

Northern Planning Committee

Agenda

Date:	Wednesday, 4th March, 2015
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Meeting** (Pages 1 - 10)

To approve the Minutes of the meeting held on 4 February 2015 as a correct record.

4. **Public Speaking**

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

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

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

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

5. **14/4130C-Development of 24 dwellings with associated landscaping and access, Land Adjacent Manor Lane, Manor Lane, Holmes Chapel for Property Capital Plc and Mr and Mrs L Bu (Pages 11 - 26)**

To consider the above application.

6. **14/5148M-Demolition of existing detached house and outbuildings and erection of 5no. apartments together with underground parking and associated landscaping, 1 Scott Road, Prestbury for PH Property Holdings Ltd (Pages 27 - 36)**

To consider the above application.

7. **14/5635M-Outline application for proposed demolition of Armit Street Works and the erection of 10 No. terraced houses, Cheshire Windows and Glass, Armit Street, Macclesfield for D Harper (Pages 37 - 48)**

To consider the above application.

8. **13/4995M-Proposed Erection of Detached Super Eco Home, with integral garage and associated access and landscaping, Land off, Brook Lane, Alderley Edge for Mr Peter Widdows (Pages 49 - 60)**

To consider the above application.

9. **14/0616C-Proposed residential development of 16 no dwellings to vacant land north of Brook Street, Congleton. Proposed development is an extension to the existing approved scheme which has been designed to facilitate future access, Land Off Brook Street Phase 2, Brook Street, Congleton for Mrs Nichola Burns, Morris Homes North Ltd (Pages 61 - 74)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 4th February, 2015 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, L Brown, B Burkhill, S Gardiner, A Harewood,
O Hunter, L Jeuda, D Mahon, D Neilson, L Roberts and A Thwaite

OFFICERS IN ATTENDANCE

Mr P Hooley (Planning and Enforcement Manager), Mr N Jones (Principal
Development Officer), Mr P Mason (Senior Environmental Health Officer), Mrs
C McKay (Locum Planning Lawyer), and Ms B Wilders (Principal Planning
Officer)

93 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H Gaddum and
J Macrae.

94 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 14/4981M Councillor S
Gardiner declared that he was the Deputy Chairman of the Governors at a
School adjacent to the catchment area of Mobberley C of E Primary
School.

In the interest of openness in respect of application 14/5487M, Councillor
R West declared that he potentially knew the applicant.

95 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 7 January 2015 be approved as a
correct record and signed by the Chairman.

96 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

97 14/3395M-WOOD CHIP BIOMASS BOILER, ROBINSON NURSERIES, BOLSHAW ROAD, HEALD GREEN FOR PETER ROBINSON, W ROBINSONS NURSERIES LTD

Consideration was given to the above application.

(Mr Robinson, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Planning and Enforcement Manager, in consultation with the Chairman subject to no issues being raised by Manchester Airport and subject to the 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

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.

98 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

Consideration was given to the above application.

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

RESOLVED

That the application be refused 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

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.

99 14/5487M-PROPOSED DETACHED TWO STOREY DWELLING HOUSE AT GARDEN PLOT (REAR OF 128 OXFORD ROAD), 128 OXFORD ROAD, MACCLESFIELD FOR PAUL SIMMS, FCB

Consideration was given to the above application.

(Mr Foster, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposed dwelling, by virtue of its position relative to 14 Holly Road, would be unduly dominant when viewed from the ground floor side window of 14 Holly Road, causing an unacceptable loss of light to the detriment of the residential amenities of the occupiers of that property. The approval of the development would therefore be contrary to policy DC3 in the Macclesfield Borough Local Plan.

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

(Prior to consideration of the following item, Councillor B Livesley arrived to the meeting).

100 **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**

Consideration was given to the above application.

(A statement was summarised on behalf of Councillor J Macrae, the Ward Councillor by the Principal Planning Officer).

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. 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-Details to be submitted and agreed. Height of fence to be minimum required to achieve required benefits in terms of privacy and noise up to a maximum of 2.5m
18. Fence to be finished in recessive colour, the details of which shall be submitted to and agreed by the lpa then carried out in accordance with the approved details.

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 adjourned for a short break).

101 **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

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. Approval relates to access only (the reserved matter) (access within the red line on the site plan and not access for the whole site covered by the outline)
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 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.

102 **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**

Consideration was given to the above application.

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

RESOLVED

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

1. Approval relates to access only (the reserved matter) (access within the red line on the site plan and not access for the whole site covered by the outline)
2. Prior to commencement of development, detailed plans of junction design 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 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.

103 **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**

Consideration was given to the above application.

(Joanna Longman, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused 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 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.

104 **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**

Consideration was given to the above application.

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

RESOLVED

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, subject to the completion of a deed of variation to the S106 to ensure that the S106 agreement entered into pursuant to permission 14/1904M shall apply to this permission and subject to the following conditions:-

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

An informative was to be added advising the applicants to consult with Poynton Town Council regarding the details of the public realm.

105 **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**

(During consideration of the application, Councillor Miss C Andrew left the meeting and returned, therefore she did not take part in the debate or vote on the application).

Consideration was given to the above application.

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

RESOLVED

That 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. 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
10. Submission and approval of details of external lighting to the lpa

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.

106 **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**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the 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

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 5.15 pm

Councillor R West (Chairman)

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Application No: 14/4130C

Location: LAND ADJACENT MANOR LANE, MANOR LANE, HOLMES CHAPEL

Proposal: Development of 24 dwellings with associated landscaping and access.

Applicant: Property Capital Plc and Mr and Mrs L Bu

Expiry Date: 10-Dec-2014

SUMMARY:

The proposal is situated within the Open Countryside and is therefore contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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, which has been accepted in recent appeals.

The proposal is considered to be sustainable both locationally and in the context of the social, economic and environmental dimensions of sustainability. It will assist the Council's 5 year housing land supply position and will promote economic growth. It is the view of officers that these considerations outweigh the site's conflict with adopted local plan and limited impact on the nearby grade II listed Marsh Hall. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is acceptable in terms of its impact on Jodrell Bank, highways and residential amenity. The affordable housing requirement and public open space requirements are met by the proposals through on site provision and financial contributions. The design and layout is also considered to be acceptable and will respect the character and appearance of the surrounding area. The proposal will be acceptable in terms of its impact on ecology, trees and landscape. It will also assist in meeting local affordable housing needs subject to conditions and a S106 agreement to mitigate the relevant impacts.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PROPOSAL:

The application seeks full planning permission for the erection of 24 houses with associated landscaping and access at land adjacent to Manor Lane, Holmes Chapel.

SITE DESCRIPTION:

The application site comprises 1.15ha of greenfield land, located on the eastern side of Holmes Chapel Village. The site is broadly rectangular in shape and is bound along the south-western boundary by Marsh Lane and the western boundary by Manor Lane. On the opposite side of Manor Lane to the west, there is a small commercial / trading estate (referred to as 'The Clocktower') and to the south is the recently established residential development which occupies part of the former Fison's site. There is an agricultural field to the north of the site. To the south/east there are 2 residential properties beyond which there are fields.

One of the said properties to the south (Marsh Hall) is Grade II listed and abuts the south-eastern corner of the site.

The application site is positioned just outside of the settlement boundary of Holmes Chapel and as such is within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

06/0332/OUT – Construction of 38 affordable houses and 12 affordable apartments and associated access parking and landscaping. All houses 2 storey with 3 storey apartments – Refused 31-May-2006

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49 and 55.

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
- NR4 Non-statutory sites
- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping

GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
BH4 Listed Building Effect of Proposals
BH5 Listed Building Effect of Proposals
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and low cost housing

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:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Supplementary Planning Documents:

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

CONSULTATIONS:

Highways:

No objection subject to conditions.

Environmental Protection:

No objection subject to conditions relating to hours of construction / piling, dust control, submission of an environmental management plan and air quality measures.

Jodrell Bank:

No comments received

United Utilities:

No objection provided that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Environment Agency:

No objection

Flood Risk Manager:

No objection

Natural England:

No objection

Sustran:

If this land use is approved, the following comments are made:

- 1) As the proposed roundabout is on Marsh Lane, an A road, we would like to see crossing facilities for pedestrians/cyclists included in the design of the junction
- 2) Can the development make a small contribution to traffic management measures on Marsh Lane/Station Road toward Holmes Chapel centre?
- 3) We would like to see secure and conveniently sited cycle parking provided for those smaller properties without garages
- 4) We would like to see travel planning set up for the site with targets, monitoring and with a sense of purpose

VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council:

Object on the grounds that:

- 1) this is a green field site
- 2) outside the settlement zone
- 3) the local housing quota has already been exceeded
- 4) the development is in the immediate vicinity of a listed building

REPRESENTATIONS:

Representations have been made by 9 properties objecting to this application on the following grounds:

- This is a Greenfield site in Open Countryside outside of the village boundary
- There are Brownfield sites which should be used
- Site is not in the new 5 year local plan
- Holmes Chapel has already exceed its quota of housing
- Proposal will open the floodgates and spoil the Village
- Already too much development in Holmes Chapel
- Local service and amenities area already stretched to capacity (health centre/schools/leisure facilities)
- Traffic and parking is becoming dangerous
- No pedestrian crossings
- Increase in population is affecting local businesses
- Lack of consultation
- Loss of agricultural land
- Density of development too much and harmful
- Site is in vicinity of a listed building

APPRAISAL:

The key issues are:

Principle of Development

Design Considerations

Impact on Heritage Asset

Affordable Housing

Trees & Landscape

Highways

Residential Amenity

Ecology

Jodrell Bank

CIL – S106 Obligations

Planning Balance

Principle of Development

The site lies outside of the Holmes Chapel settlement zone line as shown on the local plan map. Consequently the proposal represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The most important consideration in this case is the National Planning Policy Framework (NPPF).

(i) 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 suites 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, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

(ii) Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

(iii) Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

The site is located on the easterly edge of Holmes Chapel Village. The village hosts a range of shops and local services including health care facilities, primary and secondary schools and also a range of public transport services serving the local and wider area. These include bus stops and the nearby Holmes Chapel Railway Station. Taking this into account, the site is considered to be in a sustainable location.

