanism for the occupation of the affordable houses to ensure that preference is given to Bollington residents

- Investigate the possibility of a TRO (financial contribution of £5000 to be returned if not used) to prevent on street parking close to the site

And subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A03FP\_1 - Commencement of development (3 years)
3. A01GR - Removal of permitted development rights
4. A01LS - Landscaping - submission of details
5. A02HA - Construction of access
6. A04LS - Landscaping (implementation)
7. A04TR - Tree pruning / felling specification
8. A15LS - Submission of additional landscape details
9. A16LS - Submission of landscape/woodland management plan
10. A02TR - Tree protection
11. Breeding Birds
12. Nesting bird mitigation measures
13. Boundary Treatment
14. Noise mitigation scheme including a noise impact assessment
15. In accordance with Flood Risk Assessment
16. Construction hours of operation to also include demolition and to prevent weekend and bank holiday working
17. Should any contamination be found, a remediation strategy shall be submitted to the EA
18. Features for roosting bats to be incorporated into housing
19. Provision of 8m undeveloped buffer zone adjacent to the river
20. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
21. Submission of detailed proposals for the construction of an artificial otter holt.
22. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
23. Submission of updated badger survey prior to commencement of development.
24. Pile foundations
25. Electric Vehicle Infrastructure
26. Dust control
27. Contaminated Land
28. Engineer designed no dig hard surface construction for the driveway and parking areas located within retained trees Root Protection Areas required
29. Travel Plan
30. Details of bin stores
31. Finished floor levels
32. Native species hedgerow to be planted
33. Landscape plan for river corridor
34. Details of play area

35. Details of materials

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman (or in her absence the Vice Chairman) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(The meeting adjourned for a short break).

88 **14/4481M-ERECTION OF 4 NEW SEMI DETACHED PROPERTIES, LAND ADJACENT TO, 25, THE RACE, HANDFORTH FOR GRAYS INN 10**

Consideration was given to the above application.

**RESOLVED**

That Members be minded to refuse the application and as such object to the application on the following reasons:-

1. Overdevelopment of the site/cramped form of development and resultant impact on amenity
2. Adverse impact on BAP habitat resulting from tree removal

Officers were also requested to draw the Inspectors attention to the statutory requirements relating to BAP habitats and to ensure that the Council's Nature Conservation Officer liaises with the appropriate body regarding unauthorised works affecting the BAP habitat.

The following conditions were recommended to the Inspectorate, should the Inspectorate allow the appeal:

- Development within 3 years
- Development in accordance with plans
- Samples of materials for external surfaces to be submitted/approved
- Landscaping, boundary treatment and tree planting details to be submitted/approved
- Landscaping, boundary treatment and tree planting details to be implemented as approved. Landscaping scheme to provide for the same number of trees required by the re-stocking notice and to ensure that should any trees die etc within 10 years that they should be replaced by similar species etc
- Tree protection details to be submitted/approved
- Trees shown to be retained to be retained

- Details of any tree pruning/felling (if necessary) to be submitted/approved
- Details of piling (if used) to be submitted/approved
- Dust control details to be submitted/approved
- An up-dated Badger survey to be submitted/approved
- All measures to reduce noise in the Noise Assessment Report to be implemented and verification of such to be submitted to the LPA post development completion
- Construction method statement
- Hours of construction/demolition to be restricted to weekdays only and no Bank Holidays
- Permitted development rights to be removed for extensions and outbuildings on Plots 3 & 4

And the following informatives to be included:-

- The applicant's attention is drawn to the recommendations of United Utilities
- The applicant's attention is drawn to the recommendations of Network Rail
- The applicant's attention is drawn to the lawful requirements re contaminated land
- The applicant is advised to undertake all noise generative activities between the following hours: 0800-1800 Mon to Fri

(This decision was contrary to the Officer's recommendation which was not to defend the appeal against non determination. Councillors L Roberts and Mrs L Smetham left the meeting and did not return).

**89 14/5122M-CHANGE OF USE OF EXISTING VACANT INDUSTRIAL WAREHOUSE UNIT TO AN INDOOR TRAMPOLINE PARK (CLASS D2 LEISURE USE) (RE-SUBMISSION OF WITHDRAWN APPLICATION 14/2083M), 4, BROOKE DRIVE, HANDFORTH, FOR ERIK HAUGEN, RYZE MANCHESTER LIMITED**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the update to Committee the application be delegated to the Planning and Enforcement Manager to approve subject to following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A13GR - Business hours (including Sundays)
4. A04HP - Provision of cycle parking
5. A19MC - Refuse storage facilities to be approved

6. Travel plan to be submitted
7. Car parking to be provided
8. Noise management plan to be submitted

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**90 14/4732C-VARIATION OF CONDITION 6 ON EXISTING PERMISSION 11/2720C; OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY, SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL FOR FISONS LTD, TRADING AS SANOFI**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the update to Committee the variation to the wording of condition 6 be approved and subject to the following conditions:-

1. time limit (1) - commencement of development
2. time limit (2) - submission of reserved matters
3. approval of reserved matters
4. approved plans
5. details of reserved matters
6. details of office facilities
7. 2 year limit on temporary office portacabins
8. details of materials
9. hours of construction
10. piling
11. floor floating
12. surface water drainage details
13. details of facing materials and internal insulation (jodrell bank)
14. details of acoustic enclosure of any fans

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**91 14/4705C-APPLICATION FOR ALL RESERVED MATTERS IN RELATION TO PREVIOUS PERMISSION 11/2720C; THE EXTENSION TO MANUFACTURING FACILITY (AREA 12), SANOFI AVENTIS,**

**LONDON ROAD, HOLMES CHAPEL FOR FISONS LTD, TRADING AS SANOFI**

Consideration was given to the above application.

(Rhian Harris, 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 approved subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. Proposal relates to Phase 1 only (Area 12)
3. Submission of levels survey

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chairman) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement 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 should they be required.

**92 14/4932N-NEW CUBICLE SHED, WALNUT FARM, BARTHOMLEY, CREWE FOR MR P ABELL**

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. A06EX - Materials as application

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee, to

correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 2.00 pm and concluded at 6.00 pm

Councillor R West (Chairman)

Application No: 14/3395M  
Location: ROBINSON NURSERIES, BOLSHAW ROAD, HEALD GREEN  
Proposal: WOOD CHIP BIOMASS BOILER  
Applicant: PETER ROBINSON, W ROBINSONS NURSERIES LTD  
Expiry Date: 15-Oct-2014

**REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision. The application was deferred from Northern Planning Committee in October 2014 for further information and a site visit.

**CONCLUSION:**

The proposed development is not considered to be inappropriate development in the Green Belt as it is considered that the proposed biomass boiler/CHP plant is ancillary to the established horticultural business on site. Whilst the large size and height of building and chimney proposed means that it will inevitably have an impact on the openness of the Green Belt, its visual impact, subject to the imposition of appropriate conditions, is nevertheless considered to be acceptable. This is having regard to its siting close to the existing complex of buildings and to existing landscaping. There are no amenity issues raised by the proposal and it will result in a reduction in CO2 emissions by replacing an existing coal fired boiler. There are no significant issues raised by the proposal in terms of ecology, trees, highways, public rights of way and noise. In addition the proposal will bring with it social and economic benefits as outlined in the report.

Therefore having regard to Paragraph 14 of the NPPF, in this case it is considered that any adverse impacts resulting from the granting of permission would not significantly and demonstrably outweigh the benefits when assessed against relevant policies.

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL:**

Full planning permission is sought for the construction of a single biomass Combined Heat and Power plant (CHP) on part of an existing commercial nursery site. The building would measure 30m x 40m reaching a height of 14m to eaves, 16m to ridge and the chimney would have a height of 25m. It would be constructed from composite panel sheeting. The building would be located to the south of the existing complex of buildings, close to an existing composting area associated with the nursery.

This application was deferred at the meeting of the Northern Planning Committee in October in order for clarification on a number of issues, additional information and to allow Members to carry out a site visit.

**SITE DESCRIPTION:**

The application site measures 6,219.28 sq. m and comprises W Robinsons Nurseries Ltd– an existing nursery business.

The site is bounded by a residential estate to the East, Bolshaw Road to the North with Styal Golf Course to the south east, south and west. A spur for the A6 to Manchester Airport Relief Road (A6MARR) is proposed to run along the southern site boundary in a north western to south easterly direction.

There is a public footpath running north to south adjacent to the nursery business along a field boundary.

The site is located in the Green Belt.

**RELEVANT HISTORY:**

Various applications for glass houses associated with the existing business and applications for the A6MARR.

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 – presumption in favour of sustainable development

18 to 22 – building a strong, competitive economy

28 – supporting a prosperous rural economy

56 to 68 – requiring good design

79 – 92 – protecting Green Belt land

93 – 108 – meeting the challenge of climate change, flooding and coastal change

109 – 125 – conserving and enhancing the natural environment

**Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the site as Green Belt.

The relevant Saved Policies are: -

NE11 – Nature Conservation

BE1 – Design Guidance

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 - Landscaping

DC63 – Contaminated Land

T7 – Safeguarded Routes  
GC1 – Green Belt  
DC13 – Noise  
DC62 – Renewable Energy  
DC63 – Contaminated Land

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire Waste Local Plan - Saved Policies**

Policy 1 Sustainable Waste Management  
Policy 2 Need For Waste Management Facilities  
Policy 12 Impact of Development Proposals  
Policy 14 Landscape  
Policy 15 Green Belt  
Policy 19 Agricultural Land Quality  
Policy 20 Public Rights Of Way  
Policy 23 Noise  
Policy 24 Air Pollution: Air Emissions Including Dust  
Policy 26 Air Pollution: Odour  
Policy 27 Sustainable Transportation of Waste and Waste Derived Materials  
Policy 28 Highways  
Policy 36 Design

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

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – Presumption in Favour of Sustainable Development  
PG3 – Green Belt  
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  
SE9 – Energy Efficient Development  
SE11 – Sustainable Management of Waste  
SE14 – Jodrell Bank  
CO1 – Sustainable Travel and Transport

**CONSULTATIONS:**

**PROW Unit** – no objections subject to informative

**Environment Agency** – no objections but permit is required

**Environmental Health** – no objections subject to conditions regarding air quality.

**Highways Agency** – No objections

**Highways** – No objections

**Stockport MBC** – No objections.

**TOWN/PARISH COUNCIL:**

**Handforth Town Council** objects - Councillors also expressed concern about the lack of consultation with neighbours. Given the scale of the development residents of Clay Lane and Bolshaw Farm Lane should have been made aware of the proposals within this planning application. Councillors also question whether adequate justification has been given to warrant releasing land from the Green Belt.

**Styal Parish Council** has no objections to this planning application in principle but would want reassurances that any odours emanating from the operation are strictly controlled and minimised.

**REPRESENTATIONS:**

None received.

**APPLICANT'S SUPPORTING INFORMATION**

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

**Planning Statement**

This statement provides details of the proposals, policy framework and details of the benefits of the proposals. A further statement has been submitted following the deferral of the application at the Committee in October 2014. This provides a further background to the proposal and provides examples of other CHP facilities provided elsewhere within the country in similar circumstances.

**Protected Species Survey**

Great Crested Newts, Badgers, Breeding Birds and Bats were not present and there is no requirement for an EPS licence. Mitigation is proposed.

**Contaminated Land Report**

Details of the ground conditions.

**CO2 Saving Impact Assessment**

Details of the carbon savings associated with the boiler.

**Visual Impact Assessment**

Plans showing the building from various vantage points.

**APPRAISAL:**

The key issues are:

- The principle of the development
- Whether the proposal is acceptable in the Green Belt
- Renewable energy
- Visual impact of the proposal
- Air quality issues
- Amenity
- Ecology
- Public right of way
- Parking and highways considerations

## **Environmental Sustainability**

### **Green Belt/Principle of the development**

#### Whether the proposal amounts to inappropriate development?

The site lies in the North Cheshire Green Belt as defined by the Development Plan. New buildings in the Green Belt are regarded as inappropriate development unless they meet one of the exceptions within paragraph 89 of the Framework (a similar list of exceptions is outlined within Local Plan policy GC1).

Paragraph 89 and Local Plan policy GC1 allow for buildings for agriculture and forestry. The applicant's agent considers that as the proposed building is to house facilities in relation to a biomass boiler required to provide the heating, lighting and any other energy requirements of the established horticultural business, that it should be considered to be an ancillary agricultural building i.e. not inappropriate.

Members will be aware that the previous report considered that proposed building to be inappropriate development in the Green Belt, for which very special circumstances were required to outweigh the harm caused by inappropriateness and any other harm.

Following the deferral in October, officers from planning and environmental health have carried out a further visit to the site and have held discussions with the applicant and his agent in order to get a clearer understanding of the need for the boiler and the size of building/chimney proposed. Additional information has also been submitted on behalf of the applicant providing information about the application proposal and about other biomass facilities granted permission elsewhere in the country. Having reviewed this information it is now accepted that buildings required to house biomass boilers and for the storage of fuel for or waste from that boiler or system can be considered as "buildings for agriculture" for the purpose of Green Belt policy. However this is subject to the scale of the building proposed being justified in relation to the agricultural holding.

In this case there was previous concern regarding the scale of building required given that reference was made to the fact that surplus electricity would be exported to the National Grid. However, clarification has subsequently been provided on this point with confirmation received that the proposed boiler and associated building has been designed to ensure that the nursery is self sufficient in terms of heating and electricity requirements, allowing for some future expansion proposals. It is understood that any export of electricity to the National Grid would only be a result of temporary fluctuations in generation and demand. Notwithstanding this, it is also understood that even if a smaller boiler could be used, due to the particular nature and design of the boilers in question, the building size is likely to be similar. On this basis officers are now satisfied that the building proposed is not inappropriate development in the Green Belt.

#### Other harm

Whilst the building would be located on an existing field, this seems the most logical location to extend the site, located adjacent to its southern boundary where it would be viewed as part and parcel of the existing site with its backdrop of substantial horticultural buildings.

The flue would be tall and whilst it would be seen against the backdrop of these buildings its sheer height would make it incongruous resulting in encroachment and impact upon openness.

#### **Renewable Energy/Sustainability**

The Nursery currently relies on an existing coal and gas boilers which have served this function as the Nursery has expanded. The biomass boiler would displace all coal boiler heat and much gas boiler heat. The submitted CO2 savings impact assessment report states that the CO2 reduction would be the broad equivalent of taking 4220 family cars off the road or the emissions of 1635 semi-detached houses.

Policies within the NPPF, emerging Local Plan and adopted Local Plan are all supportive of the inclusion of renewable technologies and improvements towards achieving a low carbon future.

There is some synergy between renewable energy and sustainability as this would not only reduce the carbon footprint of the business by replacing fossil fuels, it would also reduce fuel miles thereby reducing the need to travel. This is a significant benefit of the proposals.

