

Northern Planning Committee

Agenda

Date: Wednesday, 11th January, 2017
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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 5 - 10)

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

To approve the minutes of the meeting held on 30 November 2016 as a correct record.

4. **Public Speaking**

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

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

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

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/4136M-Change of use from former crown court and jail to hotel and restaurant use class C1 and A3, alterations and extensions to provide 42 hotel rooms, County Sessions House, Toft Road, Knutsford for Mr P Heywood (Pages 11 - 30)**

To consider the above application.

6. **16/3539M-Proposed erection of two detached houses on former playground, construction of a new road bridge across the River Dean, widening of the existing vehicular access onto John Street and the re-organisation of the former playground at the rear of the Water Street Centre, Land To The Rear Of The Water Street Centre, Water Street, Bollington for Mr M Moss, Thistlewood Properties LTD SSAS (Pages 31 - 42)**

To consider the above application.

7. **16/4552M-Proposed demolition of an existing building and the erection of a replacement office building (Use Class B1) with associated groundworks, services, drainage, landscaping, access arrangements and car parking, Barn, Bowden House Lane, Wilmslow for Ms Sarah Marginson, Bracken House Properties Ltd (Pages 43 - 52)**

To consider the above application.

8. **16/4636C-Proposed erection of 2no. industrial units (suitable for Use Classes B1, B2 and B8) with associated car parking, Land adjacent to Unit 1, Hopkins Close, Congleton for Mr Clarkson, Westerby Trustee Services Limited as Trustees of the P & D Clarkson Group SIPP (Pages 53 - 66)**

To consider the above application.

9. **16/4749C-Resubmission of application 15/3586C - Single building with 4no. one bedroom flats, land off Spring Street, Congleton for Mr S Landstreth (Pages 67 - 78)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 30th November, 2016 at The Assembly Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, E Brooks, T Dean, L Durham, P Findlow, H Gaddum,
S Gardiner, A Harewood, N Mannion and M Warren

OFFICERS IN ATTENDANCE

Mr M Coburn (Planning Officer), Mrs N Folan (Planning Solicitor), Mr N Jones
(Principal Development Officer) and Mr P Wakefield (Principal Planning
Officer)

56 APOLOGIES FOR ABSENCE

None.

57 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 16/4651, Councillor S
Gardiner declared that one of the speakers was a former work colleague.
He also knew Town Councillor C Dodson who was speaking on the
application.

In the interest of openness in respect of application 16/4861M, Councillor
S Gardiner declared that he knew Parish Councillor Mrs T Jackson who
was speaking on the application.

In the interest of openness in respect of application 16/4749C, Councillor
S Gardiner declared that Councillor G Williams who was speaking on the
application was a colleague.

In the interest if openness in respect of application 16/4861M, Councillor H
Gaddum declared that she knew Parish Councillor Mrs T Jackson who
was speaking on the application. She also knew the agent for the
applicant speaking on the same application as he had prepared some
drawings for her a few a years ago in respect of a separate development,
however she had not discussed the application with him.

In the interest of openness in respect of application 16/4861M, Councillor
C Andrew declared that he knew Councillor G Williams and Parish
Councillor Mrs T Jackson who was speaking on the application.

In the interest of openness in respect of application 16/4861M, Councillor E Brooks declared she knew Town Councillor C Dodson and two of the speakers who were speaking on the application, but she had no pre determination.

In the interest of openness in respect of application 16/4651M, Councillor C Browne knew one of the speakers as a personal friend and that he was a trustee of the Wilmslow Civic Trust who had objected to the application but had not taken part in any discussions or in the meeting so therefore there was no pre-determination.

58 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 2 November 2016 be approved as a correct record and signed by the Chairman.

59 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

60 WITHDRAWN-16/4388M-PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF A NEW BUILDING (FOR A1 AND A3 USE), 127, WELLINGTON ROAD, BOLLINGTON FOR MR S PRICE, CHESHIRE TAVERNS RETIREMENT BENEFIT SCHEME

This application was withdrawn prior to the meeting.

61 16/4861M-DEMOLITION OF EXISTING 2 STOREY HOUSE TO PROVIDE TWO NEW DETACHED DWELLINGS, 4, LITTLE MEADOW CLOSE, PRESTBURY FOR ATHERTON

Consideration was given to the above application.

(Parish Councillor Mrs T Jackson, representing Prestbury Parish Council, Frank Gannon, an objector and David Wilcock, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the 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. Details of materials to be submitted
3. Development in accord with approved plans

4. Provision of car parking
5. Prevention of use of flat roof as balcony
6. Details of ground levels to be submitted
7. Obscure glazing requirement
8. Arboricultural works to be carried out in accordance with submitted impact assessment and Method Statement
9. Piling details to be submitted
10. Dust suppression measures to be submitted
11. Standard Broadband connection condition
12. Nesting bird survey to be submitted
13. Construction management plan to be submitted
14. Submission of landscaping scheme
15. Implementation of landscaping scheme (to include the replacement of trees to be retained with a similar or like species if they were removed or died)
16. Removal of Permitted Development Rights
17. No additional windows to side elevations

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.

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

62 **16/4651M-DEMOLITION OF DETACHED BUNGALOW AND THE CONSTRUCTION OF TWO TWO-STOREY DETACHED DWELLINGS WITH ASSOCIATED ACCESSES AND DETACHED GARAGES (RESUBMISSION OF 16/1983M), 5, HAREFIELD DRIVE, WILMSLOW FOR HERRING, HERRING PROPERTIES LTD**

Consideration was given to the above application.

(Town Councillor Christopher Dodson, representing Wilmslow Town Council, Stuart Kinsey, an objector and Rawdon Gascoigne, the agent for 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, Councillor R Menlove).

RESOLVED

That the application be refused for the following reasons:-

- (1) The development by virtue of its scale, massing and bulk will result in an overly cramped and intrusive form of development in the street scene out of character with surrounding urban form.

- (2) Adverse impact on highway safety due to proximity of new access to junction, and linear parking resulting in cars reversing onto highway at junction.

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

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the 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.

(The meeting adjourned for a short break).

63 16/4749C-RESUBMISSION OF APPLICATION 15/3586C - SINGLE BUILDING WITH 4NO. ONE BEDROOM FLATS, LAND OFF SPRING STREET, CONGLETON FOR MR S LANDSTRETH

Consideration was given to the above application.

(Councillor G Williams, the Ward Councillor and Terry Evett, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the impact of the development on the surrounding area and the potential highways impact.

(The meeting adjourned for lunch).

64 16/1636M-ERECTION OF A TWO STOREY SIDE EXTENSION, CLUMBER HOUSE NURSING HOME, 81, DICKENS LANE, POYNTON FOR MR B OWEN, UNITED CARE SOUTH

Consideration was given to the above application.

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

RESOLVED

That for the reasons set out in the report and in the 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. Materials to match existing.

4. Obscure glazing requirement
5. 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. Implementation of the approved landscaping plan.
7. Protection of breeding birds during works to trees.
8. Provision and implementation of a surface water regulation system
9. Submission of construction method statement
10. Protected species report to be submitted and approved by the Council.
11. Details of proposed lighting to be approved prior to construction.

Informative: Environmental Health considerations regarding noise and odour disturbance.

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.

The meeting commenced at 10.00 am and concluded at 1.40 pm

Councillor G M Walton (Chairman)

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Application No: 16/4136M

Location: County Sessions House, TOFT ROAD, KNUTSFORD, WA16 9ED

Proposal: Change of use from former crown court and jail to hotel and restaurant use class C1 and A3, alterations and extensions to provide 42 hotel rooms

Applicant: Mr P Heywood

Expiry Date: 22-Nov-2016

SUMMARY

The site is within Knutsford Town Centre where the uses proposed along with the extensions are acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of an important heritage asset.

The proposal will see a boost in hotel accommodation in the area and the economic benefits this will bring particularly with overnight visits to the area. The proposed restaurant, will increase the choice locally for restaurants, and provides competition in the local area. The uses of hotel and restaurant are traditionally compatible, and the proposals are not likely to have a detrimental impact on the highway network or on residential properties.

Following effective pre-application discussions, a suitable scheme was submitted where various options were explored. It is considered that the final option will have lowest level of impact on the Listed Building and is suitable and acceptable in this setting. Planning conditions are required to ensure that the development is acceptable in planning terms.

On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme far outweigh the dis-benefits of granting approval. Therefore for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application has been called in to Northern Planning committee by Councillor Tony Dean for the following reason: *This is a major change to the most dominant historic building in Knutsford, which is also Grade II * listed. It must be properly scrutinised by members.*

PROPOSAL

The application is a full planning application with accompanying Listed Building Consent application for the former Knutsford County Court, Sessions House. The application proposes the conversion of the existing building which is Grade II* listed, and extension of the building for a hotel and conference facility. The bedrooms associated with the hotel will be located entirely within the proposed extension to the rear of the building and the small extension to the first floor of the northern wing of Sessions House. The application proposes 42 hotel rooms, with use classes C1 and A3 as a restaurant will also be located at the site.

The proposed extension will be located to the rear of the building and the eaves will be no higher than the existing parapet, the extension will be 3 storeys in height.

The extension will face the Booths supermarket and car park to the rear. The main conversion will include the grand hall with bar as a function space which was the original court 1, the larger of the two courtrooms within Sessions House. The restaurant will be in the original court 2 with central bar area, a number of the smaller rooms within the original building will be retained and will function in various roles for the hotel and function room capacity, such as toilets, store rooms and kitchens. The internal structure of the building will be largely unchanged with some later additions such as partition walls removed to allow the original structure of the listed building to be revealed as original.

The extension to the building will be connected to the rear of the main building behind where courtroom 2 was located. The extension will be connected with a glass link which will run the full width of the rear of the building, and will form a glass corridor. The height of the link will be full height where it adjoins the extension, and allows for stairwell and lift access to the upper floors.

There will be a glass corridor fixed to the rear of the building to allow circulation across the rear of the building. This glazed link will extend above the ground floor windows.

An extension is proposed above the rear part of the northern wing of the building, at first floor level to provide bedroom accommodation. This will be set back from the front elevation of the building.

Save for the rear extension and first floor extension to the building along with the glazed link and corridor, the original building will remain largely unaffected by the proposals externally, with the majority of the proposals utilising the internal spaces within Sessions House. Car parking to the site will be provided by the existing car parking area to the front of the building, where 30 car parking spaces will be retained. There will be 4 disabled car parking spaces within the existing courtyard to the side/rear of the building. This will allow for level access into the building, which cannot be achieved using the front elevation.

A small area of the building is proposed to be demolished as part of the proposals. This is the cage area and flat roof office to the rear of the building, the area covers around 84cu.m and was constructed around 1986. This demolition will allow for the rear extension to be constructed.

The proposed extension will have the design of the jail previously located behind the court buildings. The jail was demolished and sat where the car park to Booths supermarket is located today.

Overall the proposal will bring back into active use a redundant Grade II* listed building, for daytime and evening use within the centre of Knutsford.

SITE DESCRIPTION

The application site extends to approximately 3360sq.m and is occupied by the former crown court and jail building Sessions House. Sessions House is a Grade II* Listed Building which was built between 1817 and 1819 designed by George Money Penny.

The building originally had the jail behind which was demolished. The building has the existing cobbled car park to the front with courtyard and service areas to the rear. The façade of the front elevation is windowless constructed from buff sandstone with main front door and steps leading up to it. The rear of the building is brick built with traditional windows and has had various additions, although most of the southern wing of the rear elevation remains as original.

The location within the town centre means that it has varying built development surrounding it. It has the Booths Car Park immediately to the rear with the supermarket beyond, and fronts onto Toft Road a main thoroughfare through the town.

The building is in a very sustainable location within Knutsford, there are good pedestrian links to the site with a pedestrian crossing immediately at the entrance to the site linking to the main town centre area, along with good accessibility by public transport and private car. It is intended that the venue will host a number of events including weddings and functions, attracting visitors to the area. The town is within the catchment of Manchester Airport giving access for international visitors.