Locational factors and the carbon footprint associated with car borne travel are an important aspect of sustainability. However, the Framework advises that there are three interdependent dimensions to sustainable development, these being economic, social and environmental. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Having regard to the current housing land supply, the fact that this site is sustainably located, the economic growth and social benefits are considered, on balance, to outweigh the limited conflict with local plan policy in terms of the scale of development. Consequently, the adverse impacts are not considered to be significant or demonstrable and as such the principle of the development is found to be acceptable.

Design Considerations

The site occupies a prominent position on edge of Holmes Chapel with a decent frontage to Manor Lane. The site is also viewed within the context of the adjacent grade II listed Marsh Hall. Consequently, any development will need to be high quality in design terms and will need to address and respond appropriately to the setting of the listed building.

This scheme has been the subject of pre-application discussions with officers and has been amended and developed to minimise as far as practicable the impact on both the visual

amenities of the area and the setting of the adjacent listed building (designated heritage asset).

In terms of design, the proposed scheme would see the introduction of a number of frontage units addressing the Manor Lane frontage wrapping part way round the corner where the site meets with Marsh Lane. The remaining units adjoining Marsh Lane would turn their backs onto Marsh lane but would make use of existing screen planting and would supplement it further thus softening views and allowing them to front the internal layout within the site.

The internal layout would comprise of an internal spine round taken off Manor Lane which would run parallel with the curvature of the corner of the site and allowing views to open up and terminate in the direction of the grade II listed Marsh Hall towards the south east corner of the site. This is aimed at framing Marsh Hall and together with a comprehensive planting scheme, would help to soften views of the listed building.

Section 12 of the Framework seeks to conserve and enhance the historic environment. In determining planning applications para 132 states that 'great weight should be given to the asset's conservation, depending on its significance.

The Council's Conservation Officer has confirmed that the proposal will have some harm to the setting of the designated heritage asset. However, it is considered that such harm would be minimised with time once the proposed landscape buffer establishes itself and owing to the fact that the nearest units (as amended) to the heritage asset would be more modest sized properties with cottage style like features and half dormers.

On this basis, it is considered that the proposals as indicated would not appear incongruous and the proposal would, when considering the benefits of sustainable development would offset any impacts to the setting of the adjacent grade II listed Marsh Hall given that such harm has been limited as far as practicable. As such, the scheme is found to be acceptable in design terms and in terms of its impacts on a designated heritage asset.

Affordable Housing

The site falls within the Holmes Chapel Parish and is within the Holmes Chapel sub area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This identified a net requirement for 10 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 2x 1bd, 12x 3bd, 1x 4+bd general needs units and 4x 1bd older persons accommodation. There is an oversupply of 2 bed general needs and older persons accommodation.

In addition, information taken from Cheshire Homechoice shows there are currently 98 applicants registered who have selected the Holmes Chapel lettings area as their first choice. These applicants require 25x 1bd, 47x 2bd, 22x 3bd and 4x 4bd accommodation.

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 rented and 35% intermediate tenure.

The proposal is for 24 no. dwellings. This equates to a requirement for 7 affordable units in total on the site, with 4 to be provided as affordable or social rent and 3 as shared ownership. The applicant is offering 30% of the total units as affordable with a tenure split of 65% rented and 35% shared ownership. The Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Trees and Landscape

The site has no landscape designations. Housing development on this site would obviously change the character of the site itself; however, given the context and the prominence of urban development adjacent to the site it is not considered that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. On the basis of the information provided and a site inspection, it appears that whilst some of the proposed units would come in close social proximity to certain specimens; they would not result harm to their amenity value or health and would ensure that they could be retained. In terms of hedgerows, there are none that would be considered to be 'important' under the Hedgerow Regulations and as such, the scheme is acceptable in this regard. As such, subject to protection measures and a detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

The Head of Strategic Infrastructure (HSI - Highways) has examined the application and confirmed that the proposed access strategy has been the subject of discussions. Subsequently the speed limit has been reduced on this section of Manor Lane and this has made the access strategy more robust. The HIS has confirmed that the junction design and geometry meets required standards and the traffic generation from this small number of units is not a material consideration against national policy. In light of this, the HSI is satisfied with the scheme having regard to matters of highways safety. He considers that site can be satisfactorily served by the proposed access and the level of parking provision would be acceptable. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Sustran have commented that they would wish to see a pedestrian crossing built into the junction with Manor Lane, a travel plan and whether contributions could be sought towards traffic management measurements. It is considered that the provision of such off the back of only 23 no. units would not be reasonably related or necessary to the size and scale of development to be permitted. This is supported by the lack of objection / recommendations from the Head of Strategic Infrastructure. Further comments have been made regarding the

prospect of securing cycle parking, Given that the development is for the provision of private family dwellings, with ample private amenity space allocated to each unit, it is not considered necessary to require provision of cycle parking at this development. As such, the comments would not sustain a refusal.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan advises that the proposal should not have a detrimental impact upon neighbouring amenity by way of loss of privacy, loss of light or visual intrusion. The proposed layout would allow sufficient separation to be achieved between the proposed dwellings and the properties on the opposite side of Marsh Lane as well as Marsh Hall to the southeast. With regard to the proposed units within the site, the relationship between the proposed dwellings and spacing would be acceptable and would achieve a satisfactory standard of amenity for the future occupants. As such, the scheme is deemed to accord with policies GR6 and SPG2.

Public Open Space

Having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site and the existing number of houses which use it, 24 new homes does not generate a need for new AGS. However, heavily planted areas are being provided on site as part of buffer with the adjacent Marsh Hall and part of the site has a wetland/pond area located in it. For this reason it is recommended that a management company takes over the maintenance along with any buffer or boundary planting.

With respect to Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision. Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

Due to the small size of the proposed development, it is recommended that the development help to ease a qualitative deficit at Elm Drive (Bridge Farm) play area. This would help to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity. The Supporting Planning Statement 6.24 refers to pre application advice with the figure of £22,468.03. This was based on an average of 2.4 persons per dwelling in accordance with policy however revised figures in accordance with the housing schedule are shown below.

Applying the standards and formulae in the 2008 Guidance the Council would need £7,142.46 to upgrade Elm Drive. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £23,468.00 to maintain the upgraded facilities over 25 years. Subject to this being secured under a S106 legal agreement, the proposal is found to be acceptable having regard to Public Open Space requirements.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value with the exception of 2 trees in the north-western extent of the site. The said trees have potential to support roosting bats. However, these features appear to be retained as part of the proposed development. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The National Planning Policy Framework highlights that the use agricultural land should be taken into account when determining planning applications. It advises local planning authorities that, ‘significant developments’ should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The applicant has submitted an agricultural land classification study which concludes that the site is an area of Grade 3a and 3b land (0.3ha and 0.8ha respectively). The land is not presently farmed and would only result in the loss of 0.3ha of the ‘best and most versatile land’. Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. Owing to the small loss and matters of housing need, the proposal is therefore considered to be in accordance with policy SE2 and the provisions of the NPPF in respect of loss of agricultural land

Jodrell Bank

In the absence of any objection from the University of Manchester, subject to appropriate conditions, it is not considered that a refusal on the grounds of the impact on Jodrell Bank could be sustained.

Infrastructure – Education and Health Care

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that '*...no contribution will be required from this development.*'

It is noted that during consideration of an application for residential development at a nearby site referred to as 'Saltersford Corner', the local Health Centre raised concerns that the Holmes Chapel Medical Centre is operating near capacity. Such concerns were validated and contributions were secured to towards the provision of health care within Holmes Chapel Medical Centre. However, comments have been received from NHS England confirming that they would not request any contributions from this development owing to its small size and scale. As such, no contributions are required towards health care provision.

S106 contributions Levy (CIL) Regulations:

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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

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

The Council's Statagic Housing Officer, has advised that the proposed development will need to address a need for affordable housing by providing 7 units on site. Without such, the scheme would exacerbate the need for affordable housing. Thus, the affordable housing requirement is necessary to meet an identified need and accords with the Council's IPS, and is directly and reasonably related to the scale of development.

Additionally, the proposed development would provide the requisite public open space contributions which would be necessary to offset the demands arising from the residents of the proposed developemnt.

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance & Conclusions

The proposal is contrary to development plan policies PS8 and H6 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy PS8, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - 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.”*

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside and some adverse impact on the setting of the nearby listed building. However, this incursion and adverse impact would be limited and it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **7 units on site 4 for social rented and 3 for shared ownership**

Public Open Space comprising of:

- **£7,142.46 to upgrade Elm Drive and £23,468.00 towards future maintenance (25 years**
- **Management company for onsite Amenity Green Space**

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.

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.

