

Northern Planning Committee

Agenda

Date: Wednesday, 10th August, 2016
Time: 10.00 am
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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 - 12)

To approve the Minutes of the meeting held on 6 July 2016 as a correct record.

4. **Public Speaking**

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

A total period of 5 minutes is allocated for each of the planning applications for 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. **15/5026M-Demolition of two detached dwellings and the construction of three two-storey detached dwellings with associated accesses, 12 and 14, Overhill Road, Wilmslow, Cheshire for Matthew Gibbons** (Pages 13 - 24)

To consider the above application.

6. **16/2622M-Development of a new house within the existing site boundary, 109, Whirley Road, Macclesfield for Mr & Mrs Fury** (Pages 25 - 34)

To consider the above application.

7. **16/0605M-Demolition of an existing 1950s residential property and replacement to provide a new family home, Bridgepool, Macclesfield Road, Alderley Edge for Matt Maguire** (Pages 35 - 46)

To consider the above application.

8. **16/1636M-Erection of a two storey side extension, Clumber House Nursing Home, 81, Dickens Lane for Mr B Owen, United Care South** (Pages 47 - 58)

To consider the above application.

9. **15/5536M-To provide a new 30 space surface car park, Land adjacent to Belong Care Home, 103, Kennedy Avenue, Macclesfield for Mr Nigel Franklin, Belong Construction Ltd** (Pages 59 - 66)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 6th July, 2016 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, B Burkhill (Substitute), T Dean, S Edgar (Substitute), P Findlow, S Gardiner, A Harewood, J Macrae and N Mannion

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning & Enforcement Manager), Mr M Keen (Senior Planning Officer), Mr K Foster (Principal Planning Officer), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Fox and M Hardy.

11 DECLARATIONS OF INTEREST/PRE DETERMINATION

With regard to application 15/2354M Councillor N Mannion declared that he was a member of the bowling club and would, therefore, leave the room prior to consideration of this application.

In the interests of openness in respect of application 16/1269M, Councillor B Burkhill declared that he had met with the developer but had not come to any decision on the application.

Councillor E Brooks declared that she had pre-determined application 15/5800M as she had made comments on the previous adjacent site application and would, therefore, leave the room prior to consideration of this application.

In the interests of openness in respect of applications 15/4968C and 16/1374M, Councillor S Gardiner declared that he knew the agents for the applications as they were both former employers, however he had not discussed the application.

In the interests of openness in respect of application 15/4515M, Councillor S Gardiner declared that he knew the applicant speaking as he was a former work colleague. In addition he knew the occupier of the adjoining property, however had had not discussed the application.

In the interests of openness in respect of application 16/2276M, Councillor Mrs A Harewood advised that she knew the applicant's family and visited their home.

In the interests of openness in respect of application 15/2354M, Councillor P Findlow declared that he knew the agent for the applicant speaking on the application but had not seen him for a considerable while nor had he discussed the application with him.

It was also noted that Members had received correspondence in a respect of a number of the applications on the agenda.

12 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 1 June 2016 be approved as a correct record and signed by the Chairman.

13 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

14 **15/4968C - LAND OFF NEWCASTLE ROAD SOUTH, BRERETON, CHESHIRE: OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 49 DWELLINGS (C3), TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE PROVISION WILL ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR ASHALL LTD**

Consideration was the above application.

(Councillor J Wray, the Ward Councillor, Parish Councillor Andrew Lindsay, representing Brereton Parish Council, Steven Grimster, representing the applicant, Andrew Morphet, an objector and Steven Grimster, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposal involves the development of countryside outside of the Settlement Boundary for Brereton Green as defined in the Brereton Neighbourhood Plan 2016. It is also involves development within the countryside as set out in the Congleton Local Plan First Review 2005. The proposal erodes the character of the countryside and undermines the ability of the community to

shape and direct sustainable development in their area, contrary to Brereton Neighbourhood Plan Policies HOU01 and HOU02, Congleton Local Plan First Review policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. These conflicts significantly and demonstrably outweigh the benefits of the proposal.

2. The development is unsustainable because the unacceptable economic, environmental and social impact of the scheme upon the efficient operation of the Jodrell Bank Observatory and its internationally important work significantly and demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the Cheshire East Local Plan Strategy Submission Version that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope as well as the provisions of the National Planning Policy Framework.

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 Chairman (or in their absence the Vice Chairman) of the Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and allotments on site to be maintained by a private management company in perpetuity
3. School Secondary Education Contribution of £114,399 and SEN Education contribution of £45,500

15 **16/1374M - R H STEVENS TRANSPORT LTD, GUNCO LANE, MACCLESFIELD, SK11 7JL: REDEVELOPMENT OF FORMER HAULAGE DEPOT FOR 88 DWELLINGS AND ASSOCIATED WORKS FOR MR GEORGE STEVENSON, BELLWAY HOMES LTD (MANCHESTER DIVISION)**

Consideration was given to the above application).

(George Stevenson, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

- Provision of 10 intermediate tenure homes at 80% market value.
- £212,000 education contribution (secondary)
- £5,000 POS contribution – towards projects at King George Playing Field

And subject to the following conditions:-

1. Time Limit 1 Year
2. Approved Plan and document condition
3. Facing Materials to be agreed
4. Boundary treatment details
5. The development shall only be carried out in accordance with the approved Flood Risk Assessment and mitigation measures herein.
6. Sustainable drainage management and maintenance plan to be submitted.
7. Details of the foundations of the development to be submitted C&RT
8. Proposed Cross Sections a minimum of 10m beyond the boundary fence.
9. Canal embankment method statement to be submitted
10. Arboricultural works to be carried out in accordance with Arboricultural Impact Assessment received.
11. Remediation Strategy to be submitted.
12. No occupation to take place until a verification report demonstrating completion of remediation strategy approved.
13. Unsuspected contamination
14. No piling without prior consent of LPA to demonstrate no risk to groundwater
15. Prior to first occupation of the development, the footway improvements as shown on indicative plans '1270-F01 rev A' and '1270-04', should be complete.
16. Construction Management Plan
17. Finished Floor Levels to be submitted

18. Nesting Birds
 19. Facilities for breeding birds
 20. Badger survey
 21. Vehicle charging points – scheme to be submitted, agreed and implemented prior to occupation
 22. Offsite highway improvements – details to be submitted, agreed and implemented prior to occupation
- 16 **15/5800M - BRICKYARD FARM, 25, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ: PROPOSED 2 STOREY EXTENSION TO EXISTING FARM HOUSE, ERECTION OF 3 NUMBER 2 STOREY DETACHED PROPERTIES & ASSOCIATED WORKS FOR MR CHRIS WILLIAMSON, DAVID WILSON HOMES NORTH WEST / MRS MARG**

Consideration was given to the above application.

(Gerry Lemon, an objector and Andrew Taylor, representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor T Fox).

RESOLVED

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Pile Driving
5. Submission of construction method statement
6. Scheme to minimise dust emissions to be submitted
7. Nesting birds survey to be submitted
8. Emergency access to be utilised only by plot B1 and emergency services
9. Details of refuse storage facilities to be submitted
10. The submission of a remediation strategy (cont land)
11. Any materials to be brought to site for use in soft landscaping to be tested for contamination
12. In the event contamination not previously identified is found to be present, no further works shall be undertaken until LPA is notified
13. Implementation of submitted landscaping scheme
14. Arboricultural method statement for resurfacing of driveway to be submitted
15. Development to be carried out in accordance with the submitted bat mitigation strategy
16. Proposals for the incorporation of features into the scheme suitable for use by breeding birds to be submitted.

(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).

(Councillors C Browne, B Burkhill and S Gardiner requested that their decision to vote against the recommendation to approve the application be recorded).

17 **15/1955M - YESTERDAYS HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE SK9 7QN: THE DEMOLITION OF THE EXISTING NIGHTCLUB BUILDING AND FOR THE ERECTION OF 12NO. DWELLINGS (C3), INCLUDING 4NO. AFFORDABLE DWELLINGS, WITH ASSOCIATED CAR PARKING, GARDENS AND LANDSCAPING FOR MR ELIOT BAKER, INTRO DEVELOPMENTS LIMITED**

Consideration was given to the above application.

(Richard Woodford, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons provided by Officers in the verbal update to the Committee, the application be delegated to the Planning & Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to approve subject to the completion of a S106 Agreement securing the following:-

- Secondary education contributions of (£32,685.38)
 - Open space contributions of £36,000 for public open space and £8,000 for recreation and outdoor sports for Alderley Park (Alderley Edge Playing fields)
 - Provision and phasing of 4 affordable housing units to be provided at 30% discount to market value
 - Provision of offsite GCN mitigation
 - Long term management and maintenance arrangements of the open space and pond to be in perpetuity
- Subject to resolving any outstanding tree issues.
Subject to further investigation in respect of the potential for a contribution/construction of a pedestrian crossing on Wilmslow Road:-

And subject to the following conditions:-

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Submission of details / samples of building materials
4. Proposal to prevent the feeding of water birds to be submitted
5. Removal of permitted development rights

6. Electric car charging points to be provided
7. Glazing to achieve (as a minimum) 27dB Rtr acoustic reduction
8. Pile Driving (details to be submitted)
9. Details of ground levels to be submitted
10. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
11. Site walkover and Phase II investigation to be carried out
12. Landscaping - submission of details
13. Landscaping (implementation)
14. Landscaping to include details of boundary treatment including acoustic fencing
15. Landscape, woodland & habitat management plan to be submitted
16. Development to be carried out in accordance with submitted GCN and bat mitigation proposals
17. Detailed design for alterations to pond to be submitted
18. Updated badger survey to be carried out.
19. Submission of proposals for the safeguarding of the retained woodland during the construction phase.
20. Submission of Construction Method Statement
21. Refuse storage facilities to be approved
22. No gates to be constructed
23. Full details of sustainability measures to be submitted
24. No islands to be constructed within pond

(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 Head of Planning (Regulation) 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).

(Councillor S Edgar left the meeting and did not return. The meeting was adjourned from 12.45pm until 1.30pm for lunch. Prior to consideration of the following application, Councillor J Macrae arrived to the meeting).

- 18 **15/4515M - WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, ALDERLEY EDGE, CHESHIRE SK9 7TP: CHANGE OF USE FROM DWELLING WITH OFFICES TO DWELLING WITH FUNCTION ROOM AND ANCILLARY FACILITIES AND OVERNIGHT ACCOMMODATION IN ASSOCIATION WITH FUNCTIONS INCLUDING THE CONSTRUCTION OF PREVIOUSLY APPROVED EXTENSION AND GLAZED LINKS FOR D WARD**

Consideration was given to the above application.