#### **Visual Impact**

The structure would be in the form of a simple industrial shed constructed from profile steel box cladding, with a suggested colour of olive green to match that on the packing shed and existing coal boiler housing. The agent considers that this would blend in with the wooded background of the site.

As the chimney is 25m high it is proposed that this be finished in matt silver metal to match the existing. The finished colour of the building and chimney could be controlled by conditions should permission be granted.

A Visual Impact Assessment has been submitted during the course of the application and whilst its content is limited and could be improved upon, it is nevertheless considered that this is not a particularly sensitive location particularly given the site would abut the new SEMMS link road and would be viewed against the backdrop of existing industrial buildings and trees.

In addition, its form follows function and reflects details on the adjacent buildings which is in keeping with its location and the purpose it would serve.

On that basis, the visual impact would not be significantly adverse. The Council's Landscape Officer has been consulted on the proposals and raises no significant objection to it. Whilst there is a public right of way which runs to the east of the proposed building, given the relative position of the footpath and the building and intervening landscaping, it is considered that the impact of the proposed building on the footpath would not be significantly adverse.

### **Amenity**

The key considerations in respect of amenity are considered to be impact upon air quality and noise.

### **Air Quality**

At the last Committee there was some confusion as to the fuel that is proposed for the boiler as the report referred to wood pellets whilst the application refers to wood chip. It is confirmed that **wood chip** is to be used and that it is stated by the applicant that this will be sourced locally.

Environmental Health officers have been consulted on the application and recently visited the site with a planning officer. Additional information was requested by the Environmental Health department during the course of the application. This was subsequently submitted.

No objections are raised by the Environmental Health department with regard to air quality. It is noted that the proposed boiler will replace coal and gas fired systems which have been in situ for a number of years. As such, it is considered the new boiler, whilst not as clean as a comparable gas installation, has the potential to be more efficient and offer an improvement in emissions compared to the existing coal fired plant.

Based on the information provided, Environmental Health Officers consider that the 25m stack height is adequate to ensure sufficient dispersion of pollutants. This conclusion is based on the boiler being operated as per the description, including the type of boiler, fuel quality, fuel moisture content and position of the stack and as such, if planning permission is granted, conditions regarding air quality are suggested. Whilst some of these are considered appropriate, not all are considered to meet the tests for conditions as set out in the NPPG. Some of the issues raised regarding air quality are best dealt with under other legislation.

The proposed boiler is equipped with a pre-de-ashing device for the flue gas located in a re-burning zone specially designed to control ash emissions. Further de-ashing is implemented with multi-cyclones and an electrostatic filter. All the ash is disposed of on site as a fertiliser for the tomato business and due to the size of the site there is little possibility for off-site dust deposition.

## Noise

The noise sources related to the installation are as follows:

- Pumps
- Fans
- The fuel delivery auger (intermittent)
- Deliveries of fuel to the site

The Environmental Health team has dealt with applications for similar biomass boilers elsewhere and therefore has a basis for comparison in terms of the noise output from the above equipment/ activities. Observations elsewhere have indicated that noise generation is low, with noise barely audible at 5m from the building in any direction.

Adding to this, the proposals are located behind an existing business which is a large scale operation – there is already a high degree of background noise. In addition, the site is located over 200m from residential properties. The noise from similar installation has normally been below current ambient noise levels.

It should be noted that the Planning Statement specifies an intention for all works associated with the proposals to take place inside the building post construction. Therefore the proposals would not have a significant adverse impact upon neighbours through noise.

## Odour

It is not considered that there will be any odour issues associated with the proposal. This is due to the proposed stack height and the proposed fuel type.

## 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.

The submitted Survey indicates that protected species are not present on the site and are unlikely to be so. Nevertheless, it recommends mitigation measures.

The Council’s Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to conditions relating to breeding birds, nesting birds and badgers.

## **Highways**

The key issues in respect of highway safety are as follows:

1. Accessibility
2. Traffic Generation

The site is located at the edge of a residential area and therefore vehicles to the main entrance to the site have to pass through this residential area. However, this is an existing situation- this is already a large business which generates high volumes of traffic to and from the site. There is also another business premises directly adjacent which also generates significant traffic which also passes through this area. The road network is therefore considered suitable owing to the fact that it already accommodates HGV movements in this location. The access is also suitable for similar reasons.

Turning to traffic generation, the agent has indicated that the wood chip would be delivered in bulk tippers. Deliveries would be greatest during the winter months. They would average 2-3 deliveries per day, Monday-Saturday during the period 0800-18:00 hours. This would not add noticeably to existing HGV movements along Bolshaw Road to service the Nursery and adjoining farm shop especially as the bulk tipper deliveries of wood chip would displace current coal deliveries.

The Strategic Highways Manager has been consulted on the application and following clarification regarding a number of issues, raises no objections to the proposal.

It should also be noted that the Highways Agency has considered the proposals in the context of SEMMS and has no objections to the proposals.

The proposals would not have an adverse impact upon highway safety in accordance with policies DC6 within the MBLP and guidance within chapter 4 of the NPPF.

### **Public Right of Way**

As stated, a public right of way is located to the east of the site of the proposed boiler. The Council's PROW Unit were consulted on the application and raised no objections to it subject to the imposition of an informative regarding the PROW.

### **Trees**

The proposed building would be located adjacent to a band of large mature trees which would provide important screening to the building. Whilst concerns were raised in the previous report with regard to the quality of information submitted regarding trees, following a recent site visit, officers are satisfied that the proposal would have an acceptable impact on nearby trees and that there are no significant arboricultural implications associated with this application.

### **Social Sustainability**

By reducing CO2 emissions the proposal will contribute to a reduction in greenhouse gases and to the provision of renewable energy sources. This brings with it wider social benefits.

### **Economic Sustainability**

With regard to the economic role of sustainable development, the proposal will help to significantly reduce the amount of fossil fuels used for the purposes of heating the existing on site greenhouses. It is stated that this will result in a substantial financial saving that will help to support the viability and vitality of the existing business. This will help to support the jobs of the existing 20 full time staff and 30 seasonal staff. In addition it is anticipated that 6-7 new jobs will be created associated with the boiler. The proposed development will help to create jobs in construction and bring economic benefits to the construction industry supply chain.

### **Planning Balance**

As outlined above, the proposed development is not considered to be inappropriate development in the Green Belt as it is considered that the proposed biomass boiler/CHP plant is ancillary to the established horticultural business on site. Whilst the large size and height of building and chimney proposed means that it will inevitably have an impact on the openness of the Green Belt, its visual impact, subject to the imposition of appropriate conditions, is nevertheless considered to be acceptable. This is having regard to its siting close to the existing complex of buildings and to existing landscaping. There are no amenity issues raised by the proposal and it will result in a reduction in CO2 emissions by replacing an existing coal fired boiler. There are no significant issues raised by the proposal in terms of ecology, trees, highways, public rights of way and noise. In addition the proposal will bring with it social and economic benefits as outlined in the report.

Therefore having regard to Paragraph 14 of the NPPF, in this case it is considered that any adverse impacts resulting from the granting of permission would not significantly and demonstrably outweigh the benefits when assessed against relevant policies.

### **RECOMMENDATION**

**Approve subject to conditions.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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. A02TR - Tree protection
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. Details of colour of building and chimney to be submitted and agreed by lpa and implemented thereafter.
7. Details of any lighting to be submitted and agreed by lpa
8. Stack height and position as per approved plans
9. No amendment to fuel type without prior written approval of the lpa  
Method of fuel delivery to incorporate sheeting and fully enclosed receptacles to be agreed by lpa
10. Boiler to be installed, operated and maintained in accordance with manufacturers recommendations. Prior to first use of the boiler future maintenance schedule to be submitted and agreed by the lpa.
11. breeding birds
12. features for nesting birds
13. Updated badger survey



Application No: 14/3884M

Location: Land Off, ROTHERWOOD ROAD, WILMSLOW

Proposal: Outline application with all matters reserved for a residential development of up to 26 units

Applicant: P.E. Jones ( Contractors ) Limited

Expiry Date: 03-Mar-2015

### REASON FOR REPORT

The application is a major development that requires a committee decision.

#### SUMMARY

The application is for a new residential development in the Green Belt, which is an inappropriate form of development, which reduces openness, and is a form of urban sprawl that encroaches into the countryside. There is therefore substantial harm to the Green Belt arising from the proposal. Whilst the relatively sustainable location of the application site and the provision of affordable housing are clear benefits of the proposal, no very special circumstances are considered to exist that would outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policy GC1 and paragraph 89 of the Framework. In addition, the creation of a residential development of the scale proposed in this rural location will have an urbanising and detrimental impact upon the character and appearance of the area and thereby conflicts with policies BE1 and DC1 of the Local Plan.

The vehicular access along Rotherwood Road is not currently suitable for an additional 26 dwellings and is therefore contrary to policy DC6. In addition access to the site needs to cross a Restricted Byway (where vehicles without access rights are prohibited). The access rights of the applicant / landowner are currently being investigated, and will be reported in an update.

Whilst no protected species will be adversely affected by the proposal, insufficient information has been submitted in order to assess the impact upon the grassland habitats on the application site.

Accordingly, the proposal is not considered to be a sustainable form of development and the application is recommended for refusal.

#### RECOMMENDATION

Refuse

#### PROPOSAL

This application seeks outline planning permission with all matters reserved to erect up to 26 dwellings.

## **SITE DESCRIPTION**

The site is a greenfield site lying on the western fringe of the Wilmslow urban area. Rotherwood Road is a restricted byway, but does provide vehicular access to the residential properties on Springfield Drive and a small number of other dwellings along Rotherwood Road. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **RELEVANT HISTORY**

No history relevant to the current proposal.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

89. Green Belt

### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan, which allocates the majority of the site, under policy GC7, as safeguarded land, and the remainder as open space under policy RT6.

The relevant Saved Policies are:

NE11 relating to nature conservation; BE1 Design Guidance; BE24 Archaeology; GC1 Green Belt; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC35, DC36, DC37, DC38 relating to the layout of residential development; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments  
Site CS 30: North Cheshire Growth Village

**Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

**CONSULTATIONS**

**Highways** - No objections .

**Environmental Health** - No objections subject to conditions relating to pile foundations, construction management plan, dust control, travel planning and contaminated land.

**Housing** - No objections subject to 30% affordable provision

**Public Rights of Way** – Holding objection - Rotherwood Road is recorded as an upadoted highway and private vehicular rights may not exist over Rotherwood Road/Wilmslow RB34.

**Environment Agency (EA)** - No comments to make

**Flood Risk Manager** - Comments not received at time of report preparation

**United Utilities** - No objections subject to condition relating to foul and surface waters

**Wilmslow Town Council** – Comments not received at time of report preparation

**REPRESENTATIONS** (to 19 Jan)

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

To date, approximately 37 letters of representation have been received objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt, and no very special circumstances
- Bridleway heavily used by joggers, walkers, cyclists
- Noise impact from piling
- Impact on local schools, doctors, etc
- Flood risk
- Impact on wildlife
- Impact upon Lindow Moss
- Unadopted road with restricted access
- Reduce openness
- Other brownfield sites exist in Wilmslow (e.g Ned Yates garden centre)
- Site not identified in the Local Plan for development at any time, not even as an Alternative, Non-preferred site or for safeguarding.
- Site is regarded locally as being unsuitable for development due to subsidence
- Loss of view
- Loss of privacy
- Surrounding roads not suitable for additional traffic
- Conflict with aims of Green Belt
- Impact on highway safety
- Applicant does not have legal right to use Rotherwood Road

## **APPRAISAL**

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Public Right of Way
- Highway safety

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

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

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

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

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

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

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Green Belt**

#### **Inappropriate Development**

Local Plan policy GC1 and paragraph 89 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions.

The proposed development is not for one of the identified exceptions and is therefore inappropriate development in the Green Belt, which is harmful by definition. Very special circumstances are therefore required to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

#### Other harm

Paragraph 79 of the Framework states that, "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*". The application site is currently an open field. The construction of up to 26 dwellings would significantly reduce the openness of the Green Belt.

In addition, two of the five purposes of the Green Belt are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The application site is located on the edge of the urban area of Wilmslow, and the proposal will conflict with these purposes by extending this built up area by encroaching into the countryside.

#### Very Special Circumstances

The applicant has submitted the following material considerations, which, when taken together, they consider amount to the required very special circumstances to outweigh the identified harm to the Green Belt:

- Lack of 5 year housing supply
- Wilmslow does not have enough brownfield site to meet its housing requirements
- North Cheshire Growth Village in Handforth will be more harmful to Green Belt and will serve to merge Greater Manchester and Cheshire East
- Providing Wilmslow's housing requirement in Handforth does not meet Wilmslow's housing needs.
- Sustainable location of the site
- Provision of much needed affordable housing.

These matters are considered below in the Planning Balance section of this report.

#### **Visual impact**

The site is approximately 1ha in area and as such the provision of 26 dwellings on the site is considered to be an acceptable density in the context of the existing residential development on Moor Lane and Springfield Drive. The indicative layout is also considered to be a broadly acceptable way of providing this number of dwellings. However, despite the site being located immediately adjacent to an existing built up area, a residential development of this scale would have an urbanising effect upon what is currently a distinctly rural location in character and appearance. This would be to the detriment of the area and as such there would be some conflict with policies BE1 and DC1 of the Local Plan.

#### **Trees**

The submitted Planning Statement states that trees on the site will be retained as far as possible, but several trees within the centre of the site will need to be removed to accommodate the proposed development. It is further stated that tree losses will be

compensated by boundary planting and specific construction methods employed in respect of certain trees within the site to ensure their retention.

The application is supported by a Preliminary Tree Survey Schedule (Cheshire Woodlands Ref CW/7418-SS dated 25 September 2014 and Tree Constraints Plan (Cheshire Woodlands Ref CW/7418-TC dated 26 September 2014).

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* places an emphasis on 'evidence based planning' and requires a higher level of certainty for proposed outcomes at the design development stage when resolving tree constraints. The submitted Tree Survey has complied with part of the Feasibility and Planning stages of the British Standard (Feasibility and Design Brief). Whilst an indicative layout has been produced, no assessment has been carried out by the Arboriculturist on the impact of the indicative layout on existing trees to address design development requirements as part of the British Standard.

The survey has identified and classified vegetation within the site as comprising of twelve individual trees, six groups, two Hedgerows and a small group of shrubs. These have been assessed in accordance with the British Standard Categories and identify 2 High Quality (A category) individual trees, 3 High Quality (A category) groups; 7 Moderate Quality (B category) individual trees; 1 Moderate Quality (B category) group; 2 individual and 2 groups that a Low Quality (C category) and 1 U category tree which appears to be located offsite and of reduced vitality. Three individual trees assessed (Trees T10-T12 (A and B category) are located offsite, with one tree Silver Birch (T10) located near the junction with Rotherwood Road and Springfield Drive overhanging the site.