Application for Full Planning

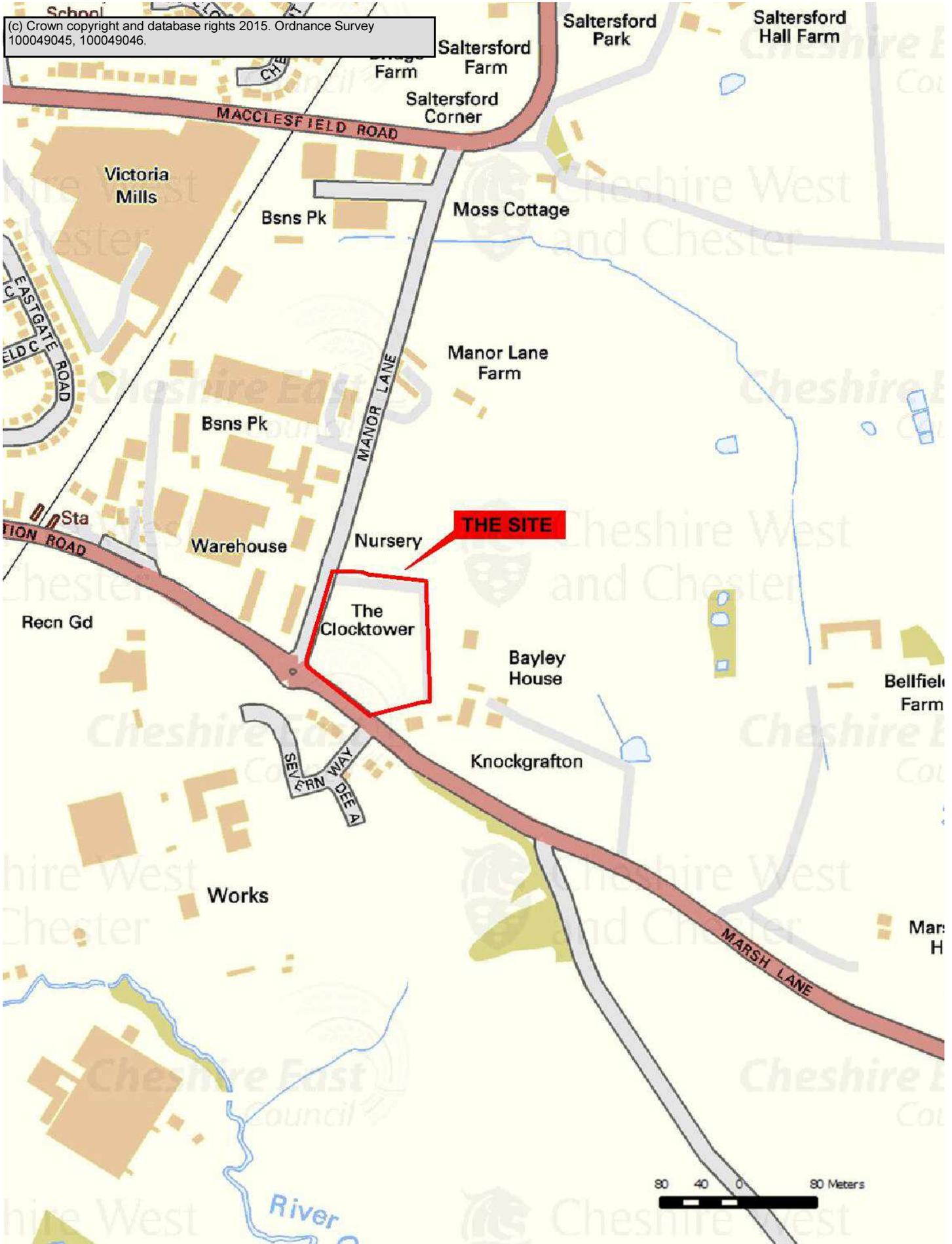
RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved plans
3. Submission / approval and implementation of scheme of electromagnetic screening
4. Submission / approval and implementation of environmental management plan
5. Hours of construction limited
6. Hours of piling limited
7. Accordance with submitted noise mitigation scheme

8. Submission / approval and implementation of scheme to minimise dust emissions
9. Foul drainage should be connected to foul sewer
10. Construction of approved access
11. Ecological mitigation to be carried out in accordance with submitted statement
12. Accordance with ecological mitigation
13. Bird breeding survey
14. Materials to be submitted and approved
15. Landscaping scheme to be submitted including management details and boundary treatments
16. Landscaping implementation
17. Tree protection scheme
18. Arboricultural Method Statement
19. Submission of plan showing refuse vehicle tracking
20. Submission of a suite of design and construction plans which will include for the proposed tactile paving on Manor Lane and 2 metre service strips
21. Submission of details of any external lighting
Removal of permitted development rights Classes A-E



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Application No: 14/5148M

Location: 1, SCOTT ROAD, PRESTBURY, CHESHIRE, SK10 4DN

Proposal: Demolition of existing detached house and outbuildings and erection of 5no. apartments together with underground parking and associated landscaping.

Applicant: PH Property Holdings Ltd

Expiry Date: 10-Feb-2015

Date Report Prepared: 20th February 2015

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Sustainability of the site
- Design/ Scale
- Impact on neighbouring amenity
- Nature Conservation issues
- Environmental Health
- Landscaping Issues
- Highway issues

REASON FOR REPORT

Councillor Findlow has called the application in to committee on the following grounds:

- 1. Gross overdevelopment from a single house to 5 units of accommodation on 4 levels including underground and roof space.*
- 2. Absence of proper, adequate on site parking for visitors etc.*
- 3. Retention of a single house as now would contribute to checking the remorseless village urbanisation process, and help retain something of the character of the surrounding roads.*
- 4. Harm to the setting of the conservation area.*
- 5. The plot size is insufficient for the magnitude of the proposal, with inadequate surrounding space within the curtilage.*

6. *Deleterious impact on neighbours, particularly following recent adjacent development schemes as yet incomplete.*

As such, the application is to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an existing detached two storey dwelling located on a corner plot within a predominantly residential area of Prestbury. The Grade 2 Listed Building Butley Hall lies some 42m to the southeast of this building. The ground levels slope down from the site westwards and rise to the north and northwest on the other side of Scott Road. Prestbury Conservation Area lies some 55m away to the west of the site.

DETAILS OF PROPOSAL

This application follows the formal pre- application process, which was based around the principle of redeveloping the site. This is a material planning consideration. Revised plans have been submitted during the application process, reducing the height of the building, altering the design of the second floor balcony and repositioning the building within the site.

The proposals are for the demolition of the existing dwelling and outbuildings and the erection of a 9.1m high building containing 5no apartments with associated undercroft parking for 10no cars and landscaping.

Planning History

None.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

H1- Phasing Policy
H2- Environmental Quality in Housing Developments
H5- Windfall Housing
H13 – Protecting residential areas
BE1- Design Guidance
BE3- Conservation Area
BE16- Listed Building Setting
DC1- New Build
DC3- Amenity
DC6- Circulation and Access
DC8- Landscaping
DC35- Materials and Finishes
DC38- Space, Light and Privacy
DC41- Infill Housing Development or Redevelopment
NE11- Nature Conservation

Cheshire East Local Plan Strategy 2014 – Submission Version

The relevant policies are as follows:

MP1- Presumption in Favour of Sustainable Development
PG2 - Settlement Hierarchy
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE4 - The Landscape
CO1- Sustainable Travel and Transport
CO4- Travel Plans and Transport Assessments

The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are to be applied.

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 Crewe and Nantwich 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 below are all consistent with the NPPF and should therefore be given full weight.

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Strategic Highways and Transportation Manager- No objection.

Manchester Airport Safeguarding- No objection.

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council objected to the originally submitted plans on the following grounds:

We feel that this is an overdevelopment which is out of character for the area and is a step too far in the urbanisation of a semi-rural area. The proposed five very large apartments fit very tightly into the plot available, and will complete a continuous row of developments, thus being the final straw in destroying the ambiance and character of Springfield Road which

leads from the main car park to the village conservation area. The Parish Council believe that the site is suitable for a single dwelling.

OTHER REPRESENTATIONS

5 objections have been received from neighbours, on the following planning related grounds:

- Overdevelopment of the site
- Out of keeping with the character and appearance of the locality
- Loss of privacy to neighbouring property
- Increased traffic generation and car parking issues
- Adverse impact on the Conservation Area

APPLICANT'S SUPPORTING INFORMATION

Planning/ Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The principle of development on the site is considered acceptable, subject to the sustainability of the site, design, amenity, highways, environmental health, landscaping, nature conservation issues as examined below.

Sustainability

Paragraph 14 of the National Planning Policy Framework (NPPF) states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

This previously developed brownfield site is less than 1 mile from the town centre and circa 200m from Prestbury train station. Amenity space is provided within the site, and the site is close to local open space. Overall the site is considered to be in a sustainable location. The scheme is therefore considered to accord with the main thrust of the NPPF in terms of constituting sustainable development.

Design/ Character/ Listed Building Setting/ Conservation Area

Paragraph 58 of the NPPF advises that decisions should aim to ensure that development, *inter alia*:

*'Will function well and add to the overall quality of the area;
Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
Are visually attractive as a result of good architecture and appropriate landscaping.'*

Paragraph 60 of the NPPF advises that:

'...decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

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

The objections have been carefully considered. However, the revised scheme is considered to be in keeping with the character and appearance of the locality. The area is characterised by dwellings of a variety of architectural styles and scale, including 3 storey dwellings such as at Bollin Mews, and the proposed building is of a similar height to the development in the grounds of nearby Butley Hall, which is in itself a modern design. A very modern two storey flat roofed dwelling has been approved on the plot adjacent to the site. The two storey dwellings on the other side of Scott Road are on a much higher ground level than the proposed development.

The proposal is now set back circa 8.8m from the front boundary. It is considered to site comfortably within the plot.

The Conservation Officer raises no objections. The development is considered to not adversely impact on the setting of the Grade 2 Listed Building due to its distance from it and the fact that a similar scale block of apartments now exists within the grounds of this building on a similar siting in relation to Springfields.

Whilst the development would be visible from the Conservation Area, it is considered to be a sufficient distance away from it to ensure that it would preserve the character and appearance of the Conservation Area.

The site is well screened with boundary trees and vegetation and a landscaping scheme can be conditioned to ensure further landscape mitigation.

Subject to the materials being acceptable, which can be controlled via condition, the revised scheme is considered to accord with all design objectives and to preserve the architectural integrity of the Grade 2 Listed Building and the character and appearance of the Conservation Area, in accordance with policies BE1, DC1, BE3, BE16 and the NPPF.

Amenity

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

Policy DC41 states that infill housing or redevelopment must not result in the overlooking of existing private gardens, nor excessive overshadowing of existing habitable rooms. Sufficient amenity space should exist for any new infill development.

In this case sufficient garden space for the properties would exist, in accordance with policy DC41.

Policy DC38 states that habitable rooms in development should normally be a minimum of 21m front to front of buildings, unless the design and layout of the scheme and its relationship to the site and its characteristics, provides a commensurate degree of light and privacy between buildings.

The objections have been carefully considered. However, the development would be some 27m to the nearest property to the front, which is a bungalow. Even allowing for the differences in ridge height, this distance is considered to accord with the guidelines under policy DC38. The proposed second floor dormers and balcony on the front elevation would not result in overlooking due to the higher ground level and the large difference in building heights and in any case, this property is side facing with no windows to habitable rooms that would be affected. Dormers of a similar height have been built on the nearby apartments within the grounds of Butley Hall.