(Parish Councillor Chris Sweetman, representing Great Warford Parish Council, Donald Strathdee, an objector and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

The proposed development is an inappropriate development in the Green Belt, contrary to policy GC1 and GC8 of the Macclesfield Borough Local Plan, policy PG3 of the emerging Cheshire East Local Plan and guidance in the National Planning Policy Framework. Additional harm will result through loss of openness and the development will operate in a manner that will cause significant harm to the amenity of nearby residents, through noise and disturbance, contrary to policy DC3 of the Macclesfield Borough Local Plan. Other considerations in favour of the development do not clearly outweigh the harm to the Green Belt by virtue of inappropriateness and any other harm (openness and residential amenity). The identified harm cannot be overcome by planning condition; in particular the proposed travel plan submitted with the application is not practicable or enforceable. As such the proposed development is contrary to Development Plan policy, emerging Development Plan policy and national planning guidance.

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

19 15/2354M - BOWLING GREEN, INGERSLEY VALE, BOLLINGTON CHESHIRE: OUTLINE APPLICATION FOR PROPOSED 11 NO. 2.5 STOREY AND 2 NO. 2 STOREY RESIDENTIAL HOUSING - RESUBMISSION OF 15/0669M FOR TULLIS RUSSELL

Consideration was given to the above application.

(Parish Councillor John Cantrell, representing Rainow Parish Council, Town Councillor Ken Edwards, representing Bollington Town Council, Helen Whiteley, an objector, Chris McHale, an objector and Joe Mattin, the agent for the applicant attended the meeting and spoke in respect of the application. In addition statements were read out on behalf of Councillor H Gaddum, the Ward Councillor and Councillor J Weston, the neighbouring Ward Councillor).

RESOLVED

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

- financial contribution of £36,000 for POS improvements in Bollington and Rainow.
- provision of the replacement bowling green before the development can commence on this site

And subject to the following conditions:-

1. Commencement of development
2. Submission of reserved matters
3. Development in accord with approved plans
4. Materials to be submitted with reserved matters
5. A08OP - Ground levels to be submitted with reserved matters application
6. A32HA - Submission of construction method statement
7. Submit Arboricultural Impact Assessment
8. Foul drainage / surface water drainage
9. Contaminated land, requirement for surveys
10. Submission of habitat survey if tree clearance in bird nesting season
11. site to drain on separate systems
12. Electric vehicle charging points
13. Bin storage
14. Re-use of the stone on the front boundary wall in the new boundary treatment
15. Retention of the stone retaining wall
16. Retention of the 2 off road parking spaces at each dwelling.
17. Not withstanding the description of the development, the number of 2.5 storey dwellings within the development shall be up to 11 units and dependent on the detailed design of the scheme to be submitted at the reserved matters stage, to ensure the height of the dwellings is in line with the information submitted as part of this outline application and takes account of any proposed alterations to ground levels.

(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 Head of Planning (Regulation) 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).

20 16/1269M - THE ROYAL BRITISH LEGION, STATION ROAD, HANDFORTH SK9 3AB: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 10 TOWNHOUSES WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING FOR MR TOM LOOMES, JONES HOMES (NORTH WEST) LIMITED

Consideration was given to the above application.

(Jenny Barnes, an objector, Beryl Chapman, an objector and Tom Loomes, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Submission of construction method statement
6. Submission of samples of building materials
7. Details of drainage
8. Standard contaminated land condition
9. Importation of soil
10. Unexpected contamination
12. Noise mitigation measures
13. Electric charge points

(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 Head of Planning (Regulation) 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).

(Prior to consideration of the following application, Councillor A Harewood left the meeting and did not return).

21 16/2276M - GARDENS TO THE REAR OF 19 TO 23 COTTAGE STREET, MACCLESFIELD: CONSTRUCTION OF PAIR OF SEMI-DETACHED HOUSES FOR MR LUIZ NASCIMENTO

Consideration was given to the above application.

RESOLVED

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

1. Complies with development plan
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Removal of permitted development rights
5. Protection from noise during construction (hours of construction)
6. Submission of landscaping scheme
7. Landscaping (implementation)
8. Submission of construction method statement
9. Dust control
10. Phase II Investigation Required
11. Pile foundations

12. Electric Vehicle Charging Sockets
13. Imported top soil to be tested
14. Contaminated Land
15. Submission of Construction Management Plan

22 **16/1652C - LAND ADJACENT TO 2 TANHOUSE YARD, CONGLETON:
DEMOLITION OF SINGLE DETACHED DOMESTIC GARAGE AND
CONSTRUCTION OF 3NO. TWO STOREY TERRACED COTTAGES
INCLUDING REAR GARDENS AND PARKING FORECOURT WITH
FORMATION OF VEHICLE ACCESS OFF ANTROBUS PUBLIC CAR
PARK FOR MR VALENTINO MARTONE**

Consideration was given to the above application.

Councillor G Baxendale, the Ward Councillor, Ian Brightwell, an objector and David Werrell, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons provided by Officers in the verbal update to the Committee, the application be delegated to the Planning & Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to approve subject to confirmation that the site has a lawful right of pedestrian access and an amended site plan to exclude the public car park area from the site edge red and subject to the following conditions:-

1. Time (3 years)
2. Plans
3. Materials – Prior approval of facing and roofing
4. Prior approval of bonding and mortar colour
5. Prior approval of details of external windows and doors including arches, lintels and cills
6. All rainwater goods shall be black uPVC or aluminium
7. Prior submission of proposed boundary treatments - railings or brick
8. Prior submission of a programme of archaeological work
9. Prior submission of a piling method statement
10. Prior submission of a dust mitigation scheme
11. Hours of construction
12. Prior submission of the soil detail to be imported to the site for landscaping
13. Works should stop if contamination found
14. Prior approval of a surface water drainage strategy
15. Removal of PD Rights – Part 1 A-E and Part 2 Class A
16. Submission of Construction Management Plan
17. Car parking area not to be affected

(Prior to consideration of the following item Councillors C Andrew and C Browne left the meeting and did not return).

**23 LAND ADJACENT TO, PADGATE, TWEMLOW LANE, CRANAGE:
UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 16/0604C - RESIDENTIAL DEVELOPMENT OF 4NR
DETACHED DWELLINGS (4/5 BED) AND 1NR COTTAGE MEWS
BLOCK OF 5 DWELLINGS (1BED FLAT; 2/3 BED HOUSES)
INCLUSIVE OF ASSOCIATED EXTERNAL WORKS AND
LANDSCAPING**

Consideration was given to the above report.

RESOLVED

That the Heads of Terms for the S106 Agreement be removed from the previous resolution and a revised approved plans condition be attached.

The meeting commenced at 10.00 am and concluded at 6.00 pm

Councillor G M Walton (Chairman)

Application No: 15/5026M

Location: 12 and 14, OVERHILL ROAD, WILMSLOW, CHESHIRE, SK9 2BE

Proposal: Demolition of two detached dwellings and the construction of three two-storey detached dwellings with associated accesses

Applicant: Matthew Gibbons

Expiry Date: 19-Jan-2016

SUMMARY

The proposal will provide one additional dwelling over and above the two dwellings that currently exist on site. This is considered to be a social benefit of the proposal (albeit very minor) as it will make a limited contribution to the acknowledged shortfall of housing land supply within the Borough. In environmental terms there will be a greater impact on neighbouring residential amenity, the character of the area and trees than the existing development, however these impacts are not significantly adverse. The impact highways and ecology is considered to be broadly neutral. The economic benefits of demolition and construction are considered to be relatively minor, given the small scale of development proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval, subject to the receipt of revised plans for the garage in plot 14.

RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been called-in to Committee by Cllr Fox for the following reasons:

- Over development - combined footprint increase from 310sqm to 540sqm
- Overbearing ridge height - increase from 6m up to 8.7m
- Detrimental impact on the street-scene and alteration to the building line
- Detrimental impact on the amenity of neighbouring properties
- Fails to comply with design principles or the criteria for infill developments
- Fails to respect the local character, the form, layout, siting, scale and design of surrounding buildings and their setting

- The Housing Character Areas Supplementary Guidance Note approved June 2004 covering the 3 Wilmslow Parks including Wilmslow Park North should be a material consideration in determining any planning applications in these areas.

PROPOSAL

The application seeks full planning permission for the demolition of the two existing detached dwellings and the construction of three two-storey detached dwellings with associated accesses.

DESCRIPTION OF SITE

The application site comprises the two residential plots of numbers 12 and 14 Overhill Road. Number 12 currently comprises a detached bungalow, with hard-standing to the front and gardens to the rear, and number 14 comprises a detached two-storey dwelling again with hard-standing to the front and gardens to the rear. The site lies within a Predominantly Residential Area of Wilmslow, as defined in the Local Plan, and there are numerous Protected Trees within the Area (including some within the site).

There are two-storey dwellings directly opposite the site at the front, a two-storey dwelling south-west of the site, a bungalow north-east of the site (on the corner of Overhill Drive and Overhill Rd) and a bungalow and a dormer bungalow immediately to the rear of the site, on Overhill Close. The properties in the area are all detached dwellings - bungalows, dormer bungalows and two-storey properties, of varying architectural styles, with varying roof heights, a mixed palate of materials set within relatively spacious plots.

PLANNING HISTORY

Number 12

06/2708P - Conversion to dormer bungalow (inc. dormer windows and extensions), Approved, 20/12.2006

42074P - Extensions. Approved, 02.08.1985

Number 14

23374PB - Dining room and bathroom. Approved, 25.07.1980

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

Development Plan

Macclesfield Borough Local Plan

NE11 Nature Conservation
BE1 Design Guidance
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Trees & Development Guidelines (SPG) – 2004
1965 Tree Preservation Order
'The Three Wilmslow Parks' – Supplementary Planning Guidance

CONSULTATIONS (External to Planning)

Strategic Infrastructure Manager (Highways) - No objections

Environmental Protection - No objections subject to conditions relating to piling and dust control.

TOWN/PARISH COUNCIL

Wilmslow Town Council - Recommend refusal, due to proposal being contrary to the SPG for Wilmslow Parks, out of character with the street-scene in terms of over-development re scale and particularly density, and would fundamentally change the character of the neighbourhood.