Without the Tree Constraints plan overlaid onto the site layout, an assessment of the impacts upon trees cannot be fully assessed. Indicative positions of trees identified on the site layout drawing appear to suggest that the position of the proposed main access of Rotherwood Road may be acceptable in principle, although some adjustment may be required to accommodate the retention of Group G4 (Sycamore, Birch, Hawthorn and Alder) in the northern corner of the site.

The Design and Access Statement states that the design of the indicative layout takes full account of the sites constraints and that the site benefits from a number of mature trees which would be retained as far as possible.

Anticipated losses within the centre of the site are restricted to younger specimens or C category trees of no particular outstanding contribution to amenity.

In terms of proposed Plots 5-7 and 26 there are potential daylight and sunlight problems that would arise as a consequence of the proximity of dwellings and size of gardens to retained trees. It is anticipated that the gardens of these properties would be dominated by tree cover and the properties heavily shaded from direct sunlight during the morning hours.

Such matters may be resolved by good design, although this may compromise the number of anticipated units that could be accommodated on the site.

The retention of those trees of high and moderate quality (A and B category trees) should be sought to protect landscape/visual contribution to the local character/amenity of the area and ensure good quality design. In this regard those trees should be assessed and considered for formal protection by a TPO.

#### Hedgerows

A Hawthorn hedgerow fronting the highway has been identified in the submitted Tree Report but does not appear to have been assessed under the criteria listed in Part II of Schedule 1 of the Hedgerow Regulations 1997. This is a matter that would need to be addressed within any reserved matters submission.

#### **Ecology**

The nature conservation officer has commented on the application and confirms that it is supported by an extended phase one habitat survey and reptile survey.

#### Badgers

No evidence of badgers was recorded on site, however badgers are known to be present in the broader locality. As the status of badgers on a site can change within a short timescale it is recommended that if planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated badger survey.

#### Grassland

The submitted Phase One Habitat survey describes grassland habitats within the interior of the application site which support a number of species indicative of 'Priority' grassland habitats which would be a material consideration for planning. As a full botanical survey has not been completed it is not possible to fully assess the nature conservation value of this habitat. A further botanical survey of the grassland at the optimal time of year is necessary in order to enable a full assessment of the potential impacts of the proposed development upon this habitat.

#### Reptiles

Common lizard is known to occur in the broad locality of this application site. The nature conservation officer advises that the submitted survey was constrained by the failure of the ecological consultant to allow the survey tiles to 'bed in' prior to the commencement of the survey. No evidence of the reptile species was however recorded and the survey was undertaken at the optimal time of year. It is therefore considered that on balance reptiles are not reasonably likely to be present or affected by the proposed development.

#### Common toad

This priority species has been recorded on site. The nature conservation officer advises that the proposed development is likely to have a localised adverse impact on this species. This impact would be mitigated to an acceptable level through the retention of the woodland, hedgerows and dry ditch.

#### Woodland and dry ditch

A small area of broadleaved woodland occurs on site (identified as target note 3 on the submitted habitat plan) and a dry ditch also occurs on site. The ditches around this locality whilst prone to drying out are known to support water voles during periods when they hold water

The nature conservation officer advises that these habitats are worthy of retention as part of the proposed development as is the woodland that is shown as such on the submitted indicative layout plan. It is recommended that if outline planning consent is granted the retention of this area of woodland and ditch be required by a condition.

#### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow along Rotherwood Road. If outline planning consent is granted it must be ensured that suitable replacement planting is incorporated into the detailed design for the site the reserved matters stage.

#### **Residential Amenity**

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

The indicative layout shows that the proposed dwellings are able to meet the distance guidelines set out in policy DC38 of the local plan to the properties on Springwood Drive and to Rotherwood Bungalow on Rotherwood Road. However, some of the separation distances within the site do appear to fall short of these guidelines. Given that the application is for outline permission only, with all matters reserved, there is considered to be sufficient flexibility within the site layout to ensure adequate standards of space, light and privacy are maintained. No further amenity issues are raised.

#### **Accessibility**

There are three primary schools within walking distance, and local shops are available at Lindow Parade on Chapel Lane, which is also within walking distance and would provide for most day to day needs. The nearest bus stop is approximately 100 metres from the application site on Moor Lane with Wilmslow Town centre approximately 3kms from the site. The closest healthcare provision is again close to Wilmslow Town Centre at the corner of Bedells Lane and Chapel Lane. Local facilities are therefore considered to be accessible by a range of transport options from the application site.

#### **Highways**

The Strategic Highways Manager (SHM) has provided the following comments on the application:

#### Access and Internal Layout

This is an outline application with all matters reserved, therefore, no comments are provided on access or internal layout, but the SHM reserves the right to do so at a later date in the application process (i.e. reserved matters). The following guidance is provided for the developer:

The site is accessed from Rotherwood Road which is a single track unadopted road designated as a Restricted Byway. To the south of the site between Springfield Drive and Moor Lane, Rotherwood Road is an unmade road with numerous potholes and along the

western boundary of the site Rotherwood is a narrow single track road. In its current form the SHM does not consider Rotherwood Road suitable for providing access to 26 dwellings in addition to those already served.

Proposals will be required later in the application process for improvements to Rotherwood Road to mitigate for the pedestrian and vehicular traffic generated by the development proposals. However, at the current time it is not clear if the applicant has the rights to provide such improvements. Consequently, the application cannot provide a suitable access and is contrary to policy DC6 of the Local Plan. Should further information be submitted on this issue, members will be advised in an update.

Traffic Generation

Traffic generating potential of the development proposals has been estimated from a range of sites within the TRICS database, the morning and evening peak hour estimates are summarised in Table 1.0.

**Table 1.0 Traffic generation associated with the development proposals**

	TRICS trip rate		Trips associated with 20 dwellings	
	Arrivals	Departures	Arrivals	Departures
<b>AM</b>	0.116	0.446	3	12
<b>PM</b>	0.439	0.208	11	5

The morning and evening peak hour traffic generation associated with the development proposals is expected to be low, less than 20 two-way trips per peak hour.

Once distributed on the road network the development traffic would only result very small increases in the traffic flow. In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the low level of trip generation predicted.

Road Safety

The Personal Injury Accident (PIA) record of the highway network in the vicinity of the site has been reviewed for the five year period 2009 to 2013 inclusive. There have been no recorded PIA's during this period of time; indicating there are no underlying road safety issues that could be exacerbated by the traffic associated with the development proposals.

It is concluded that the development proposals would not be expected to have a negative impact on road safety.

The SHM therefore raises no objection to the proposal.

**Public Right of Way**

The traffic generated from the development has the potential to affect Restricted Byway Wilmslow No. 34, as recorded on the Definitive Map of Public Rights of Way. The Restricted by way runs from Moor Lane, along Rotherwood Road adjacent to the eastern boundary of the application site. In order for vehicles to access the application site, they would have to use the Restricted Byway. It should be noted that the Restricted Byway is already used by vehicles to access properties on Springfield Drive and others along Rotherwood Road.

The Rights of Way Team has noted that Rotherwood Road is recorded as an upadoted highway and private vehicular rights may not exist over Rotherwood Road/Wilmslow RB34. It is an offence to drive a mechanically propelled vehicle on a Restricted Byway without lawful authority and the Rights of Way Team therefore wish to lodge a holding objection to the planning application until this situation has been clarified.

Further information on this will be provided in an update.

### **Archaeology**

The site of the proposed development lies on the eastern fringes of Lindow Moss from which a number of 'bog bodies' were recovered during the 1980s, whilst the site was being worked for peat. The remains, which are recorded in the Cheshire Historic Environment Record (CHER 1473/0/1-4), are thought to date from the later prehistoric period and although the circumstances of their deposition remains a matter for debate, it appears certain that they represent evidence of some form of ritual activity. The deep accumulations of peat which contained the bodies do not occur within the application area but it is entirely possible that contemporary activities were occurring on the fringes of the moss which have left some below-ground evidence. Any such evidence would be extremely vulnerable to disturbance during development and in view of the national significance of the earlier finds, further archaeological mitigation would be appropriate in the event that development proceeds.

It is not suggested, however, that the potential for archaeological remains is significant enough to generate an archaeological objection to the development or to justify any further pre-determination work. Instead, it is advised that in the event that planning permission is granted, relevant groundworks should be subject to archaeological monitoring in order to identify and record any archaeological deposits present. Relevant groundworks may be defined as initial topsoil stripping, the digging of foundations, and excavation of major services. This monitoring should be accompanied by a programme of metal detecting which should be carried out by a suitably-experienced individual working under direct archaeological supervision. A report will also be required and the mitigation may be secured by condition.

### **Flood Risk**

Comments from the Flood Risk Manager are awaited and will be reported to Members in an update.

### **Contaminated land**

The contaminated land officer notes that the application site is within 250m of a known landfill site or area of ground that has the potential to create gas, and given that the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition requiring a phase 1 contaminated land survey is recommended.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Wilmslow sub-area for the purposes of the Strategic Housing Market Assessment update 2013 (SHMA). This identified a net requirement for 25 affordable homes per annum for the period 2013/14-2017/18. This equates to a need for 49x 3bd and 5x 4+bd

general needs units and 13x 1bd and 3x 2bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 275 applicants who have selected one of the Wilmslow lettings areas as their first choice. These applicants require 101x 1bd, 107x 2bd, 55x 3bd and 8x 4+bd units, 4 applicants did not set their bedroom requirement.

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

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

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The proposal is for 26 dwellings, and includes a minimum of 30% affordable dwellings which equates to 8 dwellings which should be provided as 5 affordable or social rent and 3 intermediate. The affordable provision is therefore considered to be acceptable.

### **Education**

Forecasts show that there will be insufficient capacity in local schools to accommodate pupils generated by the proposed development. Therefore financial contributions will be required towards accommodating these pupils.

#### Primary

5 primary aged pupils will be generated, which will require a contribution of £54,231.

#### Secondary

3 secondary aged pupils will be generated, which will require a contribution of £49,028.

### **Open Space**

Policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space per family dwelling. Some open space is identified on the indicative site layout, however, given that this is an outline application, the full extent of on site open space provision is not clear.

This level of open space will need to be provided, and it is likely that most, if not all will need to be provided off site. As a result financial contributions will be required in lieu of on site provision at a rate of £3,000 per family dwelling.

In addition contributions towards off site provision of outdoor sport and recreation facilities in the local area will be required at a rate of £1,000 per family dwelling. Although this is waived for the affordable units.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Wilmslow town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

## **RESPONSE TO OBJECTIONS**

With regard to the comments received in representation not addressed above, there is reference to subsidence on the application site. Whilst these comments are noted, it is not considered to be a material planning consideration in this case. It would be a matter for the developer to adopt appropriate construction techniques to ensure the stability of the buildings.

## **PLANNING BALANCE**

The proposal is an inappropriate form of development in the Green Belt, which reduces openness, and is a form of urban sprawl that encroaches into the countryside. Substantial weight should be given to this harm to the Green Belt. In addition, there is the urbanising effect of the proposal upon this rural area, and Rotherwood Road does not provide a suitable access for an additional 26 dwellings. Insufficient information has also been submitted to assess the potential impact upon the Restricted Byway and the grassland habitats within the site.

In terms of the considerations in favour of the proposal, the applicant sets out the following matters as very special circumstances to outweigh the identified harm to the Green Belt:

- Lack of 5 year housing supply
- Wilmslow does not have enough brownfield site to meet its housing requirements
- North Cheshire Growth Village in Handforth will be more harmful to Green Belt and will serve to merge Greater Manchester and Cheshire East
- Providing Wilmslow's housing requirement in Handforth does not meet Wilmslow's housing needs.
- Sustainable location of the site

With regard to the applicant's suggested very special circumstances, the provision of affordable housing and the sustainable location of the site are acknowledged as benefits of the scheme, however, they do simply serve to meet relevant policy requirements, and demonstrate that there is no further harm in addition to that identified above. It is accepted that the lack of a five year housing land supply is a significant material consideration in the assessment of the application. It is also acknowledged that brownfield sites within Wilmslow

are limited. However, the proposal is inappropriate development in the Green Belt, and paragraph 14 of the Framework does indicate that such development in the Green Belt is one area where development should be restricted. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework does not apply. Furthermore, the Council is a considerable way along the local plan process which does seek a strategic response to meeting the housing needs of the area and the Borough as a whole. It would not therefore be appropriate to undermine the local plan process by allowing the development of a Green Belt site that would result in substantial harm to matters of public interest.

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

The proposal is therefore contrary to policies GC1, BE1, DC1 and DC6 of the Macclesfield Borough Local Plan and the National Planning Policy Framework. It has also not been possible to confirm whether the proposal complies with policy NE11 of the Local Plan.

#### **RECOMMENDATION**

**The application is recommended for refusal.**

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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement 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.*

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Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. R12LP - Contrary to Green Belt / Open Countryside policies
2. R05LP - Harmful to appearance of the countryside
3. R12HW - Use of sub-standard access
4. R03NC - Insufficient ecological information



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Application No: 14/5487M  
Location: 128, OXFORD ROAD, MACCLESFIELD, SK11 8JG  
Proposal: Proposed detached two storey dwelling house at garden plot (rear of 128 Oxford Road)  
Applicant: Paul Simms, FCB  
Expiry Date: 03-Feb-2015

**Date Report Prepared:** 23 January 2014

<b>SUMMARY RECOMMENDATION</b>	<b>Approve subject to conditions</b>
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**MAIN ISSUES**

- Scale, siting and design; and
- Amenity to neighbouring occupiers.

**REASON FOR REPORT**

This application has been called in to the Northern Planning Committee by Councillor Andrew raising concern regarding:

- amenity
- highways access

**DESCRIPTION OF SITE AND CONTEXT**

This site forms part of the garden to the rear of 128 Oxford Road with the site plan showing the proposed access from the privately owned Holly Road. The new dwelling would effectively be a continuation of the built form as viewed along Holly Road with the location of the dwelling lying at the end of the road, adjacent to No.14.

The plot is currently laid to lawn with mature treeline and established hedgerows to the boundaries which conceals the garden area from public vantage points. However, the area is characterised by a varied streetscene of primarily terraced properties with intermittent detached dwellings of various ages mainly constructed from brick under tiled pitched roofscapes.

The site is located within a predominantly residential area of Macclesfield as defined by the Macclesfield Borough Local Plan (2004).

## **DETAILS OF PROPOSAL**

The proposal seeks outline consent for the construction of a detached two storey dwelling with approval of appearance, layout and scale being sought at this stage. Matters of access and landscaping are reserved for later approval .

