

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 8th February, 2017  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and 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 - 12)

To approve the Minutes of the meeting held on 11 January 2017 as a correct record.

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

#### 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. **16/3931M-Demolition of the existing buildings on site and the erection of Church Meeting Hall (Use Class D1) with associated access, parking and landscaping and infrastructure, Mobberley Riding School, Newton Hall Lane, Mobberley for Lewis, Mobberley Development Ltd (Pages 13 - 34)**

To consider the above application.

6. **WITHDRAWN 16/4674M-Formation of new drive way onto Chapel Road, with dropped kerb, Fairfield, 25 Chapel Road, Alderley Edge for Mr Craig Jones, the CAVE (Pages 35 - 42)**

To consider the above application.

7. **WITHDRAWN 16/4943M-Self build construction of one detached infill dwelling with new access and associated car parking, Fairfield, 25 Chapel Road, Alderley Edge for Mr Tim Conniff (Pages 43 - 54)**

To consider the above application.

8. **16/6007M-Proposed two storey detached house including demolition of garage, conservatory and outrigger, 71, Heyes Lane, Alderley Edge for Mr Bryn Davies (Pages 55 - 62)**

To consider the above application.

9. **16/4826M-Proposed two storey 3 bedroom detached dwelling, 2, Lancaster Road, Wilmslow for Mr Max Eden (Pages 63 - 72)**

To consider the above application.

10. **16/3285M-Demolition of vacant dental surgery (77) and House (79), and construction of 21 Apartments and 6 bed detached house, 77-79, Alderley Road, Wilmslow for Mr Williams, William Developments (Pages 73 - 86)**

To consider the above application.

11. **16/5788C-Proposed conversion of public house and extensions & additions to form retail premises, cafe, pharmacy and managers flat, Grove Inn, Manchester Road, Congleton for Mr J Yu, Yu Developments (Pages 87 - 96)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 11th January, 2017 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Mr R Croker (Planning Officer), Mrs E Fairhurst (Conservation and Design  
Officer), Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning  
Officer), Mr N Jones (Principal Development Officer) and Miss N Wise-Ford  
(Principal Planning Officer)

### **65 APOLOGIES FOR ABSENCE**

None.

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

In the interest of openness in respect of application 16/4136M, Councillor  
S Gardiner declared that he was known to all of the speakers by virtue of  
being a colleague of Mr Keppel-Garner and also having attended meetings  
with Mr Murren, the agent for the applicant and Mr Heywood, the applicant  
always being present with either an Officer of Cheshire East Council or an  
Officer of Knutsford Town Council. He also recalled having attended and  
possibly voted when the application was first considered by Knutsford  
Town Council, however when the Town Council reconsidered the  
application at a meeting earlier in the week he chose not to use his vote in  
order for him to facilitate being able to speak and vote at the meeting  
today. He did not believe his position had been prejudiced by these  
decisions.

In the interest of openness in respect of application 16/3539M, Councillor  
S Gardiner declared that he was known to Town Councillor K Edwards  
speaking on the application by the virtue of him being a former colleague  
at Cheshire East Council. He was also known to the agent speaking on  
the application by virtue of the fact that he was a former work colleague.

In the interest of openness in respect of application 16/4552M, Councillor  
S Gardiner declared that he was known to the agent speaking on the  
application by virtue of the fact that he had worked with her on a number of  
cases in Knutsford as she used to work for a landowner there.

In the interest of openness in respect of application 16/4749C, Councillor S Gardiner declared that he was known to the objector speaking on the application as he was a former colleague at Cheshire East Council.

In the interest of openness in respect of application 16/4136M, Councillor T Dean declared that was known to all of the speakers by virtue of being a colleague of Mr Keppel-Garner and also having attended meetings with Mr Murren, the agent for the applicant and Mr Heywood, the applicant always being present with either an Officer of Cheshire East Council or an Officer of Knutsford Town Council. He also recalled having attended and possibly voted when the application was first considered by Knutsford Town council, however when the Town Council reconsidered the application at a meeting earlier in the week he chose not to use his vote in order for him to facilitate being able to speak and vote at the meeting today. He did not believe his position had been prejudiced by these decisions. In addition he declared that he was known to the two brothers who owned the company that owns the building but were not the applicants. He confirmed that he had not discussed the application nor made any pre determination.