RELEVANT HISTORY

44176P, Upgrading of property, Approved, 10-Mar-1986

03/1840P, internal alterations to include demolition of modern partitions and insertion of new partitions. existing rooflights to be replaced with modern conservation rooflights (listed building consent), Approved, 15-Sep-2003

04/0761P, installation of new handrail to judge's entrance stairway, Approved, 12-May-2004

16/1549M, Investigative work and internal alterations, enabling works for subsequent LBC/planning application for change of use, Approved, 20-May-2016

16/3690M Listed Building Consent for Installation of Commemorative Blue Plaque, Approved, 26-Sep-2016

16/4135M, Listed building consent for change of use from former crown court and jail to hotel and restaurant use class C1 and A3, alterations and extensions to provide 42 hotel rooms, not yet determined.

16/5088M, Advertisement Consent for the erection of 4 flagpoles, not yet determined.

NATIONAL & LOCAL POLICY

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

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

Macclesfield Borough Local Plan Policy:

The site is located within the settlement boundary of Macclesfield, on an employment site.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

BE2: Preservation of historic fabric

BE3: Conservation Areas

BE4: Design criteria in Conservation Areas

BE15: Listed Buildings

BE16: Setting of Listed Buildings

BE17: Preservation of Listed Buildings

BE18: Design Criteria for Listed Buildings

BE19: Changes of Use for Listed Buildings

T5: Provision for cyclists

KTC1: Conservation of Historic Character

KTC2: Design Guidance

KTC3: Design Guidance

DC1: New Build

DC2: Extensions and Alterations

DC3: Amenity

DC6: Circulation and Access

DC54: Restaurants, Cafes and Hot Food Takeaway

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19th April 2016.

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

Strategic Priority 1 - Promoting economic prosperity by creating conditions for business growth

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG4 Tourism

SE1 Design

SE2 Efficient Use of Land

SE7 The Historic Environment

CO4 Travel Plans and Transport Assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

34-36. Promoting sustainable transport

56-66 Requiring good design

69 Promoting healthy communities

Part 12 Conserving and enhancing the historic environment

186-187. Decision taking

196-197 Determining applications

203-206 Planning conditions and obligations

Supplementary Planning Documents:

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

Other Material Considerations

- Cheshire East Visitor Economy Strategy 2016-2020
- Ministerial Statement – Planning for Growth (March 2011)
- Cheshire East Design Guide – Consultation Version 2016

CONSULTATIONS (External to planning)

Highways – no objections

Environmental Protection Comments - No objections subject to noise mitigation scheme condition and informative, condition for site specific dust management plan, 1 electric vehicle car charging point, and travel plan.

Cheshire East Visitor Economy team – Cheshire East’s visitor economy is worth £842m per year; employing over 11,000 fte’s. It is an important economic sector that contributes to jobs, growth and prosperity, both in its own right and in its contribution to Cheshire East’s ‘Quality of Place’. The ambition is focussed around continuing to maximise growth of the visitor economy, whilst ensuring greater prosperity across the widest number of communities that will lead to greater wellbeing for both residents and visitors. Tourism can be a force for good both in economic terms but also as an essential contributor to the excellent quality of life and place Cheshire East offers. This is a key factor not only in decisions to visit but also in decisions to settle and to invest.

Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas, with the highest proportion of visitors being day visitors. Whilst day visitors are welcome, overnight visitors spend more per head, putting more money into the local economy. They also create more job opportunities in the area, meaning Cheshire East Council’s aim is to get our visitors to stay longer. It means giving reasons for day visitors to dwell longer or stay on into the evening and overnight, and encouraging conference delegates and wedding guests to stay longer or to return to enjoy Cheshire at their leisure.

Working with Marketing Cheshire, the sub-regional place marketing board, Cheshire East Council is promoting the region as a short breaks destination as well as a location for business tourism and weddings. The Cheshire East Visitor Economy Strategy (2016-2020) articulates strategic themes that help to guide the identification of priorities in seeking to maximise the contribution of the visitor economy; including investment in quality hotels. This means attracting more high-spending ‘Cosmopolitans’, and to meet their high standards and expectations, we need to improve the quality and choice of accommodation.

A key priority set out within the Cheshire East Council Visitor Economy Strategy is to *‘Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth’*

In the context of Marketing Cheshire’s strategic vision for the sub-region there are a number of relevant points to note including:

- Identification of the need to improve the quality of the destination product offering in terms of experiences.
- The key target markets in terms of profile, behaviour and spend for Cheshire include ‘independent’ market segments – especially traditionalists and cosmopolitans.
- Marketing Cheshire say that developments such as County Sessions House require significant private sector investment. Their delivery will make a massive statement about Cheshire as a place to invest. Cheshire is passionate about quality – quality of facilities, experience and service. We want quality to define the experience at every stage in the visitor’s journey. Quality is not about price – it is about exceeding visitor expectations.

Cheshire East Visitor Economy - Volume and Value

Cheshire East STEAM figures for 2015 (latest figures available)

	STEAM 2015	INCREASE SINCE 2009
Economic activity of visitor economy in Cheshire East	£842m	54.8%
Visitor Numbers to Cheshire East	15.23m	29.4%
Visitor Days spent in Cheshire East	16.87m	28.3%
Total fte Employment in Visitor Economy in CE	11,100	28.9%
Economic Impact in Serviced Accommodation	£180m	45.4%

East Cheshire Attractions

County Sessions House falls within an area promoted as ‘Cheshire’s Peak District’, which is supported by both Marketing Cheshire and Cheshire East Council. The area includes tourism hotspots such as Knutsford, Macclesfield & Congleton and attractions such as Tatton Park, Lyme Park, Jodrell Bank, Capesthorpe Hall and Gawsworth Hall as well as the many and varied walking and cycling routes.

Relevant Statistics

- Hotel occupancy is a very good indicator of money directly going in to the visitor economy, and this has also been achieving strong growth of over 10% since 2012 against a UK average of 3.1% for the same period. In addition to this, money earned from each hotel room has also increased significantly up from £51.68 in 2012 to £58.94 in 2015.
- Marketing Cheshire records show known bed stock in Cheshire East is almost 11,000 beds less than in Cheshire West.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.

Knutsford Conservation and Heritage Group -

We would request please that any original setts that are uncovered in the course of the works to the building be preserved and if possible, re-laid.

The glazed corridor to the rear is fine in principle but no details are provided and this appears as simple lines on the drawings. Concerns over level of detail.

Concerns over levels of car parking, design of proposed extension and glazed link.

United Utilities - No objections raised to the development subject to foul and surface water draining on separate systems, and a sustainable drainage hierarchy.

Archaeology - Although outside Knutsford's Area of Archaeological Potential (as defined in the Local Plan of the former Macclesfield Borough Council), does have some archaeological interest as the court building lay in front of Knutsford's gaol which was constructed in the early 19th century and was demolished in the 1930s.

The application is supported by a Heritage Statement which summarises the history of the court and gaol but the study concentrates on the historic built environment and does not consider the archaeological implications of the development. It does, however, include a number of maps including the tithe map of 1848, which appears to show the original layout of the gaol, and a map of 1900, which shows the site after the construction of various extensions. The map evidence is, however, not entirely clear; in particular 25" and 6" Ordnance Survey mapping of the area in the later 19th century does not, in most instances, show the detail of the prison buildings. The only exception to this is the first edition 6" map of c 1880 and this does appear to show buildings within the footprint of the proposed extension.

It is not suggested that the evidence presented above is sufficient to generate an archaeological objection to the development or to require further pre-determination work but it is advised that, if planning permission is granted, it would be reasonable to require a programme of archaeological mitigation. This should be focussed on the footprint of the proposed extension and should involve archaeological oversight of the initial ground clearance and reduction works with provision for the identification and recording of any structures that are revealed. A report would also be required and the work may be secured by condition.

Flood Risk Management Team - The site is located in flood zone 1; however, there is some surface water flood risk in the area of the proposed extension to the existing building, no objections subject to conditions.

Historic England – original comments

The Session House, Knutsford was built in 1817-19 to the designs of George Money Penny. Money Penny was an experienced designer of courts and prison buildings, having previously completed a number of other complexes. He is believed to have been heavily influenced by Thomas Harrison's Shire Hall, Chester (Chester Crown Court), which was built in 1788-1820 and recognised as an important example of Greek revival.

The form of the architecture of the Sessions House reflects its sombre use, presenting a windowless elevation, in buff sandstone, to the high street and using dominating, yet simple ornamentation. To the rear of the building, the elevation formally facing the k-shaped Gaol range is formed from orange brick, with symmetrical and imposing sash windows. The whole building adds considerably to streetscene within which it sits and is one of the town's most significant buildings, both architecturally and historically. Internally, the building has been subjected to alteration, reflecting the changing needs of its former use.

However, the original planned form of the building is still clearly evident and most alterations have been in the form of additions as opposed to demolitions. As a consequence, for example, the main courtroom retains its ornate plasterwork and original stone steps which helped to create the sense of hierarchy of individuals, so important to the atmosphere of the court. Knutsford Sessions House is identified as being of considerable national importance,

reflected in its designation as a grade II* listed building, placing it in the top 5% of England's buildings.

The building is no longer used as a court facility, having been shut in 2010 and is now in private ownership. It is intended that the building will be converted to a conference facility, restaurant and hotel. Both the conference facility and restaurant will be housed in the existing building; however the provision of a hotel will require the construction of additional accommodation on the site, mainly to the rear of the building. We very much welcome the reuse of this significant and high quality building. The proposed plans show that, on the whole, the intended use could be accommodated within the building with limited harm to the significance of the building, suggesting it is a use that the structure lends itself to. Whilst more intensive alterations are proposed to the upper floors, a good percentage of the original floorplan has already been lost, with lightweight temporary partitions added and as a result the impact of the current proposals would also be minimal. We are therefore satisfied that the proposed works are generally well considered and would sustain and enhance the heritage asset (NPPF 131).

With regard to the proposed hotel block to the south east of the site, the location of the new extension is felt to be appropriate as it will obscure an elevation of limited significance, forming the wall of the former cell blocks. There is also historical precedence for development to the rear of the court as a whole Gaol complex was previously located there. We are also of the view that the proposed design solution for this section of the building is appropriate, reflecting the window pattern of the former cell buildings, but in an evidentially modern manner. The overall scale and mass of the new build is also considered to be acceptable.

In order to provide the required number of rooms it is considered necessary for the whole scheme to be viable, it is proposed to construct a two storey extension on the roof of the former cell blocks. We believe that the structure would be visible on the front elevation of the building, however, due to the fact the rooms would be set back and that this section of the complex is located at a distance from the principle court building, we have concluded that the proposed extension would have a minimal impact on the heritage asset and as a result the principle of an extension of the depicted mass is believed to be appropriate.

The only outstanding matter related to the desire to erect a glazed extension to the rear of the building to allow uninterrupted movement between the two ends of the building. We advised that further justification was required to demonstrate that the proposal was necessary and that no alternative options were available. This has now been provided in the form of a circulations option appraisal. We are satisfied that this document demonstrates that all alternative options would result in a greater level of harm occurring to the significance of the asset, than the glazed external circulation space. It is also acknowledged that the Sessions House has been designed to restrict movement around the building and in forming an evidentially modern rear extension, the significance of the planned form of the building will be best sustained. However, the proposed rear extension would have an impact on the appreciation of the symmetry of the rear of the building, which is of evident quality in its own right and therefore would cause some harm to the buildings significance.

This harm is considered to be low, but as a result the application should be considered against paragraph 134 of the National Planning Policy Framework, as well as paragraph 131 which requires local planning authorities to take account of the desirability of

putting heritage assets to viable uses consistent with their conservation and the positive contribution they can make to sustainable communities, including their economic viability. In conclusion, we believe that need for the construction of a glazed rear extension has been sufficiently justified and therefore we raise no objection to the proposals.

Recommendation

The application should be determined in line with national planning policy and your own specialist advisors.