The proposed development is to be sited on a similar building line to the adjacent row of terraced properties to the north and located between 2.3m to 3.5m from the side elevation of No.14 Holly Road due to the slightly angled position of the application site to the adjacent building. The south and eastern boundaries adjoin the curtilages of residences along Oxford Road whilst the west lies alongside school playing fields. The boundary treatments comprise of timber fencing panels and extensive tree, hedgerow and shrubbery coverage.

The dwelling is to be 8.9m wide x 8m in depth x 7.5m to the ridge (5m to the eaves) and constructed in timber and brick with a combination of rendering and timber cladding to the elevations under a pitched grey artificial 'riven' slate roof.

## **RELEVANT HISTORY**

11/2006M – New dwelling  
Approved with all matters reserved – Nov 2011.

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing  
H13 Protecting Residential Area  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC41 Infill Housing Development or Redevelopment  
DC63 Contaminated Land

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

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles

## SE1 – Design

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

### **National Planning Policy Guidance**

#### National Planning Policy Framework

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

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

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

**Design and Conservation:** No objection subject to conditioning materials.

**Highways:** No objection.

**Environmental Health:** No objection. It is recommended that a Phase 1 contamination report is submitted/approved prior to commencement. Additionally an hours of working condition and a site management plan condition are also requested.

**Forestry and Arboriculture:** No objection subject to conditions.

**United Utilities:** No objection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

### **OTHER REPRESENTATION**

Nine letters of representation have been received in relation to the application, the main points of which are summarised below:

- Lack of suitable access (from Oxford Road via Barnett Street to Holly Road). Holly Road is very narrow and lorries will not fit past cars parked on Holly Road. The applicant will find it impossible to get any building traffic down Holly Road;
- Holly Road is an unadopted Road;

- The build could also cause damage to the cars and the road itself;
- The planned development is based in a back garden which is unsuitable for a development of this nature;
- The residents of No.116 Oxford Road feel that the proposal would cause a loss of light, overshadowing and loss of privacy;
- The garden of 128 also currently has trees and shrubs that add to the character, the environment and to the privacy of No.116 - any potential plans to cut these down would be of concern;
- Garden plots were considered Brownfield sites but amendments were put in place to limit this activity of "**Garden land Grabbing**" under Planning Policy Statement;
- This application 14/5487M should be appraised in the knowledge that 128 Oxford Road has been approved under 14/4544M for a house of multiple occupancy;
- No 14 Holly has as a side-elevating window. This window provides a majority of afforded light to the lounge and kitchen. The location and footprint of the dwelling will have a major impact on loss of light to No 14 Holly Road;
- An 'existing fence' along the northern boundary with No.14 is actually a mature hedge;
- Noise pollution would also occur during building work. The disturbance created by extra traffic on what is already a busy little unadopted road would be a great concern;
- The occupants of No.14 would lose their parking spaces as the proposed gates would open outwards onto Holly Road where residents currently park;
- The occupants of No.14 would lose a view to the south which they have enjoyed for over thirty years;
- The properties along Holly Road hold the lease hold and the freehold with the deeds referring to previous covenants and how the residents of Holly Road have right of access. 128 Oxford Road has no such access rights on the road; and
- The only occupier to be informed of the application was No.14 with other properties only being notified through a site notice. This is not adequate and the subsequent time between finding out about the application and the closing date for objections is patently too short over an extended holiday period.

A letter has been received from The Holly Road Residents Association who raise concerns about highway and traffic implications and concerns about access for fire vehicles.

Comments have been received with regards to any damage caused to the road and drainage issues as a result of the development. The road is un-adopted and as such these concerns are noted, but are not material planning considerations in this case.

Full copies of the representations received are available to view on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development.

Paragraph 49 of the NPPF advises that;

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

The Council does not currently have a five-year housing supply and therefore attention should be paid to Para 14 of the NPPF which advises that when Councils are decision taking, they should:

*“Approve 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 they should grant planning permission unless;*

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

Located within reasonable walking distance of Macclesfield Town Centre and therefore within close proximity of public transport and public amenities the site is considered to be in a sustainable location and therefore the principle of development in this predominantly residential area is acceptable.

### **Scale, siting and design**

Local Plan Policies BE1 and DC1 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the surrounding built form. It is important to note, however, that the NPPF informs that Local Authorities ‘should not attempt to impose architectural styles or particular tastes’ but does ‘seek to promote or reinforce local distinctiveness’.

The objections received have been carefully considered.

The proposal seeks to construct a detached dwelling located within a residential enclave of predominantly semi-detached properties. The surrounding built form is largely constructed from brick under plain tiled pitched roofs with the properties sited along Holly Road of limited architectural merit.

In comparison the proposed development, albeit detached, is considered to visually integrate with the proportionality of the surrounding built form due to the width and depth of the development being commensurate to the massing of neighbouring semi-detached properties of Nos.2-4 and Nos.12-14. Additionally, the proposal is sited at the end of an unadopted road where there is limited access and visibility from public vantage points to significantly impact upon the characteristics of the immediate built form.

In terms of appearance, the fenestration is comparative to that seen along Holly Lane and is sympathetically formed to ensure the continuity of the enclave is maintained. In respect to materials, the use of render and timber cladding would not integrate within the existing streetscene which is constructed from brick. However, given the position of the development

within an area of mixed construction and outside the vicinity of any designated sites, it is not considered that the alternative materials proposed would constitute a sound reason for refusal with material consideration given to the properties position within a relatively secluded plot, off a main thoroughfare and at the end of an un-adopted 'cul-de-sac'.

The development raises no objection from the Council's Design and Conservation Officer and having regard to the considerations detailed above, the proposals are considered to comply with policies BE1, DC1 and DC43 of the Local Plan.

### **Amenity**

Policies H13, DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy.

As indicated within the objection received, the impact of development upon the amenities of the neighbouring occupier is the most contentious issue in the determination of this application with the submitted scheme considered by the neighbouring occupier to represent an unacceptable loss of light and overbearing effect on No.14 Holly Road.

It is not considered that the proposal would impact upon the amenities of Nos.112, 114 or 118 Oxford Road to the south and eastern aspects due to appropriate distances, siting of windows and existing landscaping arrangements which will be dealt with under a separate application.

The representations received from No.116 in respect to a potential loss of privacy through the felling of existing hedgerow are noted however the proposals accord with Table 4 of DC38 in that the distance between habitable rooms exceed the suggested 25m with retained foliage offering a degree of privacy through a filtering effect.

In respect to the concerns raised in relation to the potential impact of development upon the amenities of No.14 to the north, consideration is given the delegated report prepared for the previous permission (11/2006m) which indicated that:

*'The indicative siting of the dwelling suggests that there could be some potential impact upon the side elevation window of the neighbouring dwelling No.14. This window appears to be a secondary window, however it does provide the majority of the light afforded to the lounge / galley kitchen. As the siting of the dwelling has not been agreed at this stage it is considered that the proposed dwelling **could** be relocated further away from No.14 in order to prevent any substantial loss of light to the dwelling.'*

Further to undertaking a site visit and reviewing the representations received from the occupiers of No.14, it is agreed that there would be a degree of light loss resulting from the proposal. Nevertheless the affected window is a secondary window to a habitable room (open plan kitchen/diner/lounge) with un-affected light entering from the eastern (rear) elevation which contains a larger opening serving this open plan room. As such and having regard to Local Plan policies H13, DC3 and DC38, it is not considered that the proposal would significantly injure the amenities of the occupiers of No. 14 Holly Road. However, given the relationship with this neighbouring property it is considered appropriate to remove permitted development rights for future extensions in order to protect the amenity of the occupiers of No.14.

Overall an adequate degree of space, light and privacy would remain to all neighbouring properties and the development accords with Local Plan policies DC3 and DC38.

### **Highways**

The proposed dwelling will utilise an existing access (although overgrown and concealed) from an unadopted road. The Strategic Highways Manager has commented on the proposal by stating that the site is situated at the head of a small cul-de-sac currently serving 7 dwellings, the access road Holly Road is narrow and unadopted. Although the road is narrow, it only serves 7 dwellings and the proposal is to provide one additional dwelling this will not materially change the use of the road in traffic terms. Off-street parking provision is consistent with standards being 200% and there is a turning space provided within the site and is sufficient for the house proposed.

As the road is private the applicant will need to ensure that they have a right of access over Holly Road in order to be able to access the property.

The proposal therefore is considered to comply with policy DC6 of the MBLP.

### **Forestry and Landscaping**

It appears that a number of trees have been removed from the site as part of enabling works. These formed part of a linear group forming the boundary of the site edged red on the southern aspect.

The retained mature tree aspect of the site relates to two Monkey Puzzles, two silver Birch and a single red leafed Maple, with a limited number of ornamental and fruit trees scattered within the garden. Some of the trees are clearly visible from Oxford Road (monkey puzzle) with other only identified by filtered partial views. Apart from the larger Monkey Puzzle (cat B moderate value 7 quality) all the remaining trees are considered to be category C those of low quality and value.

The development can therefore be carried out without a significant impact upon trees of amenity value, subject to conditions.

Landscaping details have been reserved for subsequent approval.

### **Other considerations**

Environmental Health advises that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. A condition requiring a phase 1 contaminated land survey is therefore recommended.

### **CONCLUSION AND REASONS FOR DECISION**

To conclude, whilst the objections have been carefully considered, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are

not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Therefore a recommendation of approval is made, subject to conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

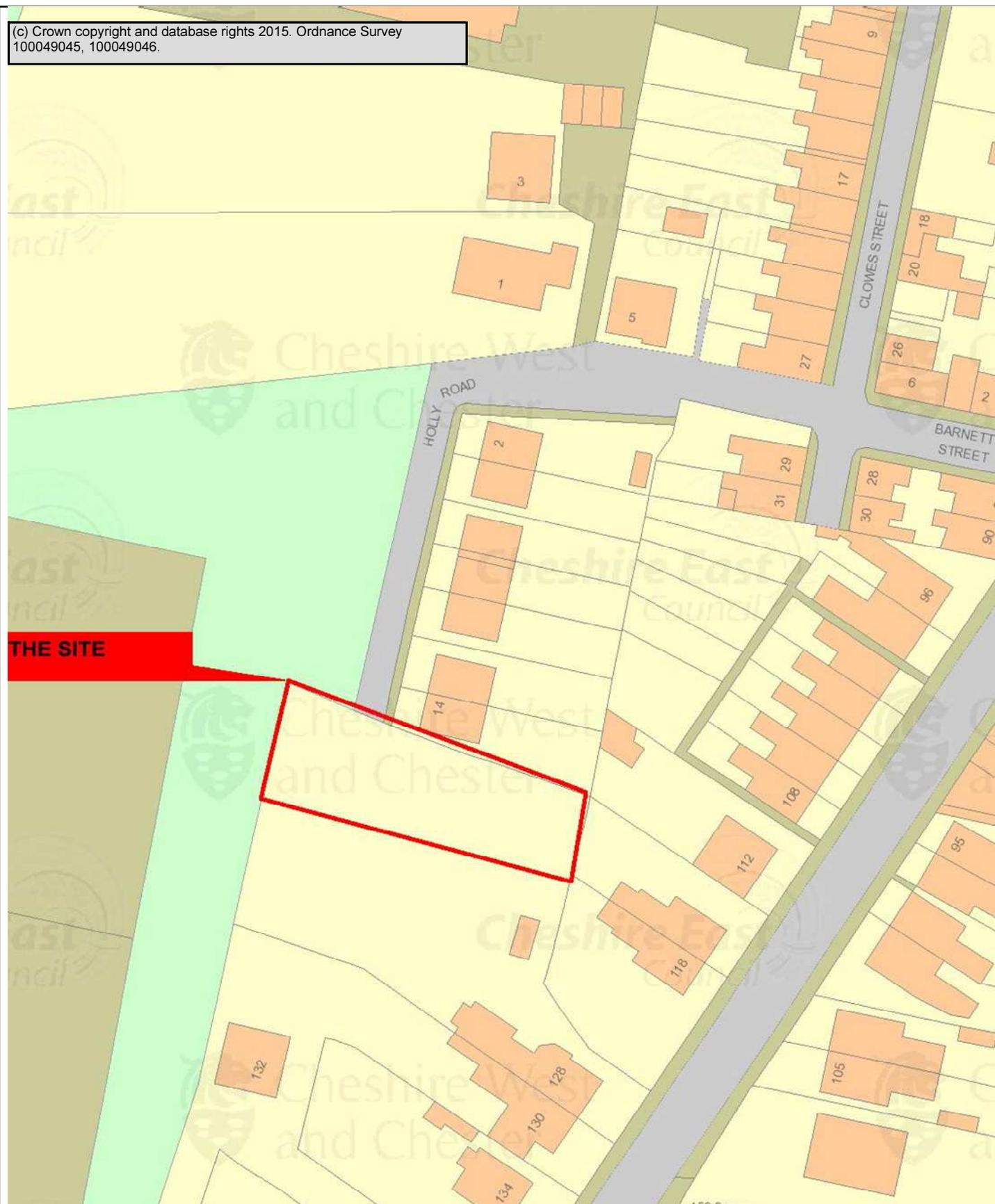
#### Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A03OP - Time limit for submission of reserved matters
2. A06OP - Commencement of development
3. A01OP - Submission of reserved matters
4. A01AP - Development in accord with approved plans
5. A02EX - Submission of samples of building materials
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A01GR - Removal of permitted development rights
9. A17MC - Decontamination of land
10. A02TR - Tree protection
11. A04TR - Tree pruning / felling specification
12. Dust/Mud Management



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Application No: 14/4981M

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

Proposal: Variation of Removal of Condition 11 on application 14/0729M

Applicant: Nick Cook, CEC

Expiry Date: 18-Dec-2014

**Date report prepared: 22 January 2015**

### **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 received. Under the Council's Constitution, the application is therefore required to be determined by the Northern Planning Committee.

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Impact upon residential amenity
- Impact on Heritage Assets
- Design

### **PROPOSAL**

The proposal is for the removal of condition 11 on application 14/0729M which relates to the use of Mode Cottage. The condition reads as follows:

*“Once development has commenced, Mode Cottage and the associated outbuilding shall only be occupied by a person or persons employed or last employed as part of the running/ occupation of Mobberley C of E Primary School and any associated relatives/ persons living together with that person as a household until such time as the site ceases to be used in connection with the Primary School.*

*Reason:- In the interests of the amenities of future occupants of Mode Cottage in accordance with policy DC3 within the MBLP 2004.”*

Application 14/0729M granted permission for the construction of a new classroom building within the curtilage of Mode Cottage for use in connection with Mobberley C of E Primary School and the construction of a single storey kitchen extension to the school involving the removal of existing wall.

Also included was the widening of the 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.

## **SITE DESCRIPTION**

The application site 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 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.