In the interest of openness in respect of application 16/4136M, Councillor M Warren declared that he was part of the Licensing Act Sub Committee that sat on 1 August 2016 which granted a premises licence to the old Sessions House. The decision was made on licensing grounds alone and had no bearing on the Planning application today and as a result he confirmed he had no pre determination and would approach the application with an open mind.

Councillor H Gaddum declared that she too knew a number of the speakers as former colleagues but in the interest of openness in respect of application 16/3539M, Councillor Mrs H Gaddum declared that she knew the agent speaking on the application as he used to work at Macclesfield Borough Council, but she had not spoken to him about the application.

**67 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 30 November 2016 be approved as a correct record and signed by the Chairman subject to the deletion of the following sentence at the end of Minute No. 61:-

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

**68 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

69 **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**

Consideration was given to the above application.

(Adam Keppel-Garner, the Clerk to Knutsford Town Council, Chris Murren, the agent for the applicant and Peter Haywood, 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 oral update to Committee, the application be approved 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 designs 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.
21. The cobbles at the front of the building to be maintained and kept clean in perpetuity
22. Bin Storage to be carried out in accordance with approved plan
23. Details of rainwater goods to be submitted

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

**70 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**

Consideration was given to the above application.

(Councillor A Stott, the Ward Councillor, Town Councillor K Edwards, representing Bollington Town Council, Sarah Hodgkinson, an objector and Andy Ellis, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development will lead to a reduction in off-street parking as a result of the access arrangements to the proposed dwellings. This will increase demand for on-street parking in an area already experiencing parking issues and therefore the development is to the detriment of the operation of the local highway network and the proposals are contrary to Policies T1, DC3 and DC6 of the Macclesfield Borough Local Plan.
2. The proposal will have a detrimental impact on the character and appearance of the Conservation Area because of the design and scale of the proposed dwellings. The proposal is therefore contrary to Policies BE1, BE3 and DC1 of the Macclesfield Borough Local Plan and paragraphs 126 - 128 of the National Planning Policy Framework.
3. The proposal represents an overdevelopment of the site as a result of the combination of the scale of development, lack of suitable space around the dwellings and the access arrangements. The proposal is therefore contrary to Policies BE1, DC1 and DC41 of the Macclesfield Borough Local Plan and paragraphs 56 – 58 of the National Planning Policy Framework.

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.

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

**71 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**

Consideration was given to the above application.

(Jonathan Sally, representing the applicant and Donna Barber, 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 T Fox).

**RESOLVED**

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Submission of construction method statement
6. 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
14. Bin store
15. Travel Plan
15. Electric vehicle charging point
16. Piling method statement
18. Provision of cycle racks

Councillor S Gardiner requested a recorded vote for this application.

The voting was as follows:-

**In Favour**

Councillor E Brookes  
Councillor T Dean  
Councillor P Findlow  
Councillor L Durham  
Councillor A Harewood  
Councillor Nick Mannion  
Councillor G Walton  
Councillor M Warren

**Against**

Councillor C Browne  
Councillor S Gardiner

**Abstentions**

Councillor C Andrew  
Councillor H Gaddum

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.

(The meeting adjourned for lunch).

**72 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**

Consideration was given to the above application.

(Steve Brough, an objector attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor G Hayes).

**RESOLVED**

That for the reasons set out in the report and in the oral update to Committee, the application be approved subject to the following 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. Parking to be provided and retained
6. Details of bin storage to be submitted
7. Parking to be provided prior to occupation of the units

Informative: Contamination Land

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.

**73 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.

(Andrew Thwaite, an objector attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor G Williams).

**RESOLVED**

That for the reasons set out in the report and in the written and oral update to Committee, the application be delegated to the Planning & Enforcement Manager to approve subject to a S106 Agreement securing a Traffic Regulation Order to restrict the parking of vehicles in the vicinity of the site for up to £7,000 and subject to the following 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
14. Broadband
15. Construction Management Plan

Note: Plan to be amended to remove error showing dormer windows shown on side elevations not on front elevation.

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.