The two storey property 'The Gate House' to the rear lies some 27m away which again, allowing for differences in building heights is considered to comply with policy DC38.

The site adjacent to the proposal is currently vacant, but in any case the approved two storey dwelling on this site has no side windows to habitable rooms.

Overall, the development would accord with local plan policies H13, DC3 and DC38.

Highways

The Strategic Highways and Transportation Manager raises no objections. Whilst it is noted that the development would increase traffic generation to some extent, this is not considered to be excessive. 10 no parking undercroft spaces for 5no apartments is considered to be sufficient in this central, sustainable location i.e. 2 per apartment. The existing access is proposed to be relocated closer to Scott Road, to enable it to be more central to the site, however this is not considered to result in any adverse impact on the highway network.

Overall the development accords with policy DC6.

Trees/ Landscaping

The Tree Officer has been consulted and does not object. They state:

The proposed development requires the removal of a limited number of low value (C Category trees) and internal hedging, the loss of which will only have a negligible impact on the amenity of the immediate area or the wider landscape. Any replacement planting should be seen as a net gain.

The retained trees apart from T8 can be protected in accordance with current best practice BS5837:2012. A new Bin Store has been partially located within the Root Protection Area (RPA). T8 is a small insignificant Hawthorn, the engineered no dig solution can be dealt with by condition.

None of the trees on site scheduled for removal or retention are considered worthy of formal retention

Any replacement planting should be seen as a net gain.

The Landscape Officer raises no objections. A landscaping scheme would be conditioned on any subsequent approved application, in order to mitigate the impact of the development. Subject to this the development would accord with policies DC8 and DC9.

Nature Conservation

The Nature Conservation Officer raises no objections to the development and considers that it would not adversely impact on protected species, in accordance with policy NE11. Conditions should be attached in relation to breeding birds and for bat mitigation.

Environmental Health

The Environmental Health Officer raises no objections, subject to conditions relating to the control of dust, noise and land contamination on the site. A condition should be attached for the submission of a method statement for the demolition, to ensure neighbouring amenity and safety is not compromised.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, whilst the objections have been carefully considered, the revised proposals are considered to be acceptable.

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. Given that in this case no significant adverse impacts have been identified to outweigh the benefits of the scheme, the development would not conflict with those policies within the MBLP which are consistent with The Framework, and it is considered that planning permission should be granted as the proposals accord with policies BE1 Design Guidance, DC1 New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping, DC9 Tree Protection, DC38 Space Light and Privacy, DC41 Infill Housing Development or Redevelopment, NE11 Nature

Conservation, H1- Phasing Policy H2- Environmental Quality in Housing Developments, H5- Windfall Housing and H13 – Protecting residential areas of the Macclesfield Local Plan 2004, policies in the Cheshire East Borough Council Submission Version 2014 and guidance within The Framework.

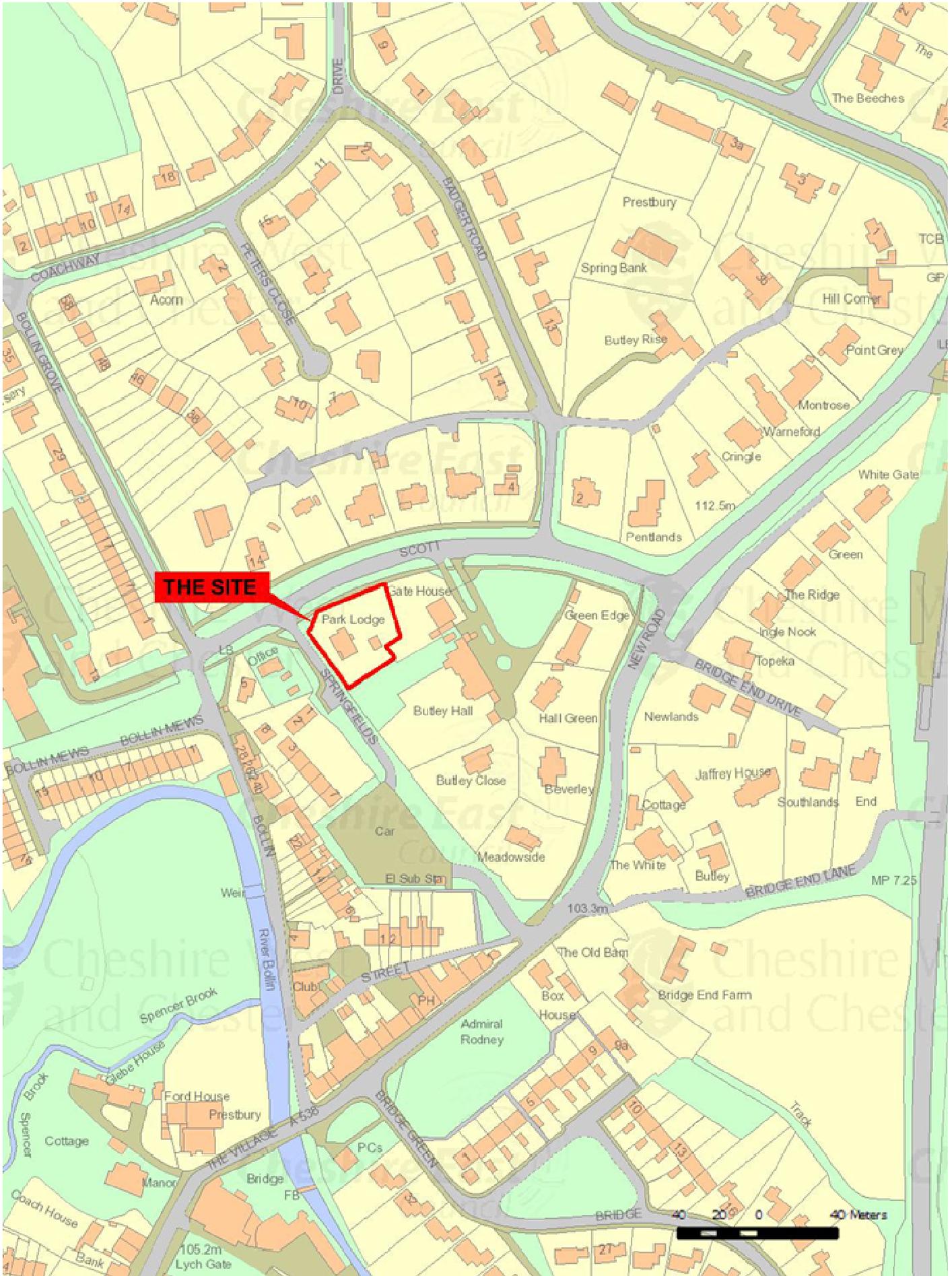
For these reasons, this application is recommended for approval, subject to conditions.

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. A01LS - Landscaping - submission of details.
2. A03AP - Development in accord with revised plans (unnumbered)
3. A03FP - Commencement of development (3 years)
4. A04LS - Landscaping (implementation)
5. A05EX - Details of materials to be submitted
6. A23GR - Pile Driving
7. A32HA - Submission of construction method statement
8. Hours of construction
9. Drainage details to be submitted
10. Dust scheme to be submitted
11. Contamination report to be submitted
12. Bird survey
13. Bird and bat mitigation scheme to be submitted
14. Tree details to be submitted
15. Details of levels to be submitted



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Application No: 14/5635M

Location: CHESHIRE WINDOWS AND GLASS, ARMITT STREET,
MACCLESFIELD, CHESHIRE, SK11 6SD

Proposal: Outline application for proposed demolition of Armit Street Works and the erection of 10 No. terraced houses.

Applicant: D Harper

Expiry Date: 05-Mar-2015

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY

The proposal is for an outline application for a new residential development in a residential area close to Macclesfield town centre. The site is within a sustainable location and it should be possible to design a development which respects the character and appearance of the area and complies with the Development Control policies of the Macclesfield Borough Local Plan.

Comments are awaited from the Strategic Highways Manager with regards to the access and parking provision and this will be reported in an update.

Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval.

RECOMMENDATION

Approve

PROPOSAL:

The application seeks outline planning permission for the demolition of the existing light industrial buildings on the site and the construction of up to 10 dwellings. Approval of the means of access is being sought at this stage.

SITE DESCRIPTION:

The application site measures 1 100 sq. m and comprises a series of single and two storey workshop buildings. The land on the Hatton Street side of the site and area backing on to the properties on Brown Street are at a lower level. The site is surrounded by two and three storey terraced properties.

The site lies within the settlement boundary of Macclesfield and is within a short walking distance of the town centre boundary.

RELEVANT HISTORY:

29357P Demolition of existing obsolete manufacturing building & re-development with a 2 storey building for manufacturing – Approved
28-Apr-1982

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

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site, as within a predominantly residential area.

The relevant Saved Policies are: -

- NE11 Relating to nature conservation
- BE1 Design Guidance
- H2 Environmental Quality in Housing Developments
- H13 Protecting Residential Areas
- DC1 and DC5 Design
- DC3 Residential Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC35, DC36, DC37, DC38 and DC41 relating to the layout of residential development
- T3 Pedestrians
- T4 Access for people with restricted mobility
- 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)

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
- 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
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
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

Supplementary Planning Documents:

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

CONSULTATIONS:

Highways: Comments awaited.

United Utilities - No objections to the proposed development provided that conditions are attached relating to foul water drainage and a surface water drainage scheme

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

Greenspaces – Comments are awaited.

Macclesfield Civic Society - The redevelopment for residential purposes appears appropriate in this case though the Civic Society do have concerns about the erosion of small scale commercial sites within the town as this reduces opportunities for new employment growth within the urban area. The Civic Society's concern in this case is that the provision of parking within the site entirely replaces any prospect of external amenity space for the terraced units in marked contrast to the pattern of development in the locality.

REPRESENTATIONS:

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

4 letters have been received objecting on the following grounds:

- Lack of parking provision locally.
- Although there are some 3 storey houses in the area, they are predominantly 2 storey. The few 3 storey houses are traditional Weavers' Cottages and a modern 3 storey new build as proposed will look totally out of character.