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council

Concerns over the design of the building, provision of car parking, impact on the listed building, lack of information on the plans.

No objection to the principle of the re-use of the building for a hotel and restaurant.

REPRESENTATIONS

2 representations have been made with regard to the design of the extension and the lack of car parking with the proposals. Concerns over the work already undertaken to the listed building.

APPLICANT'S SUPPORTING INFORMATION

- Design and access statement
- Heritage Statement

APPRAISAL

Key Issues

- Principle of development
- Sustainability
- Heritage Assets
- Protected Species
- Trees
- Highways
- Accessibility
- Flood Risk
- Amenity
- Leisure and Tourism
- Employment
- Heritage Asset
- Sustainability Conclusions
- Representations
- Recommendation

Principle of development

The site is Sessions House a Grade II* Listed Building located within the centre of Knutsford which is a Key Service Centre as defined in the emerging Cheshire East Local Plan Strategy

where policy PG2 states that development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability of the centres.

The application proposes the change of use of the building which is redundant, a former court building. The change of use of existing buildings is an acceptable form of development within town centres, providing the proposal is acceptable taking into account all other material considerations.

The proposed change of use is for a hotel and restaurant use. It is considered that this use within a busy town location is acceptable and will contribute to the vitality and viability of the town. The proposal will increase the number of bedrooms locally for visitors, and provide an independent restaurant. The National Planning Policy Framework and the emerging CELPS encourages traditional town centre uses such as bars and restaurants to increase competition between businesses and to provide greater choices for residents and visitors. These types of uses also inject vitality into an area throughout the day and evening, improving natural surveillance.

As the building is currently vacant, with the empty car parking area to the front, this will reintroduce an active frontage, increasing vitality and improving the security of the area by increasing pedestrian activity.

It is considered that the principle of bringing a redundant building back into an active town centre appropriate use, is an acceptable form of development within this town centre location.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

ENVIRONMENTAL SUSTAINABILITY

Heritage Assets

The site is located within the Knutsford Conservation Area and is a Grade II* Listed Building which is disused.

The application was subject to extensive pre-application discussions with both the Council's Conservation Officer and Historic England regarding the suitability of both the change of use and proposed interventions to accommodate the change of the use. An application was approved for investigative works in early 2016. These works have revealed much of the historic fabric and layout. The proposal seeks to retain the original layout and make-good harmful changes where they have occurred, particularly to historic plaster work in both court rooms 1 and 2.

The proposal for the extension has been reconsidered during the application process to provide further information and justification relating to the suitability of the glazed extension in particular. A further report and set of drawings illustrate further consideration has been given to a number of options which removed the need for the glazed external link. These proposals are considered to be more harmful to important fabric of the building which would have an adverse impact on the significance of the heritage asset.

Therefore, the extension, whilst causing some harm, which is considered to be low, is the most sensitive approach to the conversion of the building for reuse. Limited intervention to the listed building is required as a result, but will result in a larger glazed extension to the rear. One of the elements of significance lies in the symmetrical design to the rear; this will be interrupted by the proposed new elements. However, the light weight, high quality glazed extension will allow for views through to the main building and will be fixed by limited means.

The brick extension is sensitive in its scale and massing to the main building, and is consistent with the change in material and design of the main building, and is acceptable due to the presence of additional built form, historically sited to the rear of the building, the Gaol. The extension will not fix to the main building, except for in two small areas, a void will sit between the extension and the rear of the building, allowing clear appreciation and ability to read old and new. This approach is considered sensitive and acceptable.

With regards to the internal changes, the layout and key features of the building will be retained and where necessary be repaired and or relocated within the building. The main area of harm is the temporary loss in the hierarchy of court room 1, which due to new floor levels will not be tangible, but will remain in-situ underneath the new elements. The canopy and panelling around the judge's seat will remain and provide a sense of focus to the room as would have been the case historically. The panelling within court room 1 will be reused within the building, and court room 2 will reuse panelling for separation features. This is also positive, whilst not a contemporary feature to the building, as a later addition it has significance and therefore justifiable retention value, and requires reuse or storage if not able to be reused.

Overall whilst some harm has been identified, it is considered that this is not substantial, and a number of alternative options have been explored, and this proposal is the least harmful. Both the Conservation Officer and Historic England are supportive of the application and the re-use and extension of the building. It is considered that the proposed extension is high quality and allows the original fabric of the building to be read, and reflects the previous Gaol which was located behind the site. The proposed extension will not have a detrimental impact on the Conservation Area, as very little of the extensions will be visible from the front of the premises, in addition to this, the height and the massing of the proposed extension is in proportion, and from the rear will sit alongside the traditional building. The proposals to the rear will not detract from the overall setting of the building within the Conservation Area.

It is therefore considered that subject to suitable conditions and inspection of materials on site, the proposal meets the requirements of the NPPF paragraph 134 which states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'

It is considered that the proposed use and bringing the building back into a viable re-use which does not require substantial harm to the original fabric of the Listed Building or its setting, is in the wider public benefit along with bringing the building back into the public realm. These factors outweigh the less-than substantial harm caused to the Listed Building.

The application is accompanied by a Listed Building Consent application, which will be processed following the determination of this application accordingly.

Protected Species

The building although not in use, has had substantial works to the interior taking place over the course of recent months, following listed building consent for works to remove features such as false floors and partition walls which were added to the building as part of modern works when the building was used as a courthouse. The works taking place are noisy and are spread throughout the building. The building has remained in good condition externally and is watertight and sealed. The building is in a busy town centre location with the main Toft Road to the front and the Booths supermarket car park to the rear. It is therefore considered that due to these factors, the building is unlikely to support protected species.

Trees

There are no trees directly affected by the works proposed, some trees are around the side boundaries of the site, however these are unaffected by the proposals, therefore there is not considered to be a detrimental impact on trees.

Highways

The application is for the redevelopment of the County Sessions House in Knutsford, the building would be extended to provide a 42 bedroom hotel that includes a restaurant and bar.

The existing access from Toft Road is to be used as primary vehicular access to the site, there are 30 car parking spaces located in front of the building and 3 to rear. Servicing would also take place using the existing access and turning space for refuse collection and coaches has been provided within the site.

The level of parking provision is below the CEC standards by 9 spaces as 1 space per bedroom would normally be required. However, this site is well located in regards to access to sustainable modes and in these circumstances the reduced parking can be considered acceptable.

The applicant has provided traffic generation figures likely to arise for the hotel development and in the traditional peak hours this would be 10 trips, peak traffic generation from hotel in normally during off peak periods such as the evening and I consider that the impact from the proposals would have a minimal traffic impact.

Accessibility

The County Sessions Hotel is located in the centre of Knutsford and does have good access to local services and is within easy walking distance of the railway station and bus stops. The site is well located in terms of accessibility.

The site has previously been used as a Court house and has some traffic generation associated with it, the application uses the existing access to the site with some

improvements. In highway terms, the size of the hotel having 42 rooms is relatively modest and does not result in high levels of traffic generation in a busy section of Toft Road.

Flood Risk

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area the application site is within flood zone 1; however, there is some surface water flood risk in the area of the proposed extension to the existing building. The flood risk team has raised no objections to the proposal subject to suitably worded conditions. United Utilities have raised no objections to the proposals.

It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future guests, or the proposals would not cause harm by overlooking, loss of light or loss of privacy to existing residents. Due to the town centre location of the proposals, there are very few neighbouring residents directly affected by the proposals. Therefore it is not considered that the proposals would have a detrimental impact on residents.

Environmental Health has commented on the application and has stated that the site sits within an airport noise contour for Manchester International Airport and is therefore affected by aircraft noise. It is within the following contours:

- 54 - 57 dB LAeq (16 hour, daytime)
- 48-51 LAeq (8 hour, night-time)

In hotels it is desirable to avoid intrusive noise, both airborne and impact in bedrooms, especially when occupants are sleeping (typically assumed to be at night-time). Intrusive noise can arise from other rooms or uses within the building, from external sources through facades and from internal building services, including heating, ventilation and air conditioning plant.

Consideration should be given to adjacencies, both horizontal and vertical, between bedrooms, and between bedrooms and rooms used for other purposes. Particular attention should be paid to noise from corridors, door closers, adjoining bathrooms, stairwells, lifts and lift lobbies.

In order to ensure that aircraft noise is mitigated as much as possible, a noise mitigation scheme is to be submitted as part of a condition. With this measure in place, it is considered that the proposals would not have a detrimental impact on the guests of the hotel.

Environmental Health has commented on air quality at the site, Knutsford Town has one Air Quality Management Area, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed. Therefore a travel plan is required to ensure that alternative travel methods, such as public transport are promoted, in addition to this one electric vehicle charging point is required. With regard to the construction phase, a

dust management plan is required to ensure that the construction of the proposal does not have a detrimental impact on air quality.

It is considered that the proposals would not have a detrimental impact on neighbour amenity or on the amenity of the hotel guests, subject to suitable conditions with regard to noise and air quality. Therefore the proposals accord with policy DC3 of the MBLP.

ECONOMIC SUSTAINABILITY

Leisure and Tourism

The application proposes a hotel and function venue along with a restaurant. The proposal will include 42 bedrooms as part of the hotel element. The site is within Knutsford which attracts visitors as an historic market town with shops and restaurants and for its links to Tatton Park. The site is a well located for international visitors due to its close proximity to Manchester Airport and good transport links.

Cheshire East Council places great emphasis on the tourist economy, with particular emphasis as set out in the Visitor Economy Strategy 2016-2020 published in April 2016 including hotel development, food and drink and wedding venues as its priorities, which this development provides in Knutsford. The visitor economy in Cheshire East is worth £876 million in 2016 and is expected to rise to 1.076bn by 2020, and overnight visitors are three times more valuable to the economy than day visitors.

In particular the strategy aims to '*significantly increase leisure and business visits from international visitors*' in three locations within Cheshire East; Jodrell, Tatton and Knutsford. This proposal will provide a sustainably located hotel within the centre of Knutsford providing linked trips to other restaurants, shops and services in the town and public transport, by being within close proximity to the railway station with regular services to Manchester and Chester and links to Manchester Airport. Therefore it is considered that this proposal will work towards meeting this aim. The strategy also aims to '*increase the demand for food tourism*' in particular in Knutsford. It is considered that the proposed restaurant along with hotel and conference facilities in an historic building such as this will contribute towards meeting these aims, and will make a positive contribution to the immediate local economy and the visitor economy of Cheshire East. Therefore the proposal accords with the aims of the Visitor Economic Strategy and policy EG4 of the emerging CELPS.

Employment

The proposed development will provide employment within this sustainable location, in the hospitality industry an industry which is growing. Employment in this sector has been growing an average of 7% per year and is expected to increase over the coming years. The proposal will provide 30 permanent full time jobs and 20 part time jobs, which are likely to be flexible according to demand for particular events. Due to the mixed use nature of the venue, there will be a variety of employment opportunities locally. It is considered that the proposal will provide an important social and economic function as a local employer.

The site is currently employing contractors carrying out the works to the listed building approved under the previous consent. In addition to this further employment will be required as part of the construction and finishing process of the extension and the building itself, therefore the proposal will provide employment in the short, medium and long term.

SOCIAL SUSTAINABILITY

Heritage Asset

The conversion of the existing court building into a hotel and restaurant with wedding venue is considered to be an acceptable use within this location. The NPPF places great emphasis on the reuse of heritage assets providing this is done in a sensitive way, especially to a use that can be enjoyed by members of the community. A restaurant and hotel use, allows members of the public to enjoy an iconic building within the town and see it restored, with much of the later internal additions removed, and stripped back to its original fabric and carefully restored, especially details such as original plasterwork and timber panelling.