The meeting commenced at 10.00 am and concluded at 2.45 pm

Councillor G M Walton (Chairman)

Application No: 16/3931M

Location: MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, CHESHIRE, WA16 7LB

Proposal: Demolition of the existing buildings on site and the erection of Church Meeting Hall (Use Class D1) with associated access, parking and landscaping and infrastructure.

Applicant: Lewis, Mobberley Development Ltd

Expiry Date: 10-Nov-2016

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed change of use will give a new use for the site. The proposals do not increase the amount of development on the site, and it is considered that the proposals will not have a detrimental impact on neighbouring properties, or on the road network despite large numbers of visitors expected, due to the access and parking arrangements proposed.

There have been a large number of objections to the proposals, many of the concerns raised have been addressed within the report. The end use in this case has been assessed on its individual merits and it is considered that on balance the end use is an acceptable form of development in this location.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for a place of worship is an acceptable form of development.

Concerns have been raised over the proposed boundary treatments to the site, these will be fully assessed for appropriateness as part of a condition with input from the Council's Landscape Officer.

On balance, the proposal is considered to be economically, socially and economically sustainable.

It is not considered that there are any adverse impacts of the development.

It is considered that the proposal represents a sustainable form of development when assessing the three strands of sustainability, therefore the proposal accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

#### **SUMMARY RECOMMENDATION**

APPROVE

## **REASON FOR REPORT**

The application has been called in by Councillor Macrae for the following reason:

*The proposed development and intensification of the use of the site, could result in both harm to current Green Belt(GB) Policies, the openness of the GB, the environmental impacts of traffic, access and the parking implications, including light pollution in this sensitive area. Concerns as to the impact on neighbouring properties of this large scale proposal and operational hours in an unsustainable rural location with no public transport. The proposed development could also present an adverse impact on the adjacent conservation area and is surrounded by public rights of way.*

## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises the recently closed Mobberley Riding School located off Newton Hall Lane in Mobberley. The site has a dwelling on site with a number of buildings and covers an area of 1.55ha. The dwelling is located outside of the red line and is not subject of this application.

The main riding school arena is a double arena and is of a considerable size, in addition to this there are a number of substantially constructed brick stables and storage buildings on site, from when the site was a large equestrian centre. There are double manege areas with different surface treatments. The site has a large expanse of hardstanding across the site, including the main access to the site off Newton Hall Lane.

The site is bounded by a mixture of boundary treatments. There are native hedgerows, more formal leylandii hedgerows separating sections of the site and post and rail fencing. The site has fields to the north, east and south with the curtilage of Oak House to the north.

## **DETAILS OF PROPOSAL**

The proposal comprises the demolition of all riding school buildings, including the arena and stable buildings and the redevelopment of the site for a Church Meeting Hall which falls into class D1 of the Town and Country Planning Use Classes Order 1987. Under class D1 the proposed development falls into (h) -for, or in connection with, public worship or religious instruction.

The proposal will remove all of the buildings from the site save for the dwelling, Oak House, to the front of the site, and some of the outbuildings. The proposed development comprises one meeting hall and associated car parking. The meeting hall will be able to accommodate 508 persons at maximum capacity, and makes provision for 140 car parking spaces.

The amount of development comprises 1,737sq.m and the amount of built development to be demolished is 2,705. Therefore there will be a net loss of built development across the site of 968sq.m.

The proposed building is of an agricultural style and is very simple in design and will have timber horizontal cladding at high level and Cheshire brick at the lower level. The internal

layout of the building is inward facing, with a central area where the congregation will be addressed from. The building has very few openings with the main foyer entrance area and emergency exits only. The areas of car parking are located to the south of the building where the maneges are currently located. The hardstanding to the front of the site will largely be returned to grass and landscaping, however the access road will pass through this area. There will be an area of hardstanding to the southern part of the building where the congregation can meet prior to or after services. A full landscaping scheme has not been submitted with the application however the illustrative landscaping indicates that the proposals will have well landscaped boundary treatments, and much of the existing planting will be retained. Details of boundary treatments will be required to be submitted by condition.