- There is a considerable ground height difference between the dwellings on Armitt Street and the section of dwellings in Hatton Street. A 3 storey building to the rear of the writers house, albeit diagonally, will tower over their property, blocking out sunlight and making their ground floor very dark, particularly in winter. The existing 2 storey houses at the back of the writers property on Armitt Street already dominate the writers home and deprive the writer of sunlight downstairs for nearly 3 months of the year.
- Concern is raised over the choice of access. Currently the vehicle access to the plot, as the address indicates, is via Armitt Street, which is a much quieter street than Hatton Street. The writer fails to see why the new access should be on Hatton Street. It is very busy at certain times of day and used as a short cut between Bond Street and Brown Street for Park Lane. Armitt Street would be a much safer option for pedestrians as well as vehicles.

APPRAISAL:

The key issues are:

- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety
- Impact upon nature conservation interests

Principle of the Development (Windfall Housing Sites):

The site lies within the settlement boundary of Macclesfield and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council's 5 year land supply.

Therefore, permission should only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits as noted above.

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

Visual impact

It is considered that the provision of up to 10 dwellings on the site is considered to be an acceptable density in the context of the existing residential development in the surrounding

area. The indicative layout is also considered to be a broadly acceptable way of providing this number of dwellings. The character of the area consists of two and three storey dwellings and it should be feasible to provide a scheme at reserved matters stage which compliments the existing character of the area. However, care will be required in order to provide a balanced street scene, and the provision of three storey dwellings opposite existing three storey dwellings would enclose Hatton Street and Armitt Street too much. 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. It is therefore proposed to attach a condition to partially restrict three storey development on the site.

Residential Amenity

Local Plan policies H13, DC3, DC38 and DC41 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 H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on all sides by existing residential properties.

The indicative layout shows that the proposed dwellings fall below the distance guidelines set out in policy DC38 of the local plan to the properties on Hatton Street and Armitt Street (approximately 11m between the existing properties and proposed). However, within the pattern of development in this part of Macclesfield, which is made up of tight terraced properties and Weavers Cottages, it is commonplace for the space between dwellings to be similar to that proposed on the indicative plans. Consideration has been given to the effect of placing three storey properties opposite existing three storey dwellings and the resultant impact that this would have in terms of providing an overbearing relationship with neighbouring properties.

The distance between 2-6 Hatton Street and the side elevation of the nearest property would need to be between 14m and 16.5m to comply with Local Plan Policy DC38, depending on whether the proposed dwelling is two, or three storeys in height. Given this application is for outline permission only, with all matters apart from access reserved, it is considered that it would be appropriate to attach a condition, which would ensure that existing three storey houses are not faced with three storey dwellings to ensure that amenity is protected as far as possible given the character of the local area and relationships. It is then considered that there would be sufficient flexibility within the site layout to manipulate the levels accordingly and to ensure adequate standards of space, light and privacy are commensurate with that in the local area and therefore, provide a development which would accord with the Local Plan policy.

Trees

There are no significant trees associated with the site which are considered worthy of formal protection. Those located both within the site edged red or a material consideration off site are all considered to be of low amenity value (Category C) or presenting an unacceptable relationship with existing buildings.

A suitable landscape scheme should be seen as a net gain compared to the contribution the existing trees make to the present street scene.

Ecology

The Nature Conservation Officer has commented on the application and does not anticipate there being any significant ecological issues associated with the proposed development.

Accessibility

There are primary schools within walking distance, and shops are available in the town centre, which is also within easy walking distance and would provide for day to day needs. The nearest bus stop is approximately 100 metres from the application site on Park Lane with Macclesfield Town centre approximately 150m from the site. The closest healthcare provision is on Sunderland Street in the Town Centre.

Highways

The Strategic Highways Manager (SHM) has not commented on the application to date and comments on the acceptability of the access shall follow in an update report. It is noted that the access is the only matter for which approval is sought, however, it is likely that the SHM will provide comments in relation to the levels of parking proposed and traffic generation from both the existing and proposed development.

Contaminated land

The contaminated land officer notes that the application area has a history of industrial use and therefore the land may be contaminated. This site is currently a commercial works therefore there is the potential for contamination of the site and the wider environment to have occurred. The report submitted with the application recommends site investigation works 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 II contaminated land survey is recommended.

SOCIAL SUSTAINABILITY

Open Space

Policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space per family dwelling. The indicative proposal which has been submitted to accompany the application includes some small garden areas to the rear of the properties, 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.

It is expected that the Greenspaces Officer will provide further comments on this, which will be provided in an update report.

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 Macclesfield 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

The comments received from neighbours with regard to parking provision and access will be responded to fully once comments have been received from the Strategic Highways Manager. The other comments received in representations relating to the character of the area and amenity have been addressed above,

The comments of the Macclesfield Civic Society are noted, however, it is a sad fact that quite often the maintenance costs of carrying out repairs to buildings such as these are outweighed by the business which can often be operated from such small scale facilities, which are surrounded by neighbouring properties which present limitations in terms of environmental restrictions and access issues. Many of these facilities unfortunately belong to a bygone era and are no longer sustainable for modern business purposes. The site falls within a predominantly residential area where there is a presumption in favour of providing residential development, subject to its compliance with other local plan policies.

The Civic Society's concern in relation to the provision of parking to the rear of the terraced units at the expense of external amenity space is unfortunately one of the compromises, which has to be made to make a redevelopment of this nature viable, whilst not adding to the parking concerns which have been raised by some of the nearby residents. The pattern of residential development in the vicinity of this site is one where parking provision is distinctly lacking. If no parking were advocated on this site, it is likely that there would be a greater number of objections to the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

PLANNING BALANCE

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposal is an appropriate form of development in a sustainable location close proximity to Macclesfield Town Centre, where it has been demonstrated that it should be possible to deliver a development on this brownfield site of 10 dwellings, which meets relevant policy requirements.

The indicative layout and scale of the development would make efficient use of this previously developed site and provide a residential scheme that would contribute to the housing needs of the area. Although the appearance, landscaping, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts and that planning permission should be granted, subject to conditions.

RECOMMENDATION

The application is recommended for approval.

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

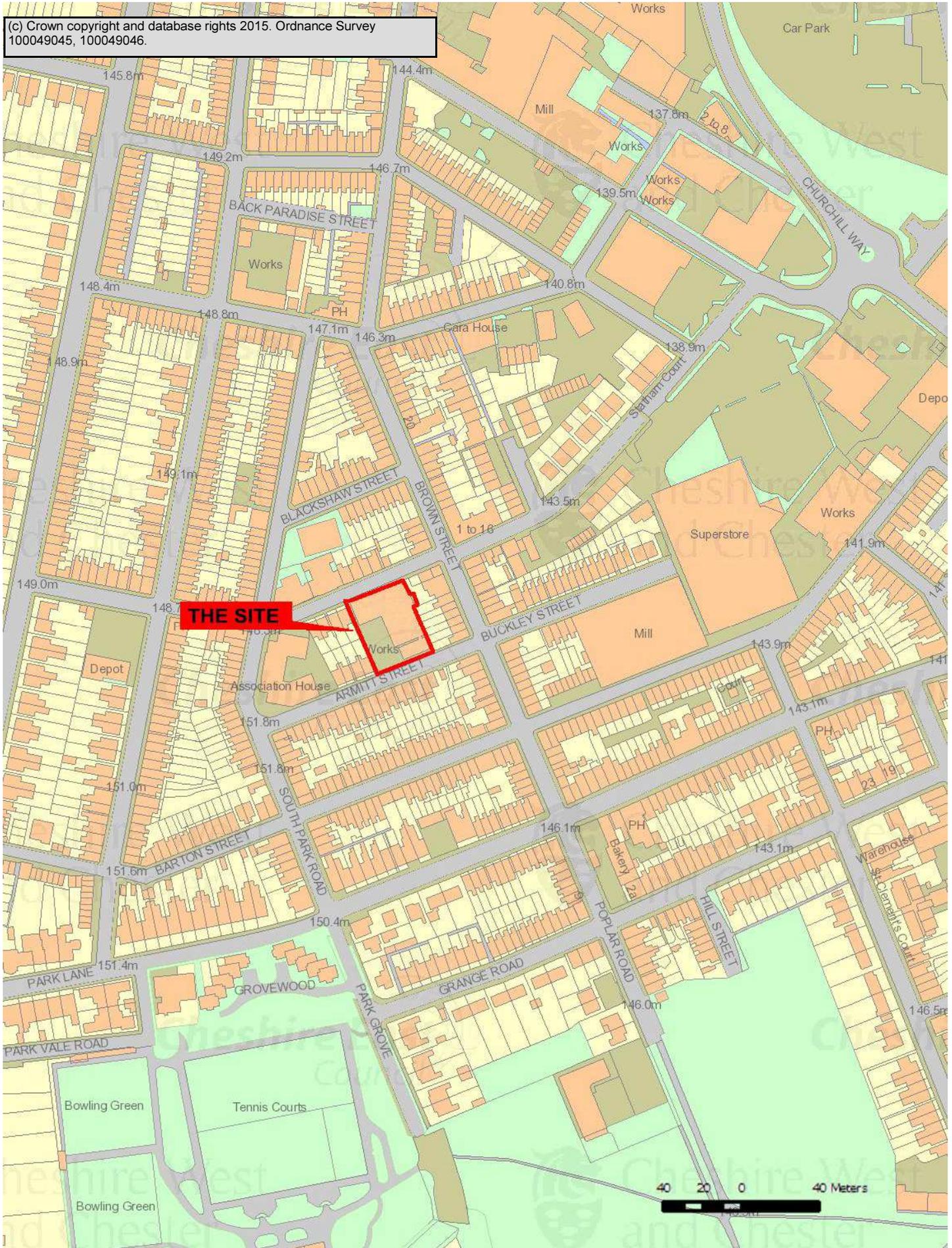
1. A03FP - Commencement of development (3 years)
2. A01OP - Submission of reserved matters
3. A06OP - Commencement of development
4. A10OP - Details to be submitted - restriction on 2 storey opposite existing 3 storey dwellings on Hatton Street and Armitt Street.
5. A02EX - Submission of samples of building materials
6. A22GR - Protection from noise during construction (hours of construction)
7. A01GR - Removal of permitted development rights
8. A08OP - Ground levels to be submitted with reserved matters application
9. A32HA - Submission of construction method statement
10. A19MC - Refuse storage facilities to be approved
11. Foul drainage / surface water drainage
12. Piling - contractor to be members of the Considerate Construction Scheme

13. Hours of construction/noise generative works

14. Contaminated land

15. A scheme to minimise dust emissions

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Application No: 13/4995M

Location: Land off, Brook Lane, Alderley Edge, SK9 7RU

Proposal: Proposed Erection of Detached Super Eco Home, with integral garage and associated access and landscaping

Applicant: Mr Peter Widdows

Expiry Date: 21-Jan-2014

REASON FOR REPORT

The application has been brought to the Committee at the discretion of the Planning & Enforcement Manager due to the nature of the proposal and the issues it raises.