It is considered that the restoration of such a building provides public benefit, and paragraph 17 of the NPPF states Local Planning Authorities must ensure that they conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Sustainability Conclusions

It is considered that the proposed development is environmentally sustainable. The proposed design of the extensions, alterations and conversion are acceptable and the impact on the heritage asset is acceptable. This is subject to suitable conditions in regard to the environmental matters raised, it is considered that the proposal is positive environmentally especially in relation to bringing an important listed building back into a vibrant use within this area of public realm within the Town Centre. The proposed access and parking arrangements are acceptable and there are no outstanding environmental issues. It is considered that the proposals will make a positive contribution to the character of the area.

It is considered that the proposal is economically sustainable by bringing back into use a redundant building and providing a restaurant and hotel, this will have a positive impact on the local economy and provide for visitors to the area, from within Cheshire East and from further afield, especially with being in close proximity to Manchester Airport. It is considered that the proposal is positive in terms of the economic sustainability especially through creating and providing both full time and part time jobs in hospitality, and opportunities through the construction and conversion of the Listed Building.

The proposals will result in the re-use of a heritage asset, which brings social benefit to allow the building to be enjoyed by future generations. The proposals will provide employment opportunities in hospitality which is a social benefit, and allow for easy connections to other services within Knutsford. It is therefore considered that the proposal is socially sustainable.

Representations

A small number of representations have been received in relation to the application, the majority of which supportive of the principle of the development with reservations and objections relating to traffic and parking and the impact on the listed building. However, it is considered that the proposals are acceptable in highways terms subject to the location of the proposal and the level of car parking proposed and the wider highway network. Due to the sustainable location of the development, walking and the use of public transport is a realistic option which could reduce the demand of the private car on the site. The design of the proposed extension is considered to be acceptable and Historic England and the Council's

Conservation Officer are satisfied with the proposals, and encourage the re-use of the heritage asset. Those comments relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

PLANNING BALANCE

The site is within the town and the uses proposed along with the extensions are acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of an important heritage asset. The proposal will see a boost in hotel accommodation in the area and the economic benefits this will bring particularly with overnight visits to the area. The proposed restaurant, will increase the choice locally for restaurants, and provides competition in the local area. The uses of hotel and restaurant are traditionally compatible, and the proposals are not likely to have a detrimental impact on the highway network or on residential properties.

Following effective pre-application discussions, a suitable scheme was submitted where various options were explored. It is considered that the final option will have lowest level of impact on the Listed Building. Planning conditions are required to ensure that the development is acceptable in planning terms.

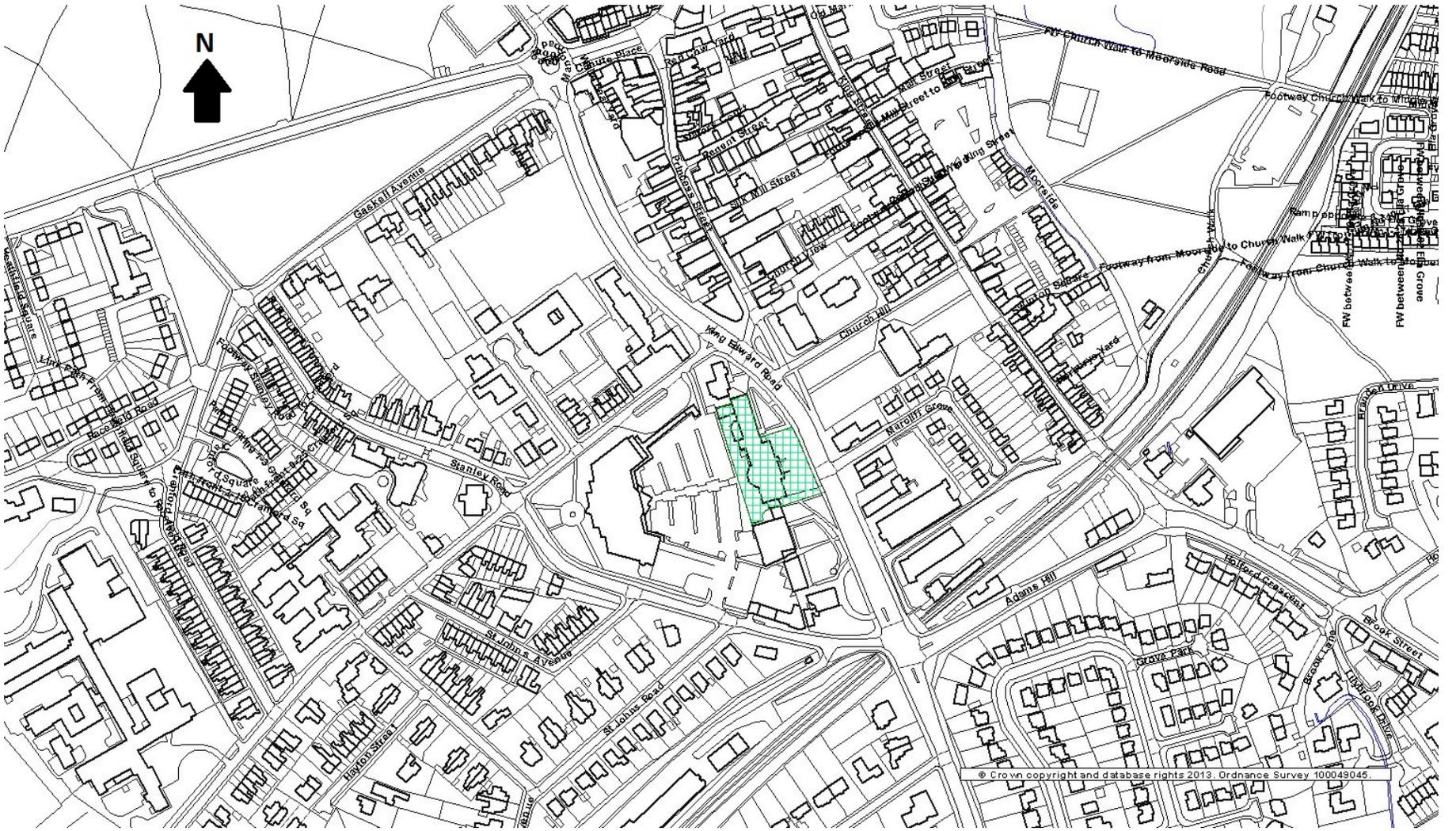
On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme far outweigh the dis-benefits of granting approval. Therefore for the reasons mentioned above the application is recommended for approval subject to the following conditions:

1. Time Limit 3 Years
2. Approved Plan and document condition
3. Method statement to be submitted and agreed with sample for all reinstated and making good of historic plasterwork.
4. All doors to be retained and refurbished within the building, unless specifically stated on the approved plans (unless other side approved). Details of the repair of the two doors of the front elevation to be submitted and agreed in writing.
5. Panelling from court room 1 and 2 to be reused as shown on approved plans, further details to be submitted relating to the reasonable reuse as much of the historic fabric as possible. Where panelling is not to be reused an agreed storage method is to be submitted to the LPA.
6. Permission excludes reuse of the basement, although the plans indicate use as a kitchen, details of this are not included in the LBC and is for future consideration
7. Report to be submitted, and agreed prior to determination, relating to the materials and method of construction for the new extensions is to be conditioned and to be in

carried out in strict accordance with, unless otherwise agreed by the LPA. (water goods, 1:20 window drawings, materials for all new elements, fixings, brick sample panel, mortar colour, joint size, brick size, depth of reveals, depth of brick detail, zinc cladding and glazing construction.

8. Any features of repair not hereby covered by the LBC or planning will be first detailed in a schedule and method statement and submitted to/agreed by LPA.
9. No cleaning is to be undertaken unless first agreed method by LPA
10. Awaiting kitchen plan for Hayes and Partners, this is to be agreed prior to determination of LBC
11. All air conditioning units are to be detailed on plan and submitted to and agreed by LPA.
12. Noise Mitigation Strategy
13. Electric Vehicle Charging Points
14. Car parking spaces to be retained for the lifetime of the development
15. Travel Plan to be submitted.
16. Site Specific Dust Management Plan to be submitted.
17. Traffic Signal pole to be removed prior to occupation.
18. Construction Management Plan
19. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
20. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the design's storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.

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.



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Application No: 16/3539M

Location: Land To The Rear Of The Water Street Centre, WATER STREET, BOLLINGTON

Proposal: Proposed erection of two detached houses on former playground, construction of a new road bridge across the River Dean, widening of the existing vehicular access onto John Street and the re-organisation of the former playground at the rear of the Water Street Centre.

Applicant: Mr M Moss, Thistlewood Properties LTD SSAS

Expiry Date: 15-Sep-2016

SUMMARY

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The scale of the development reflects the character and appearance of the area following the receipt of amended plans and materials will be agreed through a condition.

The development raises no issues in respect of residential amenity, noise, or ecology. Some matters will be dealt through conditions.

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

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

Councillor Stott has requested that the application be determined by Northern Planning Committee for the following reason:

The nature of the proposed development does not enhance the conservation area in terms of scale and size of the proposed buildings, they are out of keeping with surrounding buildings. This constitutes overdevelopment of the site. The houses would be accessed through an existing private car park which serves the Water Street Centre, but will result in a loss of six car park spaces. The loss of these spaces will further exacerbate this already congested area.

PROPOSAL

The application is for the erection of two detached houses on a former playground, construction of a new road bridge across the River Dean, widening of the existing vehicular access onto John Street and the re-organisation of the former playground at the rear of the Water Street Centre that is used for car parking.

SITE DESCRIPTION

The application site consists of two elements. The first being the former school playground that is currently accessed only by a small footbridge. The site is level and covered by hardstanding. A mixture of commercial and residential buildings are located to the north, south and east of this part of the site and these site at a higher ground level than the application site by approximately 3 metres. The River Dean splits the two elements of the site, although at this point the River is narrow and very shallow.

The other element of the site is the car park that serves the nursery/community building that fronts Water Street. The car park is to the west of the former playground and provides the only access to the site. The car park is accessed directly from John Street.

RELEVANT HISTORY

The site has not been subject to any previous applications.

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
- 100. Flood risk

Development Plan

- BE1 (Design principles for new developments)
- BE3 (Conservation Areas)
- BE4 (Design Criteria in Conservation Areas)
- NE9 (River Corridors)
- NE11 (Nature Conservation)
- DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Landscaping)
DC9 (Tree protection)
DC20 (Water Resources)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)

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
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
SC4 Residential Mix
SE1 Design
SE2 Efficient use of land
SE7 The Historic Environment
SE13 Flood Risk and Water management

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Protection – No objection. Conditions have been recommended requiring submission of details in respect of piling, dust control and contamination.

Flood Manager – No objection. Conditions have been recommended relating to details of surface water drainage being included on the decision notice.

Environment Agency – No objection. Conditions have been recommended requiring submission of details relating to protected species, drainage and contamination.

Head of Strategic Infrastructure – No objection. Conditions are requested ensuring the required visibility splay is implemented and retained and the submission of a construction management plan.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council - *The Town Council recommends **refusal** of this application in its current form. The Town Council acknowledges that the land could be developed, however, the nature of the proposed development does not enhance the conservation area in terms of the size and scale of the proposed buildings - they are not in keeping with those that surround*

it. As such, Town Council feels that application constitutes over development. The Town Council is also very concerned regarding the loss of parking at the Water Street Centre through which the access road to the development would pass. This significant loss would reduce the parking provision to well below what this Centre needs and as such it will inevitably further exacerbate the parking and obstruction problems which already exist on Water Street and John Street.

