

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 2nd December, 2015  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee 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.

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.

### **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 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **15/4406M - Adlington Golf Centre, London Road, Adlington, Cheshire SK10 4NG: Change of use of land to a nine-hole graduate golf course with associated works and re-orientation of driving range for Adlington Golf Centre (Pages 11 - 26)**

To consider the above application.

6. **15/2887C - Sandbach School, Crewe Road, Sandbach, Cheshire CW11 3NS: Introduction of approximately 1000LM of fencing in targeted areas across the site and 10no. security gates for Deborah Torjussen, Sandbach School (Pages 27 - 36)**

To consider the above application.

7. **15/3506M - Mere Court Hotel And Conference Centre, Warrington Road, Mere WA16 0RW: Application for full planning permission for additional proposed 24 no bedroom purpose built ancillary accommodation and internal remodelling of existing coach-house. Resubmission of application 14/3121M for Ailantus Hotels (Pages 37 - 50)**

To consider the above application.

8. **15/3507M - Mere Court Hotel And Conference Centre, Warrington Road, Mere WA16 0RW: Listed building consent for additional proposed 24 no bedroom purpose built ancillary accommodation and internal remodeling of existing coach-house. Resubmission of application 14/3170M for Ailantus Hotels (Pages 51 - 58)**

To consider the above application.

9. **15/1278M - 5 Harefield Drive, Wilmslow, Cheshire SK9 1NJ: Demolition of existing bungalow and the construction of two two-storey detached dwellings with accesses for Herring Properties Ltd (Pages 59 - 68)**

To consider the above application.

10. **15/4629M - Brookfield Hydro Motors Limited, 10 London Road South, Poynton SK12 1NJ: Application For The Variation Of Conditions 2 (Approved Plans) and 10 (Window Tinting) on Planning Permission Reference 14/5368M for Aldi Stores Limited** (Pages 69 - 80)

To consider the above application.

11. **15/3634C - 4 Lower Heath, Congleton, Cheshire CW12 1NJ: Proposed Change of Use from Retail (A1) to Hot Food Takeaway (A5) - Ground Floor Only for Mr I Frost & Mr G Barnett** (Pages 81 - 88)

To consider the above application.

12. **Tree Preservation Order 2015 (Marton - School Lane)** (Pages 89 - 94)

To consider the objections and representation made to the above TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

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**CHESHIRE EAST COUNCIL**

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

**PRESENT**

Councillor G M Walton (Chairman)  
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, T Dean (Substitute), T Fox, S Gardner,  
M Hardy, A Harewood, G Hayes, O Hunter, L Jeuda, J Macrae and N Mannion

**OFFICERS**

Nicky Folan (Planning Solicitor)  
Peter Hooley (Planning and Enforcement Manager)  
Neil Jones (Principal Development Officer – Highways)  
Nick Turpin (Principal Planning Officer)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**60 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor S Gardiner.

**61 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of application number 15/4227N, Councillor Hayes declared a non-pecuniary interest on the grounds that he knew and worked with the applicant's wife, who is a serving Councillor and Cabinet Member and would withdraw from the meeting and take no part in the discussion or voting on this item.

In the interest of openness in respect of application number 15/4227N, Councillor Macrae declared that he knew and worked with the applicant's wife, who is a serving Councillor and Cabinet Member.

With regard to application number 15/1553M, Councillor Andrew declared a non-pecuniary personal interest on the grounds that the applicant was a close personal friend and would withdraw from the meeting and take no part in the discussions or voting on this application.

In the interest of openness in respect of application number 15/1553M, Councillor Hardy declared that issues about this application had been raised with him during the election campaign.

**62 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 7<sup>th</sup> October 2015 be approved as a correct record and signed by the Chairman.

**63 PUBLIC SPEAKING**

That the public speaking procedure be noted.

**64 15/1683M - LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON: DEVELOPMENT OF 38 NEW HOUSES INCLUDING 11 AFFORDABLE HOUSES, LANDSCAPING, LANDSCAPE BUFFER ZONE, FLOOD MITIGATION AND GROUND WORKS, ROADS, ASSOCIATED HIGHWAYS AND INFRASTRUCTURE FOR JOHNSON MULK, PROSPECT GB**

The Committee considered a report regarding the above application.

Councillor J Weston (Ward Member), Councillor K Edwards (on behalf of Bollington Town Council), Mr D West (Objector) and Mr P Yates (on behalf of the applicant) attended the meeting and spoke in respect of the application.

**RESOLVED**

That authority be DELEGATED to Planning and Enforcement Manager in consultation with the Chairman and Vice-Chairman of Northern Planning Committee and Ward Member to APPROVE the application for the reasons set out in the report, subject to:

- The receipt of satisfactory comments from the Greenspaces Officer and Strategic Housing Officer
- Section 106 Agreement to secure:
  - **30%** Affordable Housing (i.e. 10 units as proposed);
  - A contribution of **£75,924** towards primary education;
  - Provision of **£32,000.00** towards Public Open Space

and the following conditions

1. A03FP\_1 - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01GR - Removal of permitted development rights
4. A02HA - Construction of access

5. A01LS\_1 - Landscaping - submission of details
6. A04LS\_1 - Landscaping (implementation)
7. A06NC - Protection for breeding birds
8. A16LS - Submission of landscape management plan
9. A23MC - Details of ground levels to be submitted
10. Nesting bird mitigation measures
11. Boundary Treatment
12. Noise mound / fence details to be submitted
13. Construction Hours of Operation
14. Should any contamination be found, a remediation strategy shall be submitted to the EA
15. Features for roosting bats to be incorporated into housing
16. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
17. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
18. Submission of updated badger survey prior to commencement of development.
19. Pile foundations
20. Electric Vehicle Infrastructure
21. Dust control
22. Contaminated Land
23. In accordance with Flood Risk Assessment
24. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
25. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events
26. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted
27. Environment Agency
28. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems.
29. Bin Storage
30. Construction Management Plan
31. Design – window in the end gable

32. Materials

33. Ecology - amphibian

34. Affordable Housing to be pepper-potted.

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 Planning (Regulation), 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.

65 **15/3070C - LAND AT SIEMENS HOUSE, VAREY ROAD, CONGLETON, CHESHIRE CW12 1PH: APPLICATION FOR RESERVED MATTERS APPROVAL (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR THE ERECTION OF 75NO. DWELLINGS AND CREATION OF PUBLIC OPEN SPACE ON APPLICATION 14/2049C FOR MILLER HOMES**

The Committee considered a report regarding the above planning application.

Mr P Sedgwick (on behalf of the agent) attended the meeting and spoke in respect of the application.

**RESOLVED**

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

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. A25GR - Obscure glazing requirement
6. A23GR - Details of any required pile driving to be submitted
7. A04TR - Tree pruning / felling specification
8. Noise mitigation scheme to be implemented
9. 2m high acoustic fence shall be provided to the boundary of the residential gardens adjacent to Varey Road
10. Development shall be carried out in complete accordance with the submitted Tree Protection Plan
11. Visibility splays of 2.4m x 59m in both directions no obstructions above 0.6m in height

12. Detailed proposals for design and planting of Macaferri wall to be submitted.

13. Materials pallets to be submitted and approved and materials in compliance.

14. Construction Management Plan

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 Principal Planning 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.

*Following consideration of this application the meeting adjourned for lunch from 12.05 pm until 12.50 pm.*

**66 15/1553M - 29 CHELFORD ROAD, MACCLESFIELD SK10 3LG: PROPOSED DEMOLITION OF HOUSE & OUTBUILDINGS AND THE ERECTION OF A TERRACE OF 7 THREE STOREY HOUSES FOR B JEPSON**

Mr A Ellis (on behalf of the applicant) attended the meeting and spoke in respect of the application.

The Committee considered a report and written update regarding the above planning application.

**RESOLVED**

That for the reasons set out in the report and written update the application be APPROVED subject to completion of a Section 106 agreement for Bodmin Avenue recreation area to secure:

- £21,000 for off-site provision of Public Open Space
- £7,000 for Recreation Outdoor Sport

and the following conditions:

1. A02LS - Submission of landscaping scheme
2. A04LS - Landscaping (implementation)
3. A03FP - Complies with development plan
4. A01AP - Development in accord with approved plans
5. A02EX - Submission of samples of building materials
6. A01GR - Removal of permitted development rights

7. A22GR - Protection from noise during construction (hours of construction)
8. A03HA - Vehicular visibility at access (dimensions)
9. Foul Water Drainage
10. Surface Water Drainage
11. Electric Vehicle Charging Sockets
12. Phase 1 Investigation Required
13. Contam land
14. Breeding birds
15. Dust control
16. Contaminated Land
17. Pile foundations
18. Construction Management Plan
19. Windows to West Gable
20. Bin Storage
21. Recycling of stone from existing front boundary wall to new boundary wall

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.

**67 15/2861M - 17 FLETSAND ROAD, WILMSLOW, CHESHIRE SK9 2AD: DEMOLISH EXISTING PROPERTY. CONSTRUCT REPLACEMENT DWELLING WITH INTEGRAL GARAGING AND ASSOCIATED WORKS FOR MR AND MRS SIHAN**

(Councillor R Menlove (Ward Member) and Mr A Keeling (on behalf of the applicant) attended the meeting and spoke in respect of the application).

The Committee considered a report and written update regarding the above planning application.

### **RESOLVED**

That for the reasons set out in the report and written update 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
4. A04LS - Landscaping (implementation)
5. A01LS - Landscaping - submission of details
6. A02TR - Tree protection
7. A01GR - Removal of permitted development rights
8. A25GR - Obscure glazing requirement
9. Arboricultural works in accordance with Arboricultural Statement
10. Existing and proposed levels
11. Blocked/false window
12. Construction Management Plan

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.

*Following consideration of this application, Councillors E Brooks and Sam Gardner left the meeting and did not return.*

**68 15/2056M - 2 UNION STREET, MACCLESFIELD SK11 6QG:  
CONVERSION OF FIRST FLOOR OFFICE SPACE TO RESIDENTIAL.  
CONSTRUCTION OF ADDITIONAL ONE FLOOR OF RESIDENTIAL  
ACCOMMODATION FOR MR CHRISTIAN LYNN**

The Committee considered a report and written update regarding the above planning application.

**RESOLVED**

That authority be DELEGATED to Planning and Enforcement Manager in consultation with the Chairman, Vice-Chairman of Northern Planning Committee and Ward Councillors, to APPROVE the application for the reasons set out in the report, subject to:

- The receipt of satisfactory comments from the Greenspaces Officer and confirmation of where the POS payment should be spent
- The receipt of satisfactory comments from the Environmental Health Officer in relation to air quality
- Section 106 agreement to secure contributions to Public Open Space and Recreation Open Space in line with comments from the Green Spaces Officer.

and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22GR - Protection from noise during construction (hours of construction)
5. Noise Mitigation Scheme
6. Bin Storage
7. Floor Floating
8. Dust Control
9. Construction Management Plan

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.

*Following consideration of this application, Councillor Macrae left the meeting and did not return.*

- 69 **15/4086M - 22, 24, 26 AND 36 CASTLE STREET, 25, 25B AND 25C CASTLE STREET MALL, MACCLESFIELD, CHESHIRE: VARIATION OF CONDITIONS 3, 4 AND 8, DISCHARGE OF CONDITIONS 6 AND 7 ON APPROVED 13/3082M - INTERNAL AND EXTERNAL ALTERATIONS TO THE ORIGINAL FORMER CHESHIRE BUILDING SOCIETY (NO. 36 CASTLE STREET) TOGETHER WITH THE DEMOLITION OF THE MAJORITY OF THE SUBSEQUENT EXTENSIONS TO THE BUILDING AND THE CHANGE OF USE OF THE GROUND FLOOR FROM OFFICES (CLASS B1(A)) TO 2 NO. FLEXIBLE USE UNITS (CLASSES B1(A), A1, A2, A3 AND/OR A4). DEMOLITION OF RETAIL UNITS AT NO.'S 22, 24 & 26 CASTLE STREET AND NO.'S 25, 25B & 25C CASTLE STREET MALL (FORMING PART OF THE GROSVENOR SHOPPING CENTRE) TO FACILITATE THE REDEVELOPMENT OF A TWO STOREY BUILDING (PLUS ROOF TOP PLANT AREA) TO ADJOIN THE REDEVELOPED FORMER CHESHIRE BUILDING SOCIETY AND PROVIDE 4 NO. RETAIL (CLASS A1) UNITS, ERECTION OF REPLACEMENT CANOPY ABOVE CASTLE STREET MALL, FORMATION OF 5 NO. CAR PARKING SPACES, EXTERNAL ALTERATIONS AND ASSOCIATED WO**

Mr R Govier (on behalf of the applicant) attended the meeting and spoke in respect of the application.

The Committee considered a report regarding the above application.

**RESOLVED**

That for the reasons set out in the report the application be APPROVED, subject to the following conditions:

1. A03FP - Commencement of development prior to  
7 August 2017 (to align with original permission)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. Shop front retained for display and not obscured (Castle Street and ground floor only)
6. Drainage details to be submitted to and approved in writing by the Local Planning Authority
7. Environmental Management Plan

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.

**70 15/4227N - UPPER LIGHTWOOD GREEN FARM, LIGHTWOOD GREEN AVENUE, AUDLEM, CREWE, CHESHIRE CW3 0EN: NEW DETACHED AGRICULTURAL BUILDING FOR HOUSING CATTLE FOR MR S BAILEY, S N BAILEY & PARTNERS**

*Prior to consideration of this application, as stated in his declaration, Councillor G Hayes left the meeting and did not return.*

The Committee considered a report regarding the above planning application.

**RESOLVED**

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

1. A02FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application

4. Hours of operation
5. NCLC1 Contaminated land

**71 15/4487T - APPLICATION TO FELL AND REMOVE A SINGLE CHERRY TREE FROM THE REAR OF 106 BUXTON ROAD, MACCLESFIELD SK10 1JS**

The Committee considered a report relating to the felling and removal of a single Cherry tree from the rear of 106 Buxton Road, Macclesfield SK10 1JS.

**RESOLVED**

That for the reasons set out in the report, the removal of the Cherry tree be APPROVED.

The meeting commenced at 10.00 am and concluded at 2.40 pm

Councillor G M Walton (Chairman)

Application No: 15/4406M

Location: ADLINGTON GOLF CENTRE, LONDON ROAD, ADLINGTON, CHESHIRE, SK10 4NG

Proposal: Change of use of land to a nine-hole graduate golf course with associated works and re-orientation of driving range

Applicant: Adlington Golf Centre Ltd

Expiry Date: 28-Dec-2015

**SUMMARY:**

The proposed development comprises the change of use of land presently used for grazing purposes, in order to deliver a new nine-hole graduate course. It is also proposed to undertake a minor realignment of the existing driving range in order to enhance its functionality for players.

Extensive areas of ecological enhancement and creation would be included within the proposed development. Such measures include extensive hedgerow planting, tree planting, wildflower areas and species rich grassland. It would not be necessary to remove any trees in order to facilitate the proposed development.

The proposed development would result in the beneficial use of the Green Belt and is fully compliant with the provisions of the NPPF in terms of Green Belt planning policy.

The proposals are considered to have an acceptable impact on the character of the area.

Consideration has been given to the impact on neighbouring amenity and subject to the impact on the occupiers of Sandhole Farm, this is considered to be acceptable.

The proposals are considered to be acceptable with regards to highway safety and car parking and have no harmful impacts on trees or landscaping, or ecology.

**RECOMMENDATION:**

Approve subject to conditions

## REASON FOR REPORT

Due to the size of land involved, the application is required to be determined by the Northern planning Committee.