SUMMARY

The application is for a new residential development in the Green Belt, which is an inappropriate form of development, which reduces openness, and conflicts with the purposes of including land in the Green Belt. There is therefore substantial harm to the Green Belt arising from the proposal. The way in which the dwelling works with the level changes across the site, the full wheelchair access that is provided and the achievement (in excess) of level 6 of the Code for Sustainable Homes are all positive aspects of the proposal. However the material considerations advanced by the applicant in favour of the proposal are not considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt. The proposal is therefore contrary to Local Plan policy GC1 and paragraph 89 of the Framework.

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 full planning permission to erect a new dwelling, with integral garage and associated access and landscaping. The dwelling is described on the application forms as a "Detached Super Eco Home".

SITE DESCRIPTION

The application site comprises an area of unmanaged open land with vegetation to the site boundaries. There is a significant change in levels across the site as the land slopes up from

Brook Lane to the northern boundary shared with Alderley Edge Golf Club beyond. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

16887PB – 16 dwellings – Refused (Green Belt) 31.01.1979

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.
- 55. New dwellings in the countryside
- 56-68 Requiring good design
- 89. Green Belt

Development Plan

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

- BE1 (Design principles for new developments)
- NE11 (Protection and enhancement of nature conservation interests)
- GC1 (New buildings in the Green Belt)
- DC1 (Design quality for new buildings)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Requirements to provide and maintain landscape schemes for new development)
- DC9 (Protection of trees of amenity value)

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

Other material planning considerations

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
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer contributions
- 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
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

CONSULTATIONS

Highways – No objections

Environmental Health - No objections subject to conditions relating to dust control and piled foundations

Environment Agency - No objections subject to conditions relating to the submitted FRA and surface water drainage

Alderley Edge Parish Council – Recommend refusal on the following grounds:

- Inappropriate development in the Green Belt.
- Approval would set precedent and should be refused.
- Unclear whether the proposed residence is within this Flood Plain.
- Concern about safety of vehicular access to the site

REPRESENTATIONS

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

One letter of representation has been received making the following general comments:

- Significant road safety hazard could be made worse by stationary vehicles waiting to turn into the site
- HGV restriction on bridge needs to be enforced
- A stone wall or wooden fencing should be erected in order to maintain visual appearance of the site
- Pruning of trees overhanging the highway should be made a condition of any permission

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
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Inappropriate development

As a new dwelling in the Green Belt, the proposal is an inappropriate form of development in the Green Belt, as it is not for one of the identified exceptions listed in policy GC1 of the Local Plan or paragraph 89 of the Framework.

Other harm

In terms of other harm, the site is located within a sensitive Green Belt location where the separation between the settlements of Wilmslow and Alderley Edge is limited. The Green Belt Review in 2013 identified this area north of Brook Lane and south of Whitehall Brook as making a major contribution to the purposes of the Green Belt, particularly in preventing the two settlements merging. Bringing additional development into this location is contrary to the purposes of the Green Belt. In addition, it is considered that there would also be some reduction to the openness of the Green Belt. The house is a very substantial structure which will accommodate several occupants. This would have a subsequent impact upon the levels of outside activity, all of which would have some impact upon openness. This would conflict with the most important attribute of the Green Belt. Therefore very special circumstances need to be identified that clearly outweigh the harm by reason of inappropriateness and any other harm.

Very special circumstances

The applicant has submitted the following material considerations in favour of the development:

1. There is no 5 year housing land supply
2. There is a need for more houses specifically in the immediate area and this will necessitate building on Green Belt land
3. The site is in a suitable and sustainable location and in an area highlighted for growth and as being defined as a Key Service Centre and Local Service Centre
4. The site has no alternative uses, provides no economic benefit, has limited landscape value and is in effect an anomaly within the area and street scene. There is no public access to the land.
5. Historic lack of land management ensures the land has low visual amenity
6. Developing the site based on the sensitive designs will not have a detrimental impact on the Green Belt, by nature of its openness, character or quality
7. The site is already heavily screened from Brook Lane and the Golf Course and there are only limited views into and out of the site. As part of the proposals the screening will be improved and the limited views retained.
8. There are no objections to the scheme on any technical or aesthetic grounds
9. The designs provide a sensitive and robust approach influenced by the local context and the topography of the site.
10. An extremely small percentage of the site is being proposed to be developed
11. The proposals far exceed the requirements of either Level 6 of the Code for Sustainable homes or the definition of Carbon Neutral and incorporates sustainability elements which aren't required or considered as part of these definitions/ schemes.
12. The dwelling provides full wheelchair and accessible access far in excess of that required by any regulations or standards, including Lifetime homes and is unique in this regard for a dwelling of this scale
13. The dwelling will meet the required aspects of Paragraph 55, as well as being "exceptional quality or innovative in nature" in that it will help to raise the standard of design more generally in rural areas, reflects the highest standards in architecture,

significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area.

14. The proposals will not have an unacceptable overshadowing or overlooking of neighbouring properties
15. The proposals create a unique, innovative and exceptional quality family accessible home on an incredibly tricky site. The dwelling and the proposals as a whole blend seamlessly into the site and the natural existing boundary treatments remain.

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

Design / character

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

It is proposed to construct the house to achieve a minimum level 6 of the Code for Sustainable Homes (CSH). How this will be achieved is demonstrated within the application documents. Level 6 is the highest rating within the CSH and is stated as having net zero carbon emissions. The application does however state that the dwelling is likely to be far more sustainable than the minimum requirements of level 6.

The dwelling has been designed to utilise solar gain, natural ventilation and good daylighting. These passive technologies will reduce the need for artificial ventilation, heating and lighting thereby reducing the energy usage.

The submission explains that the arisings from the required excavations will be used on site to re-contour the land and create the landscaped bunds shown on the proposed site plan. Soil will also be retained for use at the end of the construction process to create the green roof to the building. It is the applicant’s initial intention to use an innovative solution where the retained earth, albeit with ground screw ties, is self retaining. This system dramatically negates the need for concrete within the retaining structure and it is therefore proposed that the foundations of the dwelling can also be screw piled, effectively allowing the dwelling to have a light touch on the site. The junction between the dwelling structure and the retained earth will be formed by a continuous glazing system, which will also provide natural light around the rear perimeter of the building.

The proposed dwelling is of a considerable size, despite its single-storey form. If the dwelling was visible within the street scene it would likely be seen to be out of context with surrounding houses, contrary to policy BE1 of the local plan. The local context is varied, however, buildings are generally traditional in form, over two storeys and consisting of a much smaller footprint.

However, the visual impact of the dwelling is virtually eliminated through the creation of a landscaped bund which will be used to screen the development from public vantage points. It is therefore acknowledged that any glimpses of the dwelling from public vantage points would be limited. Nonetheless the levels of activity associated with a dwelling of this scale would provide some evidence of the development being present. Overall, the proposal is unlikely to result in significant harm to the character of the area.

It should also be noted that the adjacent property, Preston Cottage, is listed. However, given this distance to this neighbour and the extent of vegetation between the two buildings, there is not considered to be any significant impact upon the setting of the listed building.

Trees / landscape

The application is supported by a Tree Survey and Arboricultural Implication Assessment which provides the level of detail required to adequately assess the impact of development on existing trees.

The site supports a significant number of self set trees which have colonised the area along with a more open part, which the development seeks to occupy. Only a single tree (Willow 0003) has been identified for removal to facilitate construction; this has been categorised as being of low value C3 in terms of BS5837:2012 which is accepted. The remaining 20 trees scheduled to be removed relate to their condition. The quality of these trees is considered to be mainly low, again category C, the loss of which can easily be mitigated by a specimen planting scheme. A detailed methodology in order to retain the mature Hawthorn T0004 has been proposed. However no objections are raised to the removal of this tree also, having regard to its condition. The retained trees can be protected in accordance with current best practice BS5837:2012.

The proposed development can be implemented without having a significant direct or indirect impact on trees. It is accepted given the quality of the majority of the trees scheduled for removal, a specimen landscape scheme should be seen with maturity a net gain. No significant tree issues are therefore raised and the proposal is considered to comply with policy DC9 of the Local Plan.

In landscape terms, the proposed development would obviously change the character of the site itself but would not have an adverse effect on the character of the wider landscape.

Regarding visual impacts, ideally photomontages would have been an effective way of demonstrating the visual impact of the development from Brook Lane and from the public footpath across the golf course, particularly in the winter, but these have not been provided. However, there would be scope to amend the proposed earthworks and planting scheme if necessary to ensure that the dwelling would not be visible. Once the proposed planting had matured the new landform is unlikely to appear incongruous or conspicuous from Brook Lane.

Ecology

The nature conservation officer has commented on the application and notes that it is accompanied by a number of acceptable habitat and protected species surveys. The surveys indicate that there are unlikely to be any significant ecological issues associated with the

proposed development. However if planning consent is granted, a condition is recommended to safeguard breeding birds:

Residential Amenity

Local Plan policy DC3 seeks 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 nearest residential properties are located on the opposite side of Brook lane to the application site, and to the west (Preston Cottage). Having regard to the distance to (over 30 metres) and the relationship with these neighbouring properties, no significant amenity issues are raised.