OTHER REPRESENTATIONS

In total over the 2 consultation periods 52 representations objecting to the were received and the points of objection relate to:

- 2, 5 bed properties are not in keeping with the area and will be at odds with the small workers cottages due to their size.
- Loss of outlook and privacy.
- Loss of light & overshadowing.
- Imposing structures.
- Safety issues regarding access issues due to parked cars.
- Safety issues for all highway users.
- Density issues.
- Parking to be provided has inadequate visibility for accessing and emerging drivers.
- Surface water run off may be an issue due to differing levels.
- Limited parking and vehicular access.
- Vehicular access for emergency services will be affected.
- Danger for children being dropped at the school due to traffic and cars parked.
- Increased noise.
- Sustainability of the pre-school is being questioned due to the inconvenience of the development.
- Concern over parking at the pre-school.
- Dust and noise pollution from the development may affect the children.
- Disruption to elderly residents at Dean Court.
- The bridge could have an impact on the flooding of the river Dean.
- The development will be in the middle of Bollington's historic triangle and conservation area.
- Some of the building materials are not in keeping with the local properties.
- How would the building materials be transported to the site as Water Street is too narrow for large vehicles?
- Impact on TPO trees and street scene of the conservation area.
- The works may affect the use of the pre-school.
- The new facilities in the Centre will attract more car users and result in more vehicles.
- Does not reflect the requirement for affordable housing in Bollington.
- Views from the rear of high Street will be lost.
- There is trout in the river, which could be affected by any potential movement in land mass.
- Land could be destabilized by the provision of utilities and waste pipes for the dwellings.
- A nearby flat which will be severely affected is not shown on the plans.

- No health and safety proposals to protect the children at the school.
- The applicant's planning statement does not take emerging plan policies into consideration.

In addition 8 representations in support were received and the points of support relate to;

- Will provide funding to the Bollington Initiative Trust for the reparation of the roof of the well used community building.
- Would remove an old playground which is in a state of disrepair.
- Access from John Street will be improved.
- Larger houses will address the housing need for 3/4 bed dwellings, which will also have an impact on the availability of smaller dwellings.
- The development will use a brown belt parcel of land.
- Parking proposed will exceed the Centre's current and future requirements.
- In line with Bollington's neighbourhood plan by providing large family homes.
- Will stop the illegal parking on the play area and trust land.
- Imaginative design.
- The pre-school provides employment.
- The pre-school provides affordable childcare.
- The upgrading of the car park may alleviate fly-tipping.
- Car parking provision for the pre-school is not relevant to the application.

2 further representations (neither support or object) made the following points;

- Proposal to alleviate flood risk by moving and increasing the size of the bridge is a good, well thought out solution to a very big problem for residents.
- Sufficient time has not been given for the pre-school committee to discuss and vote on the application.

APPRAISAL

Key Issues

- Principle of development
- Impact of the development on character and appearance of the Conservation Area
- Impact of the development on residential amenity
- Highway safety
- Impact on Protected Trees
- Flooding
- Impact on Protected Species

Principle of Development

The site is a previously developed site in an area that identifies as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of shops and services within Bollington as well as having access to public transport links and is therefore considered to be a sustainable location.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiate it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

ENVIRONMENTAL SUSTAINABILITY

Impact of the development on character and appearance of the Conservation Area

The site is located within a Conservation Area and as such any proposals for new development must ensure that they maintain or enhance the character and appearance of the Conservation Area.

The initially submitted proposals were considered to be contrary to Policies BE3 and BE4 of the Macclesfield Local Plan as the design and scale of the properties did not respect the character of the Conservation Area. Subsequently the proposals have been amended that significantly reduced the scale of the proposed properties, including the removal of the dormer windows and the relocation of the properties within the site.

After initially expressing concerns over the proposals the Council's Conservation Officer has no objections to the development following the amendments that have been made.

The materials proposed are natural stone and natural slate on the roof. These materials are considered acceptable and are very much in keeping with the local vernacular. Given the site is within a Conservation Area a condition will be controlled through a condition on the decision notice.

To conclude it is considered, that following amendments, the proposals will enhance the appearance of the Conservation Area given the site is currently vacant and the proposals are of an acceptable design subject to the materials being agreed through a condition on the decision notice. The proposals comply with Policies BE3 and BE4.

Highway Safety

In order to provide access to the site a bridge is required to be constructed over the river Dean. Additionally, the access will need to pass through the adjacent nursery car park to gain access to the site.

The proposed new dwellings will provide adequate parking in accordance with CEC standards, given that the access will pass through the car park a small number of spaces from the nursery will be lost. However, it is not considered that the nursery will be materially affected operationally and there are no planning requirements on the nursery to retain these spaces.

The access to the site will be private and it is up to the applicant to ensure rights of access is provided. In regard to the application, the two dwellings will not have a detrimental traffic affect on John Street and parking is being provided within the site some distance away from the public highway.

Conditions will be included in the decision notice ensuring the visibility splay shown on the proposed layout is implemented and maintained thereafter.

The proposal therefore complies with the requirements of Policy DC6 of the Macclesfield Borough Local Plan.

Impact of the Development on Residential Amenity

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing three storey properties should generally achieve a distance of between 28m and 32m between principal windows and 16.5m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld. Two small habitable room windows do not meet this requirement on plot A. However as they are secondary windows serving this bedroom a condition will be included on the decision notice that will ensure these windows are obscurely glazed to ensure no overlooking will occur.

In terms of plot B the windows are designed in such a way that they do not directly face the residential properties to the south of the site and therefore the proposals will have no impact in terms of overlooking.

Given the proposed properties are at a lower level than the neighbouring uses to the south, east and north and the distances between these buildings and the proposed dwellings no overshadowing will occur nor will the new properties have any overbearing impact on those around them.

The proposals meet the requirements of Local Plan policies DC3, DC38 and H13.

Impact on Protected Trees

The application is supported by an Arboricultural Statement (Ref CW/7923-AS-1) dated 15th July 2016 by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012

The development requires the removal of two individual trees both of which have been identified as low value Category C specimens, and one unclassified specimen (T7). None of the above mentioned trees are considered worthy of formal protection under a Tree Preservation Order. All the remaining trees identified for retention can be protected in accordance with current best practice BS5837:2012.

A limited amount of pruning is proposed in respect of the trees identified as T2, T5, and G2 in order to establish adequate working space around the development and an acceptable social proximity and spatial relationship to retained trees. The pruning can be expedited in accordance with industry best practice BS3998:2010

There is a limited development incursion within Root Protection Areas, but this is negligible and will have not detrimental impact on retained trees. An amount of works are also proposed within the Root Protection Areas of retained trees to remove the existing foot bridge, and installation of hard surfacing, this will require the supervision of an on site arboriculturalist, and will be addressed by condition on the decision notice.

Flooding

A Flood Risk Assessment (FRA) has been submitted in support of the application. This identifies the site as being within Flood Zone 1 which means that the site is at low risk of flooding.

The finished floor level of the proposed dwellings is set higher than the existing ground level of the site and these levels are shown on the approved plans.

Details of how the site will be drained will be required as part of the conditions on the decision notice. Both the Environment Agency and the Flood Risk Manager raise no objections.

Impact on Protected Species

A Habitat Survey has been submitted in support of the application. This has been fully assessed by the Council's Ecologist and its findings have been accepted. The survey has found that no protected species have been found close to the site.

A condition will be included on the decision notice requiring that the development will be carried out in full accordance with the recommendations of the survey.

SOCIAL SUSTAINABILITY

The development would make a small contribution to delivering housing supply. However, it is only for two properties and therefore the benefit is limited.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

PLANNING BALANCE

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The development will improve the character and appearance of the conservation area by bringing a previously developed site back into active use.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon ecology and trees is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the proposal are considered to be:

- An increase in the potential for overlooking of neighbouring gardens but not to an extent to which permission should be refused.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, 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. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of construction method statement
4. Submission of samples of building materials
5. Details of drainage
6. Scope of works to be submitted (contaminated Land)
7. Importation of soil
8. Unexpected contamination
9. Obscure glazing requirement
10. Electrical Vehicle Charging Points
11. Visibility splay
12. Carry out development in accordance with habitat survey
13. Carry out in compliance with tree survey



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Application No: 16/4552M

Location: BARN, BOWDEN HOUSE LANE, WILMSLOW

Proposal: Proposed demolition of an existing building and the erection of a replacement office building (Use Class B1) with associated groundworks, services, drainage, landscaping, access arrangements and car parking.

Applicant: Ms Sarah Marginson, Bracken House Properties Ltd

Expiry Date: 15-Nov-2016

SUMMARY

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable.

The replacement of a building is acceptable as long as it is not materially larger than the building it replaces. In this case it is considered to be materially larger, however very special circumstances have been demonstrated that outweighs the definitional harm to the Green belt.

A contemporary approach is taken in the design of the replacement building with the existing design being functional. Despite this views of the site are very limited from the surrounding area. The development includes a large basement area and this will form a parking area. This is a great benefit in design and Green Belt terms as the car park will be out of sight giving the building a more rural setting.

To conclude the proposals are considered to represent an inappropriate form of development in the Green Belt however very special circumstances have been demonstrated. The development raises no issues in respect of residential amenity, noise, trees or ecology. However some matters will be dealt through conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

Councillor Fox has requested that the application be determined by Northern Planning Committee for the following reason;

'Planning statement says the building is "established for office use". It is not clear if there needs to be or is full planning permission for its current use. NPPF Paragraph 89 states replacement buildings should "not be materially larger". The increase in this application is from 411 sq metres to 1,363 sq metres. Very exceptional circumstances have not been demonstrated.'

PROPOSAL

The application is for the demolition of an existing building and the erection of a replacement office building (Use Class B1) with associated groundworks, services, drainage, landscaping, access arrangements and car parking.

As part of the proposals a car parking area beneath the ground is proposed.

SITE DESCRIPTION

The application site consists of a building that is currently in B1 office use. The building is agricultural in style, brickwork and cladding, having been used for agricultural uses before being used as an office. The site is accessed via a private drive from Bowden House Lane, a pond is located to the south west of the building whilst open land is located to the west, north and east. The driveway extends in a southerly direction from the building to Bowden House Lane.

RELEVANT HISTORY

15/0018M - Prior Approval for a Change of Use of an Agricultural Building to Offices. Prior approval given March 2015.

04/0095P – Access track (65M X 4M) to link hardstanding to gate to nursery hardstanding (agricultural determination) – Approved 11.02.2004.

02/2214P – Erection of glasshouse for use in existing horticultural business – Approved 21.11.2002.

28893P – Change of Use to golf course – Refused 29.03.1982

16267P – Residential Development (outline) – Refused 11.10.1978

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.

79-92. Protecting Green Belt land

Development Plan

BE1 (Design principles for new developments)

GC1 (Green Belt – New buildings)

DC1 (High quality design for new build)

DC3 (Amenity)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Tree Protection)

DC17 (Water Resources)

NE11 (Nature Conservation)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

EG2 Rural Economy

SE1 Design

SE5 Trees, Hedgerows and Woodland

SE13 Flood Risk and Water Management

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health – No objection. Informatives have been requested relating to the construction hours of operations and contaminated land.

Head of Strategic Infrastructure – No objection. *The proposals for access to this site were agreed under planning application reference 15/0018M and I am satisfied there is sufficient space within this revised site layout for off-street parking provision to be in accordance with CEC minimum parking standards.*

Furthermore, the commuter peak hour and daily traffic generation associated with the development proposal would not be expected to have a material impact on the operation of the adjacent or wider highway network.

Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

United Utilities – No objection. A condition has been requested requiring the site to be drained on separate systems.

Flood Manager – No objection. A condition has been requested requiring details of how surface water will be dealt is submitted and agreed before development commences.

Natural England – No comments to make.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council – No objection.

OTHER REPRESENTATIONS

A neighbouring property has made representation in support of the scheme as the proposal results in an improved development on the site.

OFFICER APPRAISAL

- Principle of Development – Green Belt
- Design
- Trees
- Ecology

Principle of Development

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable and these are;

- i. buildings for agriculture and forestry;*
- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Part (iv) set out above permits the replacement of a building within the same use as long as the building is not materially larger than the building it replaces. Therefore it must first be

established if the replacement building is materially larger than the existing building. No definition of 'materially larger' is given in the NPPF and therefore it must be determined by the decision maker.

The application for prior approval to change the use of the building to a flexible commercial use was granted and has subsequently established the office use of the building and therefore the proposals will involve the replacement of a building within the same use class.