The amended plans are for a larger development thereby increasing the loss of privacy and overbearing nature of the development

REPRESENTATIONS

8 letters of representations have been received from the occupants of neighbouring properties, including 1 letter submitted on behalf of Residents of Wilmslow objecting to the proposal on the following grounds:

- Impact on the character of the area / streetscene
- Uniform design of dwellings with little space between buildings would erode the high amenity value and character of the area
- Density will be eroded
- Open views between buildings will be eroded
- Significant increase in height; roof line too high; should be restricted as on other sites in the area (eg. development of number 10 next door)
- Significant reduction in outdoor amenity space
- Impact on amenities of neighbouring properties – buildings closer to existing properties and resultant noise; overlooking; loss of privacy; loss of light
- Objective of retaining frontage trees will not be attained, due to access, driveways, proximity of buildings; thereby losing the sylvan character of the area; loss of trees and hedges
- Loss of landscaping compounds the impression of a cramped form of over-development of the site
- Adverse impact on bats
- Increased traffic
- Demolition of 'sound' properties seems environmentally 'unsound'
- Impact of Construction traffic
- Contrary to policies BE1, H2, DC1, DC3, DC8, DC41 or NE16 of the Local Plan or SE1, SD2 and SC4 of the emerging local plan strategy
- Contrary to guidance/criteria in the 'Three Wilmslow Parks SPG', which is a material consideration
- Will set an undesirable precedent
- It is suggested that a condition be attached to any approval requiring contributions to be made to the up-keep of the Wilmslow Park (a private road).
- Suggest any development should be for 2 larger houses, but with varying design, varied roof lines, more space around, better landscaping & screening and better protection of trees

Following the receipt of revised plans, 8 further letters have been received raising the following additional issues:

- Building line of properties moved forward.
- Garages overbearing

- Overshadowing from garages
- Noise from cars and rear facing habitable rooms
- No updated bat survey
- Size of gardens reduced
- Proposals fall short of Design Guide requirements.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests
- Impact on protected trees

SOCIAL SUSTAINABILITY

Housing land supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The Council currently remains unable to demonstrate a 5 year supply of housing land.

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

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

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

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

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

On the basis of the above, the provision of one additional house over and above the two dwellings that already exist on site is considered to a benefit of the proposal (albeit a limited one).

ENVIRONMENTAL SUSTAINABILITY

Design / character

The local area is characterised by detached dwellings - bungalows, dormer bungalows and two-storey properties, of varying architectural styles, with varying roof heights and materials set within relatively spacious plots.

The plot widths on Overhill Road, Overhill Drive and Overhill Close range from between approximately 17m to over 35m, with most being around the 20-25m width. In general, apart from some low level single-storey elements, the minimum distance between adjacent properties on Overhill Road is approximately 3 metres.

The original plans for this application proposed three identical dwellings all coming to within 1 metre of their respective site boundaries. Such a proposal was considered to be out of keeping with the character of the area. Consequently revised plans were submitted that varied the design and heights of the dwellings and provided more space between the dwellings.

There is inevitably an increase in built form on the site due to the additional dwelling and the existing property at number 12 being a bungalow. However, none of the proposed dwellings exceed the height of the existing dwelling at number 14, and a minimum of 3 metres is now retained to all site boundaries which is adequately in keeping with the local area. Each plot is now individually designed, and all have front gables which is a common feature of other properties in the locality. The presence of two-storey dwellings adjacent to bungalows is also an established characteristic of the area. Whilst it is acknowledged that the proposed plot widths would be reduced to approximately 15 metres, it should be noted that there are other properties towards the northern end of Overhill Road that have plot widths that are similar to the proposed plots, and properties on Fawns Keep and Wilmslow Park that have narrower plot widths. Consequently, no significant harm is considered to arise from the proposed plot widths.

Mature, soft landscaping is evident within the plots of most properties in the local area, and an adequate proportion of each of the proposed plots will be retained for planting to help integrate the dwellings with their setting.

Due to the very varied character of the local area, the proposal is not considered to have any significant adverse impact upon the local area and does comply with policies BE1 and DC1 of the local plan and the design guide for Wilmslow Park.

Amenity

Policy DC38 of the local plan provides guidance on recommended distances between dwellings in terms of space, light and privacy. The recommended distances for new dwellings up to two-storeys high is 21m front to front, 25m back to back and 14m for a habitable room window facing elevations with either non-habitable room windows in them or blank elevations.

From the front of the dwellings to the properties opposite on Overhill Road there would be a distance of over 30m, which is well in excess of the recommended distance of 21m.

From the rear of the dwellings, measured from first floor level, to the nearest habitable room window on the properties to the rear (located on Overhill Close) the distance is approximately

25m, and therefore meet the recommended distance in policy DC38. There is a single-storey section on the rear of the proposed dwellings which would be nearer to the properties on Overhill Close than the 25m noted. However, given that these are single-storey and located behind intervening boundary treatment, and come no closer to the rear boundary than the existing two-storey structure at number 14, it is considered that these elements of the proposal will have very limited impact on the amenities of neighbouring properties.

Similarly, the proposed detached garages, which are set back into the proposed plots, are of a very limited scale and will not significantly impact upon the living conditions of neighbours to the rear.

There are no first floor habitable room windows proposed in any of the dwellings, and therefore these windows, which will serve bathrooms, can be obscurely glazed to prevent overlooking.

Plot 14 will come closer to number 2 Overhill Drive by approximately 3.5 metres. There are two windows that serve a habitable room on the front section of the neighbour's south-western elevation facing plot 14. However, there is also an additional window (the room in question is dual aspect) serving this room that faces towards Overhill Road. The resultant distance between the north-eastern facing side elevation of the resultant number 14 and the section of south-western facing rear elevation on number 2 Overhill Drive is approximately 10 metres. However, given that the habitable room in question is dual aspect it is considered that the resultant relationship would not have a significant impact on the amenities of the occupants of number 2 Overhill Drive.

To the rear, the proposed garage for plot 14 will be constructed along the boundary shared with 2 Overhill Drive. Patio doors serving the neighbour's bedroom will face the garage which will be approximately 7.5 metres from this window. The ridge of the garage is currently shown to be 4.2 metres. The applicant is currently looking at reducing the height of the garage to reduce the impact upon this neighbour. Further details will be provided as an update.

Subject to the receipt of acceptable revised plans for the garage in plot 14, overall, the resultant relationships between the proposed dwellings and the surrounding neighbouring properties are considered to be acceptable and to comply with policies DC38 and DC3 of the Local Plan. In addition, having regard to the relationships above it is not considered to be necessary or reasonable to removed permitted development rights.

Highways

The Strategic Infrastructure Manager has no objection to the proposal noting that the proposals for access are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

Trees & Landscaping

The Council's Arboricultural Officer makes the following observations and comments.

The application is supported by an Arboricultural Implication Assessment, which identifies the removal of three individual trees, three groups and a single hedge; all of which are identified in terms of BS5837:2012 as being of low amenity value. These observations and designations are accepted

There are no Category A trees on site but the three Sycamore identified as T7-9 (Moderate Cat B) along the Overhill Road boundary are protected as part of G10 of a 1965 Tree Preservation Order. The three existing points of access are to be used to serve the three new properties. Plot 12 has no impact in terms of retained trees but the expanded driveway footprints of plots 12a and 14 establish greater incursions within root protection areas (RPA) than exists at present. It also assumed that the driveway will be resurfaced. Levels appear to be receptive to the use of a 'no dig' solution to address both problems, but details will be required in terms of a cellular confinement system. This would also address the absence of ground protection for the areas of RPA which are presently grass/garden which are not protected as part of the Tree Protection System, which can be dealt with as part of suggested conditions.

In terms of social proximity and the relationship between the dwellings and the retained trees, there is a slight footprint encroachment towards the trees, but this is not considered to be significantly detrimental in terms of light attenuation and nuisance (honey dew) when taking into consideration the present relationship.

Overall, whilst there would be some loss of trees and hedges on the site as a result of the proposed development, the trees and hedges to be removed are considered not to be of significant amenity value. Subject to appropriate conditions it is considered that the impact of the proposed development on trees and hedges is of a limited and acceptable degree and accords with policy DC9 of the local plan.

A landscape proposal was submitted with the original application, but has not been updated to reflect the amended plans. The proposed landscaping shows the retained trees along the frontage, additional trees to be planted along the frontage, shrubs and hedges to be planted in the front garden, grassed areas at the front and permeable block paving for the driveways and Indian stone down the sides of the properties and patio areas at the rear. It is noted that the rear gardens are not hatched to be grass. However, it is assumed that this would be the case; nevertheless, should the application be approved a detailed landscaping scheme can be secured via condition.

The Landscape Officer considers that larger trees than those proposed would be more in keeping with the character of the road. Also, details of boundary treatments need clarifying, which can all be dealt with via landscaping conditions.

Ecology

The Council's Nature Conservation Officer has noted that 14 Overhill Road has been assessed as having potential to support roosting bats and small numbers of old bat droppings were recorded in the loft space. However the initial assessment carried out in July 2015 and bat activity surveys (two dusk and one dawn) carried out August and September 2015 confirmed the absence of bats within the building. It was concluded that the droppings recorded within the loft space can be attributed to an old bat roost which is no longer present, likely used by an individual bat as a day roost. However, given the suitability of the building for bats and the chance that they could return to the building, the nature conservation officer has recommended further bat surveys are carried out prior to the demolition of the building. Given that the existing surveys are less than a year old the nature conservation officer is satisfied that the additional survey can be dealt with by condition. In addition, as a former

roosting site will be lost, bat mitigation in the form of new roosting provision is required, which can be secured via condition.

Bearing the above comments in mind it is considered that there are no significant ecological issues associated with the proposal and therefore the proposed development accords with policy NE11 of the local plan.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The proposal will provide one additional dwelling over and above the two dwellings that currently exist on site. This is considered to be a social benefit of the proposal (albeit very minor) as it will make a limited contribution to the acknowledged shortfall of housing land supply within the Borough. In environmental terms there will be a greater impact on neighbouring residential amenity, the character of the area and trees than the existing development, however these impacts are not significantly adverse. The impact highways and ecology is considered to be broadly neutral. The economic benefits of demolition and construction are considered to be relatively minor, given the small scale of development proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval, subject to the receipt of revised plans for the garage in plot 14.

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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A25GR - Obscure glazing requirement
7. Details of an Engineer designed no dig hard surface construction for the driveways to be submitted.
8. All arboricultural works shall be carried out in accordance with Arboricultural Impact Assessment and Method Statement
9. Bat survey to be completed and a report submitted to the Council for approval prior to demolition.
10. Bat mitigation statement to be submitted
11. Scheme to minimise dust emissions to be submitted
12. Piling details to be submitted
13. Construction method statement to be submitted.



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Application No: 16/2622M
Location: 109, WHIRLEY ROAD, MACCLESFIELD, CHESHIRE, SK10 3JW
Proposal: Development of a new house within the existing site boundary
Applicant: Mr & Mrs Fury
Expiry Date: 22-Jul-2016

Summary

The application site is to the rear of 109 Whirley Road in Macclesfield. The plot is accessed from a driveway serving number 109A Whirley Road. The site is rectangular in shape and runs behind numbers 109-95 Whirley Road.