Highways

The application site has a substantial frontage along Brook Lane. A new vehicular access will be created from Brook Lane, which will be positioned opposite the property known as Maesbrook at the western end of the site. Four parking spaces will be provided within the site, which is considered to be adequate for the proposed 6 bed dwelling. The Strategic Highways Manager raises no objections to the development and the proposal is therefore considered to comply with policy DC6 of the Local Plan.

Accessibility

The site is located approximately 1.2km from Alderley Edge village centre, and all its associated shops, services and facilities. Wilmslow town centre is 2.2km away. The nearest bus stop is approximately 400 metres from the site on Knutsford Road. There are footpaths along Brook Lane and therefore the local shops and services can be accessed relatively easily by non car modes of transport. Having regard to these distances, the site is considered to be in a reasonably accessible and sustainable location.

Flood Risk

The north western end of the application site is located within flood zones 2 and 3 of Whitehall Brook. The footprint of the dwelling will however be located outside of these areas at highest risk of flooding. The Environment Agency has commented on the proposal and raises no objections subject to the development being carried out in accordance with the submitted flood risk assessment, finished floor levels being set no lower than 800mm above the 1 in 100 year flood level, and the submission of a surface water management scheme. All of which could be dealt with by condition.

SOCIAL SUSTAINABILITY

The proposal will provide one new family dwelling at a time when the Council cannot conclusively demonstrate a five year supply of housing.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would make a very limited contribution to this by potentially creating some 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, the comments relating to the enforcement of the HGV restriction on the bridge and the branches overhanging the highway relate to existing matters, and the proposed development is not considered to make this situation any worse.

PLANNING BALANCE

The proposal is an inappropriate form of development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt. In accordance with paragraph 88 of the Framework, substantial weight is given to any identified harm to the Green Belt.

In terms of considerations in favour of the proposal, the applicant puts forward the following matters as material considerations that outweigh the identified harm to the Green Belt. Each one is considered in turn.

- Lack of 5 year housing land supply.

It is acknowledged that the Council does not have a five year supply of housing land, however, the provision of one house would make little inroad into the shortfall of housing land, and as such only limited weight can be given to this.

- Sustainable location.

The site is reasonably accessible, but good accessibility is required for all new dwellings, and therefore only limited weight should be given to this.

- The site has no alternative uses.

It is not clear what other alternative uses have been investigated by the applicant. No weight can therefore be attached to this.

- Land has low visual amenity.

The site is by no means detrimental to the character of the area. Therefore no weight is attached to this.

- Sensitive designs will not have a detrimental impact on the Green Belt.

Green Belt harm has been identified above and the applicant accepts that the proposal is inappropriate, which is harmful by definition. This weighs against the proposal.

- The site benefits from screening, which will be improved.

The screening will limit views of the dwelling from public vantage points and will ensure the impact upon the character of the area is acceptable. Whilst this is a positive aspect of the proposal this simply demonstrates compliance with local plan policies.

- No objections on any technical or aesthetic grounds.

This is acknowledged, but again simply demonstrates compliance with other relevant local plan policies.

- Sensitive design approach influenced by local context and site topography.

The dwelling does respond to the site's topography by setting the building into the slope, and reference is made within the method statement that local materials will be used in construction. These matters attract moderate weight.

- An extremely small percentage of the site is being proposed to be developed.

This is due to the fact that the site is so big. The proposed dwelling is very substantial and will have a footprint of approximately 1400sqm. In addition to the excavation works to provide the lawn area, driveway a substantial area will be developed and as such no weight is afforded to this.

- Proposals far exceed requirements of Level 6 of the CSH.

It is accepted that the number of dwellings that achieve this rating is relatively low, and the sustainability credentials of the building are notable. However this is not considered to be exceptional given that all houses will need to be at least level 6 by 2016. Moderate weight is attached to this.

- Fully accessible dwelling far in excess of that required by any regulations.

The single level which accommodates disabled access throughout is a very positive factor and will allow the dwelling to be used by all. Moderate weight is attached to this.

- Will not have an unacceptable impact on neighbouring properties.

This is acknowledged, but again simply demonstrates compliance with other relevant local plan policies.

- The dwelling will meet the criteria of Paragraph 55 (of the Framework).

Paragraph 55 of the Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. These circumstances include:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area*

As noted above the design of the dwelling works with the level changes across the site, and the full wheelchair access is a notable characteristic, as is the achievement of level 6 of the code for sustainable homes. However, it is considered that whilst any proposals for underground houses are intriguing, and the dwelling includes some very positive aspects, it is not considered to amount to a development that is of such exceptional quality or innovative nature to justify the development under paragraph 55.

The proposal is inappropriate development in the Green Belt, which reduces openness and conflicts with the purposes of including land in the Green Belt, and paragraph 14 of the Framework does indicate that this 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 policy GC1 of the Macclesfield Borough Local Plan and the National Planning Policy Framework.

RECOMMENDATION

The application is recommended for refusal.

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: Refuse for the following reasons

1. R04LP - Inappropriate development in the Green Belt



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Application No: 14/0616C

Location: Land Off Brook Street Phase 2, BROOK STREET, CONGLETON, CHESHIRE

Proposal: Proposed residential development of 16 no dwellings to vacant land north of Brook Street, Congleton. Proposed development is an extension to the existing approved scheme which has been designed to facilitate future access.

Applicant: Mrs Nichola Burns, Morris Homes North Ltd

Expiry Date: 12-May-2014

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development . Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use and owing to cost of remediating the site, it has been demonstrated that the site can only bear a reduced quantum of affordable housing (2 units) with no other financial commitments.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme and retention of an existing building (The Wheelhouse).

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

PROPOSAL:

Full planning permission is sought for the erection of 16 dwellings on land to the north of Brook Street / Mill Street in Congleton. The scheme comprises the second phase of development to a scheme for 54 units which is nearing completion.

SITE DESCRIPTION:

The application site is located within Buglawton, in close proximity to Congleton Town Centre. The site comprises 1.6 ha of partly previously developed land. The Dane-in-Shaw Brook runs along the southern boundary of the site before merging with the River Dane, which travels along the western and northern boundaries of the site.

The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook. Pedestrian and vehicular access to the site can be gained from Mill Street.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south (including phase 1 of the development) and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do exist to the southeast along Bridge Row and Mill Street.

Due to the site's proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 2 and 3.

RELEVANT HISTORY:

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2nd February 2011)

12/0410C - Residential Development off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park – Approved subject to conditions and S106 agreement (27th August 2013)

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

Highways:

No comments received.

Green Spaces (Ansa: Environmental Operations):

There has been found to be a surplus in the quantity of provision for Children and Young Person's Provision accessible to the proposed development. However, a qualitative deficit has been identified giving the opportunity to enhance and upgrade facilities in Congleton Park to increase its capacity and cater for a wider range of age groups. The financial contributions sought from the developer are;

Enhanced Provision:	£ 6,409.90
Maintenance:	£ 20,895.00

The response identified a surplus of amenity Greenspace within the area and advised that the provision of on-site Greenspace was therefore unnecessary. However, they also noted that the proposed POS formed an important part of the strategy to ensure flood protection for the site.

Education:

No contribution is required as there is sufficient provision

United Utilities:

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer. UU also noted that existing sewers run across the site which would need to be either diverted or protected by an easement.

Environment Agency:

No objection to the development subject to the imposition of conditions. They advise that they are satisfied that the applicants have successfully demonstrated the site can be given an adequate level of protection from fluvial flood risk associated with the River Dane and Dane-in-Shaw Brook.

Natural England:

No objection, but advise that consideration should be given to the incorporation of features within the scheme which are beneficial to biodiversity.

Cheshire Fire & Rescue:

No objection provided development complies with building regulations and provided further advice regarding fire hydrants and carrying out a fire risk assessment.

VIEWS OF THE CONGLETON TOWN COUNCIL

No objection

REPRESENTATIONS:

None received.

APPRAISAL:

The key issues are:

- Principle of Development
- Housing Land Supply
- Loss of Employment Land
- Affordable Housing
- Viability and Deliverability
- Design & Layout
- Highways
- Drainage and Flood Risk
- Trees and Landscaping
- Ecology
- Public Open Space Provision
- Residential Amenity
- Environmental Health Considerations

Principle of Development

The principle of residential development on the site has been accepted previously by the council's resolution to approve an outline application for 'residential development, close care/retirement units and care home with access' (planning ref; 08/1236/OUT). Planning permission has already been granted and partly implemented for the erection of 54 no. residential units under planning ref; 12/0410C.

This application seeks full planning permission for the erection of a further 16 no dwellings as part of a second phase. This second phase would replace the close care/retirement units and care home that were initially put forward under the outline proposals.

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. The applicants must address a host of other issues including demonstrating that the development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

The proposals seek to utilise previously developed land, inside the settlement zone and in close proximity to Congleton Town Centre which offers a good range of shops and services and transport links. Further, the delivery of a footbridge linking the adjoining development to Congleton Park provides a direct pedestrian link to such services and facilities as well as recreational provision.

On that basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the

heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Further, the NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 23 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise partly 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and in its present form represents inefficient use of land. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

Affordable Housing

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 rented and 35% intermediate tenure.

The application includes an undertaking for the provision of 16 homes within the site of which only 12.5% (2 units) would be affordable. The tenure split being offered is 50% social rent and 50% intermediate tenure housing.

The Housing Manager has stated that the proposal does not provide the required level of affordable housing. The level to be provided would be 5 units short of the 7 required. However, the Housing Manager has stated that they would be satisfied with this level of provision provided that there are genuine viability issues and consequently, the applicant has submitted a detailed viability assessment.

Viability and Deliverability

The applicants state that the site is subject to a number of abnormal costs and as such, the application is subject to a financial viability appraisal. The abnormal costs identified within the financial viability report are surface/foul water drainage, bridge construction, site clearance, foundations, remediation and demolition.

Whilst it is clearly unfortunate that a higher level of affordable provision and public open space contributions cannot be secured in accordance with the usual requirements, policy H13 and the Interim Housing Policy and Public Open Space Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision.