## DESCRIPTION OF SITE AND CONTEXT

The application site extends to 21ha and is located within the open countryside, to the southwest of the built-up area of Poynton and to the northwest of the village centre of Adlington. The site is also located adjacent to Adlington Road Industrial Estate.

Adlington Golf Centre has been established for many years and it operates on a 'pay-and-play' basis. There is no requirement for formal private membership and the facilities serve a broad spectrum of the population from beginners to advanced players. However, the business has outgrown the present facilities in terms of popularity and demand.

The wider site is presently used for purposes related to Adlington Golf Club and comprises the following:

- nine-hole graduate course to the northernmost parcel of land extending across an area approximately 10ha in size;
- nine-hole academy course to the west of the main reception buildings;
- a number of buildings comprising the main reception and associated shop, restaurant and changing facilities;
- a driving range comprising 45 floodlit bays;
- internal access road leading to the main reception buildings from London Road; and
- car parking areas.

This planning application effectively seeks to 'renew' planning permission previously granted by the Council in the early 2000's (001518P) for the change of use of the application site to create a nine-hole golf course. This permission establishes the appropriateness of the site as a golf course in planning policy terms.

Following an announcement by the government that it would make funding available for the delivery of the relief road, the Council recently resolved to adopt the 'Green Route' as its preferred route for the new Poynton Relief Road.

This planning application is made on a 'standalone' basis in response to unmet demand for additional facilities. It would be delivered regardless of whether the Poynton Relief Road comes to fruition. However, should the Poynton Relief Road proceed on the basis of the preferred 'Green Route' then the proposed development would help to facilitate its early delivery; the preferred route would seriously undermine the viability and feasibility of the existing nine-hole graduate course at Adlington Golf Centre and the applicant would have issues should the business not as near as possible be fully operational during construction of the relief road. The early commencement of the proposed scheme would avoid that situation and ensure it is available when works commence on the road.

The Poynton Relief Road would provide a direct link between the Manchester Airport Relief Road (A6MARR) with the A523 London Road. It aims to provide improved links to Macclesfield and ease congestion through Poynton.

### **DETAILS OF PROPOSAL**

The proposed development comprises the change of use of land presently used for grazing purposes, in order to deliver a new nine-hole graduate course. It is also proposed to undertake a minor realignment of the existing driving range in order to enhance its functionality for players.

The new course would encompass an area of land approximately 17ha in size with the holes laid out such that players negotiate it in a legible and industry accepted fashion with the final hole being located adjacent to the existing club house with play proceeding in a clockwise direction. Associated works would include landscaping, new tees, greens and drainage.

Extensive areas of ecological enhancement and creation would be included within the proposed development as shown in the associated Ecological Appraisal. Such measures include extensive hedgerow planting, tree planting, wildflower areas and species rich grassland. It would not be necessary to remove any trees in order to facilitate the proposed development.

The proposed development would not include any new structures, buildings or areas of hardstanding.

### **RELEVANT HISTORY**

Adlington Golf Centre opened in 1992 as a driving range; the first of its kind within the Borough of Macclesfield at that time. It subsequently expanded in the mid-1990s, and again in the early 2000s, to incorporate an academy course, a pitch and putt course and a graduate course.

- |          |   |
|----------|---|
| 01/1640P | Construction of new access road (to serve associated development within Stockport Borough), security lodge and landscaping – Approved 09-Sep2004        |
| 00/1519P | Extension and improvements of existing driving range facilities, new car parking provision and new 9-hole golf course and access – Approved 02-Oct-2000 |
| 00/1518P | Change of use of land to two 9-hole golf courses – Approved 02-Oct-2000   |
| 75579P   | Retention of floodlighting – Approved 07-feb-1994   |
| 73346P   | Retention of floodlighting (7) – Refused 24-Mar-1993  |
| 66008P   | Golf driving range associated parking and landscaping – Refused 03-Apr-1991   |

### **POLICIES**

**Local Plan Policy**

NE1 – NE3 landscape protection and Enhancement  
NE7 Woodland  
NE11 Nature Conservation  
BE1 Design Guidance  
H13 Protecting Residential Areas  
RT1 Open Space  
RT18 Access to the Countryside  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC33 Outdoor Commercial Recreation  
DC37 Landscaping  
T1 General Transportation Policy  
T7 Safeguarding routes  
DC63 Contaminated land

**Other Material Considerations**

National Planning Policy Framework (The Framework)

**CONSULTATIONS (External to Planning)**

The Head of Strategic Infrastructure – The proposals have been assessed in relation to road safety, sustainability, access, car parking and traffic impact and is satisfied that the development proposals can be safely accommodated on the adjacent highway network and raises no objection to the planning application. In addition, the proposed golf course lies immediately to the west of the proposed Poynton Relief Road (PRR) and would in future be accessed from the PRR should a planning application for the PRR come forward. Having reviewed the PRR proposal along side this planning application, the HSI concludes that any planning consent for this application would not prejudice the delivery of the PRR.

Environment Agency – No comments to make on this application

Public Rights of Way – No objections subject to conditions and informatives.

Archaeology - The proposed development lies within an area evaluated by The Greater Manchester Archaeological Unit in 1993 for the A523 Poynton By-Pass. A single trial trench was excavated in the eastern half of the wooded area known as Sandholes Moss, which encountered surviving peat deposits, thought to be associated with a glacial kettle hole, and therefore likely to contain deposits suitable for palaeoenvironmental sampling.

The current proposals however, do not require any disturbance to this part of the wooded area, and no archaeological mitigation is therefore considered necessary.

Manchester Airport – comments awaited

Environmental Health – comments awaited

## **VIEWS OF THE PARISH COUNCIL**

Adlington Parish Council – No objections

## **REPRESENTATIONS**

East Cheshire Ramblers object to the diversion of FP41 as it will result in a loss of view eastwards by screening the hedge.

An objection has been received on behalf of the owners of Sandholes Farm, who object to the planning application due to the position of the golf course in relation to their land and property. Whilst they have no objection to the principle of a golf course in this location they raise concerns with the position of the third hole, which runs parallel with the paddock situated at the rear of their house and outbuildings. The position of the blue tee and green are such that golf balls would be driven into the paddock. Matters of personal safety and the effects of golfers “ball strike” are material considerations when the Council determine the application. It is therefore requested that the course layout is amended to ensure that golf balls will not be hit into the neighbours land.

This threat to personal safety would be detrimental to the amenities currently enjoyed by the neighbours on their land and the proposal would, therefore, fail to satisfy the requirements of Saved Local Plan Policies DC3 (Amenity) and DC33 (Outdoor Commercial Recreation). Similarly, the proposal would fail to satisfy one of the core principles of the National Planning Policy Framework which is to always seek “*a good standard of amenity for existing and future occupants of land and buildings.*”

## **APPLICANT'S SUPPORTING INFORMATION**

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

- i) Design and Access / Planning Statement
- ii) Landscape Visual Impact
- iii) Transport Statement
- iv) Ecological Appraisal
- v) Flood Risk Assessment
- vi) Arboricultural Impact Assessment

The planning statement concludes:

- Adlington Golf Centre operates on an ‘inclusive’ business model basis and provides sports and recreational opportunities for a broad spectrum of the population from beginners to advanced players. The proposed development would satisfy unmet demand for additional facilities.

- The use of the land as a golf course is fully compliant with paragraph 81 of the NPPF, which seeks to secure the beneficial use of the Green Belt to provide opportunities for outdoor and recreation.
- The scheme effectively seeks to 'renew' a planning permission granted by the Council in the early 2000s, which established the appropriateness of the site as a golf course in planning policy terms.
- The proposal would result in a number of significant benefits, including the health and wellbeing of the population, additional jobs as a result of the expansion of a rural enterprise and ecological benefits in terms of habitat creation and enhancement.
- Although this planning application is made on a 'standalone' basis, the proposal would also facilitate the early delivery of the Poynton Relief Road, a strategic priority for the Council, should this infrastructure project come to fruition.
- Feedback received during the consultation has been considered and where appropriate incorporated within the design of the Golf Course.
- The FRA highlights that the proposed development is located in Flood Zone 1 and is not considered to be at risk of flooding.

### **OFFICER APPRAISAL**

#### **SOCIAL SUSTAINABILITY**

##### **Sustainable development**

At the heart of the Framework is a presumption in favour of sustainable development. Whilst there are public transport options in the vicinity of the site, it is unlikely that these would be widely used by users of the golf course given the need to transport equipment. However, there is no doubt that as a form of outdoor sport and recreation it will serve to support the community's health and social well-being. Given that the proposal does not increase the level of activity on the site as it is a reconfiguration of the existing course, it is considered to be broadly neutral in terms of its sustainability credentials, when compared to the existing situation on site.

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

##### **Green Belt**

Paragraph 89 and 90 of the Framework identify the exceptions to inappropriate development in the Green Belt. Included within the paragraph 90 exceptions are engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The proposed development site comprises creating a new nine-hole graduate course.

Whilst there would be some earthworks to alter the contours of the land, these changes are considered to be relatively limited in their extent. No new buildings or structures are proposed and as such the proposal is considered to preserve the openness of the Green Belt. Similarly, there is not considered to be any conflict with the five purposes of including land in the Green Belt. It is therefore considered that the proposal is not inappropriate development in the Green Belt.

However, the Agent has acknowledged that the change of use of land to a nine-hole graduate course would constitute inappropriate development within the Green Belt as it is not listed in paragraphs 89 or 90. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Adlington Golf Centre attracts customers from a broad spectrum of the population without formality or the need for private membership. It provides opportunities for sport and recreation to a significant population within a highly sustainable countryside setting and it fully complies with paragraph 81 of the NPPF.

The proposed development would support the aims of the NPPF with regard to health and wellbeing of the population and this also weighs heavily in favour of the proposed development (paragraph 73). This should also be considered in the context of this area of the Borough almost entirely comprising Green Belt outside of the built-up settlement limits. Notwithstanding the proposal being linked to an existing facility, sustainably locating such a facility will inevitably result in the use of a Green Belt site.

Furthermore, the proposed development would also facilitate the expansion of a rural enterprise, which would result in additional jobs directly and indirectly. The proposal is fully compliant with paragraph 28 of the NPPF in supporting the rural economy.

Finally, the proposed development would facilitate the early delivery of the Poynton Relief Road should this infrastructure project come to fruition and this would significantly benefit the local community and the wider sub-regional economy.

There are positive and over-riding very special circumstances that would clearly outweigh any harm associated with the proposed development being inappropriate development within the Green Belt.

The proposed use of the land would ensure that it remains open and rural in character and appearance. The engineering operations would be modest in scale and would not have a material impact on the openness of the Green Belt or the main purposes of including within it.

### **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.

Although the applicants Agent does not endorse the report submitted on behalf of the neighbours at Sandhole Farm, the applicant and course architect have revised the layout in order to address their concerns. Hole no. 3 has been amended to include the removal of one of the tees. Hole nos. 2, 4, 5 and 6 have been revised very slightly as a result. Further consideration is being given to the revised plan and the neighbours have been reconsulted. Members will be updated on this issue prior to the committee meeting.

There are a few private residential dwellings scattered around the vicinity of the proposed course. However, golf is not a particularly noisy activity, and it is not thought that any other significant amenity issues are raised.

## ENVIRONMENTAL SUSTAINABILITY

### Highways

The Head of Strategic Infrastructure – The proposed golf course lies immediately to the west of the proposed Poynton Relief Road (PRR) and would in future be accessed from the PRR should a planning application for the PRR come forward. Having reviewed the PRR proposal along side this planning application, the Head of Strategic Infrastructure concludes that any planning consent for this application would not prejudice the delivery of the PRR.

The Head of Strategic Infrastructure has reviewed the Transport Statement (TS) submitted by the applicant in support of the development proposals and finds the following:

#### Local Highway Network

##### A523 London Road

The site is accessed from the A523 London Road, which links Macclesfield to the south of the site with Stockport to the north. In the vicinity of the site Macclesfield Road around 11.0m, wide it is flanked on both sides of the carriageway by grass verges and a footway is provided on the west side (site side) of the carriageway only. It has street lighting and is subject to a speed limit of 40mph although immediately to the south of the access, the speed limit increases to 50mph.

##### Road Safety

There has been just one Personal Injury Accident (PIA) recorded in the vicinity of the site access (around 160m to the north) in the last five years, the PIA was classified as slight.

The Head of Strategic Infrastructure concludes that the local highway network in the vicinity of the site has a good road safety record and that the existing site access operates safely.

##### Sustainability

It would be unlikely that the site would be accessed by sustainable forms of transport, due to the nature of golf, which involves the transportation of bulky items of equipment to and from the course.

##### Access and Car Parking

The development proposals will be served by the existing site access, which is a priority ghost island junction with the A523. It is also proposed that the existing 151 space car park will serve the development site and evidence is presented in the TS to demonstrate that the existing car park has sufficient capacity to accommodate any additional parking demand associated with the development proposals.

The proposals for access and car parking are acceptable.

##### Traffic Impact

The TS presents an assessment of the morning and evening commuter peak period traffic generating potential of the development proposals. Table 1 presents the results:

### **Table 1 – Anticipated commuter peak hour traffic generation**

	Arrivals	Departures	Total
0800 – 0900	3	1	4
1700 - 1800	7	6	13

The level of peak hour traffic generation associated with the development proposals, set out in Table 1, would not be expected to have a material impact on the operation of the adjacent or wider highway network.

Highways summary

The Head of Strategic Infrastructure is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the Head of Strategic Infrastructure has no objection to the planning application.

**Trees / Landscape**

The application is supported by an Arboricultural Impact Assessment dated September 2015

An amount of pre-determination tree felling has historically taken place on site which has established a degree of separation between the central woodland area. Google maps clearly depicted the woodland joined as one along the southern boundary.

The development proposals identify the removal of two sections of hedgerows H2 and H3 only, and no trees. Section 5.2 of the report identifies that a full hedgerow assessment in accordance with the 1997 Hedgerow Regulations has not been undertaken. This is required to determine if either of the hedgerows is deemed to be important. A full botanical and historic assessment should be undertaken. Mitigation in the form of new planting is only appropriate once the status of the hedgerows has been determined.

A revised tree report, which shows the hedgerow to be lost as a result of the proposal has been submitted. This indicates that 229m of hedgerow would be lost i.e. H2 and short sections of H3 only. There would be 1,177m new hedgerow planting carried out.

In addition, a hedgerows regulations assessment has also been submitted. None of the hedges to be removed have been considered important in the context of the Regulations, and should be seen in the context of the extensive new planting being carried out.

This information (received above), has been considered by the Council’s Arboricultural Officer and an update on this matter will be provided prior to the committee meeting. The Arboricultural Officer has confirmed that the hedgerows identified for removal are not considered to be important in terms of the 1997 hedgerow regulations.

The AIA identifies a number of trees and their associated RPA’s being potentially compromised by the alterations to ground levels to form new greens and tees. The report offers additional construction methodologies such as aeration piping to mitigate the adverse effect of ground level changes. The main area of impact relates to two individual trees one group and the southern edge of the woodland. It is anticipated that the Beech T7 will not accommodate such alterations, and additional losses are inevitable. The impact of these losses on the amenity of the immediate area and the wider landscape are considered to be moderate

The use of heavy machinery on the site needs to be controlled and managed by the use of robust protective fencing, to ensure retained trees are not compromised. No specific details have been provided, but this can be dealt with by condition should the application proceed

The pruning identified to facilitate access accords with the requirements of current best practice BS3998:2010

Subject to the satisfactory submission of the additional detail relating to the hedges, should the application be approved that following conditions will be required.

The proposed golf course development would not have a significant impact on the character of the wider landscape or have any significant visual impacts. The impact upon the character of the area is therefore considered to be acceptable. The proposal complies with policies BE1, DC1 and DC8 of the Local Plan.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the planning application and considers the impacts of the proposed development.