## **RELEVANT HISTORY**

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.  
Approved subject to conditions 17 April 2014

## **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

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Material Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

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

The following are considered relevant material considerations as indications of the emerging strategy:

- 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

**CONSULTATIONS (External to Planning)**

**Environmental Health:** no objections subject to conditions

**Conservation:** no objections subject to landscaping plan. Concerns over the long term use of the building and would prefer whichever use is likely to result in less harm to the building.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Mobberley parish Council:** recommend refusal for following reasons:

Application 14/0729M was granted with strict conditions, condition 11 being paramount for the interests of the amenities of future occupants of Mode Cottage in accordance with Policy DC3, as stated quite clearly by Cheshire East Council. This condition ensured that Mode Cottage remained tied to Mobberley C of E Primary School. For Cheshire East Council to now state that it is not viable to develop Mode Cottage and that it should once again have residential status in its own right quite frankly makes a mockery of the investigation that was carried out to ascertain if it would be possible for Mode Cottage to be refurbished, extended, or adapted to meet the needs of the school at the design stage of the previous application. Based on this report Mode Cottage was consequently purchased.

In order to circumvent the amenity issue surrounding Mode Cottage, Cheshire East Council now proposes to erect a solid 2.5m high fence to separate Mode Cottage from the school.

Mobberley Parish Council wholly **object** to this outrageous proposal. This is a Conservation Area and this proposed development is totally inappropriate. In the view of Mobberley Parish Council it would adversely affect the view from Church Lane and cause irreparable damage to

our Conservation Area. Therefore based on your own observations and the original safe guarding in place with respect to Mode Cottage, Condition 11 must remain

## **OTHER REPRESENTATIONS**

None

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted several factors that are suggested to overcome the concerns originally raised by the Council when dealing with application 14/0729M. These are listed below:

- An evaluation took place to ascertain whether the cottage would be capable of conversion to educational use in connection with the school.
- The investigation concluded that the amount of alterations required in order to comply with building regs would require significant alterations and would significantly alter the appearance of the building which would be out of keeping with the original design.
- It was always the intention of the school to retain the separate residential use of the cottage.
- There is proven need for housing in the borough.
- There is already a very strong precedent throughout Cheshire East, and indeed the country, of schools having such a close proximity to domestic properties, many of which have gardens and aspects directly facing two storey school buildings.
- Any alternative use or occupation by the School has been discounted. Use as a 'tied cottage' would impose restrictive employment and financial obligations on the school.
- Mode Cottage is to be boarded up and will remain vacant indefinitely as the school have no maintenance budget set aside for remedial repairs to an asset that they are unable to use.
- Mode Cottage is already in a dilapidated state. Left unoccupied the building is at risk of further dilapidation, the school does not have sufficient funds appropriate to the building for the high level of maintenance required with such a historic building. By imposing this condition creates a risk to the very amenity and heritage asset is seeks to preserve, and which ultimately may be lost in the long term as a result of this condition.
- A revised boundary treatment using Acoustic Timber fencing to Mode Cottage is proposed to mitigate privacy issues.

## **OFFICER APPRAISAL**

### **Design and Impact on Conservation Area**

The main issue is the impact of the proposal on the significance of heritage assets – in this regard, the issues relate to the impact upon Mode Cottage which appears on the tithe maps in 1875 and given its age and position within the Conservation Area 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.

Concerns are raised over the long term future of the cottage, which makes a positive contribution to the character and appearance of the Conservation Area. The proposed acoustic fence would be erected between the cottage and the newly erected classroom where there is currently a green vinyl coated chain-link fence separating the two buildings.

The acoustic fencing would be solid unlike the existing permeable fencing and so has the potential to create a greater visual impact than the existing fence. A possible solution in order to soften the impact of the fencing could be an appropriate landscaping scheme

If the condition is not removed from the original approval the cottage has the potential to fall into disrepair and this has to be given significant weight in the assessment of the proposal. The information included with the application provides justification that the building is not viable for use in association with the school and the cost associated with a tie to the school for residential purposes would have been prohibitive. For this reason the school would not be able to maintain the building.

If an appropriate landscaping scheme is approved it is considered that the impact of the proposals would not 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.

### **Amenity**

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

Currently the proposals show an 8m overlooking distance from Mode Cottage, to a blank facade of a single storey building. The front elevation of the cottage currently looks onto a mesh fence and the side facade of the new classroom building. With the erection of the acoustic fence it would prevent overlooking from the school and reduce the associated noise from the school.

The outlook from the cottage would not be ideal, however with an appropriate landscaping scheme and the fact that the fence would be in place before somebody bought the property there would be an element of 'buyer beware' and the impact is considered to be acceptable.

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

The comments from the Parish Council are noted. However with the potential loss of the cottage through lack of maintenance if the condition was to remain and the acoustic fencing that would improve the amenity of the cottage, along with an appropriate landscaping scheme in order to soften the impact of the fence it is considered that on balance the proposal would have an acceptable impact on the character and appearance of the Conservation Area and

the amenity of the future occupiers of Mode Cottage. A recommendation of approval is therefore made.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

#### 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. A02TR - Tree protection
5. A03EX - Materials to match existing - school extension
6. A04LS - Landscaping (implementation)
7. A04NC - Details of drainage
8. A22GR - Protection from noise during construction (hours of construction)
9. A23MC - Details of ground levels to be submitted
- 10.A01LS - Landscaping - submission of details
- 11.Details of play equipment
- 12.submission of noise assessment
- 13.details of visibility splays
- 14.car parking to be provided
- 15.details of floor floating
- 16.details of pile driving operations
- 17.Acoustic Fencing

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Application No: 14/5386C

Location: Land off MANCHESTER ROAD, CONGLETON CW12 2HU

Proposal: Reserved matters application for approval of details of access; relating to Phase 1 of outline consent reference 13/0918C comprising 1N° dwelling and construction of new road junction to Manchester Road.

Applicant: WHITTAKER AND BIGGS

Expiry Date: 16-Feb-2015

**Date report prepared:** 21 January 2015

**REASON FOR REPORT:**

The proposal is a major development and therefore requires a Committee decision.

**SUMMARY:**

The principle of the development has already been established. This proposal is for consideration of details of access only. The proposed development would be served by a simple priority junction off Manchester Road. The Head of Strategic Infrastructure has confirmed that the access detail is acceptable subject to condition / informatives. It has been demonstrated that the access proposal would not affect species protected by law. This proposal would facilitate the delivery of up to 45 dwellings comprising a sustainable form of development and complies with the relevant local plan policy requirements and accordingly is recommended for approval.

**RECOMMENDATION:**

APPROVE subject to conditions

**PROPOSAL:**

In October 2014, outline planning permission was granted (ref; 13/0918C) for the development of the site for up to 45 dwellings at land off Manchester Road, Congleton. All matters were reserved for approval at a later stage. This application seeks approval of the details of access only and also indicates the provision of 1 dwelling as part of phase 1 of the development. All other reserved matters are saved for approval at a later stage and are not to be considered as part of this application.

**SITE DESCRIPTION:**

The site is located approximately 1 mile north of Congleton Town Centre. The site is bounded by the A34 (Manchester Road) to the west, open countryside to the north and east, and the residential development of Galloway Green, (by Seddons), on the former Cattle Market to the south.

The proposed development is located on a Greenfield site that lies outside the Settlement Zone Line for Congleton, within the Open Countryside as identified in the adopted Congleton Borough Local Plan First Review.

The site measures 1.76 hectares, and comprises two adjoining fields with a network of mature hedgerows and mature trees.

**RELEVANT HISTORY:**

13/0922C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 49 DWELLINGS (ALL MATTERS RESERVED) – Approved 05-Nov-2014

13/0918C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 45 DWELLINGS (ALL MATTERS RESERVED) – Approved 13-Oct-2014

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 32.

Planning Practice Guidance (PPG) is also of relevance.

**Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within open countryside under Policy PS8.

The relevant Saved Policies are: -

- PS8 Open Countryside
- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- H2 Provision of New Housing Development
- H6 Residential Development in the Open Countryside
- NR2 Statutory Sites (Wildlife and Nature Conservation)

## NR3 & NR5 Habitats

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

### **CONSULTATIONS:**

#### **Strategic Highways Manager:**

No objection subject to highways related conditions and informatives.

### **TOWN COUNCIL:**

**Congleton Town Council:** No objection - Planning Officers to check whether it is possible to have one access to the main road for both applications.

### **REPRESENTATIONS:**

None

### **APPRAISAL:**

#### **Principle of Development**

The principle of the development has already been established for the erection of up to 45 dwellings following the approval of the outline application. This application does not provide an opportunity to re-examine the principle of development. The purpose of this application is to consider the detailed access to the site (one of the reserved matters).

#### **Access & Highway Safety**

This application seeks reserved matters approval for details of access to serve the development of up to 45 residential dwellings. The development would be served by a simple priority access with ghost island right turn lane and refuge off the A34 Manchester Road at Congleton. The application is supported by a Transport Statement (TS), which assesses traffic generation from the site of up to 45 dwellings and considers the resulting impact on the local highway network.

The Head of Strategic Infrastructure (HSI) has considered the submitted TS and the traffic impact and access strategy and recommends that any permission which may be granted for

this development proposal is the subject of highway related highway informatives. The HSI has confirmed that the offered junction design and associated geometry, visibility splays and ghost island right turn lane meet required standards and are therefore deemed to be safe by design. Accordingly, this reserved matter is considered to accord with Local Plan Policy GR9.

### **Ecology**

The outline approval is subject to a condition that requires the submission of an updated ecological survey with the submission of any reserved matters. Accordingly, this application, whilst only dealing with access, is supported by an ecological survey.

The Council's Nature Conservation Officer (NCO) has assessed the application and has confirmed that the proposal would not affect protected species. However, the NCO has commented that owing to the partial loss of the existing hedgerow where the proposed access would be located, replacement planting should be secured as should measures to safeguard breeding birds. Both these matters are already addressed by conditions attached to the outline consent and when the future reserved matters application is considered for landscaping. As such, the scheme is acceptable in terms of its impacts on nature conservation.

### **Other Matters**

The Council's Environmental Protection Unit has recommended that this application be refused on the grounds that no noise surveys have been submitted with the scheme. However, whilst the outline application requires a noise survey to be submitted with the reserved matters, it is important to note that this application only seeks approval of one of the reserved matters (access). Given this application does not deal with the precise layout or scale of the proposed units, this information is not reasonable or necessary at this stage. As such, a refusal could not be sustained on the grounds suggested.

### **Conclusions and Planning Balance**

The principle of developing the site for up to 45 dwellings has already been established following the granting of outline consent. The application relates to access and highway matters only; the submitted details are acceptable and compliant with policy. The proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. Benefits would arise from the proposal and there are no significant adverse impacts associated with it subject to conditions. The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Approval relates to access only (the reserved matter)
2. Access to be constructed in accordance with approved detail prior to first occupation of the development hereby permitted
3. Accordance with submitted ecological survey

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Reserved Matters

RECOMMENDATION:



Application No: 14/5388C

Location: Land Off Manchester Road Phase 1, MANCHESTER ROAD, CONGLETON, CHESHIRE

Proposal: Reserved matters application for approval of details of access relating to phase 1 of outline consent C comprising of 1N° dwelling and construction of new road junction to Manchester Road.

Applicant: Congleton Inclosure Trust

Expiry Date: 16-Feb-2015

**Date report prepared:** 21 January 2015

**REASON FOR REPORT:**

The proposal is a major development and therefore requires a Committee decision.

**SUMMARY:**

The principle of the development has already been established. This proposal is for consideration of details of access only. The proposed development would be served by a simple priority junction off Manchester Road. The Head of Strategic Infrastructure has confirmed that the access detail is acceptable subject to condition / informatives. It has been demonstrated that the access proposal would not affect species protected by law. This proposal would facilitate the delivery of up to 49 dwellings comprising a sustainable form of development and complies with the relevant local plan policy requirements and accordingly is recommended for approval.

**RECOMMENDATION:**

APPROVE subject to conditions

**PROPOSAL:**

In November 2014, outline planning permission was granted (ref; 13/0922C) for the development of the site for up to 49 dwellings at land off Manchester Road, Congleton. All matters were reserved for approval at a later stage. This application seeks approval of the details of access only and also indicates the provision of 1 dwelling as part of phase 1 of the development. All other reserved matters are saved for approval at a later stage and are not to be considered as part of this application.

**SITE DESCRIPTION:**

The site is located approximately 1 mile north of Congleton Town Centre. The site is bounded by the A34 (Manchester Road) to the west and A34 Macclesfield Road to the South. To the east is the residential development of Galloway Green, (by Seddons), on the former Cattle Market site.

The proposed development is located on a Greenfield site that lies outside the Settlement Zone Line for Congleton, within the Open Countryside as identified in the adopted Congleton Borough Local Plan First Review.

The site measures 2.2 hectares and comprises of three fields with a network of mature hedgerows and mature trees.

**RELEVANT HISTORY:**

13/0922C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 49 DWELLINGS (ALL MATTERS RESERVED) – Approved 05-Nov-2014

13/0918C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 45 DWELLINGS (ALL MATTERS RESERVED) – Approved 13-Oct-2014

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 32.

Planning Practice Guidance (PPG) is also of relevance.

**Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within open countryside under Policy PS8.

The relevant Saved Polices are: -

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
H2 Provision of New Housing Development  
H6 Residential Development in the Open Countryside

NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 & NR5 Habitats

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

**CONSULTATIONS:**

**Strategic Highways Manager:**

No objection subject to highways related conditions and informatives.

**TOWN COUNCIL:**

**Congleton Town Council:** No objection - Planning Officers to check whether it is possible to have one access to the main road for both applications.

**REPRESENTATIONS:**

None

**APPRAISAL:**

**Principle of Development**

The principle of the development has already been established for the erection of up to 49 dwellings following the approval of the outline application. This application does not provide an opportunity to re-examine the principle of development. The purpose of this application is to consider the detailed access to the site (one of the reserved matters).

**Access & Highway Safety**

This application seeks reserved matters approval for access detail to serve the development of up to 49 residential dwellings. The development would be served by a simple priority junction off the A34 Manchester Road. The application is supported by a Transport Statement (TS), which assesses traffic generation from the site of up to 49 dwellings and considers the resulting impact on the local highway network.

The proposed junction design and associated geometry does provide visibility splays that meet required standards and are therefore deemed to be safe by design.

The access will only serve up to 49 units and the level of traffic generation would not normally require a right turn lane. However, there is a reasonable argument for the provision of a right turn lane facility so that traffic leaving the gyratory junction in a northbound direction will not be likely to be impeded when trying to leave that junction to travel north on the A34 Manchester Road.

As such, the Head of Strategic Infrastructure (HSI) has recommended that the scheme be amended to demonstrate the provision of a right turn lane facility on Manchester Road to serve the proposed development. The HSI has recommended that this detail can be secured by way of a planning condition. As such,

### **Ecology**

The outline approval is subject to a condition that requires the submission of an updated ecological survey with the submission of any reserved matters. Accordingly, this application, whilst only dealing with access, is supported by an ecological survey.