Furthermore, the guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

The reports submitted to support the applicant's case have been prepared on behalf of DTZ. The reports reach the conclusion that the site abnormal costs and the assumed Gross Development Value would be such that in order to achieve a 20% increase over and above the existing use value, they cannot realistically provide any affordable units and no other financial commitments to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed housing.

The Council's Financial Viability Consultant has confirmed that on the whole, the figures contained within the updated Viability Appraisal are considered to be reasonable. However, the Consultant has confirmed that whilst the development cannot bear the expected quantum of affordable housing and any other commuted sums usually expected by policy, the scheme can support 12.5% affordable housing provision (2 affordable units).

This figure reflects the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Without such reduction, pressure would be placed on other positive planning benefits such as the provision of much needed sustainable housing making use of land which is presently in inefficient use.

Provided that the developers and the Registered Social Landlord chosen to manage the affordable units enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Public Open Space Provision

The Greenspaces section have confirmed that the site has access to a sufficient level of amenity Greenspace but that the upgrade of the existing play equipment at Congleton Park

as well as a financial contribution towards its future maintenance would be desirable. However, such comments were based on an earlier scheme for 23 units. This amended scheme is only for 16. The trigger for considering public open space provision is for 15 units and therefore only exceeded by 1 unit on this scheme. Owing to the abnormal site costs, viability and deliverability issues identified, it is not considered that this scheme can support such provision.

Design Considerations

The proposal offers an attractive layout focusing on an area of open space, which would provide an attractive outlook over soft landscaping and views over the River Dane. The site would serve to continue the development to the south (Phase 1) by continuing the access limb into the site across the Dane-in-Shaw Brook which separates both sites.

In general terms, this proposed layout would encourage views to terminate on active frontages and would reduce the need for long stretches of blank boundary walls except on the private side of the development.

The house types would vary in terms of their architectural detail but would all be of a similar character and style and would serve as a welcome continuation of the development to the south. The units positioned towards the north of the site would be larger detached units to help assist with the transition with the areas of open space and views across to Congleton Park to the north and the west.

Overall, the proposed development would complete the development of this part of Congleton. As the surrounding development is mixed in terms of its design and style, the proposal would not materially harm the character or appearance of the area and would be acceptable as viewed from the adjacent River Dane and Dane-in Shaw-Brook. This is subject to the use of good quality materials, and high quality boundary treatments. The scheme is therefore deemed to comply with local plan policy GR2.

Trees and Landscape

The site has no landscape designations. Housing development on this site would obviously change the character of the site itself; however, given the context and the prominence of urban development adjacent to the site it is not considered that the proposal would not have any significant impacts on the character of the wider landscape or have any significant adverse visual impacts.

The submission includes a tree survey and arboricultural implications assessment and method statement with proposed tree protection measures. The report acknowledges that the high proportion of tree coverage on this site will result in some degree of tree loss to facilitate any future development. It suggests that foremost consideration should be given to the retention of riverline trees along the waterways which are viewed as visually and ecologically important to the local landscape, perform specific screening functions and are largely irreplaceable in the short to mid-term. The report states that their incorporation into future development will serve to provide an immediate sense of maturity and increased amenity. As such, subject to protection measures and a detailed landscaping scheme, which can be secured by condition, there are no landscape or tree issues.

Highways

The Head of Strategic Infrastructure (HSI - Highways) has not commented on this application. However, the application will be served by continuing the spinal road into the site from the recently constructed development to the south. This proposal would utilise the existing access serving the adjoining development which is taken directly off Brook Street. The said access that has been created for the Phase 1 scheme but additionally has been designed and constructed to accommodate the vehicle movements associated with this development also, which was assessed when it was resolved to approve the original outline scheme ref; 08/1236/OUT. Sufficient parking would be provided for each unit. As such, the scheme is deemed compliant with Local Plan Policy GR9.

Ecology

The ecological assessment of the site concluded that the range of habitats across the site is of low diversity. There are a number of areas that contain invasive species such as Japanese knotweed, Himalayan balsam, which will require a method statement for removal. During an earlier survey in 2008, a bat roost was identified within a derelict wheel house building to the north of the site in 2008. As such, it has been recommended that the wheel house either be retained or a new roost constructed. At present the proposals show the retention of the wheel house with the demolition of the adjoining buildings.

Evidence of otter has been found adjacent to the wheel house (spraint and resting place). In accordance with the ecologists recommended mitigation measures, this area must be avoided and a stock-proof fence erected to prevent access. Accordingly, subject to such provisions including retention of the wheelhouse, which could be secured by condition, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981.

Two non native invasive plant species, Japanese Knotweed and Himalayan Balsam are present on site. It is recommended that if planning consent is granted a planning condition is attached requiring the submission of a method statement detailing proposals for the eradication of these two species.

Subject to these recommendations being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties (including those on Bridge Row and those within phase 1 of the development to the south), the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each dwelling unit would benefit from its own

rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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

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

The Council's Strategic Housing Officer, has advised that the proposed development will need to address a need for affordable housing by providing 7 units on site. Without such, the scheme would exacerbate the need for affordable housing. However, as discussed, this development can only bear the provision of 2 affordable units. This is necessary to help meet an identified need, and is directly and reasonably related to the scale of development.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use and owing to cost of remediating the site, it has been demonstrated that the site can only bear a reduced quantum of affordable housing (2 units) with no other financial commitments.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme and retention of an existing building (The Wheelhouse).

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design,

flood risk, ecology and highway safety and the application is therefore recommended for approval.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions and the necessary Section 106 contributions.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **2 units on site 1 for social rented and 1 for shared ownership**

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.

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.

Application for Full Planning

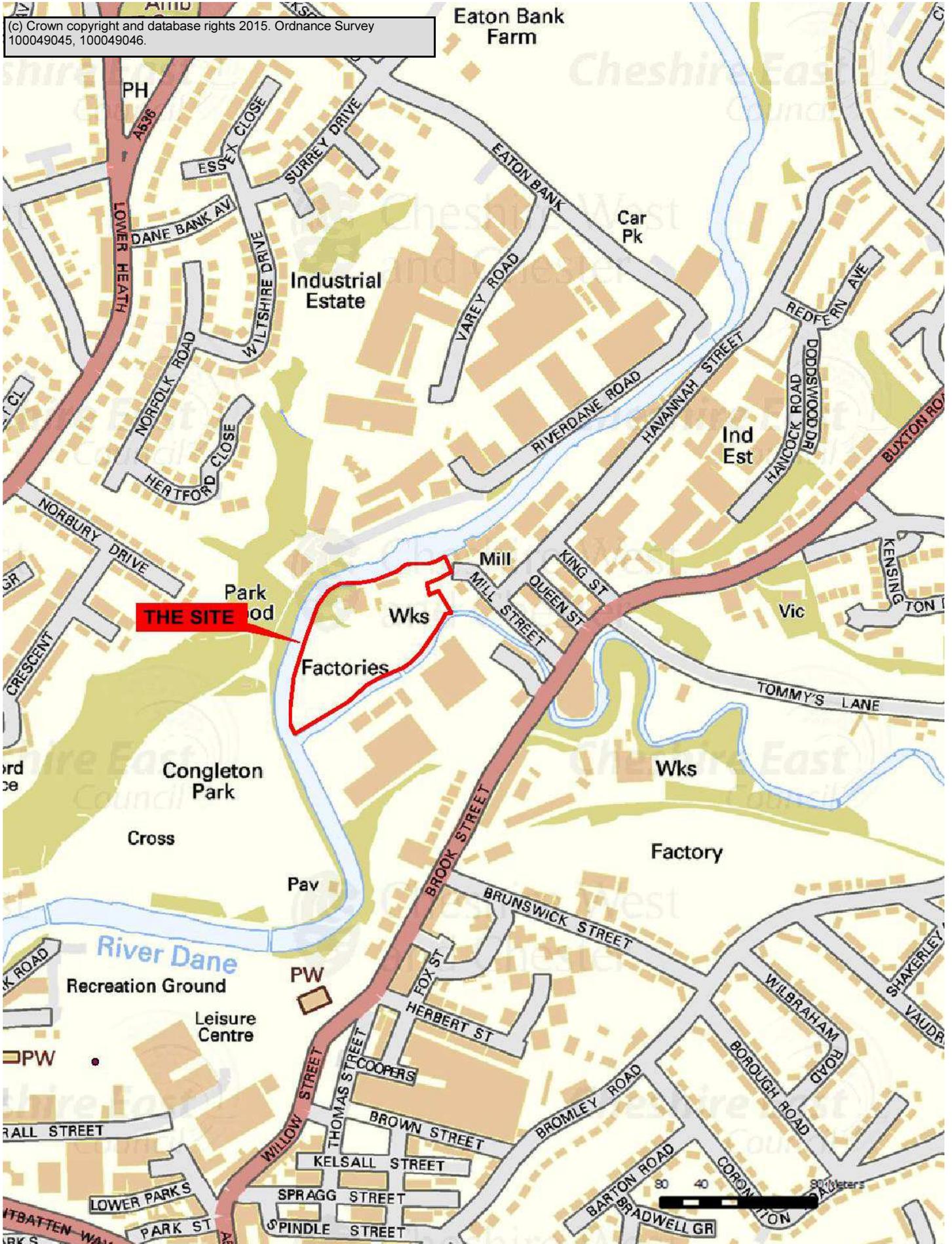
RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Standard time limit 3 years
2. Development in accordance with submitted plans
3. Hours of construction restriction – construction including delivery vehicles.
4. Hours restriction - piling activity
5. Updated Contaminated land Phase 1 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats

12. Submission/approval and implementation of a programme of remedial works to retained trees
13. Levels to be submitted
14. Materials to be submitted to and approved
15. Detailed scheme for dust mitigation during demolition and construction
16. Details of external lighting strategy to be submitted and agreed
17. Retention of Wheel House Building
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Development to be carried out in accordance with Flood Risk Assessment
21. Site Waste Management Plan to be submitted and agreed
22. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
23. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
24. Details of bin storage to be submitted to and approved
25. Removal of PD classes A-E



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