The proposed development would not comprise any additional structures or areas of hardstanding. The LVIA notes the modest topographical changes necessary to facilitate the proposed development with the scheme being minimalistic and following natural forms. The proposal should also be seen in the context of the benefits associated with the significant additional planting being carried out.

During the construction period the LVIA concludes that there would be short-term adverse impacts from two of the receptor points identified. This is an inevitable consequence of development. With regard to post-development, certain receptor points would experience either noticeable change, mitigated through new planting, or negligible change.

The proposed development would integrate well with the surrounding landscape and is acceptable against the provisions of Policy BE1 and Policies NE1, NE2 and NE3 of the adopted local plan.

### **Ecology**

The Nature Conservation Officer has assessed the application.

#### Sandholes Moss

The two tees for hole 2 are located with 'Sandholes Moss' which appears on the UK inventory of priority habitats. Habitats of this type are a material consideration for planning. The two tees have however been sited on a cleared, disturbed area of habitat which is dominated by bracken and tall ruderal vegetation of low nature conservation value. The woodland habitats located to the west and east of the cleared area of substantial nature conservation value but would be unaffected by the proposed development.

The Nature Conservation Officer, therefore advises that whilst the two tees are located within the boundary of the identified priority habitat as it appears on the inventory, the tees have however been located on habitat of low nature conservation value.

### Great Crested Newts

Great Crested Newt have been recorded at the pond on site during surveys undertaken to inform the emerging proposals for the Poynton Relief Road. The submitted report states that the woodland and hedgerows within the site would form key terrestrial habitats for GCN. In order to avoid harm to great crested newts the submitted report recommends that Reasonable Avoidance Measures are employed during construction process. These measures include timing of the works and having a licenced ecologist being on site in order to supervise the removal of the hedgerows etc.

The Nature Conservation Officer advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

### Badgers

Two badger setts have been recorded on site. Based on the submitted information the Nature Conservation Officer advises that considering the location of the setts and the level of engineering works proposed, the proposed development would be unlikely to significantly effect the two setts. Brief mitigation proposals including restrictions on the types of works undertaken in the vicinity of the setts has been included with the submitted ecological assessment.

There does however remain the risk that the setts could be disturbed if the works proceeded in an insensitive manner. The Nature Conservation Officer, therefore recommends that if planning consent is granted a condition should be attached which requires the submission of a more detailed badger mitigation method statement prior to the commencement of the proposed development.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development would result in the loss of a number of sections of hedgerow. The submitted ecological layout plan however, the Nature Conservation Officer identifies a number of opportunities for the establishment of new hedgerows as part of the proposed development. Based upon the revised assessments a considerable greater length of hedgerow would be planted compared with that lost.

A detailed specification for the proposed hedgerow planting should however be provided as part of a landscaping scheme put forward for the development. The Nature Conservation Officer advises that this matter could be dealt with by means of a suitable planning condition.

### Ecological enhancement/landscaping

In order to ensure the proposed planting and landscaping works are implemented appropriately, the Nature Conservation Officer advises that conditions should be attached requiring the submission of a detailed landscaping prior to the commencement of development.

### Nesting Birds

If planning consent is granted a condition should be attached to safeguard nesting birds.

Additionally, if planning consent is granted, the Nature Conservation Officer advises that the following conditions should be attached:

- Implementation of great crested newt mitigation
- Submission of detailed badger mitigation strategy
- Submission of detailed landscaping scheme
- Safeguarding of nesting birds

### **Air Safety**

Although comments are awaited from Manchester Airport. However, given the location of the existing golf tees / holes, it is not considered likely that the Airport would raise an objection.

### **Public Rights of Way**

The development, if granted consent, would affect Public Footpath No. 41, Adlington as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75).

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The PROW team suggest that the following condition be attached: -

- a) Prior to the commencement of development, a Public Rights of Way scheme of management shall be submitted to and approved by the Planning Authority in liaison with the Public Rights of Way team as the Highway Authority. The scheme shall include provision for:
  - i. the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping and structures;
  - ii. any proposals for the diversion or extinguishment of any Public Right of Way under section 257 of the Town and Country Planning Act 1990; and,
  - iii. any proposals for the temporary closure of any Public Rights of Way, along with alternative route provision.
- b) The line of the Public Right of Way shall be marked out on the development site prior to the commencement of and during the development.
- c) Pre-commencement and post-completion condition surveys of the surface of the Public Right of Way shall be undertaken by the developer, with the developer restoring any degradation identified.

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local

Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

*2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*

*4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

Local horse riders have, under the Council’s statutory Rights of Way Improvement Plan, registered an aspiration (ref. H28) to see the current cul-de-sac Public Bridleway No. 42 in Adlington extended so that it can be used as part of the local network by horse riders and cyclists, in addition to pedestrians. The Public Rights of Way team and Cheshire East Local Access Forum are seeking to secure non-motorised routes within the Woodford Aerodrome development to be made available to all three categories of user: pedestrian, cyclist and horse rider. It would therefore be advantageous for the local community for that part of Public Footpath No. 41 in Adlington affected by the proposed development to be upgraded in legal status and physical specification to Public Bridleway standard. Additional informatives are also suggested.

Since the above comment was made by the PROW team, it is understood that the applicant and PROW team have reviewed the definitive line of Footpath 41, which passes down the edge of the new course and which was proposed to be diverted approximately 3-5 metres to the west as part of the application.

In light of the objection from East Cheshire Ramblers, the formal process required for diversion and the timescales for delivery of this proposal related to Poynton Relief Road, the applicant now proposes to retain the footpath on the definitive line and there would be no need to divert the footpath. There will be no need to materially amend the course layout, as the hedgerow boundary shown to the western edge of the site will simply be moved approximately 3-4 metres to the East. Given the scale of the submitted plans, the change will not be apparent on the drawings.

In physical terms, a new hedgerow would be planted adjacent to hole 6 at the southern end of the course, to create an “avenue” to contain the footpath which will be at least 3.5 metres wide to allow mechanical maintenance of the hedge. Moving north, a completely new hedgerow will be planted as previously proposed along the western boundary of holes 7 and 9. This will simply be moved further east than previously anticipated and in time the existing fence forming the existing boundary will be removed, slightly enlarging the field to the west. “Kissing Gates” will be installed at the field boundaries where necessary.

The above has been discussed and agreed with the PROW team who are happy that there is no material impact on the footpath from these revisions and that the relationship between the footpath and golf course are acceptable.

The above amendment would appear to address the concerns of the East Cheshire Ramblers. There is no diversion now proposed and the matter of views is not a planning

consideration, as the exact same hedge could be planted by the applicant in the absence of the golf course land, without the need for planning permission.

### **Archaeology**

The Environmental Statement includes an archaeological desk-based assessment. The Council's archaeologist has advised that the site is identified as having limited archaeological potential. It is, however, acknowledged that some of the field boundaries on the site pre-date the tithe map of 1841 and may be of some antiquity. It is suggested that where these are to be removed by development work, a section should be recorded across the field boundary in order to make a record of its form and, perhaps, recover dating evidence. This modest programme of archaeological mitigation can be carried out as part of the development process and may be secured by condition.

### **ECONOMIC SUSTAINABILITY**

The proposed development would also facilitate the expansion of a rural enterprise, which would result in additional jobs directly and indirectly. The proposal is fully compliant with paragraph 28 of the NPPF in supporting the rural economy.

### **Other matters**

The comments raised from the East Cheshire Ramblers Association has been addressed above. The comments from the neighbour with regard to ball strike are being considered and the negotiations have resulted in the submission of a revised plan. An update on this will be provided in an update report.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

The proposal is considered to be an appropriate form of development in the Green Belt. The openness and visual amenity of the Green Belt will be adequately maintained. Subject to resolving the issue of ball strike and potential impact on land in the ownership of Sandhole Farm, the proposal will not result in any significant injury to the amenity of nearby residential properties. The impacts on ecology have been satisfactorily addressed, and in some cases enhanced. The visual and landscape impacts of the development are acceptable. No significant environmental effects have been identified.

The proposal is considered to be a sustainable form of development under the definition of The Framework. The proposal is in accordance with the relevant policies of the Development Plan.

The Head of Strategic Infrastructure raises no objections to the proposals as the proposal is not considered to generate any adverse traffic, or highway safety issues.

Consequently, for the reasons outlined above, and subject to resolving the matter relating to the Hedgerow Regulations, there are not considered to be any significant adverse impacts that would outweigh the presumption in favour of sustainable development in this case. The application is recommended for approval, subject to conditions.

### **RECOMMENDATION**

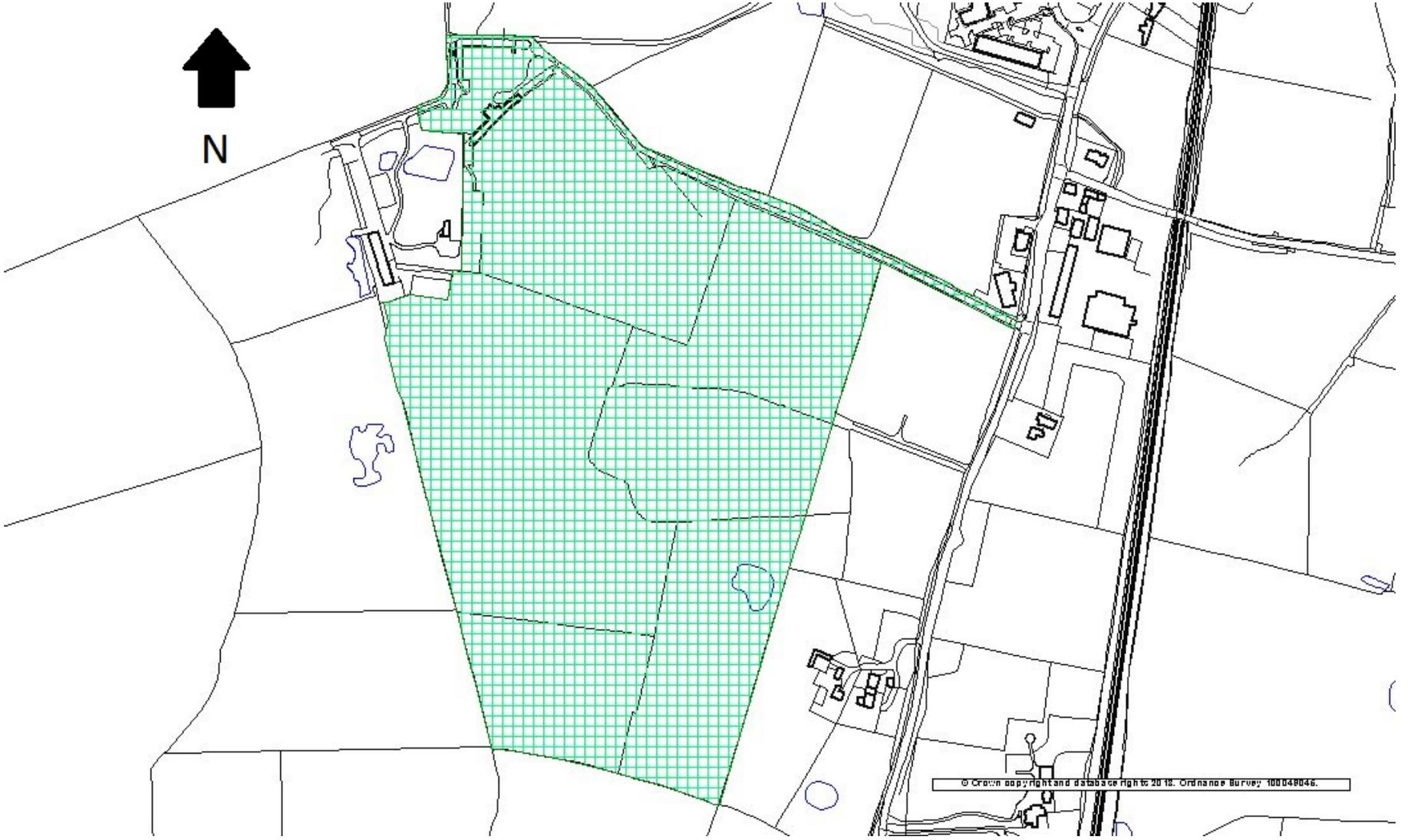
**Approve subject to conditions.**

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01LS - Landscaping - submission of details
2. A03FP - Commencement of development (3 years)
3. A01AP - Development in accord with approved plans
4. A04LS - Landscaping (implementation)
5. A22GR - Protection from noise during construction (hours of construction)
6. A32HA - Submission of construction method statement
7. The proposed development to proceed in strict accordance with the Great Crested Newt Reasonable Avoidance Measures.
8. Submission of a more detailed badger mitigation method statement prior to the commencement of the proposed development.
9. Breeding bird survey to be submitted
10. Development to be carried out in accordance with submitted mitigation strategy



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Application No: 15/2887C

Location: SANDBACH SCHOOL, CREWE ROAD, SANDBACH, CHESHIRE, CW11 3NS

Proposal: Introduction of approximately 1000LM of fencing in targeted areas across the site and 10no. security gates

Applicant: Deborah Torjussen, Sandbach School

Expiry Date: 21-Aug-2015

**SUMMARY:**

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of sustainable development.

The fencing and gates would give improved safety and security to the school and its pupils and staff, which weighs in favour of the proposal.

Following the amendments to the style and height of the proposed gates and fencing, the impact on the setting of the listed building is considered to be acceptable.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon heritage assets, highway safety, amenity, landscape, trees and design.

**RECOMMENDATION:**

**Approve subject to conditions**

**CALL IN**

The application has been called in to Committee on the following grounds:

*"In view of the public interest and concern with the proposed installation of 1000m of 6/8ft metal fencing, this application should be considered at a public planning committee meeting rather than simply being delegated to Officers. Members of the public can then observe the democratic process and also make representations to Committee Members as appropriate.*

- 1. The living conditions of residents whose properties back onto school grounds to ensure the scheme is not visually obtrusive and does not block natural daylight.*
- 2. The impact on this prominent landmark site with the main block of the school as a designated Grade II listed building and whether the scheme would be visually 'jarring'; this would be in the form of whether the proposal is considered to be sympathetic to*

*the character and appearance of the site along with the surrounding areas.. The site's original buildings were designed by Sir George Gilbert Scott.*

- 3. The frontage of the school in terms of the school's location on one of the main approaches to our historic market town and also on the amenity of the town as a whole.*

## **PROPOSAL**

The application proposes the erection of fencing and gates in targeted areas across the school site. The fencing and gates would be a mixture of welded mesh panel fencing, architectural fencing, wooden fencing and architectural gates.

Originally the proposal was for more extensive and inappropriate fencing that would have an unacceptable impact on the setting of the Listed Building and would also restrict access for residents of Middlewich Road to maintain their boundaries with the site. Following meetings with the school, Officers and local Ward Members, this has now been addressed.

## **SITE DESCRIPTION**

The application site comprises the school campus which has several buildings, sports pitches, car parking and other areas of hard standing. Several of the buildings are modern additions to the complex but there are two Grade II Listed Buildings within the site, Grammar School and Grammar School Lodge.

These two buildings were designed by the architect Sir George Gilbert Scott. The Grammar School is described as Victorian Style and the Lodge as Gothic Style. Both are significant heritage assets and their setting is an important consideration.

The site is situated on the western side of Crewe Road, Sandbach and is within the Sandbach Settlement Zone Line.