The amount of floorspace is significantly increased as a result of the development, from 411m² to 1363m². This is mainly because a basement for car parking and housing staff facilities is proposed along with a mezzanine floor above the ground floor. The above ground volume of the building increase from 2083m³ to 2212m³, this is mainly down to the slight increase in eaves level to accommodate the mezzanine floor, although the overall height of the building is 0.2 metres lower than it is currently. The footprint of the building is slightly reduced from 411m² to 400m².

Taking the above into account it is considered that the building is materially larger than the building it replaces, this means that the proposals are by definition inappropriate development in the Green Belt and very special circumstances must be demonstrated that outweighs this harm. The circumstances put forward by the applicant are outlined in the Planning Statement that accompanies the application and are summarised as follows;

- The above ground element of the development is of a similar scale to the existing building and therefore will not impact on the openness of the Green Belt.
- The basement allows for the parking to be hidden from view reducing the urbanisation of the site,
- The building itself is heavily screened from view by existing landscape features.
- The development is a significant investment in the area creating a number of jobs with the building to accommodate around 20 employees initially with up to 50 in the future.

In assessing the above ground impact of the replacement building it is clear that the building will not have an unacceptable impact on the openness of the green belt. The proposed building is of a similar sized footprint when compared to the existing building and although the eaves level is higher the overall height of the building is lower.

The basement is where the majority of the additional floor space will be created. In this instance it is agreed that this will reduce the amount of overall development on this site because of the reduction of hardstanding surrounding the building which at the moment covers a significant area. Some above ground parking is proposed but this extends to just 3 spaces of which 1 is a disabled persons parking space, however this is much reduced from the 26 space car park and considerably sized turning area that is currently in place.

The site is indeed well screened from view. Protected trees along Dean Brow Road and Bowden House Lane provide screening from south and west of the site, whilst the trees around the pond to the south east of the building provide additional screening. A mature group of trees are located to the north east of the building that totally screens the site from view.

In conclusion it is considered that very special circumstances have been demonstrated. The site is well screened by mature trees some of which are protected, this combined with the fact that the above ground element of the building is of a similar scale to the existing building. The main material increase in the size of the building is at basement level, this will not be visible above ground. The incorporation of a basement allows for a much reduced parking area at ground level and this allows for a significant reduction in the amount of hardstanding around the building giving the site less of an urban character. Taking this all into account the proposals will have a limited impact on the openness of the green and in fact the design of the building and the parking being out of sight the appearance of the site would be vastly improved.

The proposals are therefore considered to be compliant with the requirements of Policy GC1 and the NPPF.

Design

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 materials.

The elevations of the proposed building are primarily glazed with a stone wall intersecting the building providing a feature that respects the rural nature of the site. The roof is a pavilion type roof.

The materials used give the building a lightweight appearance with the stone wall giving some variation to the design. The replacement building is significantly different to the existing building on the site which is a former relatively modern agricultural building of a functional design. The proposal is considered to result in a building that is visually more attractive than the existing building and provides a contemporary building that respects the rural nature of its surroundings.

The proposal therefore complies with Policy BE1 and the NPPF.

Residential Amenity

Local Plan Policy DC3 seeks to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

The B1 use is a use that should be able to sit alongside residential properties without having a detrimental impact on their amenity. Therefore the proposals will not have any impact in terms of noise, dust or other environmental impacts.

The proposed building is located a significant distance from the nearest residential properties so no overlooking or overshadowing will occur. Additional traffic generation will be minimal and the proposal is acceptable in highway terms.

The proposals meet the requirements of Local Plan Policy DC3.

Tree Protection

The application is supported by an Arboricultural Impact Assessment and Arboricultural Method Statement (Mulberry Ref TRE/BHL dated 21st August 2016).

A Tree Preservation Order Group G52 of the Macclesfield Borough Council (Dean Row) Tree Preservation Order 1974 protects a group of 9 Oak trees along the south western boundary of the site adjacent to Bowden House Lane and Dean Row Road. The submitted Assessment includes an Impact Table which provides details of Root protection Areas (RPA's) and whether trees can be successfully retained.

The Assessment identifies that four trees will require removal which includes one unidentified dead tree within the TPO group (G3 of the survey) and three unprotected Poplar trees within Group G4 to the south west of the proposed building which are shown as in decline. A recently planted Conifer hedge (H2) located internally within the site will also require removal to accommodate the proposed access. The hedge has no significant conservation value and is not a significant amenity feature and therefore there are no significant objections to removal.

The proposed new building footprint is proposed to be moved slightly further south west in order that the access road to the basement avoids the root protection areas of existing group of trees to the north east. This will have the effect of encroaching into the RPA of the three Poplars identified for removal, however given their poor overall physiological condition, it is considered their continued retention and the relocation of the building safeguards the group of trees to the north

The Impact Assessment suggest that there will be no impact on the protected group of trees located on the Bowden Lane frontage despite the proposed access encroaching within the RPA of the westernmost tree in G1. In accordance with BS5837:2012 (para 7.4.1) where permanent hard surfacing is proposed, specialist arboricultural and construction design advice should be sought whereby the design should avoid excavation and lowering of levels (para 7.4.2 of BS5837 :2012 applies). Whilst the intrusion within the RPA does not appear to be significant the design and construction of the access at this point will need to be so designed as to avoid compaction and damage to tree roots.

To conclude the impact of the proposal on the surrounding trees is considered to be acceptable subject to the inclusion of conditions for the protection of the trees being included on any grant of planning permission.

Impact on Protected Species

Great Crested Newts

A number of ponds are located within 250m of the proposed development. A small population of great crested newts has been identified at a pond located a short distance from the proposed building. The application site however offers limited habitat for great crested newts would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

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

A condition will be included on the decision notice requiring the development be carried out in full accordance with the measures detailed in the submitted 'Review of Risks & Proposed Reasonable Avoidance Measures' report prepared by SESS.

Bats and Barn Owls

No evidence of these protected species was recorded during the submitted survey and they are unlikely to be affected by the proposed development. A condition will be included on the decision notice relating to the safeguarding of nesting birds.

CONCLUSIONS

The proposals are considered to be acceptable in Green belt terms as very special circumstances have been demonstrated that outweigh the definitional harm to the Green belt. The contemporary design of the replacement building is considered acceptable that incorporates some rural character into the final design.

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.

Application for Full Planning

RECOMMENDATION: Approve subject to 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. Details of drainage
7. Tree retention
8. Tree protection
9. Construction specification/method statement
10. Removal of permitted development rights
11. Levels survey
12. proceed in strict accordance with the measures detailed in the submitted 'Review of Risks & Proposed Reasonable Avoidance Measures' report prepared by SESS.
13. Bird nesting season



Application No: 16/4636C

Location: LAND ADJACENT TO, Unit 1, HOPKINS CLOSE, CONGLETON

Proposal: Proposed erection of 2no. industrial units (suitable for Use Classes B1, B2 and B8) with associated car parking

Applicant: Mr Clarkson, Westerby Trustee Services Limited as Trustees of the P & D Clarkson Group SIPP

Expiry Date: 17-Nov-2016

Summary

The presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated below and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval.

The NPPF, at para 14, requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

The application raises no issues relating to design, highway safety or any adverse impact in respect of environmental issues.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REPORT

This application has been called in by the Ward Councillor, Cllr Hayes, for the following reasons:

This application is unsuitable on the following grounds;

- *Highway Safety- the existing area surrounding Hopkins Close is already unsuitable with regards to highways access for such large and articulated vehicles. This development would only enable more traffic on an already overburdened highways network. Existing local businesses have shared evidence of dangerous situations which are currently hazardous in this area. To add to this would be irresponsible without remedial highways works such as the*

widening of the initial junction which is unfeasible as a result of the existing footprint of the business park.

- Overdevelopment- linked to the above. The Highways Network and other associated infrastructure are only equipped to cope with the pressures of the current footprint of the business park. Many would suggest, and I would agree, that the existing infrastructure is already overburdened without the further development of an additional two units.

- Premature - it is widely recognised that there is a need for sustainable employment land in the Congleton area. It is important to highlight that given the infrastructure problems this development would create - this would not constitute sustainable development. Furthermore, in line with the emerging local plan, this area as a whole is part of wider considerations for further developments and associated infrastructure with regard to the creation of better highways and an increase in employment land. I would therefore consider it that this application is premature - given that such demand is likely to be met through the deliver of the local plan in this area.

I have had conversations with the officer regarding this and raised these concerns. Unfortunately, the Highways Officer only seemed to consider parking problems when looking at the Highways concerns which I had raised. Quite simply- this is unsatisfactory when considering the wider highways and infrastructure impact which this application will add to.

PROPOSAL

This application seeks planning permission for the erection of two industrial units within an empty plot/area of hardstanding to a corner of an industrial site accessed off Hopkins Close, Congleton.

The units would provide storage space (B1, B2 and B8) at ground/1st floor, an entrance lobby and WC at ground floor, and a small 1st floor office. The buildings are to be set back within the plots, fronted by an area of car parking. The two units would be attached, with respective staggers to the front and back, and a pitched roof running between the two. Large shutters are indicated to the front as well as small fenestration, and space for advertisements. The rear would support a small external staircase.

Brickwork is indicated to the ground floor, cladding to the 1st floor panels and cladding panels to the roof. Windows would be upvc framed, and the doors constructed in steel.

Following discussion with the architect, amended plans have been sought and received which involve the following reductions in scale and further parking provision:

	<i>Originally Proposed</i>	<i>Currently Proposed</i>	<i>Difference</i>
Width (across 2 units)	15.8m	14.3m	-1.5m
Depth (unit 1)	12.1m	10.3m	-1.8m
Depth (unit 2)	10.1m	8.5m	-1.6m
Height	6.1m	6.1m	None
No. of disabled parking bays	2	1	-1
No. of parking bays	2	4	+2

B1, B2 & B8 Floor space (GF)	N/A	115sqm	+115sqm
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Full consultation has been carried out on the plans submitted with the application.

SITE DESCRIPTION

The application site comprises a vacant plot set within an established industrial site. The area is bordered by a palisade fence and gate (locked shut). Land levels are consistent within the industrial site, but do noticeably fall to the West.

In the wider context, this industrial site is accessed via a narrow road off Hopkins Close which follows a left hand corner past unit 10 on the estate. There are no clear vantage points of the site outside of the immediate area.

As can be further viewed through the planning history below, the plot was previously used as a parking area associated with the industrial units to this part of Hopkins Close (21092/3). A subsequent application (37863/3) involved the erection of a fence and storage of some containers to rear of t this plot, subject to a condition that the parking area remained open during operational hours. A further application (04/0432/FULL), however, allowed the removal of the above condition. As outlined by the Case Officer for that application, the Highways Engineer considered the level of parking *outside* the units to be of an acceptable level when considered against modern parking standards (dated January 2005).

CONSTRAINTS

Local Plan Settlement Zone
Congleton Neighbourhood Plan

RELEVANT SITE HISTORY

21092/3 – Light Industrial Units 9 No and Warehouse 1 No for Light Industrial Use. Approved with conditions (11th July 1989)

37863/3 – Steel palisade fence and container for storage in car park. Approved with conditions (20th October 2004)

04/0432/FUL - Removal of condition 3 of planning permission 37863/3 dated 20/10/2004, requiring the access gates to be kept open between the hours of 8.00am and 7.00pm Mondays to Saturdays. Approved with conditions (7th February 2005).