The proposed hall will be regularly used, the details set out in the transport information provided states that there will be five services most weeks going up to 8 services two weeks per month. All services are 1 hour long taking place outside of peak hours for example Sunday 06.00-07.00 and 16.00-17.00, Monday 18.00-19.00, Tuesday 19.00-20.00, Wednesday 19.00-20.00. Therefore lighting to the car park and pedestrian areas will be required for safety reasons. The existing site includes various lighting on the buildings, however any new lighting will be required to be submitted by condition and will be low level.

### **Planning History**

53117P, Extension to dwelling, Approved, 26-May-1998

80777P, Two-storey extension to tack storage building and part conversion of first floor to form meeting room ancillary to the use as a riding school, Approved, 26-Apr-1995

72850P, Extension to indoor arena to provide riding area for the disabled, Approved, 03-Aug-1993

65630P, Erection of lean to building to form tractor bay and implement store, Approved, 14-Jan-1991

53116P, Erection of office to replace temporary building, Approved, 11-May-1988

40234P, Wooden loose boxes to house ponies, Approved, 28-Feb-1985

30409P, Erect a 30'x80' extension to an existing steel framed building, 21-Jul-1982

24498P, New viewing gallery, Approved, 05-Nov-1980

01/1839P, Formation of riding track and midden (retrospective) on land Newton Hall Lane, and access road on to western side of Newton Hall Lane, Approved, 05-Sep-2001

98/0664P, Formation of outdoor riding arena, Approved, 27-May-1998

03/0453P, Extension of indoor riding school for use by disabled persons, Approved, 16-Apr-2003

09/1685M, Application to discharge section 52 agreement attached to application 5/72850P to allow public competitions, gymkhanas or similar activities, Not determined.

## **POLICIES**

### **Local Plan Policy**

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

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

GC1 (New Buildings in the Green Belt)  
BE1 (Design Guidance)  
DC1 (Design – New Build)  
DC3 (Amenity)  
DC6 (Circulation & Access)  
DC8 & DC37 (Landscaping)  
DC9 (Trees)  
NE11 (Nature Conservation)  
DC35 (Materials & Finishes)  
DC38 (Space, Light & Privacy)

### **Cheshire East Local Plan Strategy**

PG3 – Green Belt  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
EG5 – Promoting a Town Centre First Approach to Retail and Commerce 1.iii Local Service Centres  
SC1 – Leisure and Recreation  
Appendix C – Parking Standards  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

### **Material Considerations**

National Planning Policy Framework  
7 Achieving Sustainable Development  
14 Presumption in favour of sustainable development  
17 Core planning principles  
Part 3 Para 28 Supporting a prosperous rural economy  
Part 4 Promoting Sustainable Transport

Part 7 – Requiring good design  
Part 8 – Promoting healthy communities  
Part 9 – Green Belts  
109 Conserving and enhancing the natural environment  
Decision Taking  
Pre-application engagement and front loading  
Determining applications

National Planning Practice Guidance

## **Supporting Information**

Transport Plan  
Design and Access Statement  
Ecological Assessment  
EIA Screening Report  
Flood Risk Assessment  
Bat Survey  
Statement of Community Engagement  
Arboricultural Statement  
Phase 1 Contaminated Land Statement  
Supporting Planning Statement  
LVI Appraisal  
Visual Impact Assessment

## **CONSULTATIONS**

**Environmental Health** – No objections subject to conditions and informatives.

**Manchester Airport** - The height of the proposed development (the building and 10 no. lighting columns) would not impact on Manchester Airport's protected obstacle limitation surfaces and we do not anticipate any issues with the output from the lighting given the location relative to the airfield.

If either the primary or stated alternate drainage strategies (described at section 5.0 of the Flood Risk Assessment) are implemented, then there will be no issues of concern from a bird hazard safeguarding perspective. If however, any on-site SUDS mitigation measures (e.g. ponds, swales etc.) are required then the proposals should be referred to Manchester Airport for consultation before proceeding. We therefore recommend that a condition is attached to any approval granted:

We have no concerns relating to the Detailed Landscape Planting Plan from a bird hazard safeguarding perspective, and do not anticipate any bird issues arising from this development during any construction works.

**Public Rights of Way Team** – No objections subject to informative

**United Utilities** – No objections subject to conditions

**Environmental Health** - No objections subject to conditions and informatives.

**United Utilities** – No objections subject to conditions

**CLH Pipeline** – The pipeline may be affected by the proposed development, development in relation to the pipeline is shown on plan provided. Duty of developer to ensure that proposal does not affect the pipeline.