## **RELEVANT HISTORY**

There are several historic applications on this site, none of which are relevant to this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 128 – 134 inclusive.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

PS4 – Towns  
GR1 – New Development  
GR2 – Design  
GR3 – Density, Housing Mix and Layout  
GR4 – Landscaping  
GR6 – Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision  
GR22 – Open Space Provision  
BH4 – Listed Buildings

SPD14 – Trees and Development

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

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

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
PG 1 Overall Development Strategy  
SE7 The Historic Environment

### **CONSULTATIONS:**

#### **Town Council 14/07/15:**

Object on the following grounds:

- Applicant failed to consult with residents on style, scale and position of proposed fencing.
- Installation of proposed style and colour of fencing along Crewe Road would have a detrimental impact on the iconic view of the school and therefore adversely affect the setting of this listed building.
- Erecting fencing along boundary line will prevent residents accessing and maintaining their own hedging.
- The proposals are out of keeping with the built heritage of the Town.
- Members feel it would be more appropriate and cost effective to review and increase security to the main building, rather than install sections of fencing at various positions along the land boundaries.

At the time of report writing, the Town Council has not commented on the amendments to the proposal, however the Town Clerk has indicated that if necessary they will register a representative to speak for the Town Council at the meeting.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

On the original proposal fifty four representations were received. These can be viewed in full on the Council website. Thirty one of the representations were in support of the proposal and twenty three objected to it.

Those supporting the proposal made the following observations:

- Need to protect children, staff and the buildings
- Safety of children is paramount
- Danger due to the open nature of the site
- Anyone can gain access to the site
- Most cost effective solution
- The school should not have to prove the need for these measures
- Neighbouring residents should not have access to the school playing fields

Those objecting to the application expressed the following concerns:

- Inappropriate design of fencing and gates to the detriment of the setting of the Listed Building
- Impact on an iconic view
- Ugly and unsightly
- More appropriate for an industrial estate
- Would make the school look like a 'prison camp'
- Would create an adverse impression of 'Crime and Community Safety'
- Damage to trees, wildlife and biodiversity
- Could impact access to emergency services
- Could lead to cars backing up on to Crewe Road
- Feeling of enclosure
- Lack of access to maintain hedges
- Loss of privacy
- Other means would address security at the site
- Ofsted report says that safety at the school is good
- No risk assessment carried out or evidence of incidents relating to security
- Need is not urgent as the situation has existed for many years
- There should be proper supervision by school staff
- Loss of free access to the playing field

Following the submission of the amendments and at the time of report writing, 103 further representations have been received, 101 in favour of the proposal and 2 opposed to it.

Those supporting the proposal state that they believe the measures are necessary to ensure the safety and security of the school, its pupils, staff and the community using it.

One objector refers to loss of privacy. One considers that paranoia is being instilled into the staff and pupils by the many referrals to the school being unsafe without extensive and excessive security measures.

## APPRAISAL

The key issues to be considered in the determination of this application are set out below.

### Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Sandbach Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

### Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### ENVIRONMENTAL ROLE

## Trees and Hedgerows

Several trees within the site are subject to Tree Protection Orders and the Council's Senior Arboricultural Officer has assessed the proposals. Some of the fencing would be in close proximity to trees and it is considered that it would be possible to mitigate this. A condition should be imposed requiring a detailed Construction Method Statement, incorporating a 'no-dig' method statement, to be submitted prior to the commencement of development.

Tree planting is proposed along the pedestrian entrance to the existing car park in order to soften the appearance of the fencing and the size and species of trees should be controlled by condition.

## Design & Impact on the Listed Building

As originally submitted, the proposal included several areas of welded mesh panel fencing, 2.4m in height were proposed, in particular to the front of the cricket pitch adjacent to Crewe Road, and this was considered unacceptable by Officers in terms of its impact on the setting of the Listed Building (Heritage Asset).

The setting of heritage assets is defined in the NPPF as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."* Furthermore Planning Practice Guidance states that:

*"A thorough assessment of the impact on setting needs to take into account and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it."*

*The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of each.*

*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance."*

Having regard to this guidance and to Policy BH4 of the adopted local plan, officers entered into extensive discussions with the school and local members in order to effect changes to the scheme that would minimise potential impacts on the setting of the listed buildings within the site. The amended scheme was then put forward.

The changes result in the use of 'architectural' fencing on the boundary with the cricket pitch and Crewe Road and on the Lodge driveway and the use of simple 'architectural' design double leaf gates at the main entrance and the entrance to the Lodge.

Adjacent to the existing car park, a pedestrian walkway would be formed using 1.8m welded mesh panel fencing, low level wooden fencing and additional tree planting for screening.

After careful assessment, officers consider that the amendments would ensure that the proposed security measures would render the proposal acceptable. This is having regard to paragraph 134 of the NPPF, as it is considered that it would result in less than substantial harm to the heritage asset when weighed against the public benefits of ensuring the safety and security of the school.

The heights of the proposed fencing are now acceptable, however conditions must be imposed to ensure that the final design and finish of the gates and fences and any associated appurtenances are appropriate to their context.

### **Highways**

New gates would be inserted at the main entrance to the site which would be electronically controlled in order to control access to the site. Discussions have been held with the Highways Development Manager about the new entrance and he considers that the new gates would be acceptable in highway safety terms, subject to them being set in from Crewe Road by a minimum of 12m. This is to ensure that large vehicles such as buses can safely pull off the carriageway in order to wait for access to the school grounds to be allowed. This should be secured by condition.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction.

### **SOCIAL SUSTAINABILITY**

#### **Neighbouring Residential Properties**

The original proposals included fencing close up to the boundaries with properties on Middlewich Road. Several local residents expressed concerns about access to the playing fields, in particular to maintain their own boundary treatments and hedges.

Whilst there is no right of access for these residents to the school grounds however the school has now amended the plans to create a gap of 1.5m between the boundaries of these properties and the new fencing. This will allow for maintenance of the boundary treatments at these properties.

A part of the internal pathway is to be moved to allow for public use and the occupier of the neighbouring property has expressed concerns about loss of privacy. This could be done without the benefit of planning permission; however it is recommended that an informative is included in order to advise the school that screening should be provided at this point.

### **Response to Observations**

The representations of the members of the public have been given careful consideration in the assessment of this application including and the issues raised are addressed within the individual sections of the report including the impact on the setting of the listed building, amenity, privacy, safety and security. These issues have all been weighed in the planning balance.

### **Conclusion – The Planning Balance**

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of sustainable development.

The fencing and gates would give improved safety and security to the school and its pupils and staff, which weighs in favour of the proposal.

Following the amendments to the style and height of the proposed gates and fencing, the impact on the setting of the listed building is considered to be acceptable.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon heritage assets, highway safety, amenity, landscape, trees and design.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

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

Application for Full Planning

RECOMMENDATION:

1. Time limit
2. Plans
3. Access
4. Gates
5. Details
6. Piers
7. Trees
8. Landscape



Application No: 15/3506M

Location: Mere Court Hotel And Conference Centre, WARRINGTON ROAD, MERE, WA16 0RW

Proposal: Application for full planning permission for additional proposed 24 no bedroom purpose built ancillary accommodation and internal remodelling of existing coach-house. Resubmission of application 14/3121M

Applicant: Ailantus Hotels

Expiry Date: 10-Dec-2015

**SUMMARY**

The development proposed would have a significant adverse impact upon the special qualities of the listed building with particular regard to the adverse impact on its setting and the public benefits associated with the proposals would not outweigh this harm. The proposals would also be unacceptable in design terms. In addition the proposals consist of inappropriate development in the Green Belt and would also have an adverse impact upon the character, appearance and openness of the Green Belt. All of these considerations would attract substantial weight. Whilst moderate weight can be attached to the benefits to the existing business, visitor economy and job creation, the moderate weight attached to these considerations would be insufficient to clearly outweigh the harm to the Green Belt. Therefore, the development proposed is recommended for refusal.

**RECOMMENDATION- REFUSE****REASON FOR REPORT**

The application is for the construction of an extension with a floorspace of over 1000 sq.m and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site measures 26,004.85 sq. m and comprises Mere Court Hotel And Conference Centre— a large Manor House originally called Meadowlands, built in 1907 in an Arts and Crafts style with a detached Coach House and Lodge building, which are curtilage listed buildings, located to the entrance set within extensive grounds associated with this country house.

The site is accessed from Warrington Road in Mere and is surrounded by fields to the sides and rear. The hotel is a Grade II listed building and located within the designated Green Belt.

All trees on the site are covered by a Tree Preservation Order.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of a two storey guest accommodation building located within the grounds of the Grade 2 Listed Mere Court Hotel. The development would comprise 24no bedrooms to be used as ancillary accommodation to the Mere Court Hotel. Internal and external works are also proposed to the Lodge building and Coach House building, which are curtilage listed buildings. The Lodge building is currently in use as a dwelling and it is proposed to subdivide this building into 2no apartments. The Coach House has permission as a conference centre with no restrictions and it is proposed to enhance the facilities of this building for weddings and other functions in association with the hotel.

Minor internal works are also proposed to the reception area of the Mere Court Hotel, which will be assessed under the Listed Building Consent application reference 15/3507M.

Landscaping of the site is also proposed including the formation of a new footpath to the proposed new building.

This application is a resubmission of withdrawn application 14/3121M. This application was withdrawn due to concerns over the design of the development and its impact on the Green Belt and setting of the Grade 2 Listed hotel.

### **Relevant Planning History**

97/0139P Change of use from training college to hotel Appeal Allowed

97/1049P Change of use of training college to hotel, and erection of single-storey building with 16 bedrooms Approved 15-Oct-1998

97/1050P (1) Change of use of existing buildings (house, coach house & lodge) from use as training college to hotel, and (2) Erection of previously approved dormitory 'H' block for use for hotel purposes Refused 06-Oct-1997

99/0767P two-storey bedroom block (19 bedrooms) approved 10-June-1999

14/3170M

Listed Building Consent for proposed 2 Storey bedroom extension to existing grade II listed hotel premises. Internal remodelling of existing coach-house for function use associated with the hotel (within curtilage of listed building)

Withdrawn 27-Aug-2014

14/3121M

Proposed 2 Storey bedroom extension to existing hotel premises. Remodelling of existing coach-house for function use associated with the hotel.

Withdrawn 12-Oct-2014

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated in the NPPF (para 2).

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

### **National Policy/Guidance**

#### **National Planning Policy Framework (NPPF)**

The NPPF states that

*The purpose of the planning system is to contribute to the achievement of sustainable development. (para 6)*

And, 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. (para 14)*

For decision-taking this 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:*

- a) 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*
- b) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (para 7)

The sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 3: Supporting a prosperous rural economy
- Part 7: Requiring Good Design

- Part 9: Protecting Green Belt Land
- Part 12: Conserving and enhancing the historic environment

### **National Planning Practice Guidance (NPPG)**

The NPPG came into force on 6<sup>th</sup> March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

### **Local Policy - Development Plan**

#### **Macclesfield Borough Local Plan – saved policies (MBLP)**

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

- NE11 – Nature Conservation
- BE1 – Design Guidance
- BE2 – Preservation of Historic Fabric
- BE15 - Listed Buildings
- BE16 - Setting of Listed Buildings
- BE17 - Preservation of Listed Buildings
- GC1 - Green Belt – New Buildings
- RT13 - Promotion of Tourism
- Policy RT15 - Hotel Development
- DC1 – Design: New Build
- DC2 - Extensions
- DC6 – Circulation and Access
- DC8 - Landscaping
- DC9 – Tree Protection
- DC13- Noise

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

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

- MP1 – Presumption in Favour of Sustainable Development
- PG2 – Settlement Hierarchy
- SD1 – Sustainable Development in Cheshire East
- SD2 – Sustainable Development Principles
- EG 1 – Economic Prosperity
- EG 2 – Rural Economy
- EG 4 – Tourism
- SE1 – Design
- SE2 – Efficient Use of Land
- SE3 – Biodiversity and Geodiversity

SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
SE7 – The Historic Environment  
SE9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport

## **Other Material Considerations**

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

## **CONSULTATIONS**

Environment Agency- No Objection  
  
United Utilities- No Objection subject to conditions  
  
Strategic Infrastructure Manager- No Objection

## **VIEWS OF THE PARISH COUNCIL**

Mere Parish Council - No objection to the proposal regarding the 24 bedroom hotel. They also approve the internal remodelling of the coach house apart from a concern regarding an increase of noise due to the change from a conference room to a function room, raised by a neighbour at Yew Tree Farm.

## **OTHER REPRESENTATIONS**

Tatton Park- Support of the application.

2no objections have been received on the following planning related grounds:

- Adverse impact on nearby residential amenity as a result of the proposed wedding and other functions proposed in the existing Coach House building
- Proposed accommodation building would be out of keeping with the rural locality and built on a historic garden
- Adverse impact on highway safety due to the increase in traffic generation

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Heritage Statement

## **OFFICER APPRAISAL**

## **ENVIRONMENTAL SUSTAINABILITY**

## **Green Belt**

### **Guest Accommodation Building**

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Certain exceptions to this are listed, however none of them apply to the proposed erection of the ancillary accommodation building. Therefore this aspect of the development constitutes inappropriate development in the Green Belt.

In addition to the harm by reason of inappropriateness which in itself attracts substantial weight, the proposed ancillary accommodation building would also have an adverse impact upon the openness of the Green Belt by virtue of its size (over 1,000m<sup>2</sup>), height (up to 8.5m) and associated bulk and massing would have a substantial impact upon the openness of the Green Belt.

There would also be an added impact on the openness of the Green Belt associated with an intensification of the use such as additional car parking, visitors and general activity associated with the use.

Whilst it is noted that this building would to some extent be screened from outside of the site by virtue of the existing protected trees on the site boundary, as has been confirmed by the arboricultural officer this would not be the case in winter due to the deciduous nature of many of these trees in addition to the existing visual gaps that exist between some of these trees.

In summary, the proposed guest accommodation building would represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have a significant adverse impact upon the openness of the Green Belt in this location and would have an adverse visual impact upon the landscape.

This level of harm alone is a compelling reason for refusal - very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 88 of The Framework). The onus is therefore on the applicant to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt identified above.

## **Very Special Circumstances**

### Employment

The Planning Statement estimates that an additional 17 jobs would be created, some of which would be part time. It is unclear how many actual FTE jobs the proposals would generate. The Planning Statement indicates that significant weight should be given to this material consideration. It is duly acknowledged that supporting economic growth is one of the core principles underpinning the planning system. It is also acknowledged that in addition to the

direct jobs created, the proposals would create some temporary construction jobs and there would be wider economic benefits to the construction industry supply chain.

In addition to the jobs created during the construction period, the proposals would bring the usual economic benefit to the shops in Mere during the construction period and there would be some economic and social benefit by virtue of tourist's spending money in the area and using local services.

The Cheshire East area has approximately 79,000 unemployed people and therefore the proposals would only make a small contribution towards reducing unemployment in the Borough. Notwithstanding this, any commercial development within the Green Belt would create jobs but this does not override the presumption against inappropriate development.

Moderate weight is attached to this as a consideration.

### Viability of the Business

The hotel's capacity based constraints mean that £209,655 of prospective bookings, for 2014-2016 have been lost from the business. For a business operating in a hugely competitive sector, this is a considerable loss of revenue. It should be noted that of the reasons cited, not all were exclusively because of inadequate facilities and of the £209,655 at least £5824 of this was for reasons other than those associated with insufficient facilities.

In addition, the hotels within the vicinity of the site cited within the Planning Statement such as Cottons (108 rooms), The Mere (81 rooms) and Mottram Hall (120 rooms) have significantly greater amounts of hotel rooms available –even if the proposals were to be permitted. The type of hotel and experience at a small hotel such as Mere Court would be completely different to that at The Mere or Mottram Hall and therefore are unlikely to appeal to the same market.

Nevertheless, additional bedrooms and enhanced facilities would benefit the existing business and therefore moderate weight is attached to this as a consideration.

### Tourism

Guidance within The Framework and policies within the Local Plan also seek to promote tourism in the countryside however policy RT13 makes it clear that this should not conflict with Green Belt objectives.