The application proposes a single dwelling on the site. The proposed dwelling is a 3 bed dormer bungalow.

The benefits of the development include the creation of a new residential unit within a sustainable location in the predominantly residential area of Macclesfield.

The proposal has been assessed against the relevant policies in the development plan. It is considered that the proposed development is sustainable and will not have a detrimental impact on the amenity of future or existing residents.

The proposed development is considered to be acceptable, the National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that the proposed development is acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

Therefore the proposed development is recommended for approval subject to suitably worded conditions.

DESCRIPTION OF SITE AND CONTEXT

The application site is to the rear of 109 Whirley Road in Macclesfield. The plot is accessed from a driveway serving number 109A Whirley Road. The site is rectangular in shape and runs behind number 109-95 Whirley Road. The site has a number of trees within the site, which are protected by a group TPO. There are standard boundary treatments of 1.8m high fencing along the rear boundaries of the dwellings backing onto the site. The site is set at a higher level than the properties along Whirley Road, and is set below number 109A. The

boundary with 190A is good providing adequate screening. The windows of 109A are close to the boundary of the site however only the top of the windows are visible from the site. The site is to the north of the properties along Whirley Road, and to the south of 109A.

DETAILS OF PROPOSAL

The application proposes a single dwelling on the site. The proposed dwelling is a 3 bed dormer bungalow. The design is a dual pitch single storey dwelling with the sides of the dwelling orientated to face neighbouring properties. With principal windows to the front and rear elevations. The bungalow has rooms in the roof, with a blank dormer to provide head height for the staircase with rooflights in the roof of the dormer. There are velux rooflights in the roof. The proposal is a resubmission of a previously withdrawn application, the design and position have been amended to ensure there is no direct overlooking from the bungalow. The application proposes 2 car parking spaces, and two new parking spaces for the host dwelling number 109. There is an area of retained garden to the south of the proposed dwelling, therefore the buffer between the proposed dwelling and existing dwellings to the south will be retained. The buffer measures approximately 5.6m in width. The main garden is to the rear of the property and measures approximately 11-12m in length with trees beyond, which will be retained. Details of landscaping and boundary treatments are not included however these will be secured by condition.

Planning History

15/2386M, Development of a new house within the existing site boundary, Withdrawn

POLICIES

Local Plan Policy

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

DC1 New Build
DC3 Amenity
DC9 Tree Protection
DC38 Spacing Light and Privacy
DC41 Infill Housing Development or Redevelopment

Material Considerations

National Planning Policy Framework

Paragraph 14 decision making.

Supporting Information

Design and Access Statement
Arboricultural Method Statement

Arboricultural Implications Assessment
Design and Access Statement

CONSULTATIONS (External to Planning)

Councillor Comments – Called in to committee by Councillor Durham, objections on policy DC3 – Amenity and DC9 – Tree protection (received 23/06/2016)

Environmental Health – No objections subject to conditions and informatives (received 20/06/2016)

Macclesfield Town Council – Objections on the grounds of negative impact on the amenity for neighbouring properties, contrary to policies DC3 – amenity and DC9 – tree protection (received 27/06/2016)

Macclesfield Civic Society - The changes from the earlier scheme 15/2386M are noted. The impact may have been lessened in terms of dominance and relation to adjacent dwellings and occupiers. This requires careful assessment as the basic issue remains whether it would be appropriate to insert additional development in a situation where space around and between dwellings is so limited (received 03/06/2016)

Highways - It is proposed to construct a new dwelling fronting 109A Whirley Road, the access to the new unit is taken from a private access drive that serves two existing properties.

The development proposals provide a new parking area for the new units and also parking for 109 Whirley Road. The number of parking spaces provided for the new unit meets with requirements and the existing access is acceptable to serve three units.

There are no highway objections to the proposed development (comments received 01/08/2016)

REPRESENTATIONS

Neighbour Comments – (received between 03/06/2016 and 28/06/2016)

12 letters of objection received from 7 properties raising the following points:

- Overbearing impact on neighbouring properties
- Detrimental to amenity
- Building is inappropriate size to the site and design is inappropriate
- Trees to be felled covered by a TPO
- Potential structural damage
- Loss of privacy
- Surface water
- Construction traffic

OFFICER APPRAISAL

- Principle of Development
- Housing supply

- Neighbour amenity
- Highways Issues
- Trees
- Ecology
- Other Issues
- Conclusions

Principle of Development

The application proposes a new dwelling within a single dwelling within the garden of number 109 Whirley Lane within the settlement of Macclesfield. The property is located within the settlement where there is a presumption in favour of sustainable development and where development should be approved without delay, providing there are no material planning considerations indicating otherwise.

The principle of residential development within a settlement boundary is acceptable, providing it delivers a sustainable form of development. It is considered that in this case the principle of development is acceptable.

Housing

The Council does not currently have a 5 year housing supply as required by the National Planning Policy Framework. The site is a windfall site, and will make a contribution of 1 net dwelling to the Council's 5 year supply of housing land.

Amenity

The proposed dwelling has residential development, either side, to the north and south, with no dwellings immediately to the front or rear of the property. The property will fill in an existing gap between numbers 109 and 109A Whirley Road, and 109A is set back off a private drive. The proposed dwelling is single storey with a pitched roof. There is a separation distance from the properties to the south of 14m with a short separation distance of 3m to the north facing the side elevation of the property.

No windows are proposed in the north elevation of the new dwelling save for a window to allow light into the entrance hall at ground floor level and two rooflights serving the stairwell and two in the roof of the blank dormer. Therefore there will be no direct overlooking between the dwelling to number 109A. Due to the position of the dwelling in relation to number 109A it is not considered that a loss of light will result of the new dwelling to the garden and due to the distance and the levels involved it is not considered that there will be a loss of light to windows on the side elevation of 109A.

In relation to the dwellings along Whirley Road, there is a separation distance between the rear and side elevations of 14m, however it is accepted that the proposed dwelling is at a higher level, however 14m is the standard as set out for 1 or 2 storey dwellings, therefore the proposal meets this requirement. The proposed dwelling is to the north of the dwellings along Whirley Road, therefore it is not considered that loss of light or overshadowing will occur as a result of the proposals. Sufficient boundary treatments within close proximity to the side elevation of the proposed dwelling will ensure that there is no overlooking from ground floor

windows.

It is not considered that the proposed dwelling will create overlooking due to the juxtaposition with surrounding dwellings and the proposed fenestration. There will be a buffer of existing garden to be retained by the host dwelling approximately 7m wide which will reduce any overbearing impact from the new dwelling on the properties along Whirley Road.

An objection has been received regarding the outlook from the glazed rear gable, however due to the juxtaposition, the distance involved and the oblique nature of views it is not considered that this element would negatively impact on neighbour amenity.

Having regard to all objections raised, whilst the development will be visible from certain properties, it is not considered that the proposed development would have a detrimental impact on the amenities of surrounding residents nor on the future residents. Therefore the proposed development is in accordance with policies DC3 and DC38 of the Macclesfield Borough Local Plan.

Design / Character

The proposed design of the dwelling is sympathetic to the surroundings and would not detract from the character or amenity of the area, therefore the proposals accord with policy DC1.

Highways

The application proposes two formal car parking spaces per dwelling (including the host dwelling) and additional driveway space which could accommodate a third vehicle which is adequate for a property of this size and no objections have been raised by CEC highways. Therefore the proposal is acceptable in terms of highways implications.

Trees

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

It is considered that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The majority of the site edged red including the garden area is covered by an existing Area Tree Preservation Order which was served in 1996. This excludes the section of the site located immediately to the south of the existing property 109a Whirley Road. The TPO does extend in a narrow strip within the site to the rear of the properties located on the Whirley road frontage.

At the point an Area Order is served all trees are protected if the description within the first schedule is all encompassing "the trees of whatever species within the area marked on the plan". If in this case the Local Authority may limit the protection to those species within the

area which make a significant contribution to amenity, and this is made clear in the first schedule by listing the species. The Order only protects Silver Birch, Larch, Beech, Scots Pine, Black Pine, Sycamore, Holly, and Rowan within the Area marked A1. This clearly omits the more dominant Spruce located within and close to the proposed build footprint. It is assumed these were omitted from the Order to reflect their dominating growth potential and incompatibility within the landscape context.

The arboricultural submission identifies the removal of three individual trees (T1 – T3) and the whole of G1. Taking into consideration the limitations of the TPO which has been discussed above, only two protected trees require removal to facilitate the development proposals. These are the large mature Silver Birch and the adjacent smaller Rowan located within the site to the rear of 101 & 103 Whirley Road. The loss of both trees is not considered to be significant in terms of an impact on the amenity of the immediate area or the wider landscape context, with both trees screened from public vantage point apart from the upper canopy of the Silver Birch by the existing Whirley Road properties. The social proximity the Silver Birch presents to the adjacent dwelling is considered to be less than desirable; with mid and upper canopy branches dominating the rear habitable rooms and the limited rear external living space. The tree cannot be considered a long term feature, with an application to heavily prune being inevitable. The Rowan's contribution to the collective value of the TPO is considered to be negligible.

Consideration has been given to the trees which presently stand outside the scope of the existing 1996 TPO in respect of their suitability for formal protection. It has been concluded that for the reasons previously identified that the dominant Spruce are considered whole unsuitable for inclusion within a new Order. The dead Spruce requires removal as soon as possible under the land owner's duty of care. The remaining trees which form part of G1 and the specified individual trees including the ornamental specimens are considered to be low value category C specimens, which are not worthy of formal protection.

In terms of replacement planting for the loss of the two protected trees in the case of Area Orders, the position of each individual tree is not depicted on the TPO map. Best practice states that replacement planting should be planted as near as reasonable practicable to the position of the original tree/trees. It could be argued that it would be more suitable to facilitate any replacement planting within the main body of the woodland to the east removing any trees from the southern most protrusion of the Order in keeping with the absence of trees associated with the similar northern protrusion. There is a clear net gain to ensure the main body, high amenity value aspect of the Order is preserved and managed.

A detailed Arboricultural Method Statement has been submitted which addresses the issues of Tree Protection should the application proceed. A suitably worded condition has been suggested by the Arboricultural Officer. It is considered that the proposed development is acceptable in respect of trees and accords with policy DC9 of the Macclesfield Borough Local Plan.

Ecology

The application site supports a number of trees. The site is divided in two halves in terms of its habitats/character. The western part of the site supports a number of trees but is in use as

a lawned domestic garden and would not be considered to be woodland habitat. It is advised by the Council's ecologist that this part of the site is of limited nature conservation value.

The eastern portion of the site however supports semi-natural woodland that is worthy of retention.