**Mobberley Parish Council** – Mobberley Parish Council object to this application. This application has caused a lot of controversy within the Village for various reasons. We have listened to the Parishioners and their concerns and have also met up with the Brethren Community. After careful consideration we cannot see how the village will not be detrimentally affected by the sheer volume of additional traffic that this development will bring. The development is intended to be a “Head Office”, phasing out the Hale Barns meeting hall and consequently will be a very prominent and busy meeting place.

Newton Hall Lane is not a major road and is extremely narrow in places and so naturally we are concerned that potentially it could lead to accidents. We also consider that due to the amount of time that the Brethren worship this could become an amenity issue for the surrounding neighbours.

**Ollerton with Marthall Parish Council** - It has been collectively decided by members of Ollerton with Marthall Parish Council that we should raise our concerns regarding this application. Given our familiarity of the site often passed by our members at varying times of the day, we feel our knowledge is valid.

It is without doubt that there will be a major impact on traffic given the congregation size with the addition of visiting members. The increased traffic volume is acknowledged by the organisation, however it argues that is it outside peak traffic hours. However this will extending the high levels of traffic beyond normal time periods for residents and other leisure users. These include horse riders, cyclist and ramblers who frequent the area. With a Manchester membership of 340 and Crewe and Sandbach of 180 this is above and beyond the number of visitors to the riding school. All of which will be travelling from surrounding areas, this will also increase traffic on other country lanes in the area. The proposed parking spaces are woefully inadequate, with 81 hard standing and an overflow of 88, we suspect further encroachment upon the Green Belt will occur at a later stage. We have experience of vehicles parking on the roadside and it would be an understatement to say this is dangerous. It is claimed that the traffic will be managed as it leaves the site, difficult to comprehend how this will be accomplish, do certain members leave the service at different times. Also the number of passengers per vehicle of five attending each service is an ambitious claim.

We do not believe this proposal is appropriate within this rural community, such venues are normally situated within a town environment. It will not sit naturally within its surrounding but dominate the area. The activity levels will naturally extent beyond the scheduled services and other events will take place outside the building diminishing the amenity for residents and members of the public who visit this rural area.

**Great Warford Parish Council** - In representing the views of our council we would like the following to be taken into account when considering this application.

Traffic

The traffic generated by the change of use to a Church has not been properly represented in the Travel Plan. The assumption that 5 people per car and a 100 parking spaces would be required at the Church is highly problematic. The documents from the European Environment Agency

(EEA) Occupancy Rate of Passenger Vehicles 2016 and UK Government Vehicle Mileage and Occupancy (NTS09 2013/2016) show a decreasing rate of occupancy to just above 1.5 person per car journey. This reduction in car occupancy is not reflected in the Travel Plan and if included would increase the parking requirements at the site beyond the anticipated 169 spaces.

Apart from the potential increase in the number of cars attending the location, the traffic has a limited number of routes to arrive at and depart from Newton Hall Lane. The junction at Newton Hall Lane and Knutsford Road (B5085) is situated with bends in the road in both directions and even with light traffic a queue forms to exit on to Knutsford Road and cars approaching from Wilmslow to turn right on to Newton Hall Road will also create a queue. Where Newton Hall Lane changes to Burleyhurst Lane the bridge crossing Sugar Brook narrows to single vehicle access.

The potential problems this creates could well affect users of Newton Hall Lane from Great Warford and the surround parishes for access to west side of Wilmslow, Manchester Airport and the motorway network towards Manchester and beyond. The represents a considerable number of journeys on any day of the week.

It is our consideration that this Change of Use would be of a detriment to surrounding parishes and should therefore be refused.

**Wilmslow Town Council** - Wilmslow Town Council object to the application on the grounds of a disproportionate increase in the footprint in the greenbelt in relation to both the building and the car parking provision and on the grounds of the significant traffic impact heading towards and through Morley Green in the Parish of Wilmslow.

### **REPRESENTATIONS**

182 letters of objection have been received in respect of the application.