The Council's Nature Conservation Officer (NCO) has assessed the application and has confirmed that the proposal would not affect protected species. However, the NCO has commented that owing to the partial loss of the existing hedgerow where the proposed access would be located, replacement planting should be secured as should measures to safeguard breeding birds. Both these matters are already addressed by conditions attached to the outline consent and when the future reserved matters application is considered for landscaping. As such, the scheme is acceptable in terms of its impacts on nature conservation.

### **Conclusions and Planning Balance**

The principle of developing the site for up to 49 dwellings has already been established following the granting of outline consent. The application relates to access and highway matters only; the submitted details are acceptable and compliant with policy. The proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. Benefits would arise from the proposal and there are no significant adverse impacts associated with it subject to conditions. The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Approval relates to access only (the reserved matter)
2. Prior to commencement of development, detailed plans of junction design including right turn lane on Manchester Road to be submitted and approved. Access to be constructed in accordance with approved detail prior to first occupation of the development hereby permitted
3. Accordance with submitted ecological survey

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION:



Application No: 14/5197C

Location: Land off, Davenport Park Lane Congleton Cheshire CW12 4ST

Proposal: Demolition of existing building and formation of stables, menage and change of use of land to horse culture (Resubmission of 14/2624C)

Applicant: D S Sheard & Sons

Expiry Date: 11-Feb-2015

**REASON FOR REPORT:**

The application is included on the agenda of the Northern Planning Committee as the proposal relates to a site measuring more than 1ha in size and is therefore a small-scale major development.

**SUMMARY:**

The principle of equestrian development can be acceptable in principle subject to compliance with other material considerations. The proposal would be acceptable in terms of its impacts on the character and appearance of the area, neighbouring amenity, the adjacent public footpath and agricultural land. However, these considerations are not sufficient to outweigh the highway safety concerns arising from the inadequate access where Davenport Park Lane meets with the A54 Holmes Chapel Road. As such, the proposal is considered contrary to Local Plan Policies GR9 and RC5 as well as the NPPF para 32.

**RECOMMENDATION:**

REFUSE

**PROPOSAL:**

Full planning permission is sought for the demolition of an existing hay barn and the formation of stables, ménage and change of use of land to horse culture. The proposal would provide 11 no. stables and would include parking for 10 cars and horse box parking to the front.

**SITE DESCRIPTION:**

This application relates to the site of an existing hay barn and associated agricultural land to the east of Davenport lane in the parish of Brereton. There is an enclave of residential dwellings to the north of the site, some of which comprise of a complex of traditional barns.

The land wraps around the east of these neighbours and comprises of approximately 4.48 ha of agricultural land. Access to the site is taken from Davenport Park Lane which is an un-adopted single track road which takes direct access off the A54 Holmes Chapel Road to the south. The site is situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

#### **RELEVANT HISTORY:**

14/2624C - Demolition of existing building and formation of stables, ménage and change of use of land to horse culture – Withdrawn 15-May-2014

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17, 28 and 32.

Planning Practice Guidance (PPG) is also of relevance.

##### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

PS8 - Open Countryside  
GR1 - New Development  
GR2 – Design  
GR6 – Amenity  
GR9 - Accessibility, Servicing & Parking Provision  
GR16 – Footpath, Bridleway and Cycleway Networks  
NR2 - Wildlife & Nature Habitats

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design

#### **CONSULTATIONS:**

##### **Environmental Protection:**

No objection subject to conditions restricting hours of construction / piling and an informative relating to contaminated land.

**Public Rights of Way (PROW):**

No objection subject to informatives informing the developer of their obligations.

**BRERETON PARISH COUNCIL:**

Object - Brereton Parish Council is concerned about the safety of the access to and from the site along Davenport Park Lane and to and from the A54.

The lane is narrow and is used for access by residents but also by cyclists using Regional Route 71 and the map for that route already warns to "take care" at the crossing of the A54 with this stretch of Davenport Park Lane. The lane is also part of the Dane Valley Way which is well used by walkers and horse riders.

Traffic exits this section of Davenport Park Lane in a southerly direction onto or across the busy A54. Visibility there is limited by the curvature of the A54 road and by hedges and trees along the verges. It seems likely that the proposed development will lead to an increase in traffic on this section of Davenport Park Lane and at the junction with the A54 given that the proposal includes stabling for 11 horses and given that the existing use is as a hay storage building.

Brereton Parish Council are concerned to ensure that the increase in traffic generated by the proposal, which would include horse boxes, causes as little negative impact as is possible on the safety of all road users, including walkers, horse riders and cyclists, on Davenport Park Lane and at the junction of that lane and the A54. Brereton Parish Council therefore want to see a full engagement by Cheshire East Highways department to ensure that approval is only given if these concerns are overcome.

**REPRESENTATIONS:**

Letters (including photographs) have been received from 7 addresses objecting to this proposal on the following grounds:

- Lack of consultation
- Davenport Park Lane is unadopted
- Building design and commercial use not in keeping with surrounding area
- Noise disturbance
- Hours of business should be restricted
- Scale of the development is out of proportion to the neighbouring properties, too close and has a larger footprint than the hay barn
- Site is Greenfield
- Loss of privacy including direct overlooking of neighbouring properties
- Loss of agricultural land
- Additional noise, odour and light disturbance

- Access to the site would be taken via an existing Public Right of Way and Bridleway
- There are no passing places as the access track is private, single track, un-adopted lane averaging 3 metres wide and 150 metres long
- The Lane is not capable of supporting the increase in vehicle traffic
- The lane has no passing points
- The Lane is popular with walkers, cyclists and horse riders who would be vulnerable to the dangers of the increased volume of unregulated traffic
- Road Safety - Visibility splays from the lane onto the main A54 Holmes Chapel Road are not adequate
- Loss of wildlife
- Impact on landscape and open countryside
- Who therefore will deal with any disturbances/emergencies after normal business hours?
- Lack of parking along the Lane
- No need for development as there are similar proposals nearby
- Loss if property value

## **APPRAISAL:**

### **Principle of Development**

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport and recreation are acceptable in principle provided that they preserve the openness of the countryside and comply with other relevant local plan policies.

Local Plan Policy RC5 deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; ecology; landscape; agricultural land; residential amenity; linked to the bridleway network and provide adequate parking and access from a public highway and there is no excessive traffic generation on to the existing highway network.

### **Character & Appearance**

The proposed stables would be viewed against the backdrop of the neighbouring site, which hosts a traditional barn complex that has been converted into residential use. The proposed building would replace the existing large hay barn and would be orientated in the same direction following the linear pattern of the barns running along the northern boundary of the site.

The proposed building would be constructed using a steel portal framed structure which would accommodate 11 stables and would introduce a parking and turning area adjacent to the access of the land in between the stables and the adjacent barn complex.

The proposed building would be well sited in the corner of the site where it would take advantage of the screening provided by the adjacent buildings and field boundaries. The

building would be comparable in size to the hay barn it would replace, but would be lower in terms of overall height. As such, the visual impact on the open countryside would be minimised.

Further, portal type buildings of this style are not uncommon within rural areas and it is considered that additional screen planting could reduce the intrusiveness of the stables within the landscape setting. Subject to this, the proposal is acceptable in terms of its impacts on the character and appearance of the countryside.

## **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway. This is further supported by advice within the NPPG para 32 which advises that 'proposal must take account of whether the safe and suitable access to the site can be achieved for all people'.

The applicant has claimed that the proposal would not be any worse than the potential vehicle movements generated by the present lawful agricultural use. However, the development proposals would represent a material intensification of use when compared to that of a Hay Barn and it is considered that Davenport Park Lane and the junction of Davenport Park Lane with the A54 to be unsuitable for the type of vehicles associated with a Livery Stables.

Although the Highway Authority has no jurisdiction over the un-adopted section of Davenport Park Lane used to access the site, its ability to safely serve the site for the proposed use is a material consideration. Davenport Park Lane is a narrow unmade, single track Lane with few places for vehicles to pass. It is clearly evident that the opportunity for unnecessary conflict between heavy commercial vehicles (i.e. Horseboxes and Heavy Goods Vehicles required for the delivery of bedding and feedstock etc. for 10 stables) and pedestrians and other highway users would be unsatisfactory.

The applicant has submitted a Transport Statement (TS) in which it has been estimated that the required visibility splays would measure 2.4 metres x 180 metres to the west and 2.4 metres x 100 metres to the east. The Head of Strategic Highways has confirmed that method of measuring visibility that has been employed is not acceptable. Further, the visibility splays illustrated in the TS fall within land under third party ownership, and as such outside of the control of the applicant. The applicant would be not able to achieve the required visibility splays.

Additionally, The Head of Strategic Highways considers that the visibility to the east should be 151metres and not 100 metres and as such, there is shortfall. In the absence of a safe and suitable access from a public highway, the proposal is therefore found to be in variance with Local Plan Policies GR9 and RC5 as well as NPPF para 32.

## **Residential Amenity**

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight,

visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The nearest residential properties are sited approximately 20 metres to the north. In view of the current agricultural use at the site and the pattern of surrounding development; it is considered that the proposed scale of the use would not be sufficient to cause material harm to neighbouring residential amenity. The Council's Environmental Protection Unit has offered no objection to the proposal and as such it is found to accord with Local Plan Policy GR6.

### **Public Right of Way**

Public Right of Way Brereton Bridleway No. 27 runs along the access track to the site (Davenport Park Lane). This route forms part of the long distance Dane Valley Way and a short distance promoted route from the nearby Brereton Heath Local Nature Reserve. Pedestrians, horseriders and cyclists may use this Public Bridleway. With respect to the use of Davenport Park Lane, the proposed traffic generation would not be as significant to materially harm user's amenity of the right of way. In the absence of objection from the PROW unit, it is considered that the proposal complies with local plan policy GR16 and a refusal could not be sustained on the grounds offered by objectors.

### **Loss of Agricultural Land**

No details of the quality of the agricultural land have been submitted with the application. However, the DEFRA Agricultural Land Classification Map shows that the area mainly comprises of Grade 3 agricultural land, which is considered 'good to moderate'. However, the main development would be carried out in the area where the existing hay barn is and as such would not result in a tangible loss of agricultural land. With respect to rest of the land, which would be subject of the change of use, this would not result in the permanent loss of agricultural land as it would be used for the keeping and grazing of horses and as such a refusal could not be sustained on this basis.

### **Planning Balance**

The proposal is contrary to development plan policies GR9 and RC5 of the adopted Congleton Borough Local Plan First Review 2005 and therefore the statutory presumption is against the proposal. There are no material considerations that would outweigh this harm and as such the proposal does not represent a sustainable form of development.

### **RECOMMENDATION**

#### **REFUSE for the following reason:**

1. The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of access where Davenport Park Lane meets with the A54 Holmes Chapel Road and would therefore be contrary to Policies GR9 and RC5 of the adopted Congleton Borough Local Plan First Review and advice within para 32 of the NPPF.

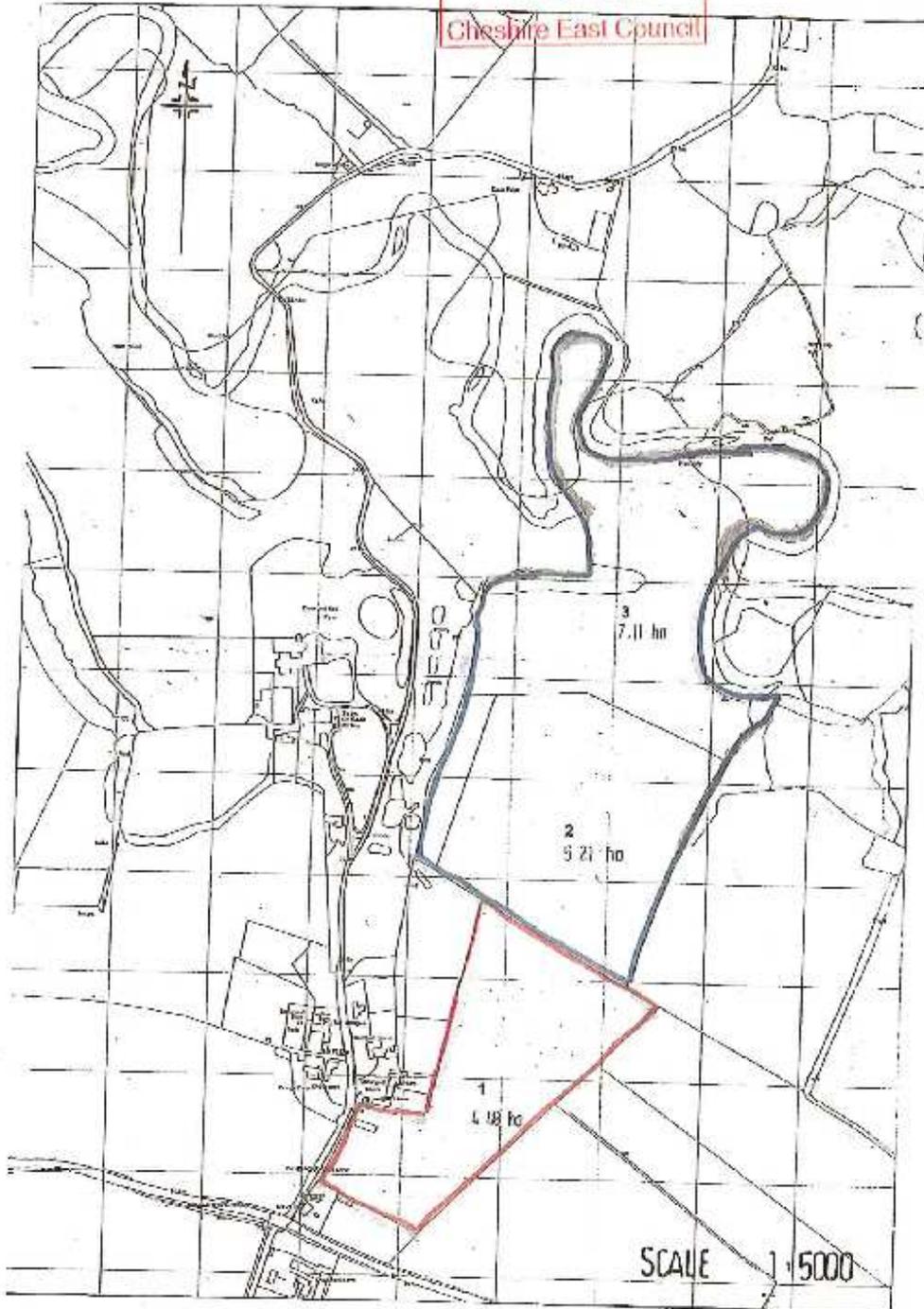
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. Highway Safety - Substandard Access
2. Plans
3. NPPF

Received  
12 NOV 2004  
Cheshire East Council



Application No: 14/5368M

Location: Brookfield Hydro Motors Limited, 10, LONDON ROAD SOUTH, POYNTON, SK12 1NJ

Proposal: A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development.