It is advised that whilst the site is likely to offer foraging opportunities for bats a roost is not reasonable likely to occur on site. No other protected species are reasonable likely to be present.

It is advised that provided the proposed development is limited to the western part of the site and the eastern part is excluded from any development proposals including use as domestic curtilage then there would be unlikely to be any significant nature conservation issues. It is therefore recommended that development proposals for the site are formulated on this basis.

Other Issues

A representation has been made in relation to surface water run off. United Utilities have commented on the application and have raised no objections subject to conditions, therefore it is considered that the site can be adequately drained in terms of foul and surface water. All representations have been taken into account and all material planning considerations raised have been addressed in the main body of the report.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is considered to be acceptable, the National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that on balance, the proposed development is sustainable acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

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.

RECOMMENDATION

APPROVE subject to conditions:

1. Standard Time Limit 3 Years
2. Approved Plans
3. Material Details to be submitted
4. No additional windows to be inserted into the north or south elevations of the approved dwelling.
5. Obscured glazing as shown on the approved plan to be maintained for the lifetime of the development

6. Permitted development rights to be removed classes A-E to ensure protection to the amenity of neighbouring properties.
7. All arboricultural works shall be carried out in accordance with Mulberry Arboricultural Implications Assessment ref TRE/109WR and Arboricultural Method Statement TRE/109WR/RevA dated 28th May 2016 received by the Local Authority on the 1st June 2016
8. Tree Retention on trees shown to be retained
9. Piling method statement
10. Dust control measures to be submitted
11. Details of boundary treatments to be provided
12. Levels to be agreed
13. Drainage details to be submitted
14. Nesting birds to be protected



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Application No: 16/0605M

Location: BRIDGEPOOL, MACCLESFIELD ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7BW

Proposal: Demolition of an existing 1950s residential property and replacement to provide a new family home.

Applicant: Matt Maguire

Expiry Date: 27-Apr-2016

REASON FOR REPORT

The application has been called into committee by Councillor Craig Browne for the following reasons:

The proposed development lies within the curtilage of the Alderley Edge Conservation Area (this is important as a number of established trees would be under threat if the development were to go ahead);

The increase in scale and massing of the proposed development is significant (compared with the existing dwelling);

The proposed development is overbearing, particularly given the contours of the land, which mean that the development will directly overlook neighbouring properties & gardens;

Unfettered use of the common driveway with the neighbouring properties of Tamanaco & Old Vine means that it cannot be used for parking or waiting by construction vehicles;

Off site parking loading/unloading on Macclesfield Road will create congestion and a danger to public safety;

The sewerage system, which is shared with the neighbouring property of Old Vine, is not designed to cope with the egress of water from the proposed swimming pool;

Existing utilities (gas, electricity, water, telephone) are routed along the bank adjacent to the common driveway with Old Vine & Tamanaco and the development of the site represents a major risk of service disruption to these neighbouring properties;

The proposals include the replacement of an established hedge with a permanent fence alongside the common driveway with Old Vine & Tamanco, which would adversely change the character of the area.

SUMMARY

The proposal will preserve the character and appearance of the Alderley Edge Conservation Area. Therefore would meet the objectives of local plan policies BE1, BE2, BE3, BE4, BE12, DC1, DC2 and also BE12 which seeks to protect the special character of the conservation area and overall design. It is also in accordance with the NPPF.

No highways issues are raised and the trees can be adequately protected by conditions.

The extra storey is added sensitively by reducing the existing lower ground level and by providing upper level accommodation within the roof by using dormer windows. The proposed height is deemed acceptable and will not cause any substantial amenity issues. The first floor windows on the north facing elevation shall be permanently glazed in obscure glass again to minimise amenity issues. The proposal is in accordance with policies DC3, DC38 and H13 of the Macclesfield Borough Council Local Plan.

Existing utilities (gas, electricity, water, telephone) and sewerage system are not points that can be taken into account whilst determining the planning application. These aspects will need to be addresses separately.

Overall the proposal is considered to be a sustainable form of development and a recommendation of approval is made.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

This application seeks full planning permission to demolish the existing 1970s dwelling and erect a replacement 4 bed family home over 3 floors (lower ground floor, ground floor and first floor).

To the south of the dwellinghouse the proposal is to include a workshop and store at lower ground floor and a garage at ground floor.

SITE DESCRIPTION

The application site is situated within the Alderley Edge Conservation Area. The site is also classed as a low density housing area and predominantly residential area of Alderley Edge as defined in the Macclesfield Borough Council Local Plan.

The existing house is set towards the north eastern edge of its plot. The front of the plot reduces in level by nearly 2m over a short distance. This level change takes the form of a grassed earth slope from the road towards the existing house. As a result the lower storey is largely unseen from street level. The front door is accessed via a sloping bridge link from the driveway.

The elevation facing the roadside (east elevation) is bounded by a mature hedgerow and two mature trees including a copper beech. The remaining three sides are enclosed by a mix of mature Leylandii, fir and deciduous trees which make for a private site. The site extends significantly to the western edge in the form of a mature garden.

There is a single track road from Macclesfield Road which leads to Bridgepool and also serves two other dwellinghouses (Old Vine and Tamanaco).

RELEVANT HISTORY

8906P PROPOSED ERECTION OF DETACHED DWELLING. Approved with conditions 14/12/76

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of good design. Of particular relevance are paragraphs: 56-67

The National Planning Policy Framework also believes with regards to development to a designated heritage asset, great weight should be given to the asset's Conservation. The more important the asset, the greater the weight should be. Of particular relevance are paragraphs: 132 -134

Development Plan

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

- BE1 (Design principles for new developments)
- BE2 (Preservation of Historic Fabric)
- BE3 (Conservation Area)
- BE4 (Design criteria for conservation areas)
- BE12 (The Edge, Alderley Edge)
- DC1 (High quality design for new build)
- DC2 (Design quality for extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC8 (Landscape Scheme)
- DC9 (Tree protection)
- DC38 (Space light and privacy)
- DC41 - (Infill Housing Development or Redevelopment)
- H12 - (Low Density Housing Areas)
- H13 (Protecting residential areas)

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

Other Material consideration

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

CONSULTATIONS

Two consultations have taken place. The comments from the initial consultation letter can be located below.

CONSULTATIONS (External to Planning)

Environmental Health – No objection however conditions/informatives requested

Highways – No objection however a construction management plan requested.

PARISH/TOWN COUNCIL

Alderley Edge Parish Council - The Parish Council recommends refusal of this application on the grounds that it is an overdevelopment of the plot and inappropriate development for a conservation area.

REPRESENTATIONS

12 letters of representation have been received objecting to the proposal on the following grounds:

- Parking and access for contractor parking (narrow drive, minimum parking and standards)
- Close proximity to the existing boundaries resulting in demolition and rebuild not being able to be built in a neighbourly way
- Out of scale, character mass and footprint
- Project further towards the private access road resulting in the new dwelling being over prominent
- Conservation area concerns
- Intrusive, loss of privacy and unneighbourly
- Loss of amenity/privacy
- Concerns over design
- Concerns over impact to the streetscene and existing dwellings
- Concerns over space between dwellings
- 1.8m fence and gates removes the open aspect of the close and result in H&S issues with regards to no reversing points
- Noise pollution
- Dust pollution
- Concerns over removal of trees
- Result in over prominent and enclosing impact due to new location and boundary fence
- Concerns over screening to the Old Vine
- Concerns the Old Vine is set at a lower level than Bridgepool
- Overbearing and oppressive
- Single track to Bridgepool is unsuitable for demolition or construction vehicles
- Concerns over utilities and sewerage systems

- Concerns over damage to grass verges

Revised plans were received 25/05/16 and therefore a second consultation letter dated the 09/06/16 was sent with a new publicity expiry date of the 23/06/16. The comments on the second consultation can be located below.

None additional objections have been received raising the following issues:

- Increase in height, mass and footprint
- Loss of privacy
- Amenity issues
- Design issues
- Access to site/contractor vehicle parking/storage facilities
- Effect on the Conservation Area
- Overshadowing
- Overlooking/loss of outlook
- Loss of daylight/sunlight
- Noise issues
- Highways safety issues
- Sit 4m further towards the private access road resulting in an negative effect on the streetscene
- Boundary treatment concerns
- Concerns over damage to water and sewerage

APPRAISAL

The key issues relate to:

- 1) design/impact on the character and appearance of the Conservation Area and relationship with the street-scene;
- 2) impact on neighbour amenity;
- 3) protected trees;
- 4) highways;
- 5) landscape.

ENVIRONMENTAL SUSTAINABILITY

Design / character

The site lies within the Alderley Edge Conservation Area and as such policy BE3 of the local plan applies. This policy states that within a Conservation Area, development will only be permitted which preserves or enhances the character and appearance of the Conservation Area.

Paragraph 132 of the NPPF notes that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

The orientation of the proposed dwellinghouse is remaining unchanged. The house design has been increased from 2 to 3 floors however the site characteristics and levels have been exploited and so the east elevation (roadside elevation) will appear 2 storey. The proposed dwellinghouse has been located closely to the existing house footprint.

The initial proposal submitted was not acceptable due to the height of the proposed garage/workshop and store. Revised plans were therefore submitted reducing the height. The initial proposed garage/workshop and store measured approx. 5.2m from the road to the ridge on the north elevation of the garage/workshop and store. This resulted in an over development of the site and unacceptable massing. The revised plan reduced the height resulting in the height measuring approx. 2.3m from the road to the flat roof and therefore now sits in the main behind the hedge and gates.

The initial proposal measured approx. 4.4m from the east elevation (when measured from the north east point) to the east boundary line. This was deemed too close and over prominent and so has been set back by 1m and so now measures approx. 5.4 from the road. In addition the initially proposed terrace encroached a further approx. 2.5m towards the road, and this element has now been removed.

The proposed width of the dwellinghouse is approx. 17.7m and the existing width is approx. 19.7m and therefore the width is decreasing by approx. 2m. The depth of the current dwellinghouse is approx. 11m and the proposed depth is increasing to approx. 13.9 on the ground and first floor and an additional approx. 3.8m including the lower ground floor. Due to plot size, the use of the land levels and the maturely screened landscaping that surrounds the south west, west and north boundary line and taking into account the decrease in width, the scale of the proposed dwellinghouse is considered to be acceptable.

Macclesfield Road contains many different architectural styles within the immediate area. The appearance of the existing house is predominantly brickwork to all sides with slightly more glazing to the garden facing elevation. The east elevation is Cheshire brickwork with punched white mullioned windows. The north and south elevations are largely solid with the south elevation including the single garage and front door at the upper level. The west elevation has increased levels of glazing and includes a single-storey conservatory to improve the connection with the garden.