LOCAL AND NATIONAL POLICY

Congleton Borough Local Plan (2005)

E3 (Employment Development in Towns)
E10 (Re-use or Redevelopment of Existing Employment Sites)
E12 (Distribution and Storage Facilities)
E15 (Heavy Goods Vehicle Parking)

GR1 (New Development)
GR2 (Design)
GR5 (Landscape Character)
GR6 (Amenity and Health)
GR7 (Pollution)
GR9 (Accessibility, Servicing and Parking Provision)
GR17 (Car Parking)
GR18 (Traffic Generation)

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy CO1 (Sustainable Travel and Transport)
Policy EG1 (Economic Prosperity)
Policy IN1 (Infrastructure)
Policy PG1 (Overall Development Strategy)
Policy PG2 (Settlement Hierarchy)
Policy SD1 (Sustainable Development in Cheshire East)
Policy SC2 (Sustainable Development Principles)
Policy SE1 (Design)
Policy SE2 (Efficient Use of Land)
Policy SE4 (The Landscape)
Policy SE9 (Energy Efficient Development)
Policy SE12 (Pollution, Land Contamination and Land Instability)
Policy PG1 (Overall Development Strategy)
Policy PG2 (Settlement Hierarchy)
Appendix C (Parking Standards)

National Policy

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)
14 (Presumption in Favour of Sustainable Development)
17 (Core Planning Principles)
18-22 (Delivering a strong, competitive economy)
32 (Promoting Sustainable Transport)
56-68 (Requiring Good Design)
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG)

CONSULTATIONS

CEC Highways (21/11/16):

This is a small application for a B2 use for, following amendments to accommodate vehicle parking, just under 120sqm of GFA with on-site parking.

The parking provision will ensure that staff or visitors to the site will not be required to park outside of the site boundary.

The objections on the planning portal are noted, including those of the Town Council, but a development of such a small size will not generate more than a few vehicle trips in any given hour.

There have also been no recorded PIAs (Personal Injury Accident) in the area over the last 5 years.

No objection is raised.

Noted, and agreed. See appraisal.

CEC Highways (20/12/16) – Further Comments:

Large vehicles: large vehicles will be able to safely enter/exit the industrial site as is currently the case with the other uses. Large vehicles will not be able to turn within the application site but could use the industrial site to turn. For a development of this size, it is very unlikely that it will generate trips of larger HGVs (artics for example). It may generate smaller HGVs (small rigids for example) trips but even these will be small in numbers, maybe 1 or 2 a day. The majority of trips will be cars/LGVs but the number of these will also be low as previously stated.

Tight corner next to unit 10: I assume this is the corner circled blue on the attached. This is an existing issue that will remain whether or not this this application get approved, and being such a small development it would unlikely make the situation any worse.

Noted, and agreed. See appraisal.

Environmental Health:

Suggest Piling Condition, should piling be required.

Suggest Dust Control Condition.

Suggest Hours of Operation Condition.

Suggest Hours of Use Condition

Contaminated Land Informative

With due respect to the five tests for applying conditions (outlined in the NPPF, 2012), none of the suggested conditions are deemed reasonable or necessary in allowing a positive decision. A contaminated land informative will, however, be added to the decision notice.

United Utilities:

Suggest Foul and Surface Water Drainage System Condition.

Suggest Surface Water Drainage Scheme Condition (Pre-Commencement)

Noted. These will be added to any positive decision notice.

Congleton Town Council:

Recommend refusal for the following reasons:

- Highways and safety issues – for example there have been previous problems with HGV access to the area and damage to vehicles
- Traffic generation
- Vehicular access
- Adequacy of parking
- Overdevelopment of the area

Councillors Hayes, Martin, Parry and Wardlaw declared a “non pecuniary” interest in this application

Noted. See appraisal.

REPRESENTATIONS

9 letters of objection have been received, summarised as follows:

- Issues relating to where commercial vehicles would park to gain access to the units for unloading and parking. This could cause inconvenience to adjacent companies, and pose a highway/pedestrian risk
- Subsidence on Hopkins Close is already an issue
- Proposal would destroy amenity of existing business
- Proposal would impede on manoeuvring space for HGVs and limit access for emergency vehicles
- Insufficient parking in the area, at present.
- Overdevelopment, by virtue of insufficient parking and possibility of too many vehicles parked within the area.
- Contrary to National Planning Policy
- Proposal would add to congestion
- Fire risk as flammable materials are loaded and unloaded in the yard.
- Car park still required.
- Access to Hopkins Close is very poor and restricted. Vehicles have to mount the curb on the bend into Hopkins close.
- Access to the application site is poor, when vehicles are unloaded this would block the access to the application site.

- Proposal is contrary to Congleton Borough Local Plan (specifically policies GR7, GR17 and GR18), and section 7 of the NPPF.
- Unloading at this site presently very difficult.
- Poor visibility when exiting the bays of 10 and 11 and into Hopkins Close.
- Loss of privacy from customers viewing into the factory when doors are open
- Harm to longevity, and employment of Olenon business, partly due to 'Brexit', also due to parking issues.
- Contrary to HSE guidance (Vehicles at Work)

The full content of the above objections, and submitted photographs, can be viewed on the public file. These have been noted and considered in the determination of this application. The above objections are discussed in the appraisal.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Two site inspections have been carried out on 10th October 2016, and 20th December 2016. Public consultation has been carried out in accordance with statutory requirements.

APPRAISAL

Key Issues

- Principle of development;
- Design considerations
- Character of the area
- Highway Safety Implications
- Sustainability

Principle of Development

The application site resides within the defined 'Settlement Zone Boundary' as defined by the Congleton Borough Local Plan (CBLP) (2005). Within this designation, the principle of development is considered acceptable by both the Development Plan and National Planning Policy.

The NPPF (2012) strongly emphasises, at paragraph 14, there is a "presumption in favour of sustainable development" and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

Policy E5 of the CBLP states that:

“Proposals for employment development on land not allocated for such purposes within the settlement zone line of those settlements identified in Policy PS4 will be permitted where the following criteria are satisfied:

- i) The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan;
- ii) The proposal is appropriate to the local character in terms of its use, intensity, scale and appearance;
- iii) The proposal complies with Policy GR1;
- iv) The proposal accords with other relevant Local Plan Policies.”

The application site does fall within the zone line outlined at Policy PS4, and the site is not allocated for any other purpose. The proposal would add two industrial units within an established industrial site. The scale of the buildings is harmonious with the scale of neighbouring buildings (including units 10 and 11) and materials are sympathetic to those in the surrounding area. The design of the buildings is discussed in the following section, but generally speaking, the proposal would comply with the aims of Policy E5 in terms of providing employment use within Congleton.

This Policy is echoed through Policy EG1 of the Cheshire East Local Plan (Strategy Submission Version) which, inter alia, emphasises the need to support employment development in Key Service Centres and to support the wider strategy, role and function of the town (Congleton).

Design assessment and effect on the character of the area

The two units are suitably designed in the context of the site. A large space would be retained to the front (for vehicle parking), which also helps to lessen their prominence within Hopkins Close. Spaces would also be retained to the sides and rear which would prevent a cramped appearance and allow access to the rear.

The pitch of the roof is fairly shallow, which is harmonious with the roofscapes of the surrounding units. The scale, and height, is also similar to units 10 and 11 which are the two larger units on Hopkins Close. A symmetrical design would be adopted between the two proposed units helping to ensure a reasonably aesthetic appearance.

Details have been provided regarding the finish of the buildings (namely, brickwork, upvc fenestration and insulated cladding), which are largely in keeping with the surrounding units. Exact details of these materials can be requested via condition to ensure a satisfactory appearance to the development.

As assessed on site, the units would not be prominent in the wider public realm, or countryside to the east, and would therefore have a largely neutral impact on the character-appearance of the area. The proposal would comply with Policy GC2 in this regard.

Statements relating to overdevelopment are noted, but in this case, not agreed with. The development would occupy a vacant plot to the corner of Hopkins Close which would continue the built form between the two sides. The density of buildings is comparable to that of other layouts within the wider industrial site. The commercial building could take advantage of the existing infrastructure, and is an appropriate commercial use in the context of the area.

Residential amenity

As estimated using GIS applications, the nearest residential properties are located approximately 100m to the west. This distance, coupled with the scale of the development, would result in no significant harm to the residential amenity of the area.

Some letters of objection have argued that the intensification of the industrial site could lead to losses of privacy within the industrial units. The building, however, would support an acceptable relationship with the other units on the site. Any perspectives within the buildings from vehicles or pedestrians are likely to be fleeting, and non significant given the industrial/commercial nature of Hopkins Close.

Highway safety and Parking

Objectors have raised particular concern that the car park (now closed) is still needed to satisfy parking demand for Hopkins Close. However, the current site layout is acceptable in respect of modern parking standards and the site is in a sustainable location with reasonably good access to public transport links (namely the bus network). The LPA acknowledges that upon completion of the original industrial site, it was deemed reasonable to allow additional vehicle parking to the corner. The thrust of planning policy, has, however, changed fairly significantly since 1989, with an increased emphasis on reducing the reliance on cars and encouraging a shift towards more sustainable modes of transport.

The proposal would provide 4 parking spaces (2 per unit) and 1 disabled bay. This is sufficient for the two units, and is not expected to cause long-term parking issues within Hopkins Close (due to the provision within the application site) which could inconvenience other users of the industrial site. Paragraph 39 of the NPPF encourages LPAs to reduce the use of high-emission vehicles and at paragraph 33 to maximise the use of sustainable transport modes. The number of employees has not been provided, but should the number exceed 4, by not creating an excessive number of parking bays, there is a motive for employees, and visitors, to take advantage of car-sharing, bicycles, and public transport. All of which, would help to lower Carbon Dioxide omissions and encourage more sustainable movement of people.

Appendix C: Parking Standards of the CELP states that for B1, B2 and B8 use there should be a minimum of 1 space per 30m² (B1 and B2 standard). The proposal provides 115m² floor space. This would mean that the proposed development (in accordance with Appendix C) should provide just fewer than 4 parking spaces. In addition to the reasons outlined above, the proposal, which provides 4 spaces (+1 disabled) would satisfy the criteria of the CELP.

During delivery times, LGVs and the occasional smaller HGV would need to park to the front of the units. However, such is the set back from the site entrance that the parking could be done without unacceptable inconvenience to the other units. Such parking would be relatively

infrequent and not for extensive periods of time. Moreover, it is noted that this arrangement is undertaken by other occupiers of the site. Whilst, yes, there would be an increase in the number of goods vehicles operating within Hopkins Close, it is considered that their manoeuvrability and temporary parking to each respective unit could be achieved without significant risk to employees, customers or to the successful operations of each business. The turning area is significant in its depth and width and would allow most goods vehicles to reverse up to the bays of both units, and then exit the site in a forward gear.

The proposal itself would not present a significant fire risk nor would any of the associated vehicles. External storage of any flammable material or fluids should be kept in such a location to not impede highway safety or cause a significant health and safety issue. This is therefore not a material planning consideration.

It is acknowledged that the site is accessed via a fairly narrow 90° corner which bypasses units 10 and 9. As shown in the submitted photographs (on file), and as observed on site, there has evidently been damage to the inside kerb, grass verge and there are tyre tracks evident over the corner and across at least two of the parking bays to the front of Unit 10. An objector has stated that on some occasions parked cars have been damaged. This impact is regrettable, however, it is judged that certainly LGVs and cars could enter the site without mounting the kerb. The occupiers of unit 10 could also erect fencing or bollards to prevent this being a significant issue and ensure that more care is taken when passing this corner. A 'tracking' diagram has been requested from the applicant to show how vehicles (to be associated with the business) will satisfactorily navigating this corner. It is expected that this plan will be received, and will be provided as an update prior to committee.

As can be viewed in the "Consultation" section of this report, the Highways Development Officer has provided no objection to the development citing the small nature of the development, provision of on-site parking, and low vehicle traffic to be associated with the units.

Overall, the highway issues identified by residents are acknowledged but these would not significant conflict with either local or national planning policy in that a refusal could be justified.

Flooding issues

The site is not situated within an Environment Agency designated flood zone. A scheme for the drainage of surface water from the site will be required through a condition on the decision notice.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

Ecology and Nature Conservation

There are no significant demolition works or other such works which could pose harm to any protected species or wider biodiversity.

Sustainability

Environmental sustainability

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential amenities. As discussed above, a suitable design has been proposed and whilst there would be a slight intensification in the use of Hopkins Close, the impacts are not so great to warrant refusal and the parking provided within the site is in accordance with modern standards. The scheme is therefore deemed to be environmentally sustainable.

Social sustainability

The proposal would provide employment opportunities within a sustainable location, which could be reached by car, public transport and via walking/cycling.