The Framework considers tourist attractions to be a main town centre use but also considers sustainable rural tourism operations to be appropriate to rural areas. Again, there is no inference that this would outweigh Green Belt policies.

Whilst the Rural Issues Summary Document and Cheshire East Visitor Economy Strategic Framework as referred to in the letter from the Tatton Estate are material considerations, the NPPF and the Development Plan are the starting point and they both include policies in support of the protection of Green Belts, which strengthens the presumption against inappropriate development in the Green Belt.

The Cheshire East Visitor Economy Strategic Framework seeks to promote visitor attractions in Cheshire. The visitor economy is an important contributor to businesses and communities in Cheshire East, generating over £600m per annum to the local economy. The Strategic Framework seeks to increase this to £818m by 2015 with an additional 1271 jobs provided in the same period. The development would contribute towards this objective, however in light of the adopted and emerging policies within the Development Plan which seeks to steer new tourism development either towards town centres or, where it is proposed in connection with rural tourism, to sites outside of the Green Belt, moderate weight is given to the contribution towards achieving objectives within other Council Strategies.

In summary, the proposed guest accommodation building would constitute inappropriate development in the Green Belt the harm of which attracts substantial weight. The proposals would also have an adverse impact upon openness and the character of the landscape both of which also attract substantial weight. Moderate weight is attached to the benefits to the economy, tourism and the viability of the business, and if the proposals had less of an impact to openness/ the landscape this may outweigh the harm noted above. However, as it stands, the harm identified above is a compelling reason for refusal and the benefits identified would not clearly outweigh the harm.

There are, therefore, no very special circumstances to outweigh the harm to the Green Belt.

### **Lodge and Coach House Buildings**

The conversion of the Lodge building and Coach House building is considered to constitute appropriate development in the Green Belt. Both buildings are capable and suitable for conversion and the relatively minor external alterations would have an acceptable impact on the Green Belt. These aspects would therefore accord with Macclesfield Local Plan policy GC8, GC9 and paragraph 90 of the NPPF.

### **Heritage and Design**

#### Designated Heritage Asset Impact

The Conservation Officer objects to the proposed guest accommodation building of the proposed development. Mere Court Hotel is a Grade II listed building constructed in 1907 located in a rural location- the property has the appearance of a country house built in an Arts and Crafts style, with a country house setting.

Whilst there is no concern from a heritage impact point of view with the principle of a new building on the site, it would need to be designed so that it is seen as a non competing feature in the landscape. However, the current size of the proposed building in terms of footprint, height and massing, and its proximity to the hotel, would undermine the setting of this host Listed building and would not constitute a subservient building within its grounds. The design of the building is also not considered to be sympathetic to the host Listed building, constituting more of a pastiche of the host building as opposed to a building that takes design cues from the host building in order to compliment, not compete with it. The development would therefore have a significant impact on the ability to appreciate the listed building as a country house and its significance as a designated heritage asset.

Furthermore, reducing the amount of pleasant historic garden land surrounding this prominent manor house and replacing it with such a large building would add to the negative impact upon the setting of the listed building.

Whilst the economic justifications for the development are supported, as is the intention of maintaining the use of the building long term and providing jobs, there is clearly harm created to the setting of the host building which would adversely affect the special interest of the building. There is no overriding evidence provided in the supporting information with the application which states the option proposed is the only way to achieve the objectives noted as special circumstances, or public benefits to outweigh the harm caused to the setting of the heritage asset.

Overall, this element of the proposals would have an adverse impact on the setting of the Grade 2 Listed Building, contrary to local plan policy BE16 and part 12 of the NPPF.

### **Lodge Building and Coach House**

The Lodge Building and Coach House form part of the setting of the hotel building as do the landscaped gardens and trees to the site.

The impact of the works to these buildings on the setting of the Grade 2 hotel building would be limited as they are outbuildings which would continue to remain subservient and retain their historic character.

### **Design**

It is considered in design terms that the proposed guest accommodation building would not respect the character of the Grade 2 Listed hotel building, the site or the wider area. It is also unclear how the proposals would reinforce local distinctiveness.

The design of this element of the proposals fails to take the opportunities available to improve the character of the area and instead would actively detract from the existing pleasant character of the site, contrary to policies DC1 and BE1 within the MBLP 2004 and guidance within the NPPF.

### **Amenity**

The concerns from Environmental Health and a neighbour regarding potential noise impact are noted. The Coach House building lies some 37m away from this property, which is the nearest property to this building. The use of the Coach House for wedding functions and also the intensification of the use of the site could result in noise disturbance to the occupants of this property, however suggested mitigation measures are considered to be sufficient to negate any adverse impact in this regard.

### **Highways**

The objection regarding highway safety has been considered.

However, the Strategic Infrastructure Manager raises no objection.

The existing point of access at the site is fit for purpose, on that basis it is considered that the resultant impact on highway safety would be the same. The proposals would meet the maximum car parking standards as set out within the emerging Cheshire East Local Plan. The point of access is to an adoptable standard and therefore acceptable to serve the development.

With regards traffic generation, the Transport Statement suggests that the impact of traffic generation on the highways network would be nominal. The applicant has submitted a Traffic Report which indicates that this is an accessible and sustainable location.

The development is considered to accord with local plan policy DC6 and policy CO1 of the Emerging Local Plan.

### **Environmental Health**

The Environmental Health Officer has some concerns regarding the impact of the development on residential amenity in terms of the intensification of use of the site and the use of the Coach House for wedding functions. However they do not object subject to conditions that would seek to mitigate any harmful impact in terms of noise and odours.

### **Nature Conservation**

The Nature Conservation Officer raises no objections subject to a condition relating to the protection of breeding birds.

### **Drainage**

United Utilities raise no objection to the development subject to appropriate conditions regarding drainage.

### **Trees**

The trees on site, of which are protected, make a positive contribution to the character of the site and its environs.

The Tree Officer raises no objections to the proposed development, subject to tree protection and landscape mitigation conditions.

Subject to conditions the development would accord with policy DC9.

### **SOCIAL SUSTAINABILITY**

The development would benefit the public interest in terms of offering more choice for hotel accommodation in the area and the associated facilities proposed.

The alterations to the curtilage listed buildings would ensure that their established viable uses would be retained and enhanced, which will secure the longevity of these heritage assets.

## **ECONOMIC SUSTAINABILITY**

The development will provide economic benefits in respect of a) increasing the economic viability of an established rural business, b) employment during the construction phase, c) use of local services by employees during the construction phase and d) contributions to the visitor economy as a result of customers using the services and facilities in the area.

## **PLANNING BALANCE, CONCLUSION & RECOMMENDATION**

To conclude, the proposals would have a significant adverse impact upon the special qualities of the listed building with particular regard to the adverse impact on its setting and the public benefits associated with the proposals would not outweigh this harm. The proposals would also be unacceptable in design terms. In addition, the proposals consist of inappropriate development in the Green Belt and would also have an impact upon the landscape and openness of the Green Belt. All of these considerations would attract substantial weight. Whilst moderate weight can be attached to the benefits to the existing business, visitor economy and job creation, the moderate weight attached to these considerations would be insufficient to clearly outweigh the harm to the Green Belt. Therefore, the development proposed is recommended for refusal.

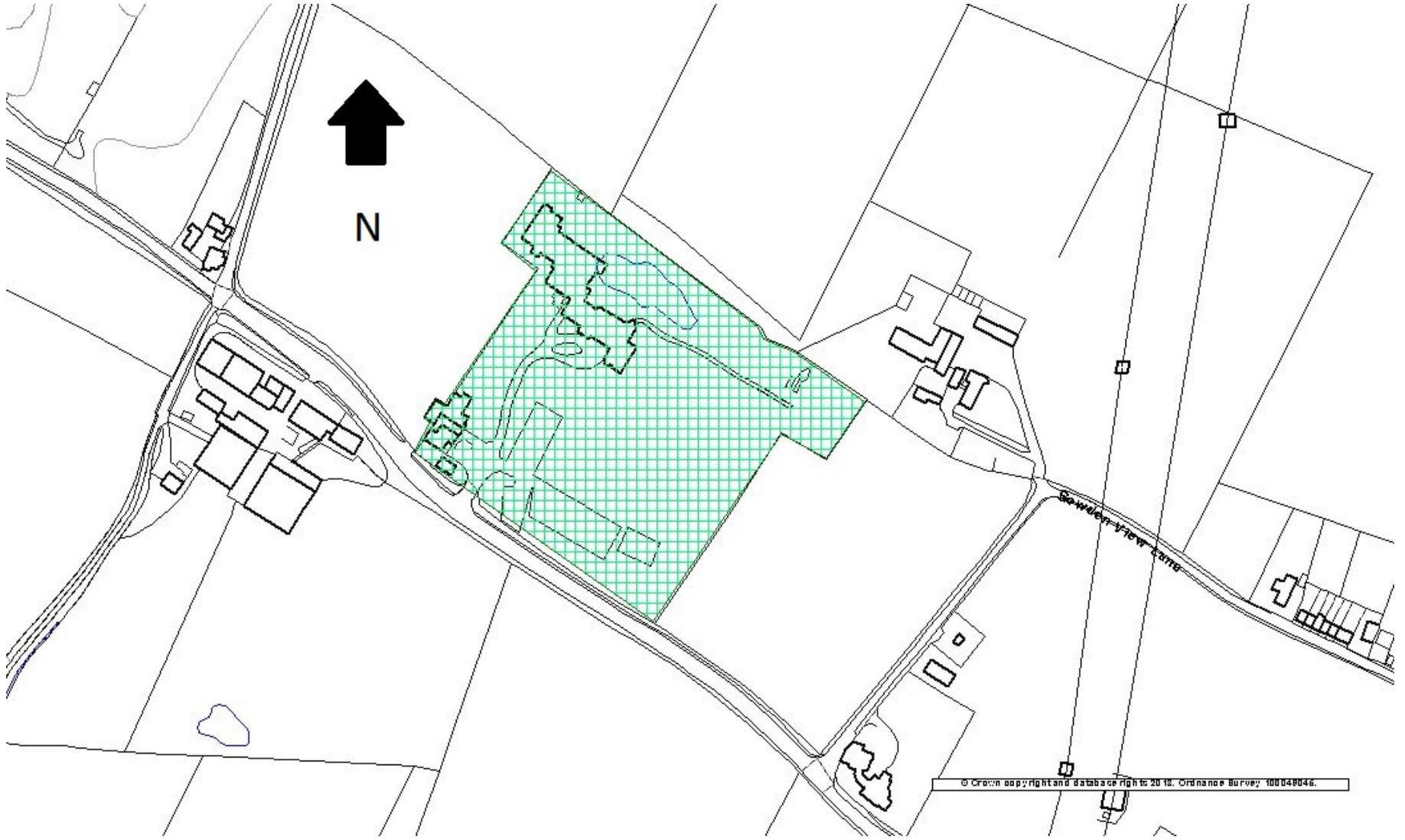
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Application for Full Planning

**RECOMMENDATION:** Refuse approval

1. Setting of Listed Building
2. Inappropriate development in the Green Belt
3. Design





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Application No: 15/3507M

Location: Mere Court Hotel And Conference Centre, WARRINGTON ROAD, MERE, WA16 0RW

Proposal: Listed building consent for additional proposed 24 no bedroom purpose built ancillary accommodation and internal remodeling of existing coach-house. Resubmission of application 14/3170M

Applicant: Ailantus Hotels

Expiry Date: 15-Oct-2015

**Date Report Prepared:** 18<sup>th</sup> November 2015

### **SUMMARY**

Insufficient information has been submitted with the application to be able to assess the impact of the external and internal alterations to the Grade 2 curtilage Listed Coach House and Lodge buildings and also the reception area of the Grade 2 Listed Mere Court Hotel, which are all designated heritage assets. Furthermore, the increase in size of the window on the rear elevation of the Coach House is considered to have an unacceptable adverse impact on the historic and architectural integrity of this curtilage Grade 2 Listed building, causing harm to the significance of this heritage asset and the public benefits associated with the proposals would not outweigh this harm.

### **RECOMMENDATION- REFUSE**

### **REASON FOR REPORT**

The application is for Listed Building Consent for minor alterations to the curtilage Listed Lodge building to form 2no apartments and to the Coach House building to enhance the functional opportunities within the building linked to the hotel. Minor internal alterations to the Grade 2 Listed Mere Court hotel are also proposed. This application is associated with planning application reference 15/3506M, which is a small scale major application for the erection of additional hotel accommodation within the curtilage of the site in addition to the minor external works to the Lodge and Coach House buildings.

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

The application site measures 26,004.85 sq. m and comprises Mere Court Hotel and Conference Centre– a large Manor House originally called Meadowlands, built in 1907 in an

Arts and Crafts style with a detached Coach House and Lodge building, which are curtilage listed buildings, located to the entrance set within extensive grounds associated with this country house.

The site is accessed from Warrington Road in Mere and is surrounded by fields to the sides and rear. The hotel is a Grade II listed building and located within the designated Green Belt.

All trees on the site are covered by a Tree Preservation Order.

### **DETAILS OF PROPOSAL**

This application is for Listed Building Consent for internal and minor external alterations to the curtilage Grade 2 Listed Coach House, curtilage Listed Lodge building and minor internal alterations to the reception area of the Grade 2 Listed Mere Court hotel.

The proposed works are as follows:

#### Mere Court Hotel

- Minor internal refurbishment of the reception area of the hotel

#### Lodge Building

- Conversion of existing building from 1no dwelling to 2no apartments comprising:
  - Ground floor door changed to window
  - Removal of 2no internal ground floor partitions
  - Alterations to lobby entrance door, addition of internal door to lobby
  - Window alteration to shower room
  - Installation of partition to 1<sup>st</sup> floor bathroom
  - Installation of partition to 1<sup>st</sup> floor lounge/ kitchen

#### Coach House

- Single storey kitchen extension
- Replacement and enlarged window to rear elevation
- Removal of partitions at ground and first floor
- Installation of partition at ground floor
- Small front entrance extension

### **Relevant Planning History**

97/0139P Change of use from training college to hotel Appeal allowed 18-Feb-1998

97/1049P Change of use of training college to hotel, and erection of single-storey building with 16 bedrooms Approved 15-Oct-1998

97/1050P (1) Change of use of existing buildings (house, coach house & lodge) from use as training college to hotel, and (2) Erection of previously approved dormitory 'H' block for use for hotel purposes Refused 06-Oct-1997

99/0767P two-storey bedroom block (19 bedrooms) approved 10.6.1999

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Listed Building Consent for proposed 2 Storey bedroom extension to existing grade II listed hotel premises. Internal remodelling of existing coach-house for function use associated with the hotel (within curtilage of listed building)

Withdrawn 27-Aug-2014

14/3121M

Proposed 2 Storey bedroom extension to existing hotel premises. Remodelling of existing coach-house for function use associated with the hotel.

Withdrawn 12-Oct-2014

### **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated in the NPPF (para 2).

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

### **National Policy/Guidance**

#### **National Planning Policy Framework (NPPF)**

The NPPF states that

*The purpose of the planning system is to contribute to the achievement of sustainable development. (para 6)*

And, 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. (para 14)*

For decision-taking this 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:*

- a) *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*
- b) *specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (para 7)

The section of the NPPF of particular relevance to the appraisal and determination of the application is:-

-Part 12 - Conserving and enhancing the historic environment

### **National Planning Practice Guidance (NPPG)**

The NPPG came into force on 6<sup>th</sup> March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

### **Local Policy - Development Plan**

#### **Macclesfield Borough Local Plan – saved policies (MBLP)**

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

-BE18 (Listed Building Consent)

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

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

-IMP1 (Presumption in favour of sustainable development)

-SE7 (Historic environment)

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

None.