The proposed materials are a blend of contemporary and traditional. The proposed red Cheshire brickwork for the main elevations, dark grey slate-like fibre cement roof tile, dark grey aluminium windows, flat stone-like cladding in buff to the main entrance, dark grey stone-like cladding to the dormer windows to merge with the roof scape, oak finished and dark grey aluminium glazed doors and large glazed areas to the garden elevation are all considered to be acceptable materials for the area.

The Conservation Officer has noted that the pattern of development is generally substantial individual properties in large plots. There are cases where this has been eroded by subdivision of historic plots; this is one such area where 4 dwellings on much smaller plots sit on land which appears to have historically belonged to Springfield.

The revised plans now show the removal of the terrace on the east elevation and garage set at a significantly lower level. Therefore the overall scale and mass has been reduced and now appears to sit more comfortably on the site. These changes have helped to reduce the impact of the building on the character of the Conservation Area. Whilst there is an increase overall on the existing building it is considered the revised proposal will not harm the Conservation Area.

The proposed replacement dwelling is contemporary in design, but generally reflects the scale of surrounding properties and will be constructed from high quality materials and in a palette, albeit contemporary, in keeping with the area. Therefore the proposal has been considered in line with paragraph 132 of the Framework - great weight should be given to the asset's conservation. There is not considered to be any harm to the significance of the designated heritage asset (The Edge, Conservation Area).

The proposed development would preserve the character and appearance of the Alderley Edge Conservation Area. Therefore would meet the objectives of local plan policies BE1, BE3 and also BE12 which seeks to protect the special character of the Conservation Area, including the sylvan low density housing and the interesting and individual design of the large houses set in spacious grounds.

Trees / landscape

The Forestry Officer has no objection to the proposal. The application identifies the removal of a limited number of mature Cypress which form part of an unmanaged hedge associated with the southern vehicle access point. The linear group are not considered worthy of retention under a Tree Preservation Order. A small ornamental tree located adjacent to the access also requires removal. The tree cannot be seen from any public vantage point, removal is not contested.

Standing on the eastern plot frontage is a maturing Cedar which unfortunately exhibits advanced signs of reduced vigour and vitality, with a large percentage of the needle mass 'browned off'. The tree is identified for retention but this is clearly not feasible given its condition and potential social proximity to the revised build line. Removal will be inevitable irrespective of the development proposals.

The site is devoid of any additional meaningful tree cover, with only a mature Cypress hedge forming the boundary to the plot.

A tree protection scheme is required to ensure the retained boundary planting is not compromised during the construction process.

In landscape terms, the proposed sliding gates are deemed acceptable and the timber close boarded fence has been purposely placed behind the existing hedgerow to retain a green feeling and openness.

Subject to the tree protection scheme and boundary treatment the proposal is therefore in accordance with the requirements in policies DC8 and DC9 of the Macclesfield Borough Local Plan.

Residential Amenity

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

To accommodate the 3 storey dwellinghouse the lower ground level has been reduced by 0.5m. The height of the dwelling house is to be 10m which is an approx. 1.8m increase in the ridge height and 1.9m increase in eaves height. The extra storey is added sensitively by reducing the existing lower ground level and by providing upper level accommodation within the roof by using dormer windows. The proposed height is deemed acceptable and will not cause any substantial amenity issues.

The west three storey element and terrace will not be prominent due to the mature tall landscaping that surrounds the south west, west and north boundary line. The Leylandii is approx. 6m high

The north elevation is to be approx. 4m (at its closest point) to the north boundary line and the adjoining property (Old Vine) is a further approx. 3.5m away from the south boundary line. The approx. 7.5m distance between the two side elevations (Bridgepool and Old Vine) is deemed acceptable. The north boundary line is well screened with approx. 6m high Leylandii. There are to be no windows on the ground floor north elevation and the proposed first floor north elevation windows are to be obscurely glazed.

Due to the reduction in height of the proposed garage/workshop and store the relationship between the proposals and Sienna Lodge is considered to be acceptable.

Given the nature of the existing relationship between the application dwelling and the immediate neighbouring properties, overall the proposal would not significantly impact on neighbouring amenities. Bearing the above points in mind the proposal is in accordance with policies DC3, DC38 and H13 of the Macclesfield Borough Council Local Plan.

Highways

Bridgepool is located in a relatively quiet thoroughfare with regard to traffic and pedestrian movement.

The Head of Strategic Infrastructure has confirmed as this is a replacement dwelling and as the access to the site is an existing private shared drive there can be no highway objection to the application.

As with other recent developments in the vicinity of the site, construction and demolition has caused problems with parking, especially on Macclesfield Road affected the flow of traffic. A Construction Management Plan therefore needs to be submitted and approved prior to commencement that sets out where contractors vehicles will be parked and how HGV deliveries will access the site.

The 4 bed dwellinghouse requires 3 parking spaces to be in accordance with the Cheshire East Local Plan Parking Standards, which are provided.

The proposal is therefore in accordance with the requirements in policy DC6 of the Macclesfield Borough Local Plan and Cheshire East Local Plan parking standards.

PLANNING BALANCE

The proposal will preserve the character and appearance of the Alderley Edge Conservation Area. Therefore would meet the objectives of local plan policies BE1, BE2, BE3, BE4, BE12, DC1, DC2 and also BE12 which seeks to protect the special character of the conservation area and overall design. It is also in accordance with the NPPF.

No highways issues are raised and the trees can be adequately protected by conditions.

The extra storey is added sensitively by reducing the existing lower ground level and by providing upper level accommodation within the roof by using dormer windows. The proposed height is deemed acceptable and will not cause any substantial amenity issues. The first floor windows on the north facing elevation shall be permanently glazed in obscure glass again to minimise amenity issues. The proposal is in accordance with policies DC3, DC38 and H13 of the Macclesfield Borough Council Local Plan.

Existing utilities (gas, electricity, water, telephone) and sewerage system are not points that can be taken into account whilst determining the planning application. These aspects will need to be addresses separately.

Overall the proposal is considered to be a sustainable form of development and a recommendation of approval is made.

RECOMMENDATION

The application is recommended for approval.

Application for Full Planning

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A32HA - Submission of construction method statement
5. A01LS - Landscaping - submission of details
6. A12LS - Landscaping to include details of boundary treatment
7. A25GR - Obscure glazing requirement
8. PILE FOUNDATIONS
9. Dust
10. Tree proection

11. Damage

12. NPPF

13. Contaminated Land

14. CONSTRUCTION HOURS OF OPERATION – Noise Generative Works

15. times



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Application No: 16/1636M

Location: Clumber House Nursing Home, 81, DICKENS LANE, POYNTON, STOCKPORT, CHESHIRE, SK12 1NT

Proposal: Erection of a two storey side extension

Applicant: Mr B Owen, United Care South

Expiry Date: 31-May-2016

REASON FOR REPORT

The application has been called to Committee by Cllr Saunders for the following reasons:

1. It is proposed that there will be 8 more rooms, yet no increased parking for the additional staff and visitors.
2. Threat to protected trees.
3. Adverse impact of the extension of a commercial and communal living facility on neighbouring dwellings, including overbearing affect and extra noise. This growth of a non-residential building will not be appropriate in scale and will adversely affect the residential amenity and character of the housing area.

SUMMARY

The proposed development will provide an additional eight residential care places that will help to serve the ageing population in the Borough. Whilst the proposed development is located close to neighboring properties existing and proposed additional screening will prevent it from resulting in any significant negative impact upon the living conditions of neighboring properties or the surrounding area. Therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION

Approve subject to conditions.

PROPOSAL

This application seeks full planning permission to erect a two storey extension to Clumber House Nursing Home. The extension will project from a previous extension to the building, creating a new wing to the nursing home.

SITE DESCRIPTION

The proposed site comprises of the original house built around 1904 and a more modern extension constructed following planning approval 49498P in 1998. The site slopes in a north-easterly direction away from Dickens Lane and Clumber Road, and is accessed from Dickens Lane. There is a large car park to the south of the site; further parking is also available close to the site's eastern boundary. There is a small out building to the rear.

The boundaries of the site are defined by large trees, and there is a large group of trees to the west of the site. The site is located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan, and the majority of the site is subject to a Tree Preservation Order.

RELEVANT HISTORY

29338P: Change of use from flats to residential rest home. Approved: 14-Apr-1982.

39002P: Proposed erection of elderly persons 12 bed unit. Approved: 19-Nov-1984.

48254P: Extension to rest home. Refused: 10-Apr-1987.

49498P: Extension to provide additional rooms within Class XIV usage. Approved: 16-Feb-1988.

71905P: Conversion of existing dwelling and extensions to form additional accommodation for the nursing home. Refused: 02-Dec-1992.

13/4593M: Retrospective application to create a metalled front car park and entrance gates. Approved: 18-Mar-2014

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

56-68 Requiring good design

Development Plan

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

NE11 Nature conservation;

BE1 Design Guidance;

H13 Protecting Residential Areas;

DC1 and DC2 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

T3 Pedestrians;

T4 Access for people with restricted mobility;
T5 Provision for Cyclists.

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

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland

CONSULTATIONS (External to Planning)

Environmental Health- No Objection

Cheshire East Council: Flood Risk – No objection subject to condition ensuring the effective management of surface water is submitted to and approved by the Council.

Poynton Town Council:

Object to the application on the following grounds:

- Lack of parking.
- Possible threat to protected trees
- Impact on neighbouring residential properties, especially Orchard Cottage, Clumber Cottage and 89 Clumber Road.

REPRESENTATIONS

Six letters of representation have been received objecting to the proposal on the following grounds:

- the proposals being located to close to residential properties;
- loss of light;
- loss of privacy;
- removal of trees resulting loss of privacy and noise pollution;
- in an increase in beds resulting in more visitors and delivery causing increased noise pollution;
- overdevelopment of the proposed site;
- overbearing effect on nearby properties;

- loss of visual amenity;
- issues regarding surface water flooding;
- increase traffic congestion;
- lack of increased parking;
- tree loss/damage to trees;
- the scale of the proposed extension;
- the proposals resulting in a mismatch with surrounding properties.

APPRAISAL

The key issues are:

- Impact upon amenity of neighbouring property;
- Impact upon nature conservation interests;
- Protected trees;
- Impact upon character of the area;
- Highway safety;
- Nature conservation.

ENVIRONMENTAL SUSTAINABILITY

Design / Character

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

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

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

Policy H13 states that development which would adversely affect the character of a housing will not normally be permitted.