There would be no significant harm to the residential amenities of the area (west of the site), and the units would be well contained within an established industrial/commercial site.

Economic sustainability

The proposed development would provide 115 ground sqm of commercial floor space, and would provide employment opportunities for the local workforce within Cheshire East. The development would help to ensure the attractiveness of Congleton as a place of work, and contribute to the economic growth sought throughout Cheshire East.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

The NPPF states at paragraph 20 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.' With this in mind, and in accordance with the emerging Cheshire East Local Plan, the proposal should be supported from an economic perspective.

Summary and Planning Balance

The objections have been noted and considered, however the presumption in favour of sustainable development is a significant material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies all aspects of sustainable development. In respect of the tests of Paragraph 14, the benefits of the scheme significantly and demonstrably outweigh the increased impacts on the built environment, which are not considered significantly adverse.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

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

RECOMMENDATION

Approved subject to conditions:

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials to be submitted**
- 4. Drainage conditions**
- 5. Contamination Land informative**
- 6. Parking to be provided and retained**



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Application No: 16/4749C

Location: LAND OFF SPRING STREET, CONGLETON

Proposal: Resubmission of application 15/3586C - Single building with 4no. one bedroom flats

Applicant: Mr S Landstreth

Expiry Date: 25-Nov-2016

SUMMARY

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REPORT

The application has been 'called-in' to Northern Planning Committee by Councillor Glen Williams for the following reasons;

'The proposal would result in a cramped and intrusive form of development. It would be out of character with the existing industrial properties in the immediate vicinity of Spring Street and Roe Street contrary to the Congleton saved local plan. The parking places and access proposed as shown on the plan would be substandard for the parking of motor vehicles. Consequently the development would be detrimental to the interests of highway safety through an increase in vehicle traffic. Contrary to GR6 it would lead to vehicles obstructing access to the houses and tv aerial business in Moor Street. The adjacent public car park is fully utilised by the doctor's surgery patients and parents taking children to Ruby's Fund play area. It is in any case limited to 3 hours maximum stay.'

The application was deferred from the Northern Planning Committee on 30 November 2016 for a site visit in order to assess the impact of the development on the surrounding area and the potential highways impact.

PROPOSAL

This application seeks full planning permission to erect a block of 4 x1 bedroom apartments.

An application (ref: 15/3586C) for 3 dwellings on the plot was refused and recently dismissed at appeal due to amenity reasons.

SITE DESCRIPTION

The site lies on the southern side of Spring Street within the Congleton Settlement Zone Line.

The site is largely rectangular in shape and measures approximately 19 metres by 13.5 metres. It is located to the rear (east) of No's 15, 17, 17A, 19 and 19A Moor Street and to the north of Lawton House doctor's surgery.

The application site was formerly used as a builder's yard but is currently vacant.

There are no designations affecting the site.

RELEVANT HISTORY

15/3586C - Construction of three apartments land off Spring Street resubmission of 15/1876C – Refused 29th September 2015 for the following reasons;

- 1. The proposed development by reason of its proximity to the occupiers of No's 17, 17A and 19A Moor Street would have an unacceptable impact upon neighbouring amenity with regards to visual intrusion and loss of light. The proposed development would therefore be contrary to Supplementary Planning Guidance 2 (Private Open Space) and Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005 and the NPPF.*

This decision was appealed and the appeal was subsequently dismissed by the Planning Inspectorate for the following reasons;

'...the close proximity of the proposal to Nos 17, 17A and 19A Moor Street, would have an unacceptably harmful effect on the occupiers of those properties, in that the development would appear visually overbearing in the outlook from the windows concerned and cause a loss of light to them. The harm would be substantial and contrary to SPGN and LP Policy GR6 which would not permit development near to residential property that would be unacceptably detrimental to, among other matters, loss of privacy, sunlight or daylight, or visual intrusion.'

15/1876C - Use of vacant site for construction of four 1 bed apartments including integral single garage – Refused 12th June 2015

NATIONAL & LOCAL POLICY

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS4 (Towns), GR1 (New Development), GR2 and GR3 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR20 (Public Utilities), GR21 (Flood Prevention), H1 (Provision of New Housing Development), H4 (Residential Development in Towns) and E10 (Re-use or Re-development of Existing Employment Sites).

Supplementary Planning Document 2 (Private Open Space)

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

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; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

Emerging Cheshire East Local Plan Strategy

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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Highways (HSI) – No objections, subject to the inclusion of an informative advising that the applicant should enter into a Section 184 Agreement for the new crossing

Environmental Protection – No objections, subject to conditions relating to; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land

United Utilities - No objections to the development, but recommend that the site be drained on a separate system and surface water be drained in a sustainable way

Congleton Town Council – No objections, subject to officer checking that sufficient parking spaces and landscaping would be provided

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of objection have been received from the owner/occupiers of 6 neighbouring premises. The main areas of objection include;

- Principle – Residential development in this area not in character
- Amenity – Overlooking
- Design – Over-intensification of site
- Highway safety – congestion, parking, visibility

Concerns have also been raised regarding the conflict the proposal would have with plans to extend the doctor's further.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal giving consideration to; Environmental, Economic and Social factors
- Planning Balance

Principle of Development

As the site falls within the Congleton Settlement Boundary, the proposal is subject to Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

- I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- II. The proposal complies with Policies GR2 and GR3;
- III. The proposal accords with other relevant local plan policies
- IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 4 new 1-bedroom apartments would not have a detrimental impact upon the council's housing supply totals.

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites. Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

Within the submitted Design and Access Statement submitted with the previous application on this site (ref: 15/3586), it was advised that *'...a long time ago, the site accommodated a dairy, more recently it has been used as a storage area for timber and scaffolding etc. for a local builder, who is the applicant and site owner.'*

From the site visit it did appear that the site has been vacant for some time. Therefore, its re-use for an alternative, active use would provide positive planning benefits given that it provides no benefits in its current state.

The second aspect of Policy E10 refers to; the location of the site, the adequacy of the supply of employment sites in the area and whether reasonable attempts have been made to let or sell the premises for employment uses.

In response, no information has been submitted in support of the application outlining that the site has been marketed for sale for further employment use. However, given that it is clear that the site appears to have been vacant for some time and given that the council are in need of further housing and given the site's location within walking distance of Congleton town centre, it

is considered that in principle, the loss of this unused and unallocated employment site would be acceptable.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features
Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The application seeks the erection of a detached residential block comprising of 4, 1-bedroom flats which will have a semi-detached appearance as a whole.

The layout plan shows that the block would be sited predominantly to the east of the plot with parking proposed to either side totalling 4 spaces. Vehicular access to the proposed parking spaces would be taken directly from Spring Street.

The units would front onto Spring Street in a northerly direction.

The submitted plans demonstrate that at its maximum points, the block would measure approximately 7.6 metres in height, 9 metres in width and 9 metres in depth. A small yard/rear garden for each unit is proposed to the south of the site as is a shared gardens space and bin store to the west.

With regards to appearance, the proposal would be largely square in shape, and comprise of a half-hipped roof. x2 pedestrian doors, x2 double ground floor windows and 2 single windows are proposed on the principal elevation.

Art stone cills, lintels and soldier courses are proposed which adds a degree of interest.

Patio doors from the proposed 2 ground-floor flats would access individual garden spaces to the rear.

It is noted within the submitted Design and Access Statement that the development would comprise of; Ibstock Red Cheshire Weathered Brick walls, plain Staffordshire tiles and white uPVC fenestration.

Given the character of the surrounding area which comprises of either blocks of terraced properties or blocked commercial premises, it is considered that the form and appearance of the development would be acceptable.

The proposal would front onto the highway, would be largely centrally located and comprise of small rear yards. As such, it is considered that the layout of the scheme would be acceptable.

With regards to scale, the height of the proposal would approximately 7.6 metres. In comparison to adjacent units, the terraced block of flats to the west is approximately 7 metres in height whereas the doctor's surgery to the south is single-storey. It is not considered that the height of the development (which is 0.2 metres lower than the previous proposal) would appear incongruous within the streetscene.

As such, it is considered that the proposed design would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

Each 1-bedroomed flat would benefit from 1 designated off-street parking space. The Head of Strategic Infrastructure (HSI) has reviewed the application and advised that he has no objections. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

The application site does not fall within a Flood Zone that requires the submission of a Flood Risk Assessment. United Utilities have reviewed the submission and advised that they have no

objections, but recommend that the site is drained on a separate system and surface water be drained in a sustainable way. As such, subject to the above recommendations, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

Conclusion

The proposed development would not create any significant issues in relation to highway safety, drainage or flooding. The design of the dwelling is also considered to be acceptable. As such, it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Congleton for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction phase.

Social Role

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring residential properties to the application site include; No's 17, 17A and 19A Moor Street to the west of the application site.

The proposed development would be constructed directly parallel to the rear elevations of these neighbouring properties. At its closest point, the development would be approximately 8.8 metres away from a ground-floor rear outrigger on No.19 and approximately 13.8 metres away from the extended rear wall elevations of No's 17, 17A and 19A.

Within the relevant side elevation of the proposed apartment block (west), 1 ground floor door and 1 first floor window is proposed. The proposed door would serve a hallway and the first floor window would serve a landing.

Neither of these are considered to be sole windows to principal habitable rooms.

Should the application be approved, it is recommended that these openings be conditioned to be obscurely glazed to prevent any overlooking concerns.

Within the relevant rear elevations of these neighbouring properties are numerous windows to habitable rooms.

As the relationship between the proposed development and the above properties is side to rear, the standard minimum 13.8 metre separation distance applies.

As this minimum distance is just adhered to, it is considered that matters of loss of light and visual intrusion upon these closest neighbouring properties would not be significant.

The previous proposal which was dismissed at appeal was just 11.9 metres away from these closest neighbouring properties and as such, was in breach of the Council's policy.

As such, as a result of the above reasons, it is considered that the proposed development would adhere to the SPG and Policy GR6 of the Local Plan and therefore have an acceptable impact upon neighbouring amenity, subject to an obscure glazing condition.

The proposed development would also be located approximately 14.4 metres away from Lawton House Surgery. Within the relevant elevation of the proposed development facing this neighbouring unit, all the openings proposed would serve as the sole windows to principal rooms. Within the relevant side elevation of the doctor's surgery are 6 windows to clinical rooms.

Given that the surgery is single-storey and because the impacted surgery windows are obscurely glazed, it is not considered that either the occupiers of the surgery or the future occupiers of the dwellings would be detrimentally impacted by the proposal with regards to privacy, light or visual intrusion. The Planning Inspector on the recently dismissed appeal agreed with this conclusion.

However, there is currently a live application being considered by the Council (16/5583C) for an extension to the doctor's surgery that will bring the proposed development to within 5 metres of the extended doctor's surgery. A previous application at the surgery was refused due to a loss of car parking, and it remains to be seen if the previous reason for refusal has been overcome. Further details on the implications of the proposed development at the adjacent site will be provided as an update.

It is considered that the proposed yard areas and shared garden to the west would be sufficient in size for the developments proposed. Furthermore, the units would have access to the public facilities of the Congleton town centre.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land.

Other material considerations

Concerns have been raised about the conflict of the application proposal with plans to extend the adjacent Lawton Gate Surgery. As noted above further details of this will be provided as an update.

Planning Balance

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval, subject to the clarification on the implications of the application at the adjacent doctor's surgery.

RECOMMENDATION

APPROVE subject to conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Site to be drained on a separate system**
- 5. Prior submission/approval of a surface water drainage scheme**
- 6. Obscure glazing to all openings on western side elevation**
- 7. Prior submission/approval of a piling method statement**
- 8. Prior submission/approval of a dust mitigation scheme**
- 9. Prior submission/approve of a Phase II contaminated land report**
- 10. Prior submission/approval of a soil verification report**
- 11. Works to stop if contamination identified**
- 12. Prior submission/approval of boundary treatment**
- 13. Prior submission/approval of existing/proposed 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.