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

Mere Parish Council- No Objection.

### **OTHER REPRESENTATIONS**

Tatton Park- Support of the application.

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

Design and Access Statement  
Heritage Statement

## **OFFICER APPRAISAL**

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Principle of Development**

The principle of the development is accepted, subject to the historical and architectural impact upon the heritage assets.

#### **Design/ Impact on the Listed Buildings**

The site comprises a Grade II listed building which is a designated heritage asset. Whilst the grounds to the property are not included within the list description, they make a positive contribution to the character of the listed building. The lodge building and coach house, built around the same time of the hotel, are listed by virtue of being sited within the curtilage of the Grade 2 Listed Building.

Para 131 of the NPPF emphasises the importance of preservation of the Heritage asset.

The following has to be assessed in this regard:

1. Harm to the historic fabric
2. Harm to the significance of the asset itself

#### **Harm to Historic Fabric and the Significance of the Heritage Asset**

The Conservation Officer raises objections to the proposed works. It is considered that the proposed replacement rear elevation window would have a harmful impact on the historic fabric and historical significance of the Coach House building. The public benefits associated with the proposals are not considered to outweigh this harm.

Furthermore, insufficient information has been submitted with the application to assess the impact of the development on the historic fabric and significance of the Mere Court Hotel as no proposed plans have been submitted. Furthermore, insufficient information has been submitted in the heritage statement in terms of the significance of the proposed loss of historic fabric to the Lodge building and the Coach House building, which are both curtilage Grade 2 Listed. These have been requested but at the time of writing this report have not been submitted.

### **SOCIAL SUSTAINABILITY**

The alterations to the buildings would ensure that their established viable uses would be retained and enhanced, which will secure the longevity of these heritage assets.

### **ECONOMIC SUSTAINABILITY**

The development will provide economic benefits in respect of a) employment during the construction phase, b) use of local services by employees during the construction phase and c) future incumbents of the apartments will contribute to the local economy as a result of using the services and facilities in the area.

### **PLANNING BALANCE, CONCLUSION & RECOMMENDATION**

To conclude, insufficient information has been submitted with the application to be able to assess the impact of the external and internal alterations to the Grade 2 curtilage Listed Coach House and Lodge buildings and also the reception area of the Grade 2 Listed Mere Court Hotel, which are all designated heritage assets. Furthermore, the increase in size of the window on the rear elevation of the Coach House is considered to have an unacceptable adverse impact on the historic and architectural integrity of this curtilage Grade 2 Listed building, causing harm to the significance of this heritage asset and the public benefits associated with the proposals would not outweigh this harm.

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

Application for Listed Building Consent

RECOMMENDATION: Refuse approval

1. Adverse impact on the curtilage Listed Building





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Application No: 15/1278M

Location: 5, HAREFIELD DRIVE, WILMSLOW, CHESHIRE, SK9 1NJ

Proposal: Demolition of existing bungalow and the construction of two two-storey detached dwellings with accesses

Applicant: Herring Properties Ltd

Expiry Date: 14-May-2015

### **SUMMARY**

The proposed revised scheme is considered to constitute an appropriate development that would be of a design and scale that would have an acceptable impact on the character and appearance of the locality. The development would not have an adverse impact on neighbouring amenity, the highway network or protected species, subject to conditions. The proposed development plan complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

### **MAIN ISSUES**

- Principle of Development
- Design/ Scale/ Impact on the character and appearance of the locality
- Highway Issues
- Sustainability
- Ecology
- Trees/ Landscaping

### **SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

### **REASON FOR REPORT**

The application has been called in to Committee by the Ward Councillor due to concerns of overdevelopment of the site, and the proposals being out of keeping with the established character of the area with an adverse impact on the streetscene, which could also lead to a

precedent for other such developments to the further detriment of the established character of the area.

## **PROPOSAL**

Revised plans have been received following concerns regarding the bulk and massing of the proposed dwellings and this has been reduced with alterations and reductions and an overall change in design.

The proposed development is for the demolition of the existing 7.2m high bungalow and the erection of 2no two storey dwellings at 8m high, with the formation of an additional access, hardstanding, landscaping and a 1.8m boundary fence in between the 2no properties.

Also as requested by Highways, in order to improve visibility the front boundary hedge is now to be removed with the erection of a 1m high brick boundary fence to the front of the site.

## **SITE DESCRIPTION**

The application site relates to a large corner plot located within a predominantly residential area of Wilmslow. The locality is characterized by dwellings of a variety of architectural styles and scale, with bungalows on the opposite side of the street, and two storey dwellings adjacent and on nearby roads.

## **RELEVANT HISTORY**

None relevant.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated in the NPPF (para 2).

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

### **National Policy/Guidance**

#### **National Planning Policy Framework (NPPF)**

The NPPF states that

*The purpose of the planning system is to contribute to the achievement of sustainable development.* (para 6)

And, 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. (para 14)*

For decision-taking this 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:*

- a) 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*
- b) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (para 7)

The sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 1: Building a strong, competitive economy
- Part 6: Delivering a wide choice of high quality homes
- Part 7: Requiring Good Design

### **National Planning Practice Guidance (NPPG)**

The NPPG came into force on 6<sup>th</sup> March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

### **Local Policy - Development Plan**

#### **Macclesfield Borough Local Plan – saved policies (MBLP)**

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

- BE1 - Design Guidance
- H1 - Phasing Policy (Housing)
- H2 - Environmental Quality in Housing Developments
- H5 – Windfall Housing Sites
- H13 - Protecting Residential Areas
- DC1 - Design (New Build)
- DC3 - Amenity
- DC6 - Circulation & Access
- DC8 - Landscaping
- DC9 - Tree Protection
- DC35 - Materials and Finishes

DC37 - Landscaping  
DC38 - Space, Light & Privacy  
DC41 - Infill Housing Development or Redevelopment  
DC63 - Contaminated Land including Landfill Gas  
NE11 – Nature Conservation

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

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

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SC4 – Residential Mix  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland

### **Other Material Considerations**

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

### **CONSULTATIONS**

**Strategic Infrastructure Manager-** No Objection- following receipt of the amended plans, the loss of the hedge and erection of a 1m boundary wall and additional access would be acceptable in highway safety terms. Sufficient visibility would now be achieved to ensure there would be no highway safety issues as a result of the development.

**Environmental Health-** No Objection.

**Nature Conservation-** No Objection subject to conditions regarding mitigation for bats and nesting birds.

**Tree Officer-** No Objection subject to tree protection condition.

### **VIEW OF THE TOWN COUNCIL**

Wilmslow Town Council- Object to the revised plans on the following grounds:

*Wilmslow Town Council recommends refusal of application 15/1278M on the grounds of the overdevelopment of the site and that the application would adversely change the character of the street scene. It is considered that the removal of the hedge exacerbates the street scene*

*issue. Wilmslow Town Council does not consider that the amendments made to the earlier application are sufficient to overcome its previous recommendation for refusal.*

### **REPRESENTATIONS**

11no objections have been received regarding the revised plans. The planning related objections are on the following grounds:

- Overbearing development out of keeping with the character and appearance of the locality including higher density
- Exacerbated by narrow road frontage
- Loss of boundary hedge and replacement with boundary wall out of keeping with the character and appearance of the street scene
- Loss of a bungalow which is more in keeping with the immediate street scene
- Increase in traffic close to a dangerous junction on a corner plot
- Adverse impact on highway safety particularly for pedestrians

Wilmslow Trust object on the following grounds:

- Overdevelopment of the site
- Out of keeping
- Unsustainable development
- Impact on bats

It is also noted that there is a restrictive covenant on the site preventing the development of more than 1no dwelling on the plot. This however is a legal matter and cannot be considered as part of the planning decision making process.

### **APPRAISAL**

#### **Principle of Development**

The principle of development is accepted, subject to design, amenity, trees, landscaping, highways, and nature conservation issues as examined below.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design / Character**

The objections from neighbours and the Town Council and Wilmslow Trust have all been carefully considered. However, the revised development is considered to accord with all national and local planning policy objectives regarding the requirements for good design.

It is noted that the proposed dwellings would be set deeper within the site than surrounding properties and that they would be closer together on the site with narrower frontages than surrounding properties. The design of the proposed dwellings would not directly relate to dwellings in the vicinity, but whilst it is noted that there is some uniformity to the bungalows on the opposite side of the street the locality is characterised by dwellings of a variety of

architectural styles, including the two storey of almost identical height at no 3 (and similar to the maximum ridge height of the existing dwelling) and properties to the south and southeast of the site.

The dwellings would be some 15m away from the frontage onto Harefield Drive, with number 5a stepped back some 6.4m from the side boundary at two storey level. The revised plans have resulted in the roofs being hipped which has significantly reduced their bulk and massing, coupled with the introduction of single storey elements to the side and rear. Whilst it is noted that this is a prominent corner plot in the street scene, overall these factors coupled with the requirement for sufficient landscape mitigation and retention of existing trees and hedges as shown on the revised site plan are considered to result in an acceptable impact on the character and appearance of the street scene.

Furthermore, whilst the loss of the hedge is noted, which is a relatively uniform characteristic of the boundary treatment in the locality, it is noted that boundary trees would remain and that in any case a 1m high wall could be built along the site frontage without the need for planning permission.

All things considered, on balance the development would accord with all design objectives in this predominantly residential area as designated in the local plan.

### **Trees / landscape**

The Tree Officer raises no objections, stating:

*They do not anticipate that there are any major arboricultural implications associated with this proposal.*

*As a minimum requirement the submission of a Tree Protection Plan relating to retained trees would be required.*

### **Ecology**

The Nature Conservation Officer raises no objections, subject to conditions regarding the implementation of bat mitigation methods as detailed in the submitted survey and regarding nesting birds.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the cottage. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

It is noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European

Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The demolition of the existing dwelling and erection of a pair of dwellings would make some contribution to the Borough's housing supply. There are no suitable alternatives.

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

The Nature Conservation Officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

As such, the development accords with policy NE11 subject to these conditions.

### **Residential Amenity**

The objections have been considered. The two storey element of proposed dwelling 5a would be circa 18.7m away from the front elevation bedroom window to 10 Harefield Drive, which would be the only window affected on this property. This, coupled with the orientation of the respective properties in relation to the sun's path, would mean that there would not be an adverse impact in terms of overshadowing to this bedroom that would be substantial enough to warrant refusal of the development.

Secondary side windows to a lounge exist to the side of neighbouring no 3, however bearing in mind that dwelling 5b Harefield Drive would be only very marginally higher than the existing property and the fact that these windows are secondary would mean that the development would comply with policy DC38. The revised dwellings have also been reduced in terms of bulk and massing with single storey side and rear elevation elements which would now mean that the proposed dwelling nearest to no 3 Harefield Drive would not be unduly dominant when viewed from their property or rear garden.

The nearest property opposite the development which is a bungalow would be 26m away from the nearest proposed property no 5 Harefield Drive. Taking into account the difference in height between the buildings in accordance with policy DC38, this would still allow a commensurate degree of space, light and privacy to remain between the properties.

Overall the development would not have an adverse impact in terms of loss of light, overbearing impact or overlooking and the scheme accords with policies DC3, DC38.

Sufficient amenity space for the occupiers of the proposed dwellings would exist and the development would not result in an adverse impact in terms of overlooking of neighbouring gardens in accordance with policy DC41.

## **Highways**

The objections regarding highway safety are noted; however the revised plans are considered to achieve sufficient visibility for vehicles accessing/ egressing the site and the development would accord with local plan policy DC6. Sufficient parking would result for at least 3no vehicles per dwelling.

## **Housing land supply**

In brief, the Council cannot currently demonstrate a 5 year supply of housing. The proposed dwellings would make a small contribution to the housing needs of the Borough. The site lies in close proximity to a plethora of facilities and services including Wilmslow High School (circa 360m away), a large supermarket (circa 500m away) and Wilmslow Town Centre (circa 800m away), with a distance of circa 250m from a regular bus service into town. Therefore, the development lies within a sustainable location.

## **SOCIAL SUSTAINABILITY**

The development will not have a detrimental impact upon residential amenity subject to relevant conditions and would help deliver housing supply.

## **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 to some extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

## **PLANNING BALANCE**

On balance, whilst the objections are noted the proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the mixed residential character of the area, would not harm neighbouring amenity and appropriate landscaping, protected species mitigation is provided. The highway safety concerns are also noted however the revised scheme would have an acceptable impact in term of highway safety.

Overall, the scheme is considered to represent a sustainable form of development in environmental, social and economic terms.

The application is therefore recommended for approval, subject to conditions.

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

## Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01GR - Removal of permitted development rights
2. A01TR - Tree retention
3. A02TR - Tree protection
4. A03AP - Development in accord with revised plans (unnumbered)
5. A03FP - Commencement of development (3 years)
6. A04LS - Landscaping (implementation)
7. A05EX - Details of materials to be submitted
8. A05LS - Landscaping – implementation
9. A07GR - No windows to be inserted
- 10.A12LS - Landscaping to include details of boundary treatment
- 11.A32HA - Submission of construction method statement
- 12.Piling
- 13.Dust
- 14.Contaminated Land
- 15.Bats
- 16.Birds
- 17.Birds 2
- 18.Drainage
- 19.Gates
- 20.Levels
21. Obscure glazing



Application No: 15/4629M

Location: BROOKFIELD HYDRO MOTORS LIMITED, 10, LONDON ROAD SOUTH, POYNTON, SK12 1NJ

Proposal: Application For The Variation Of Conditions 2 (Approved Plans) and 10 (Window Tinting) on Planning Permission Reference 14/5368M.

Applicant: Aldi Stores Limited

Expiry Date: 11-Jan-2016

**Date report prepared: 18.11.2015**

### **SUMMARY**

The proposed amendments to the plans are considered to be minor material amendments and therefore a variation of condition 2, plans, is deemed to be acceptable. The variation of condition 10, i.e. to remove the requirement for the frontage windows on the eastern elevations to be tinted, is considered to be an acceptable and reasonable request. The proposed development is considered not to be substantially different to the approved scheme (14/5368M). The proposed changes are considered to be a sustainable form of development in accordance with relevant local and national planning policies, guidance and other material considerations.

### **RECOMMENDATION**

Approve, subject to conditions, informatives and a deed of variation to the s106 agreement.

### **REASON FOR REPORT**

Previous applications on the site were determined by the Northern Planning Committee. The recently agreed changes to the constitution state that, where an application is to vary or remove a condition that was imposed by the Planning Committee the application will not be delegated. As certain conditions on the original application originated from committee, it is considered appropriate for the current variation of conditions application to be determined by committee.

### **PROPOSAL**

The application seeks to vary condition 2 (approved plans) and condition 10 (tinting windows) on approved application 14/5368M, which itself was a variation of condition application to vary plans on 14/1904M, which gave approval for *"a Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m*

*gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development”.*

It is noted that, during the course of the application, the applicant has amended the requested variations, in response to concerns raised by the Parish Council, Environmental Protection Team and neighbours in representations. The application originally sought to also vary conditions 16 and 18, which related to hours of operation and delivery. In response to the concerns raised, the applicant does not now wish to change the hours of operation or delivery. The applicant has also amended the plans by reducing the height of the acoustic enclosure by nearly 0.7m.

Information submitted with the application outlines the background to the variations sought. In summary the proposed alterations to the approved plans consist of enclosing the service area to the rear of the site in order to mitigate against any noise impact on neighbouring properties and installing clear windows on the eastern elevations rather than tinted ones.