Applicant: C/o Agent, Aldi Stores Ltd

Expiry Date: 16-Feb-2015

**Date report prepared: 22 January 2015**

#### **SUMMARY**

The proposed amendments to the plans are considered to be minor material amendments. The development is considered not to be substantially different to the approved scheme. The proposed changes are considered to be acceptable and in line with relevant local and national planning policies.

#### **REASON FOR REPORT**

The site area is approximately 6758 sq m. The types of application to be determined by the Northern Planning Committee, in accordance with the scheme of delegation, includes small scale major development such as

“retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres or between 1ha – 2 ha”

#### **PROPOSAL**

The application seeks to vary condition 2 (approved plans) on approved application 14/1904M, which gave approval for “A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development”.

Information submitted with the application sets out the detailed amendments. In summary the proposed alterations to the approved details include:

a) changes to the site layout including the motor vehicle/motor cycle parking layout, siting of bicycle parking hoops, relocation of bin store, a reduction in the Gross Internal Area of the foodstore by 29sqm (which alter the footprint and servicing area a little, thereby making it a little larger);

b) the removal/repositioning of fenestration within the proposed development; and

c) amendments to external materials.

## **SITE DESCRIPTION**

The site to which the application relates is known as Brookfield Hydro Motors, London Rd South, Poynton. The Site is currently consists of a vacant car showroom, a petrol filling station with associated kiosks and canopy, a vehicle repair centre and a former cinema building (which is locally listed) and an area of hard-standing to the front of the car showroom. The site is located within a Secondary Shopping Area, as defined in the Local Plan.

As noted above, the application seeks to vary condition 2 on approved application 14/1904M, and condition 2 refers to the plans to which permission 14/1904M relates.

## **PRINCIPLE OF DEVELOPMENT**

It is permissible, under section 73 of the Town and Country Planning Act 1990, for an application to be made to the LPA to vary the plans condition of a planning permission, where the aim is to make a 'minor material amendment' to the approved plans.

A 'minor material amendment' is one whose scale and nature results in a development which is not substantially different from the one which has been approved.

The principle of the development has already been accepted. Any changes in national policy/guidance or other material considerations since approval of the original application need to be taken into account.

It is noted that there have not been any significant policy/guidance changes or other significant material considerations since determination of application 14/1904M.

## **RELEVANT HISTORY**

The application of most relevance is the one approved most recently, i.e. 14/1904M – A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development. Approved, August 2014.

## **POLICY**

**Macclesfield Borough Local Plan, saved policies**

BE1 (Design Guidance)  
BE2 (Preservation of Historic Fabric)  
BE20 (Locally Important Buildings)  
DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC3 (Protection of the Amenities of Neighbouring Properties)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Trees)  
DC38 (Spacing Standards)  
NE11 (Nature Conservation)  
S1 (Town Centre Shopping Development)  
S2 (New Shopping Development)  
PDC3 (Secondary Shopping Area)

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
National Planning Practice Guidance  
Locally Listed Buildings SPD  
Poynton Town Strategy  
SPD for Poynton  
Planning Obligation SPG  
CE Local Plan Strategy – Submission Version (May 2014)

### **CONSULTATIONS**

Bearing in mind the permission on application 14/1904M was only recently granted (August 2014) and the extent and nature of the proposed changes are considered to be minor, the only department re-consulted is Highways (the changes in layout include alterations to the parking layout). The Strategic Highways Manager has confirmed that the amendments relevant to Highways do not result in any concerns re highways safety.

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

#### **Poynton Town Council:**

No objections, subject to the conditions attached to the previous approval being attached to any new approval.

### **REPRESENTATIONS**

Representations have been received from the occupants of 3 No. neighbouring properties, details of which can be read on file. A summary of the issues raised is provided below:

- Object to the re-siting of the bin store and object to position of the staff car parking considering both to impact on residential amenity

- Lack of clarity regarding landscaping to the rear of the site
- The new scheme reduces the public realm improvements. Consequently an alternative public realm improvement should be requested in lieu of the public realm floor area being reduced (eg a public art feature or street furniture in the public realm which is created).
- The quality of the foodstore signage is not appropriate for the area. It is suggested that the design of the signage of the store in Hazel Grove would be more appropriate (i.e. individual silver letters).
- The occupants of number 1 Abby Court note that the trees screening Abbey Court, which are to be retained, are a) subject to a tree preservation order and b) are not on the applicant's land. Also, the existing dead or dying trees on the North East corner of the site, adjacent to the entrance to Abbey Court, which are indicated on plan to be removed, are also not on the applicant's land. The authors suggest that the developers need to consult them and the Landlords before trespassing onto land (and felling trees) that is not theirs.

## APPRAISAL

The key questions are essentially 1) whether or not the proposed changes are considered to be minor material changes, such that the scale and nature of the proposed development is not substantially different to the approved application 14/1904M; and 2) whether the proposed changes have any material impact that would result in a different decision being reached to that previously reached.

The issues raised in representations are noted. However, the following comments/responses are made in respect of these:

- The main bin store area is re-sited on the southern elevation of the proposed retail store, not far from the side boundary of the neighbouring commercial premises, 'Sovereign House'; there is a small bin store area to be sited next to the service area to the rear (western) elevation of the foodstore which, it is acknowledged, is opposite residential units on Abby Court. However, the service area remains in the same area as previously approved and also an acoustic fence is proposed to mitigate any noise around the service area, as was previously approved (this was controlled by condition and will be controlled by condition again). Hence, it is considered that the re-siting of the bin store would not significantly harm the amenities of the occupants of neighbouring properties. The proposal therefore complies with policy DC3 of the Local Plan
- The alterations in layout include 4 No. car parking spaces located next to the service area of the foodstore. Again, given that it is the service area that has already been approved and an acoustic fence is to be provided (controlled by conditions), it is considered that the siting of these spaces would not significantly harm the amenities of the occupants of neighbouring properties. The proposal therefore complies with policy DC3 of the Local Plan
- The landscaping indicated on the amended plans is virtually the same as illustrated on the previously approved plans. Conditions were attached to the approved application requiring details of the landscaping to be submitted. These conditions can be attached again to ensure over the detail of the landscaping. This is in accordance with policy DC8 of the Local Plan.

- The area of public realm appears to be virtually identical to the approved scheme. The commuted sums required in respect of the public realm works have already been submitted to the Council. A condition was attached to the previous approval regarding street art (as part of the public realm improvements), and this condition will be attached again to secure this.
- The signage illustrated on plan is illustrative and details of signage would need to be sought via an Advertisement Consent application at a later date.
- The comments regarding the position of trees and land ownership is noted and it is recommended an informative be attached to any approval drawing the applicant's attention to this matter.

Bearing the above in mind, given the size, scale and nature of the proposed amendments it is considered that the proposed is a minor material amendment and that the resultant development is not substantially different to the approved scheme.

As the proposed is considered to be a minor material amendment it is considered that there is no additional, significant, impact over and above the approved scheme, in respect of the issues previously considered (i.e. heritage assets, highways safety, neighbour amenity, character and appearance of the area, arboricultural/landscape and ecological issues) or any other matters. In respect of these issues the proposed changes are compliant with the relevant Local Plan policies and national guidance.

#### **OTHER MATERIAL CONSIDERTIONS**

It is noted that the previous approved application was subject to a s106 Agreement. This Agreement has been signed and the commuted sums have been received by the Council. To ensure the continued legal status of the Agreement a deed of variation is required.

#### **SUMMARY, CONCLUSION, REASON(S) FOR RECOMMENDATION**

In summary, given the nature and scale of the proposed amendments it is considered that they are minor material amendments that do not substantially alter the development from that approved. The issues raised in objection have been borne in mind. However, bearing in mind the issues discussed above it is considered that there is no justifiable/sustainable reason why a different decision to that already arrived at on application 14/1904M should be reached. Hence, it is recommend the application to vary condition 2 and substitute the plans on application 14/1904M for those submitted with the current application, should be approved, subject to conditions, informative and completion of a deed of variation to the s106.

It is noted that a press advert has been placed in the local newspaper and that the deadline for comments given in the advert is 18<sup>th</sup> February 2015. Therefore it is recommended that the application be delegated to the Planning and Enforcement Manager, in consultation with the Chairman & Vice-Chairman to approve subject to any substantive new representations from the consultation process and subject to conditions, informative and completion of a deed of variation to the s106.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning

Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

### **Application for Variation of Condition**

**RECOMMENDATION: Delegate to the Planning and Enforcement Manager, in consultation with the Chairman & Vice-Chairman, to approve subject to any substantive new representations from the consultation process and subject to conditions, informative and completion of a deed of variation to the s106.**

#### RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accordance with approved plans
3. A02EX - Submission of samples of building materials
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A02LS - Submission of landscaping scheme
7. A04LS - Landscaping (implementation)
8. A22GR - Protection from noise during demolition, construction and deliveries to the site
9. A23GR - Protection during pile driving
- 10.A16EX - Specification of window design / style (tinted windows on northern and eastern elevations)
- 11.A02HA - Construction of access
- 12.A30HA - Protection of highway from mud and debris
- 13.A12LS - Landscaping to include details of boundary treatment
- 14.A08MC - Lighting details to be approved
- 15.A10LS - Additional landscaping details required - public realm/ public art
- 16.A13GR - Business hours
- 17.A01HP - Provision of car parking
- 18.A20GR - Hours of deliveries
- 19.A17MC - Decontamination of land
- 20.A19MC - Refuse storage facilities to be approved
- 21.A24HA - Provision / retention of service facility
- 22.A04NC - Details of drainage
- 23.A02NC - Implementation of ecological report

- 24.A23MC - Details of ground levels to be submitted
- 25.A06NC - Protection for breeding birds
- 26.A01MC - Noise insulation
- 27.A03MC - Details of cooking odour extraction equipment
- 28.A06TR - Levels survey
- 29.A12HA - Closure of old access points
- 30. Dust control measures
- 31. Bird boxes to be provided
- 32. Hours of operation of food store and A3, A4 and A5 units
- 33. Details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
- 34. Ghost island
- 35. Floor floating details
- 36. Environmental management plan
- 37. Hedge to be retained
- 38. Full photographic record of the locally listed building prior to demolition
- 39. Bat features incorporated into the scheme
- 40. Junction
- 41. Submission of noise assessment and noise insulation
- 42. Public art



Application No: 14/5063M

Location: CLARENCE MILL, CLARENCE BROW, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5JZ

Proposal: Application for full planning permission for the change of use of part of the first floor from B2 to 19 apartments.

Applicant: Clarence Mill Ltd

Expiry Date: 02-Feb-2015

**REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision.

**CONCLUSION:**

The application is for the change of use of the first floor of Clarence Mill, a Grade II Listed building located in a Conservation Area from B2 (general industrial) to 19 apartments, together with a number of relatively minor external alterations. Permission was previously granted at appeal in 2011 for an almost identical scheme but that permission has now lapsed. It is considered that the impact of the proposal on the Grade II Listed Building and on the wider Conservation Area is acceptable. No objections have been raised by the Council's Conservation Officer.

Access and parking arrangements are considered to be acceptable and no objections have been raised by the Strategic Highways Manager, who notes the previously allowed appeal.

An objection has been raised by the Council's housing department due to the fact that no affordable housing is proposed. However, when considering the appeal in 2011 the Inspector concluded, based on a submitted financial appraisal, that the proposal could not sustain affordable housing provision. An updated financial appraisal submitted with this application demonstrates that this remains the case.

No on site open space provision is proposed or financial contributions in lieu of on site provision. Whilst this would normally be required for a development of this size, in this case, it is not considered to be a sustainable reason for refusal given the findings of the Inspector in 2011 and given the other significant benefits of the proposal.

Having regard to paragraph 14 of the NPPF, it is not considered that any adverse impacts of the granting of permission for the proposal would significantly or demonstrably outweigh the benefits when assessed against relevant policies, including those in the NPPF and the Local Plan. The proposal involves the redevelopment of a brownfield site for housing, located in an accessible location close to a range of amenities. It involves the renovation and reuse of a prominent listed building in a Conservation Area. The proposal will contribute to the Council's five year housing land supply and would help to relieve pressure on other, less suitable greenfield sites.

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL:**

Full planning permission is sought for the change of use of part of the first floor of Clarence Mill from B2 (general industrial) to 19 apartments, together with a number of relatively minor external alterations. A parallel application for listed building consent is also being considered on this agenda (14/5065M).

**SITE DESCRIPTION:**

Clarence Mill is a Grade II Listed building located adjacent to the canal, within a Conservation Area. It is a five storey building. The lower and ground floor are currently in commercial use with the upper two floors in use as residential apartments. Vehicular access to the site is via Clarence Road to the south. Access to the commercial premises is either taken from a narrow strip on the canal frontage or from the mill yard to the rear. Parking for the commercial uses and for existing residents is found either in the rear yard or in a three storey car park structure to the rear of the mill.

**RELEVANT HISTORY:**

The site has an extensive planning history, the most relevant of which is detailed below.

14/5065M – Listed building consent for the change of use of part of the first floor from B2 to 19 apartments. Currently under consideration.

14/2116M - Application for removal or variation of conditions on 10/3535M – declared invalid Sep 2014.

14/2035M - Listed Building Consent for change of use – approved July 2014.

10/3535M – Change of use of part of first floor of mill building from Class B2 industrial to residential use comprising 19 apartments; alterations to exterior. Refused and allowed at appeal July 2011.

10/3536M - CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS (LBC) – approved January 2011.

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 – presumption in favour of sustainable development

47 to 55 – delivering a wide choice of high quality homes

56 to 68 – requiring good design

126 to 141 – conserving and enhancing the historic environment

**Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the site as a mixed use area, within a Conservation Area.

The relevant Saved Policies are: -

BE1 – Design

BE2 – Historic Fabric

BE3 – Conservation Area

BE6 – Macclesfield Canal Conservation Area

BE15- Repair and enhancement of Listed Buildings

BE19- Change of Use of Listed Buildings

DC2 – Extensions and alterations

DC3- Amenity  
DC6 – Circulation and access  
DC14- Noise  
DC16- Existing Infrastructure  
DC38- Space, Light and Privacy  
DC40- Provision of Play and Amenity Space  
DC42- Subdivision of Property for Residential Purposes  
H5 – Windfall housing  
E11 – Mixed Use Areas – Macclesfield/Bollington  
E12 – Redundant Mills

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

As the examination of this plan has now been suspended, its policies carry limited weight.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – presumption in favour of sustainable development  
SD1 – sustainable development in Cheshire East  
SD2 – sustainable development principles  
SE1 – design  
SE2 – efficient use of land  
SE7 – the historic environment

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

### **CONSULTATIONS:**

**Highways:** no objection.

**Environmental Health:** no objection subject to conditions regarding dust control, floor floating, hours of construction, noise mitigation and waste provision.