Comments received from the Town Council and neighbouring properties are noted. However, the proposed extension reflects the scale and design of the existing extension, from which it projects. Whilst the site is surrounded by residential properties that differ in design and scale from the proposed extension. The extensive boundary treatments surrounding the site create division between the residential properties and the nursing home to which this application relates. This screens the existing nursing home, and would also screen the proposed extension preventing it being viewed from both the street and neighbouring properties.

Based upon the size of the site in relation to the scale of the buildings proposed to be located within it, the proposals are not considered to be overdevelopment of the site. On this basis the proposed development is considered to be in line with the above planning policies, and is therefore considered to be acceptable on design grounds, and will have an acceptable impact upon the character of the area.

Forestry and Landscaping

Trees

The Forestry Officer has made the following comment on the application, which is supported by an Arboricultural Statement.

The majority of the Clumber House Rest Home excluding the north east corner of the site is subject of a Macclesfield Borough Council Tree Preservation which was served in 1974. The designation only protects the trees and species listed which were present on site when the order was served.

The Arboricultural Statement identifies the felling and removal of five individual trees (T3, 4, 5, 6, & 7) and four groups of trees (G2, 3, 4, 5, & 6) in order to facilitate development. Only the young Horse chestnut (possible replacement planting) identified within Group 4, and the Silver Birch within Group 5 form any part of the existing 1974 Tree Preservation Order (TPO); all the remaining trees by virtue of their age (less than 42 years old) and / or the absence of the species listed within the Order are not formally protected.

None of the trees identified for removal, which are not currently protected, are considered worthy of formal protection; and those which are protected already by the TPO are both considered to be low value inconsequential specimens. A condition is recommended to ensure the physical protection of all trees on site.

On this basis it is considered that the proposals are acceptable with regards Macclesfield Local Plan Policy DC9: Tree Protection.

Landscaping

The removal of the trees and shrubs associated with the central aspect of the development and the western boundary have the potential to open up views into the private residential properties on Clumber Road and their respective residential gardens.

The proposed site plan shows three new trees to be planted along this boundary. The extent to which these trees are able to protect the visual amenity of the adjacent properties is dependent on their species and height. Therefore, a condition is recommended to ensure that all trees that are to be removed are replaced with appropriate specimens and that and evergreen understorey shrubs are planted along the site's western boundary to improve screening.

Views into the site from the Dickens Lane are significantly restricted especially through the Summer months by the mature Lime Trees which form the Dickens Lane frontage. The proposals do not involve any works to these trees.

Overall, the proposals are considered to comply with Macclesfield Local Plan Policy DC8: Landscaping.

Ecology

The Council's Nature Conservation Officer has advised that a Protected Species Survey is required to enable the full impact upon any protected species to be considered. This survey remains outstanding, and further details will be provided as an update.

Residential Amenity

Policy H13 states that development which would adversely affect the amenities of the occupiers of adjoining or nearby houses will not normally be permitted. Whilst Policy DC3 of the local plan states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking.

Policy DC38 sets out guidelines for space between buildings with regards space light and privacy. It suggests that these distances are increased when a habitable room faces a non-residential building. Both local residents and Town Council have suggested that Clumber House Nursing Home is not residential use. However, a nursing home falls within the use class C2: Residential Institutions, and therefore is considered to be a residential building.

The closest relationship between the proposed building and neighbouring residential properties will take place where the western elevation will face existing properties at Clumber Cottage and Orchard Cottage. There is an incline between the rear garden of Clumber and Orchard Cottage towards the location of the proposed extension. As a result the ridge level of the proposed extension would sit approximately 3.80m above the ridge height of the closest section of Orchard Cottage to the proposed extension. There are a number of windows on the east elevations of both Clumber Cottage and Orchard Cottage that face in a north east direction towards the site of the proposed extension.

None of the first floor windows on the west elevation of the proposed extension serve habitable rooms.

Space, Light and Privacy

Macclesfield Local Plan Policy DC38 suggests that there should be minimum of 14m distance between windows serving habitable rooms that face directly onto windows serving non-habitable rooms or blank elevations within one and two storey buildings. This figure should be increased by 2.5m for every additional storey. The incline between Clumber Cottage and Orchard Cottage and the location of the proposed extension, has created a situation whereby the proposed extension will sit approximately one storey above the existing residential properties. The proposals will result in a distance of approximately 11m between four windows serving habitable rooms on the North East elevation of Clumber Cottage (two on the ground floor and two on the first floor) and the south-western corner of the proposed extension. The recommended distance in policy DC38 would be 16.5m. However, there is a large amount of screening provided by the trees (that exceed the ridge height of the existing extension at Clumber House Nursing Home) and shrubbery that make up the extensive boundary between the two residential properties and the proposed site. The Landscape Section of this report recommends a condition to ensure the density of this boundary screening is increased should this application be approved. Therefore, it is considered that the proposals will not result in any significant loss of light or privacy to these windows, or any other window within Clumber Cottage or Orchard Cottage, when compared to the existing situation. Furthermore, the windows in question are all serving rooms that are served by additional windows. This is the case for all the windows located on the north-east elevations of Clumber Cottage and Orchard Cottage that serve habitable rooms. With the exception of one window serving a living room on the ground floor of Orchard Cottage. This window is located 19m from the proposed extension and is set within an alcove. Therefore, it is again considered that the proposals will not result in any significant loss of light to this window when compared to the existing situation

Overbearing effect

Whilst the ridge height of the proposed extension will stand at approximately 12.1m above the rear gardens of Orchard Cottage and Clumber Cottage. Due to the extensive screening separating the nursing home from the effected dwellings and the way in which the ridge of the proposed extension slopes away from these boundaries, it is not considered that the proposed extension will result in an overbearing impact upon Orchard Cottage or Clumber Cottage.

Noise

The proposals will result in an increase in bed spaces within Clumber House Nursing Home, but no significant increase in noise levels is anticipated. Should the proposed development, or any other aspect of the operation of Clumber House Nursing Home, result in unacceptable levels of noise this is a matter to be dealt with by the council's Environmental Protection Team, who have been consulted regarding this application and not raised any objection on grounds of noise.

Highways

Cheshire East Council: Highways Development Management- Standing Advice for Local Planning Authorities (April 2015) states that the Highway Authority should not be consulted on certain proposed developments (not involving the formation or alteration of a vehicular access

to the public highway). These include extensions to residential institutions for up to 30 residents beds. In such instances the planning officer is required to check that:

- parking provision on site meets that within Appendix C of the Cheshire East Local Plan Strategy Submission Version (March 2014); and that
- where loading/unloading facilities are required sufficient area must be provided within the development site to allow vehicles to load/unload together with appropriate manoeuvring areas.

Site Access

The proposals do not involve formation or alteration of a vehicular access to the public highway.

Parking

Parking standards set out within Appendix C of the Cheshire East Local Plan Strategy (Submission Version) March 2014 recommend the following parking provision:

- Residents – one per three beds; and
- Staff – one per resident staff and one per two non-resident staff.

The table below sets out the parking requirements for the proposed site based on the above guidance:

	Existing		Proposed	
	Beds/Staff	Parking Spaces Required	Beds/Staff	Parking Spaces Required
Beds	32	11	40	14
Resident Staff	0	0	0	0
Non Resident Staff	16	8	18	9
TOTAL		19		23

Whilst neighbour and town council comments regarding the lack of increased parking provision are noted, the proposals will still provide 24 on site parking spaces, which will meet the parking requirements from the extended building.

Loading/unloading facilities

Neighbour and town council comments are noted however, there are no loading/unloading facilities associated with this development.

Flood Risk

The flood risk manager has raised no objections to the proposal subject to a condition requiring a scheme for the provision and implementation of a surface water regulation system to be submitted.

SOCIAL SUSTAINABILITY

Need for the development

Paragraph 6.24 of the Cheshire East Strategic Housing Market Assessment (SHMA) update published in September 2013 states:

“The proportion of older people is expected to increase over the next few decades. Between 2010 and 2030, the number of households: aged Pensionable age to 74 is forecast to increase by 13,300; aged 75-84 is forecast to increase by 14,000; aged 85 and over is forecast to increase by 11,200; and an overall increase of people of pensionable age and above of 38,500.”

This indicates that there is an ageing population in Cheshire East, a fact that is also reinforced by the 2011 Census figures.

The 2011 Census identifies:

- The percentage of people aged 65 or over in England and Wales is 16.4%
- The percentage of people aged 65 and over in Cheshire East is 25.9% which is 37% higher than the average in England & Wales
- The percentage of persons in England & Wales who live in a Communal Establishment is 0.18%

- The percentage of people in Cheshire East who live in a Communal Establishment is 0.14% which is 23% lower than the average in England & Wales

These figures indicate that there is a higher demand for elderly accommodation in Cheshire East and a lower provision when compared to the rest of England & Wales which does suggest that the proposal will satisfy an unmet need.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development would make a limited contribution to this by potentially creating some jobs in construction, economic benefits to the construction industry supply chain, and increased business to local shops and services.

PLANNING BALANCE

The proposed development will provide 8 additional care beds which will help to serve the ageing population in the Borough. Whilst the proposed development is located close to neighbouring residential dwellings, the existing and additional screening will prevent it from resulting in any significant negative impact upon the living conditions of neighbours or the surrounding area. Therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION

The application is recommended for approval.

Application for Full Planning

RECOMMENDATION:

1. A21MC - Provision and implementation of a surface water regulation system
2. A03FP - Commencement of development (3 years).
3. A01AP - Development in accord with approved plans.
4. A03EX - Materials to match existing.
5. A02TR - Prior to the commencement of development a scheme for the protection of the retained trees shall be produced and approved by the Local Planning Authority.
6. A01LS - Prior to the commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.
7. A04LS - Criteria by which the approved landscaping plan shall be completed.
8. A06NC - Protection of breeding birds during works to trees.
9. Details of proposed lighting to be approved prior to construction.

10. Informative: Environmental Health considerations regarding noise and odour disturbance.



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Application No: 15/5536M

Location: LAND ADJACENT TO BELONG CARE HOME, 103 KENNEDY AVENUE, MACCLESFIELD, SK10 3DE

Proposal: To provide a new 30 space surface car park

Applicant: Mr Nigel Franklin, Belong Construction Ltd

Expiry Date: 05-Feb-2016

SUMMARY:

Numerous letters of representation have been submitted in support of the proposed development and are summarised below. The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops. The open space is considered to be in of significant importance in contrast to the tightly packed housing areas within the locality of the area. The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off set the loss of the existing open space.

SUMMARY RECOMMENDATION:**REFUSE****REASON FOR REPORT:**

This application has been called in to be determined by Northern Planning Committee by Cllr Hardy as there is significant public interest in the proposed development.