Two of the conditions on approved application 14/5368M (conditions 26 and 41) required a Noise Impact Assessment to be undertaken and submitted to the LPA for approval; this was to include details of an acoustic boundary treatment as mitigation. An initial Noise Impact Assessment undertaken by the applicant was based on a 3m high boundary fence along the western boundary with Abbey Court (as indicated on the approved site plan for application 14/5368M). The results of this assessment concluded that there would be some adverse noise impacts to some of the properties on Abby Court at certain times of the day. To overcome this issue the report recommended a full acoustic enclosure to the service area/loading bay. A follow-up Noise Impact Assessment modelled the acoustic enclosure along with a) a 3.1m high acoustic fence around the plant within the site and b) a 2.1m high acoustic fence to the site's western boundary with Abbey Court. The results of this assessment met the required standards and therefore this is the option that is in the process of being implemented on site.

As the inclusion of the enclosure does not accord with the approved plans (as required by condition 2 of the approved application) this variation of conditions application has been submitted to address the matter by seeking to vary the approved plans accordingly.

The application also seeks to vary condition 10 on approved application 14/5368M, which states that

*All windows in the northern and eastern elevations of the proposed development shall be tinted to reduce light spillage and shall be retained thereafter unless agreed in writing by the Local Planning Authority. Reason: To ensure the external appearance of the building/structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.*

The applicant wishes to vary this condition to remove the requirement for the windows in the eastern elevations of the approved units to be tinted, as this is the active frontage of the units.

### **SITE DESCRIPTION**

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

### **PRINCIPLE OF DEVELOPMENT**

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

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

The principle of the development has already been accepted. Any changes in national policy/guidance or other material considerations since approval of the original application should be taken into account during appraisal. It is noted that there have not been any significant policy/guidance changes or other significant material considerations since determination of application 14/5368M.

### **RELEVANT HISTORY**

The applications of most relevance are the ones approved most recently, i.e. 14/5368M, variation of plans condition on 14/1904M, and 14/1904M, a Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development. Approved, August 2014.

### **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise (this statement is repeated in the NPPF, para 2).

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

#### **National Policy/Guidance**

#### **National Planning Policy Framework (NPPF)**

Para 6 of the NPPF states that

*The purpose of the planning system is to contribute to the achievement of sustainable development.*

Para 14 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.*

For decision-taking this 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:*

- 1) 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*
- 2) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (NPPF para 7)

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

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

### **Other Material Considerations**

**Ministerial Statement – Planning for Growth**  
**National Planning Practice Guidance**  
**Locally Listed Buildings SPD**  
**Poynton Town Strategy**  
**SPD for Poynton**  
**Planning Obligations SPG**  
**Article 12 (1) of the EC Habitats Directive 1992**  
**The Conservation of Habitats and Species Regulations 2010**  
**Nature Conservation Strategy (SPD) – 2006**  
**Trees & Development Guidelines (SPG) - 2004**

**CE Local Plan Strategy – Submission Version**

**CONSULTATIONS**

**Environmental Protection Team:**

1) Support the enclosure of the service area, to reduce noise impact on neighbouring residential properties. 2) Recommend refusal of the request to change the hours of operation and delivery (as these restrictions were imposed previously to protect the amenities of neighbouring properties).

**Head of Strategic Infrastructure (Highways):**

No objections

**Heritage & Design - Forestry:**

No objections

**Heritage & Design - Landscape:**

No comments received as of 18.11.15

**United Utilities:**

No comments received as of 18.11.15

**VIEWS OF THE PARISH/TOWN COUNCIL**

**Poynton Town Council:**

- 1) No objection to variation to tinting windows
- 2) Recommend refusal to vary the hours of opening and delivery on the basis that the variation is un-neighbourly
- 3) No objection to the enclosed loading bay cover in principle, but request that the height is reduced by one metre to reduce impact on neighbours.

**REPRESENTATIONS**

Representations have been received from the occupants of 4 No. neighbouring properties, details of which can be read on file. A summary of the issues raised is provided below:

- Disappointing that the noise attenuation measures cannot be implemented without significant changes to the plans (service area/loading bay); information should have been required at the outset, before approving plans
- Concerns about the methodology of the acoustic report (as assessments undertaken whilst vehicles at rest and not delivery vehicles to the site, bleeping whilst reversing into the loading bay, etc.)

- Proposed building will be 2m closer to residential properties, with a greater visually imposing impact/overbearing and possibly less room for landscaping
- Request parapet of enclosure is removed to reduce height; Agree with Town Council request to reduce height (but don't want this benefit to visual impact if it compromises the sound-proofing)
- Outlook from our property is unappealing and depressing
- Suggest applicant commissions an independent report outlining all the options, thereafter consulting with residents to reach a mutually acceptable solution
- Materials should be as stated, i.e. brick and render, not cladding
- Strongly object to variation of opening and delivery hours; these changes are unacceptable (due to impact on residential amenity); should refuse this variation
- No objection to variation of window tinting condition
- Believe that the Council and the applicant have not given due consideration to local residents throughout
- The building in its incomplete state represents an oppressive and unnecessarily overbearing structure
- Already numerous supermarkets and convenience stores in the area
- Should the application be approved, suggest that the service area/loading bay should be conditioned to remain as such

In addition to the above representations a Cllr has raised questions regarding the operating hours, i.e. what restrictions were imposed? What is being adhered to? Are there any reasons to change them?

### **ADDITIONAL INFORMATION**

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

- 2 No Noise Impact Assessments
- A Covering Letter outlining the background and rational behind the proposed variations
- An up-dated letter outlining the amendments made during the course of the application (i.e. removal of request to vary conditions 16 and 18)

### **APPRAISAL**

The key questions are essentially 1) whether or not the proposed changes are considered to be minor material changes, such that the scale and nature of the proposed development is not substantially different to the approved application 14/5368M; 2) whether these changes have any material impact that would result in a different decision being reached to that previously reached.

The issues raised in representations are noted and have been borne in mind as part of the appraisal. The case presented by the applicant to support the proposed variations has also been borne in mind.

**Extent of changes to plans/design/impact on the character and appearance of the area**

The differences between the approved plans and the proposed plans relate mainly to the service area, along with the request not to have to tint the frontage windows on the eastern elevations of the units.

Enclosing the service area introduces a wall measuring approx. 4.8m high and 20m long sited at a distance approx. 7m closer to the western boundary and the residential properties beyond the western boundary on Abby Court. The enclosure has a flat roof, behind a parapet, with sky-lights. The materials are in keeping with the rest of the building, i.e. brick and render. The design of the enclosure is considered to be acceptable and to have an acceptable impact on the area. Having non tinted windows is also considered to be acceptable. The extent of the changes are considered to be minor material and not to have any detrimental impact on the street-scene or character of the area.

### **Impact on residential amenity**

The variation to the plans in respect of the enclosed service area has been undertaken to ensure any noise generated from the service area is of an acceptable level. As well as the enclosure, the noise mitigation measures also include a 2.1m high acoustic fence along the western boundary. Based on the results of the Noise Impact Assessments and the support for the enclosure from the Environmental Protection Team, it is considered that the amenities of the occupants of the neighbouring residential properties to the west of the site on Abbey Court will not be significantly impacted due to noise from the site. Indeed, the enclosure is deemed to be the most suitable option to prevent any detrimental noise impact on neighbouring properties.

As regards issues of outlook, space, light and whether or not the proposed enclosure is overbearing, it is acknowledged at the outset that the western wall of the enclosure is approx. 7m nearer to the residential properties on Abbey Court than the western wall of the foodstore as was on the plans previously approved. However, it is also noted a) that the distance between the enclosure wall and the front elevations of dwellings on Abbey Court (which have habitable room windows in them) is approx. 21m at the nearest point. Policy DC38 recommends a distance of 14m between habitable room windows and blank elevations for residential development. Although the relationship between dwellings and a commercial property is different, the distance of 21m, for a wall approx.4.8 high, is considered to be a sufficient distance not to be overbearing or significantly reduce light or change outlook; b) a 2.1m high acoustic fence is to be erected along the site's western boundary, in between the dwellings on Abbey Court and the wall of the enclosure; c) there are some existing trees and hedges along the western boundary (outside the site edged red but adjacent to it) and it is recommended that additional screening planting (eg. appropriate trees) be planted within the site on the area of land between the wall of the enclosure and the site's western boundary to screen the outlook from the dwellings into the site. With the boundary treatment and additional appropriate landscape screening it is considered that the enclosure has a limited and acceptable degree of impact on the amenities of neighbouring properties. As regards non-tinted windows, it is considered that it is not necessary or reasonable to require the frontage windows on the eastern elevations of the approved units to be tinted for the purposes of design or neighbour amenity. Indeed as there are only 2 No. small windows at ground-floor level on the northern elevation of the foodstore unit and 'dummy glazed' windows at the upper level, it is considered that there is no need for any tinted windows to be installed.

### **Arboricultural, landscaping and ecological issues**

The Arboricultural Officer is satisfied that the proposed changes do not have any additional impact from an arboricultural point of view. Although comments from the Landscape Officer have not yet been received, it is noted that the Landscape Officer has been satisfied with information previously submitted to discharge landscaping conditions on the approved application and therefore it is anticipated that no objections will be raised. However, the screening required to reduce the visual impact of the wall of the enclosure is something that differs to what has previously been accepted. Therefore, it is considered that appropriate landscaping/screening conditions be attached, should the application be approved. Conditions attached to the previous approval to protect ecological matters of interest can be re-attached to the current application, should the application be approved. As such, there are no ecological issues.

### **Highways safety**

The requested variations do not alter highways matters or generate any highways safety concerns.

### **Drainage and flood risk**

The requested variations do not alter any drainage or flood risk matters.

## **OTHER MATERIAL CONSIDERATIONS**

### **Heads of Terms, CIL Regulations & S106**

It is noted that the original approved application, i.e. 14/1904M, was subject to a s106 Agreement. This Agreement has been signed and the commuted sums have been received by the Council. The previously approved amended application, i.e. 14/5368 had a deed of variation completed to tie the new permission to the s106. It has been confirmed by the Council's Planning Lawyer that a further deed of variation to the s106 will be required to tie the current proposal to the s106.

## **SUMMARY, CONCLUSION, PLANNING BALANCE & RECOMMENDATION**

All consultations and representations have been borne in mind. Bearing all the above points in mind, given the size, scale and nature of the proposed variations, it is considered that the proposed changes constitute minor material amendments and therefore the resultant development is not substantially different to the approved scheme.

It is considered that the variations do not result in any additional, significant, impact over and above the approved scheme, in respect of the key issues considered and that there is no justifiable, sustainable reason why a different decision to that already arrived at on application 14/5368M should be reached. The proposed changes accord with relevant local plan policies, national policy and guidance and other material considerations.

Hence, it is recommend the application to vary conditions 2 and 10 on application 14/5368M be approved, subject to outstanding consultations, conditions, informatives and completion of a deed of variation to the s106.

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 & 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.

### Application for Variation of Condition

#### RECOMMENDATION:

1. A01AP - Development to be completed in accordance with approved plans
2. A02EX - Building materials for external surfaces to be as previously approved
3. A01TR - Trees shown as being retained are to be retained
4. A02TR - Trees shall be protected in accordance with approved tree protection measures
5. A02LS - Prior to occupation, landscaping and boundary treatment details, including additional screening along the western boundary, to be submitted/approved
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during demolition and/or construction
8. A23GR - Protection during pile driving (if required) - details to be submitted
9. A02HA - Construction of access to be completed before occupation
10. A30HA - Protection of highway from mud and debris during development
11. A08MC - External lighting to be implemented as approved
12. A10LS - Public realm/public art to be installed in accordance with details submitted
13. A13GR - Business operation hours
14. A01HP - Car and cycle parking to be provided before occupation
15. A20GR - Hours of deliveries
16. A17MC - Decontamination of land shall be completed in accordance with the approved details
17. A19MC - Refuse storage facilities to be installed and retained in accordance with details submitted
18. A24HA - Provision and retention of service area facilities
19. A04NC - Drainage to be completed in accordance with approved details

- 20.A02NC - Implementation of recommendations in ecological report
- 21.A23MC - Ground and floor levels to be completed in accordance with plans submitted/approved
- 22.A06NC - Protection for breeding birds
- 23.A01MC - Noise mitigation to be in accordance with noise impact assessment
- 24.A03MC - Details of cooking odour extraction equipment to be submitted if required for users of Unit 'B'
- 25.A12HA - Closure of old access points to be in accordance with details approved
- 26.Dust to be controlled in accordance with approved details
- 27.Bird boxes to be provided as approved
- 28.The renewable energy measures shall be fully implemented as approved
- 29.Ghost island to be constructed as approved
- 30.Floor floating details to be submitted if undertaken
- 31.Environmental management to be in accordance with approved details
- 32.Existing hedge to be retained
- 33.Bat features incorporated into the scheme as approved
- 34.Junction to be completed in accordance with approved timetable
- 35.Consult landowner re any works to protected trees
- 36.NPPF - working with applicants to secure suitable development



EX-POYNTON SEWERAGE STATION 11

LAND AT JUNCTION OF GEORGE STREET WEST

Georges Road West

LAND NO 31A/C

Abbey Court

MILESTONE



POYNTON ROYAL BRITISH LEGION  
POYNTON PLAY

N

HAND CAR WASH

Queensway

SOVEREIGN HOUSE

QUEENSWAY HOUSE

Longon Road South

RICHMOND HOUSE 6TC

STREET RECORD

VICTORIA COURT

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Application No: 15/3634C

Location: 4, LOWER HEATH, CONGLETON, CHESHIRE, CW12 1NJ

Proposal: Proposed Change of Use from Retail (A1) to Hot Food Takeaway (A5) - Ground Floor Only

Applicant: Mr I Frost & Mr G Barnett

Expiry Date: 02-Oct-2015

**SUMMARY:**

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

It is not known what type of hot food would be provided at the site therefore the issue of the provision of unhealthy food could not be considered to weigh against the proposal having regard to the social role of sustainable development.

**RECOMMENDATION:**

**Approve subject to conditions**

**CALL IN**

The application has been called in to Committee by Cllr Gordon Baxendale on the grounds of environmental problems of near neighbours relating to smells and noise and adverse impact on highway safety.

**PROPOSAL**

Full planning permission is sought for the change of use of the building at ground floor level, from A1 (Retail) to A5 (Hot food takeaway).

**SITE DESCRIPTION**

The application site comprises an existing retail unit in the Lower Heath area, virtually at the junction of the A34 and the A534 in Congleton. The unit is currently not in use. It is situated

at the end of a run of three residential terrace houses Traffic merges as it journeys south and into Congleton immediately prior to the site that is to the west of the road. A tarmac forecourt is at the front of the shop. The site is abutted by residential properties to the north and west and adjoining a residential property to the south. Residential is opposite to the east.

### **RELEVANT HISTORY**

14/1094C – Change of use from A1 to A5 – Refused 23.07.14

13/4319C – Change of use from A1 to A5 – Refused 23/12/13

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs 14 and 19.

#### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within the Settlement Zone Line.

The relevant Saved Policies are: -

PS4 – Towns  
GR1 – New Development  
GR2 – Design  
GR4 – Landscaping  
GR6 – Amenity and Health  
GR7 – Pollution  
GR9 - Accessibility, Servicing and Parking Provision

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

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

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
EG1 Economic Prosperity

## **CONSULTATIONS:**

### **Highways:**

The Head of Strategic Infrastructure (HSI) has not commented on this application at the time of report writing.

### **Environmental Protection:**

Object on the grounds of adverse impact on residential amenity due to noise and odour.

### **Town Council:**

No comment.

## **REPRESENTATIONS:**

At the time of report writing 5 representations have been received which can be viewed in full on the Council website. They express concerns about noise, odour, parking, visual impact, litter and encouraging people from the local school to eat unhealthy food.

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The site lies in the Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

Two previous applications were refused for a change of use of the ground floor to hot food takeaway in 2013 and 2014.