**Housing:** object due to the fact that no affordable housing is proposed.

**Canal & Rivers Trust:** no objections.

**United Utilities:** comments awaited.

**Bollington Civic Society:** comments awaited.

**Leisure Services:** comments awaited.

**Manchester Airport:** comments awaited.

### **TOWN/PARISH COUNCIL:**

**Bollington Town Council:** comments awaited.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and site notices erected. To date, no representations have been received.

### **APPRAISAL:**

The key issues are:

- The principle of the development

- Impact on the listed building and the wider Conservation Area
- Affordable housing
- The requirement for affordable housing and POS/ROS contributions
- Parking and highways considerations

### **Principle of the development**

As stated, the site is located in a mixed use area where the principle of housing is accepted. The principle of the use of the site for housing was also accepted at appeal when permission was granted in July 2011.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

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

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

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

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

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

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

### **Environmental Sustainability**

#### **Impact on listed building and wider Conservation Area**

The proposal is an almost identical scheme to that allowed at appeal in 2011. That scheme was considered by both the Council and the Inspector not to have a detrimental impact on either the listed building or the Conservation Area. The differences now proposed are set out below:

- Elevation 1 - externally mounted extract hood on end elevation and two additional window openings to be re-instated on end elevation
- Elevation 2 – loading door to be removed and replaced with window to match existing, window opening to be re-instated and intake/extract hood to be installed
- Elevation 3 - window opening to be re-instated
- Elevation 4 - loading door to be removed and replaced with window to match existing

Local and National Planning policies seek to protect the special architectural and historic character of listed buildings and Local Plan policies and to conserve or enhance Conservation Areas (NPPF chapter 12 and Local Plan policies BE2, BE3, BE6, BE15, BE16 and BE19).

The external changes proposed to the building by this application are relatively minor and only deviate slightly from those previously allowed at appeal. No objections have been raised to the external changes by the Council's Conservation Officer who notes that the changes proposed were previously approved by application 14/2035M (LBC). It is not considered that the proposal would adversely impact on either the listed building or the wider Conservation Area.

### **Social Sustainability**

#### **Affordable Housing**

No affordable housing is proposed as part of the application. In accordance with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for 30% of the proposed units to be affordable i.e. 6 apartments. The Council's housing department object to the application noting that no affordable housing is proposed.

When considering the appeal against 10/3535M, the Inspector noted that the number of units proposed triggered a requirement for affordable housing. However he accepted that a financial appraisal submitted by the appellants showed that the proposal could not sustain affordable housing provision i.e. the requirement to provide affordable housing would make the scheme unviable.

Upon request an updated financial appraisal has been submitted. This has been carried out by the same land and property consultant who carried out the original financial appraisal considered and accepted by the Inspector at appeal in 2011. The updated appraisal notes that whilst unit sales estimates have generally increased in value and whilst the site value has decreased by 8.5%, build costs have been rising significantly over the past 12 months. As such the predicted net profit from the scheme is now reduced from 15.89% to 13.13% (gross profit 19.88% to 16.79%). The consultant considers that from his experience the residual profit margins are below normal industry standards for undertaking speculative developments of this nature and are at the bare minimum end of an acceptable profit margin. The consultant therefore considers that any amount or form of affordable housing would make the scheme unviable leaving the site undevelopable for conversion to residential use.

Having considered the updated financial appraisal and having regard to the appeal Inspectors conclusions, it is accepted that it has been demonstrated that the proposal cannot sustain the provision of affordable housing and that the provision of affordable housing would make the scheme unviable. The predicted profit levels resulting from the proposal are already lower than the generally accepted industry standard (20%) and as such any further reduction would be likely to result in the development becoming unviable.

### **Public Open Space**

The appeal site is too constricted to allow the provision of on site open space and no financial contributions are being offered in lieu of on site provision as is normally required by Council policy.

When considering the appeal against 10/3535M, the Inspector noted that in line with Council policy and having regard to the additional demands on open space arising from the development, a financial contribution was justified. However, he noted that whilst no contribution was offered at appeal, that the site is quite well served by existing facilities and that the very substantial benefit of bringing the listed building into fuller use, thereby helping to sustain its future, more than outweighed any harm that would be caused by the lack of contribution to open space provision.

Whilst the formal comments of the Council's Greenspace Officer are awaited, given the previous appeal decision and given the substantial benefits offered by the proposal, it is not considered that the lack of a financial contribution to open space is a sustainable reason to refuse the application.

### **Accessibility**

The site is located within Bollington, within walking distance of a wide range of local services and facilities including shops, pubs, schools, health centre, bus stop and play area. Local facilities are therefore considered to be accessible by a range of transport options from the application site.

### **Highways**

As stated, vehicular access to the site would be via Clarence Road and parking. Off street parking provision is available within the curtilage of the Mill, providing 189 spaces to serve the mixed commercial and residential uses on the site. There is also storage space for 20 cycles in the existing secure facilities in the stairwell.

The Council's Strategic Highways Manager has been consulted on the application and raises no objections noting that whilst there was a highways objection to the appeal proposal, that the Inspector found that the objection on parking grounds could not be sustained. That decision was taken having regard to PPG13 which has now been replaced by the NPPF. The NPPF sets a level of 'severe' impact to warrant refusal on transport grounds. It is not considered that this can be demonstrated in this case given the previous Inspectors findings

and given the fallback of the existing lawful commercial use with potentially more serious parking implications.

### **Economic Sustainability**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bollington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Planning Balance**

There are a number of significant benefits that would arise from this proposal including:

- The restoration and re-use of a Grade II Listed Building located in a prominent position within a Conservation Area
- Provision of 19 apartments on an accessible brownfield site
- Contribution to the Council's five year housing land supply

There are also additional less significant benefits including economic benefits arising from the proposal and potential reduction in parking demand on site resulting from the replacement of the lawful commercial use.

Factors weighing against the proposal are the lack of affordable housing proposed and local of POS contributions.

However, having regard to Paragraph 14 of the NPPF, in this case it is considered that any adverse impacts resulting from the granting of permission would not significantly and demonstrably outweigh the benefits when assessed against relevant policies.

### **RECOMMENDATION**

#### **Approve subject to conditions.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

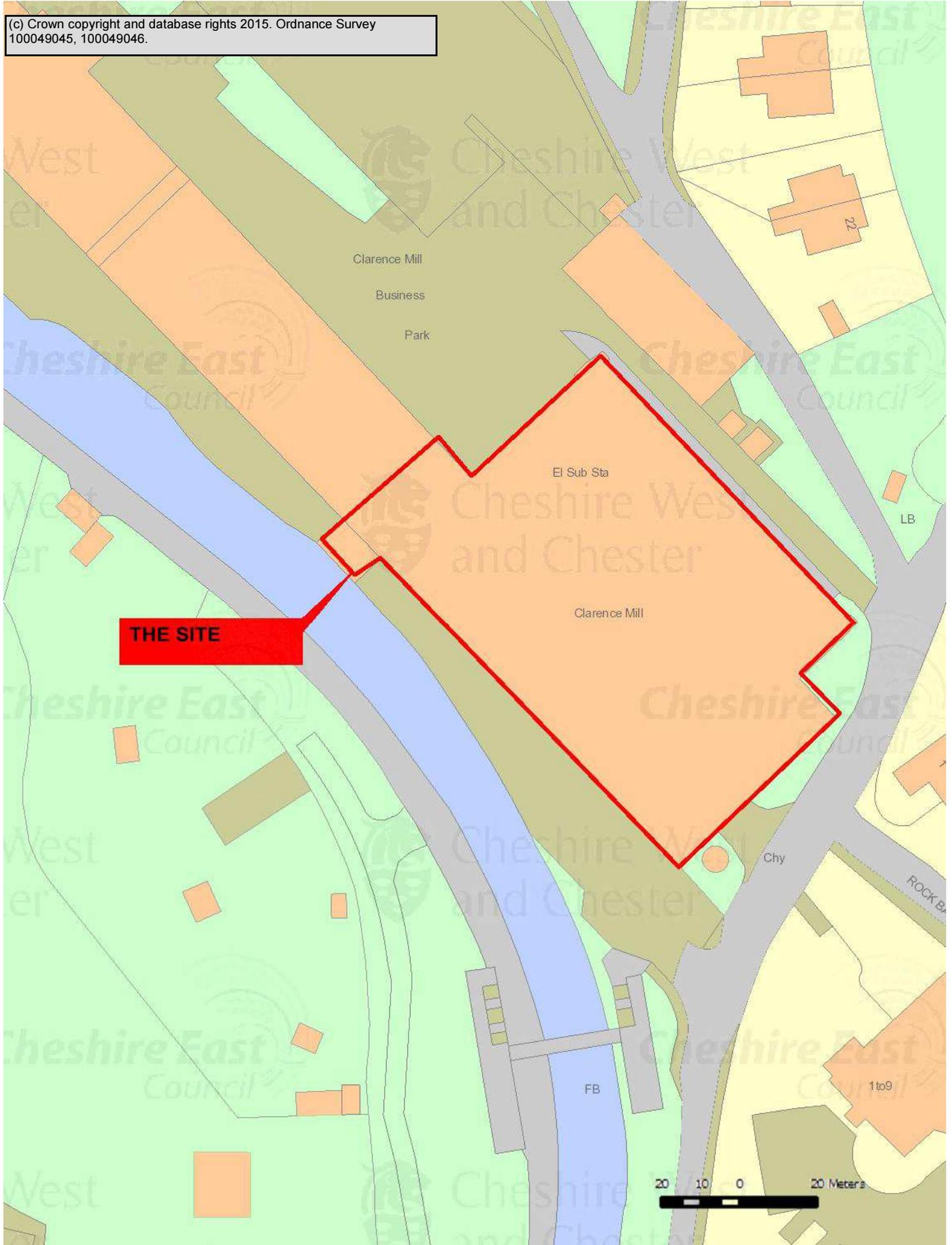
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A32HA - Submission of construction method statement
4. A22GR - Protection from noise during construction (hours of construction)
5. Masonry materials to match existing

6. Details of windows (which shall be timber), louvre and extract hood to be submitted and approved in writing by lpa
7. Details of cycle parking to be submitted and agreed by lpa
8. Car parking spaces to be marked out prior to use commencing
9. Sound insulation measures to be submitted and agreed by the lpa and to be implemented prior to first occupation and maintained thereafter

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Application No: 14/5065M

Location: CLARENCE MILL, CLARENCE MILL, CLARENCE ROAD,  
BOLLINGTON, MACCLESFIELD, CHESHIRE, SK105JZ

Proposal: Application for full planning permission and Listed Building Consent for the change of use of part of the first floor from B2 to 19 apartments.

Applicant: Clarence Mill Ltd

Expiry Date: 26-Jan-2015

**REASON FOR REPORT:**

The parallel application for full planning is also being considered on this agenda.

**CONCLUSION:**

The application is for the change of use of the first floor of Clarence Mill, a Grade II Listed building located in a Conservation Area from B2 (general industrial) to 19 apartments, together with a number of internal and relatively minor external alterations. Listed building consent was granted for an almost identical scheme in 2014 under application 14/2035M.

It is considered that the impact of the proposal on the architectural and historic integrity of the listed building is acceptable. No objections have been raised by the Council's Conservation Officer.

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL:**

Listed building consent is sought for the change of use of part of the first floor of Clarence Mill from B2 (general industrial) to 19 apartments, together with a number of relatively minor external alterations and internal alterations. A parallel application for full planning permission is also being considered on this agenda (14/5063M).

**SITE DESCRIPTION:**

Clarence Mill is a Grade II Listed building located adjacent to the canal, within a Conservation Area. It is a five storey building. The lower and ground floor are currently in commercial use with the upper two floors in use as residential apartments. Vehicular access to the site is via Clarence Road to the south. Access to the commercial premises is either taken from a narrow strip on the canal frontage or from the mill yard to the rear. Parking for the commercial uses and for existing residents is found either in the rear yard or in a three storey car park structure to the rear of the mill.

**RELEVANT HISTORY:**

The site has an extensive planning history, the most relevant of which is detailed below.

14/5063M – Full planning for the change of use of part of the first floor from B2 to 19 apartments. Currently under consideration.

14/2116M - Application for removal or variation of conditions on 10/3535M – declared invalid Sep 2014.

14/2035M - Listed Building Consent for change of use – approved July 2014.

10/3535M – Change of use of part of first floor of mill building from Class B2 industrial to residential use comprising 19 apartments; alterations to exterior. Refused and allowed at appeal July 2011.

10/3536M - CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS (LBC) – approved January 2011.

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 – presumption in favour of sustainable development

56 to 68 – requiring good design

126 to 141 – conserving and enhancing the historic environment

#### **Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the site as a mixed use area, within a Conservation Area.

The relevant Saved Policies are: -

BE1 – Design

BE2 – Historic Fabric

BE15- Repair and enhancement of Listed Buildings

BE18 – Listed Building Consent

BE19- Change of Use of Listed Buildings

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

As the examination of this plan has now been suspended, its policies carry limited weight.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – presumption in favour of sustainable development

SD1 – sustainable development in Cheshire East

SD2 – sustainable development principles

SE1 – design

SE7 – the historic environment

#### **CONSULTATIONS:**

**English Heritage:** recommend that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

#### **TOWN/PARISH COUNCIL:**

**Bollington Town Council:** comments awaited.

#### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and site notices erected.

To date, no representations have been received.

#### **APPRAISAL:**

The key issues are:

- Impact of the proposal on the architectural and historic integrity of the listed building

**Principle of the development**

The principle of the change of use and resultant alteration of the listed building for housing has previously been accepted by the Council when granting previous listed building consents (10/3536M & 14/2035M). Whilst the alterations to the listed building proposed by this application differs slightly from those consents, subject to compliance with the relevant policies relating to listed buildings, there is no objection in principle to further alteration.

**Impact on the listed building**

The proposal is an almost identical scheme to that granted listed building consent under application reference 14/2035M. That consent remains extant until July 2017. The applicants state that this listed building consent application has been submitted to ensure conformity due to the fact that minor alterations are proposed to the planning permission that has recently expired.

The Council's Conservation Officer has been consulted on the application and raises no objections to the proposal. It is considered that the impact of the proposal on the architectural and historic integrity of the listed building is acceptable.

**RECOMMENDATION**

**Approve subject to conditions.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A07LB - Standard Time Limit
2. A01AP - Development in accord with approved plans
3. Masonry materials to match existing
4. Details of windows (which shall be timber), louvre and extract hood to be submitted and approved in writing by lpa

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