REASON FOR DEFERRAL

The application was deferred from the Committee on 6 April for further information on the following:

- The number of bed spaces within the existing care home and number of care home residents
- The number of existing parking spaces within the care home and whether there are any restricted (i.e. for disabled / staff use only)
- Whether any of the additional activities within the care home (i.e. café etc.) attract or are open to various members of the public – not just residents of the care home and if so do they have the benefit of Planning Permission.
- Confirmation and clarification on the proposed levels of the site
- Whether access to the existing parking is public or private.

- The parking justification for 30 spaces and the situation with any replacement car park for deliveries.

The information has been received and expanded upon in the principle of development, amenity and the access and parking provision section of the report.

PROPOSAL:

Full planning permission is sought for the installation of a 30 space car park associated with the neighbouring Belong Care Home. The footprint of the car park would occupy approximately 900m² of existing open space, as designated by the Macclesfield Borough Local Plan 2004.

SITE DESCRIPTION:

The application site is a roughly rectangular shaped piece of land located to the north of Kennedy Avenue. The site comprises a sloping grassed area. The surrounding area is residential in character, with some retail units to the west.

The site falls within the Macclesfield Settlement Zone Line and is designated as existing open space as per the adopted local plan.

RELEVANT HISTORY:

None relevant.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (2012)

Development Plan:

The Development Plan for this area is the Macclesfield Borough Local Plan 2004. The relevant policies are listed below:

- BE1 – Design Guidance
- RT1 – Protection of Open Spaces
- RT7 – Cycleways, Bridleways and Footpaths
- T1 – General Transportation Policy
- DC 1 – 6 – Design and Amenity
- DC 8 – 10 – Landscaping and Tree Protection

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP.1 – Presumption in Favour of Sustainable Development
- SD.1 - Sustainable Development in Cheshire East
- SD.2 - Sustainable Development Principles
- SE.1 - Design

CONSULTATIONS:

Highways: No objection;

“There are no highway grounds for refusal of this application, as the existing facility has 30 parking spaces and the proposal for a further 30 space car park will still result in an under provision of parking when compared to CEC’s parking standards; additionally the layout of the car park access is satisfactory and there is sufficient visibility along Kennedy Avenue for safe use

However, I am still of the view that the footpath running along the western boundary of the care home between Kennedy Avenue and the footpath to the north known as Becks Lane should be widened from 1.2m to 3.0m, to allow pedestrians and cyclists to pass.”

Environmental Health: No objection subject to a construction hours of operation informative.

Public Rights of Way: object to the proposal as there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant.

Parks Development Manager: object to the proposal as summarised below;

1. The loss of the existing Public Open Space (POS) would be contrary to council policy
2. Even with the replacement open space proposal, there would be a net loss of open space, in terms of both quality and quantity, which would be contrary to policy
3. The loss of the POS would be unacceptable

United Utilities: no objection subject to a surface water condition

TOWN/PARISH COUNCIL:

Macclesfield Town Council: *“the application is unreservedly supported by this committee and this committee recommends that the support for the application, as evidenced by the residents’ petition, should be noted by Cheshire East Council’s Planning Department.”*

REPRESENTATIONS:

A large number of letters of representation were received from local residents and are summarised below:

Letters in support:

- Existing parking problems
- Insufficient car parking provision in the area
- Congestion on Kennedy Avenue would be relieved
- Kennedy Avenue is currently dangerous due to traffic
- Improved road safety

Letters of objection:

- There is more than enough parking provision in the area

- The parking at the neighbouring shops is under used
- Loss of amenity
- Loss of open space
- Concern over levels and boundary treatment

A letter of support has been received by David Rutley, MP for Macclesfield

APPRAISAL:

Principle of Development

Policy RT1 (Protection of Open Space) states that *“areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open spaces is not harmed.”*

The proposal is for the installation of a new 30 space car park that would be located on existing open space. The land in question is identified on the Macclesfield Local Plan proposals map as Existing Open Space and is therefore subject to Policy RT1 which states that areas of open space as shown on the proposals map will be protected from development. The relevant policies contained within the adopted local plan protect incidental open space too small to be shown on the proposals map. The land is also identified within the CEC Open Space Assessment [OSA] as Open Space. The OSA forms part of the background evidence for and informs the emerging local plan and has been used in the formation of the Green Space Strategy [GSS]. Disposal of the open space or any part of the open space would be contrary to current [and emerging] policy.

Disposal of open space may be considered if a substantial case can be made for the benefits of the change of use and/or a package of mitigation measure can be shown to provide a replacement facility of similar or enhanced size/quality/ benefit.

Open space is provided for the benefit of the whole community and the Local Authority's view is that a change in allocation should not be at the expense of the majority.

The application site sits alongside Kennedy Avenue and forms part of a larger area of open space which in turn forms part of a network of green space on both sides of Kennedy Avenue. The land in question is considered to be a linking corridor (or green corridor) and is considered to be of particular importance in the current policies (and the GSS).

The application site is considered to be an important green space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be in stark contrast to the tightly packed housing areas within the locality of the area. The collection of open spaces on both sides of Kennedy Avenue form a spacious green 'breathing space'. The elevated nature of the open space and its wide views and surveillance area mean it feels secure and comfortable to be in, or alongside. The application site is also elevated above the floor level of the neighbouring Belong Care home and above the central residents' garden and social area. The open space forms a visual amenity to those within the care home and garden.

A mitigation strategy has been proposed and comprises converting the car park to the rear of the nearby shops into open space to off set the open space that would be covered by the proposed car park.

The existing car park to the rear of the shops provides parking for the shop operators and the residents above the shops. It also provides access to the rear of the shops for deliveries and emergencies. Sufficient access for emergency and service vehicles would need to be retained. It is a well used car park and has benefitted from some improvements over recent years. It is set below the level of Kennedy Ave and visibility into the parking is limited from Kennedy Avenue. It is currently hard surfaced. The car park to the rear of the shops is currently well used and closure would displace those residents and shop operators currently using it, with no replacement facility proposed.

The support of the local residents is noted however it is considered that the existing open space makes a substantial contribution to the local environment, public realm, footpath system and local community as well as residents of the neighbouring care home. The application site comprises a pleasant green open space and it is considered that the replacement open space would be restricted in size, be of lower quality than the lost open space. It would be of lower value, in both quantity and quality.

The application has been reviewed by the Parks Development team who have identified that open space is provided for the benefit of the whole community and the Local Authority's view is that a change in allocation should not be at the expense of the majority and would have an unacceptable impact on the amenity of local residents who use the existing open space on a regular basis.

The application site sits alongside Kennedy Avenue and forms part of a larger area of open space which in turn forms part of a network of green space on both sides of Kennedy Avenue. The land in question is considered to be a linking corridor (or green corridor) and is considered to be of particular importance in the current policies (and the GSS).

The proposed development is contrary to Policy RT1 and paragraph 74 of the Framework it is not considered that the proposed mitigation would off set the loss of the existing open space.

Amenity

There is no impact on loss of privacy, no overbearing effect, no loss of sunlight, no noise/vibration/dust impacts or environmental pollution, no hazardous substances or no traffic generation, access/car parking so the development is in accordance with policy DC3.

The proposed site plan shows the levels associated with the proposed car park and the relationship with the existing Care Home. The maximum level of the proposed car park on the boundary would be 155.8 AOD. The neighbouring existing site level would be 154.4 AOD. This represents a level change of approximately 1.4 which is considered acceptable as the relationship is already established (at present this is no restriction in terms of public access to the open space and this is also to remain unchanged).

Design

The design of the proposed car park is suitable to the use it will serve and there are no issues with the design.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies DC1 (Design) of the adopted Local Plan.

Access and Parking Provision

The proposed development would not mean any increase in bedrooms therefore there will be no impact on access or parking. At present there are 72 beds and 18 one bed apartments. There are currently 70 care home residents and 19 tenants (the majority of which occupy the apartments). The tenants are more independent and do not have as strict care requirements as the care home residents i.e. residents who do not require full time assisted care. The care home residents require more care than the tenants. The existing car parking provision comprises 30 spaces (including 6 disabled spaces). It is noted that very few of the residents use a private car due to the nature of the associated use. The Agent has advised that;

“There are no specific car parking spaces for either staff or resident use. Not all of our staff drive to work, some use the bus or walk to work. Staff have been encouraged to use the public car park at the rear of the shops, however some report that they are reluctant to do so when finishing a late shift (10pm) as they feel unsafe in this particular location in the evening and in the dark. The Belong parking spaces come under pressure when staff are crossing over shifts and there will be double the amount of people in the building for 30 mins (18 +18). The staffing levels are necessary to provide a good standard of care to an increasingly dependent client group.”

It is noted that there is provision for an ambulance drop off/pick up point in the undercroft car park and that this can sometimes cause issues in terms of parking provision and emergency access.

The Agent has advised that on site bistro and hairdresser facilities are accessible to the general public. It is noted that these facilities are utilised by those visiting the care home and are either family or friends of the care home residents. As identified above the care home residents do not occupy the existing car parking spaces and there is no specific provision for visitors. However if 18 members of staff are on site at any one time this leaves 12 spaces, 6 of which are disabled. It is recognised that there is an under provision of car parking, as per Highway's comments. The emerging car park standards set out that for residential homes and nursing homes there should be a car parking provision of 1 space per 3 beds and for the staff 1 per resident member of staff and 1 per non resident member of staff. This means that there should be a total of 49 car parking spaces for the care home.

It is advised that the proposed car park will be accessible to the public and visitors.

The proposed development is in accordance with the Cheshire East Local Plan Submission Version parking standards and it is not considered that the development will have a detrimental impact on highway safety.

Planning Balance & Conclusions

The replacement of the open space with a car park is contrary to Policy RT1 (Protection of Open Space) and is unacceptable in principle. The proposed mitigation strategy is not considered to be sufficient to off-set the loss of the existing open space.

The application site is considered to be an important green, open space, elevated above the road, the surrounding footpaths and the local car park serving the nearby shops by gentle slopes and is considered to be of significant importance in contrast to the tightly packed housing areas within the locality of the area.

The proposal is therefore found to be unsustainable in the social, environmental and economic sense. The application is in contrary to the relevant policies of the Development Plan and NPPF advice and it is therefore recommended that the proposal is refused.

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.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.

REFUSE for the following reason:

The Local Planning Authority considers that the proposed development is unacceptable by reason of its location on an area of protected open space. The application site is an important green space that forms part of a network of green space alongside Kennedy Avenue. No suitable mitigation measure has been demonstrated to off set the loss of the open space and as such the proposed development would have a negative impact on the character of the area and the amenity of the surrounding residential area. As a result the development would be contrary to RT1 (Protection of Open Space) of the Macclesfield Borough Local Plan 2004 and the Council's Open Space Assessment and Green Space Strategy and the NPPF.



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