The reason for refusal on application ref. 14/1094C is as follows:

*It is considered that the proposed development and use, as a result of the location, would be detrimental to the residential amenity of nearby residential accommodation by way of odour, fume, noise and disturbance. It is therefore contrary to Policies GR1, GR6 and PS4 of the Congleton Local Plan (2005).*

Since the refusal new legislation has been introduced.

On 15<sup>th</sup> April 2015, the Town and Country (General Permitted Development) (England) Order 2015, came into force. Under Schedule 1, Part 3, Class C (a) it is now Permitted Development for a change of use from retail to (Class A1) to restaurants and cafes (Class A3). In addition under Class C (b) allows for the provision of facilities for ventilation and

extraction (including the provision of an external flue) and storage of rubbish. This is subject to conditions requiring the developer to apply for prior approval of details relating to issues such as noise, odour, storage of waste, hours of opening, highways and other issues.

As such it would be possible to change the use of the building to a café/restaurant of any genre, subject to conditions relating to noise, odour and the handling and storage of waste. The most recent reason for refusal related to odour, fume, noise and disturbance; however given the change in legislation, it is considered that this is an issue that should be controlled by condition.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Residential Amenity**

It is acknowledged that the site is bounded by residential properties; however this is not untypical of several sites within the Borough that have hot food takeaways in close proximity

to residential development all controlled by conditions. These include 20 Biddulph Road, Congleton (06/1029/COU), 52 Crewe Road, Alsager (09/1048C), 6 Green Street, Sandbach (09/3662C), 78 Palmer Street, Bollington (10/1143M) and 121 Nantwich Road, Crewe (15/1506N).

Therefore, given the new legislative position set out in the Principle of Development section of this report and other similar applications that have been approved with conditions, it is considered that the issues of noise odour and disturbance should be controlled by conditions.

As set out above, conditions should be imposed to protect the residential amenity of neighbouring properties. The hours of operation should be restricted to 11am to 11pm Monday to Saturday and 4pm to 11pm on Sundays and public holidays. Full details of all equipment with the potential to create noise and to control the discharge of odours, should be submitted for approval, subject to the information being considered acceptable by Environmental Protection Officers. All approved equipment discussed above shall be retained and maintained.

It is considered that these measures would adequately safeguard the amenity of neighbouring residential properties and render the proposal acceptable and in accordance with Policy GR6 of the adopted local plan.

### **Highways**

The Head of Strategic Infrastructure (HIS) has not commented on this application; however on the previous application (14/1094C), the HIS made the following comments:

*“Traffic generation will be restricted to much shorter hours than the existing use and the parking arrangements have been revised to improve turning movements.*

*This location is complex and the Strategic Highways Manager has had to take a balanced view on the impact of this development. Within this assessment other sites with similar locations have been considered and their performance observed. There are established chip shops in Congleton, Sandbach and Knutsford who have frontage or no off street parking, front primary roads and which are in the vicinity of complex junctions and one of them with a PUFFIN crossing immediately adjacent to the site.*

*These established sites work both safely and well and with this information alongside the Transport Statement which defines impact at a lower level than the existing use, the Strategic Highways Manager feels that when the NPPF is considered there would not be a severe impact from this development proposal.”*

It is considered, despite objections that have been received, that the highway implications arising from the development are acceptable and a refusal on highway grounds could not be sustained. Furthermore, Members must note that the previous application was not refused on highways grounds and therefore was deemed to be acceptable by the Council in this regard. The circumstances remain unchanged in respect of highway matters.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development will bring back into use an existing commercial building leading to economic benefits in terms of local employment and business.

## **SOCIAL SUSTAINABILITY**

The proposal is for change of use to hot food takeaway and Cllr Baxendale has raised the issue of the proximity of the site to the nearby secondary school. He is concerned that this would not encourage children to eat healthy foods at lunchtime. However the application is only for the change of use to hot food takeaway in principle, and does not specify the type of food that would be sold. As such a reason for refusal on these grounds could not be sustained.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised namely, noise, odour, highway safety and general issues related to residential amenity are addressed within the individual sections of the report.

### **Conclusion – The Planning Balance**

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

It is not known what type of hot food would be provided at the site therefore the issue of the provision of unhealthy food could not be considered to weigh against the proposal having regard to the social role of sustainable development.

## **RECOMMENDATION**

**Approve subject to the following conditions:**

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

### Application for Full Planning

#### RECOMMENDATION:

1. Hours
2. Time Limit
3. Plans
4. Noise
5. Odour



**Northern Planning Committee 2<sup>nd</sup> December 2015****Cheshire East Borough Council (Marton – School Lane) Tree Preservation Order 2015****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 30<sup>th</sup> June 2015 on land located to the east of School Lane Marton; to consider the objections and representation made to the TPO, and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

**SUMMARY RECOMMENDATION**

It is recommended that the Northern Area Planning Committee confirms with modification the Tree Preservation Order on land located to the east of School Lane, Marton.

**WARD AFFECTED**

Gawsworth

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

**RISK MANAGEMENT**

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

**CIRCUMSTANCES**

On 15<sup>th</sup> May 2015 the Council received an outline planning application (App 15/2274m) for up to 27 residential dwellings on land off School Lane, Marton

with all matters reserved except for access. The application was subsequently refused by Northern Planning Committee on 7<sup>th</sup> October 2015. The application is currently under appeal.

The planning application was supported by an Arboricultural Report which identified the condition and quality of trees within the site.

The site is presently used as agricultural pasture land, and characterised by individual mature trees located around the boundaries of the site, and a single specimen within the centre of the field. The field is located within the Marton village centre, and surrounded by residential properties and three roads (A34, School Lane & Oak Lane)

Eight mature trees including one located off site within the grounds of the property known as The Spinney have been identified for inclusion within the Order. The trees are visually prominent within the immediate area, the wider landscape setting, and complement the sylvan character of the area.

An amenity evaluation of all the trees on the site was carried out as part of the initial site inspection in accordance with Government guidance. The assessment confirmed that the trees contribute to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 30<sup>th</sup> June 2015.

### **CONSULTATIONS**

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land upon which the identified trees stand and their Agents where applicable on 30<sup>th</sup> June 2015. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Marton Parish Council and the Ward Member for Gawsorth.

### **OBJECTIONS/REPRESENTATIONS**

The Council has received one objection to the Tree Preservation Order from Appletons landscape architects and environmental consultants on behalf of

the applicant Hollins Strategic Land LLP. The objector objects to the Order and its implementation for the following reasons:

- The Council has stated that the Order has been made as it is in the interests of amenity that provision for the trees long term retention should be made. It is stated that this has been assessed in accordance with the Councils Amenity Evaluation Checklist. Details of the checklist and the criteria used for making such assessments has not been provided and is therefore deficient in allowing the landowner to judge the merits of the Order.
- Tree T1 (Sycamore) as indicated on the map has a large basal cavity and its long term contribution to the amenity and landscape setting of Marton village in this locality is uncertain. As such we consider that its removal from the Order would be appropriate.
- The making of the Order is considered to be premature given the planning application for development which seeks to resolve issues surrounding any potential impact on trees by development with the relevant officer of the council during the determination process. Trees in relation to proposed access points into the land parcel seek to avoid impacts on trees and it is considered proportionate that any Tree Preservation Order is made following determination of the outline planning application. Accordingly, the making of this order is not expedient in the determination of the planning application and should not be confirmed.

The Council also received an e-mail from the Clerk to Marton Parish Council on behalf of the Parish Council expressing their wholehearted support for the serving of the Order

### **APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

#### Objection by Appletons on behalf of Hollins Strategic Land LLP

The objector was advised that an Amenity Evaluation Assessment of the trees was carried out by the Council prior to serving the Order in June 2015 in order to determine their condition and contribution to the amenity and local landscape setting. The Council's assessment fully accords with the requirement of Government advice contained in paragraph 008 of Planning Practice Guidance *Tree Preservation Orders and trees in Conservation areas* which states that Council's should assess the amenity value of trees in a structured and consistent way taking into account visibility, individual, collective and wider impact and other factors

The Councils Amenity Evaluation Checklist (AEC) has been adopted in response to Government guidance contained in Planning Practice Guidance –

Tree Preservation Orders and Trees in Conservation Areas. The guidance advises Local Planning Authorities to develop ways of assessing the “amenity value” of trees in a structured and consistent way, and explain to landowners why their trees or woodlands have been protected by a Tree Preservation Order. There is no requirement to include a copy of the AEC with the served Tree Preservation Order documents, however authorities are advised to assess the amenity value of trees and be able to demonstrate protection provides a reasonable degree of public benefit. A copy of the Councils Amenity Evaluation Checklist has since been made available to Appletons.

The presence of the cavity associated with the large mature Sycamore identified as T1 within the Tree Preservation Order was noted in the Tree Survey Report dated April 2015, submitted as supporting evidence in relation to the planning application, and as part of the Councils Arboricultural Officers initial site inspection. The report stated that the cavity does appear to be stable at present, with further assessment required to ascertain structural stability and the potential risk of future failure. The presence of a cavity does not prevent a Local Authority from making a preliminary judgement on whether a tree should be included within a Tree Preservation Order on amenity grounds. A more detailed and considered assessment would then be undertaken before the matter is placed before committee for confirmation. The applicants own Tree Survey Report identified the tree with an estimated remaining contribution in years as 20+, and has only been downgraded to a moderate value specimen (B) because of the cavity. The tree was also depicted as a feature within the Village Green / Open space indicative site layout plan.

It was considered expedient to wait a number of months to undertake a supplementary inspection in order to maximize the opportunity to establish if any decay organisms (fungal brackets) were present. The Sycamore was inspected on the 22<sup>nd</sup> October 2015; following a detailed inspection it was concluded that the ratio of sound timber to decayed timber was insufficient to consider the tree as a long-term feature. Whilst no fungal brackets were present, basal decay extends down within the tree’s root system and within the central core of the stem to a height in excess of 3.0 metres. With the evidence which is now available it is considered prudent to exclude the Sycamore T1 from the Order

The Tree Preservation Order was served in response to the submission of application 15/2274M, an outline application with access for up to 27 dwellings and car parking. It is not necessary for there to be an immediate risk for there to be a need to protect trees. However, it is recognized that where it is in the interests of amenity to make an order due to development pressures, changes of ownership and/or changes of use of an area of land and the local authority considers it expedient to do so, then provision can be made to serve an order under Section 198 of the Town and Country Planning Act 1990. A TPO does not serve to prevent development; its purpose is to afford protection to trees in the interests of amenity due to development pressures, and a proposed change of use of an area of land. Both the original points of access into the site impacted on trees considered worthy of formal protection;

therefore it was determined that it was expedient under the circumstances to serve a Tree Preservation Order. Following the serving of the Order revised plans were submitted, which made provision for the retention of the previously affected trees.

### **CONCLUSION**

In the context of this development proposal, the Order identifies which trees the authority considers to be important in terms of their contribution to the amenity of the immediate area and the wider landscape. The risk of such development pressures has been recognised in Government advice as an appropriate test of expediency for raising a TPO.

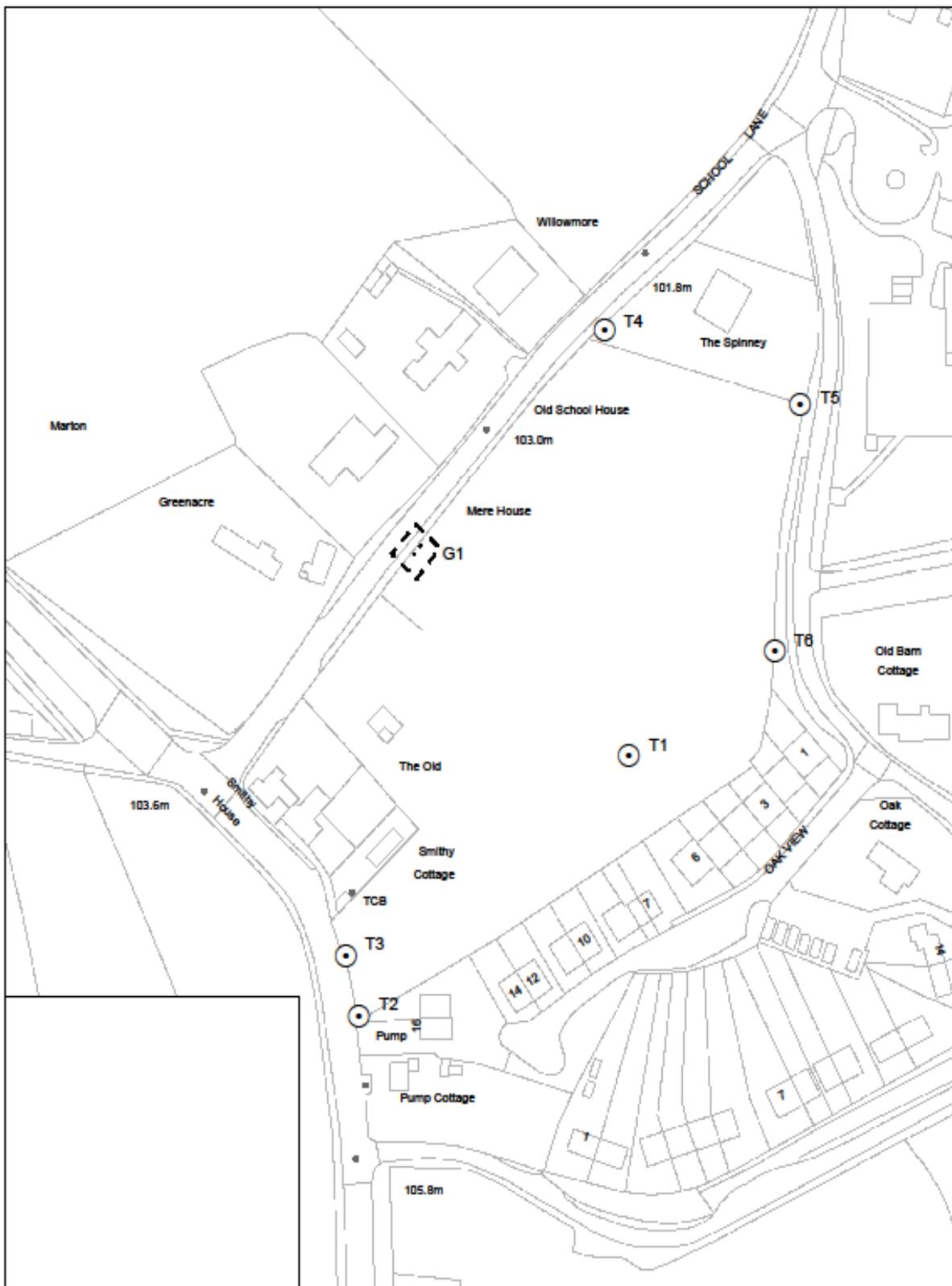
Following the completion of the supplementary inspection of the Sycamore T1 it is accepted that the tree should not be included within the Tree Preservation Order with the order modified at confirmation.

The Council has demonstrated that the remaining trees contribute significantly to the visual amenity of the area, and the Order allows for retained trees to be protected and ensures that full consideration is given to the retention of trees in any future development of the site and to give weight to such conditions or otherwise as part of any development proposals.

In the light of the submitted planning application indicating the change of use of land and the impact on trees which contribute significantly to the visual amenity of the immediate area, and the surrounding landscape, it was deemed expedient in the interests of amenity to make a TPO

### **RECOMMENDATION**

That the Cheshire East Borough Council (Marton – School Lane) Tree Preservation Order 2015 be confirmed with modification (removal of T1 from the Order)



CHESHIRE EAST BOROUGH COUNCIL  
(MARTON- SCHOOL LANE, MARTON)  
TREE PRESERVATION ORDER 2015

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