The issues raised include:

- Infrastructure cannot cope with numbers of people proposed to attend around 850.
- Highway network cannot cope with the number of cars to be generated by the development.
- The amount of car parking is inadequate.
- Gross intrusion into the Green Belt
- Inappropriate development within the Green Belt
- No community benefit
- Not to be used by the community of Mobberley
- Design is not appropriate
- Materials proposed not appropriate
- Boundary treatments not appropriate
- Noise from the number of people
- Visual impact
- Visual impact from floodlighting

- Pollution from additional traffic
- Comments in relation to the end users of the proposed development
- Greater levels of traffic than the riding school
- Dangerous along cycle route and horse riding route

## OFFICER APPRAISAL

### Key Issues

- Principle of development
- Sustainability
- Design
- Landscape Impact
- Trees
- Ecology
- Highways
- Amenity
- Flood Risk
- Social Sustainability
- Economic Sustainability
- Planning Balance
- Recommendation

### Principle of Development

The site is located within the village of Mobberley and is located within the Green Belt. The site is previously developed land and has a large amount of built development on the site including significant areas of hardstanding. The proposed development includes the clearance and redevelopment of the site for a D1 use.

Within the Green Belt new development is tightly restricted, and only certain types of development are considered to be not inappropriate. Paragraph 89 of the NPPF sets out the types of built development which are acceptable within the Green Belt. This includes the *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.*

The proposed development is the complete redevelopment of a previously developed site. All buildings are to be demolished and removed from the site with the development of one single building to provide the proposed church hall. The plan has been amended, as there was some encroachment to the south of the site through car parking. This amendment has brought the development in line with the existing areas of previously developed land. Including a triangle of land to the south west of the site. The lost car parking as a result of the amendments has been replaced by some of the temporary spaces to the front of the site being made permanent and results in 140 spaces. The plaza area could accommodate overspill parking if required, which can be marshalled for larger meetings. The front of the site is proposed to be landscaped, however this is currently completely concrete hardstanding, therefore the changes will allow for some additional parking provision where there is currently hardstanding. The overall existing hardstanding of the site is currently 6,160 sqm. The

application scheme proposes (inclusive of car parking spaces to be treated in a 'grasscrete' type material) 5,410 sqm, therefore resulting in an overall net reduction of 835 sqm.

The application proposes the demolition of significant buildings, the existing amount of floor area on site is 2,839sq.m the proposed building will cover an area of 1,848sq.m which represents a reduction of 991sq.m, which is a 35% reduction of built development across the site. The proposed built volume will be reduced by 2,944cu.m across the site. The ridge height is 1m higher than that of the building it replaces. The building however is considerably smaller covering a smaller floor area, therefore it is considered that this slight increase in height, combined with the large reductions in floor space and hardstanding across the site will improve the level of openness at the site, having a positive impact on the openness of the Green Belt and will not conflict with the purposes for including land within it as set out in paragraph 80 of the NPPF.

### **Use**

The previous use of the site was for a riding school. The riding school was a large establishment with a number of facilities, including a double indoor arena. The equestrian use of the site generated a large number of visitors, however these visitors, whilst some would arrive at set times for lessons, this would be dispersed throughout the day.

The proposed use is for a D1 use, meeting halls or places of worship. The use is a place of worship by the Manchester Gospel Hall Trust part of the Plymouth Brethren. The congregation currently use a site at Hale Barns within south Greater Manchester, however there are large congregations in South Manchester, Cheshire East including Wilmslow, Handforth, Sandbach and Crewe. The Sandbach and Crewe congregation use a meeting hall within Crewe.

The applicant has provided additional information in relation to where the congregation reside and on other sites considered. An extensive site search has taken place over a 12 year period, 111 members of the Trafford congregation have moved out of the Trafford area, many residing within north Cheshire including Wilmslow, Mobberley and Chelford. Details of postcodes of the existing congregation have been provided as part of the updated application information.

As part of the alternative site search 80 sites have been considered over a 12 year period, that would be suitable to accommodate the new hall. The area of search includes south Manchester/north Cheshire, including Cheadle in the north and Alderley Edge, Hale Barn to the west and Poynton to the east.

The considered sites have been ruled out for a number of reasons.

The existing site within Hale Barns is considered to be no longer fit for purpose and the applicant requires a new, purpose built Meeting Hall. It is not possible to extend or alter the existing site to meet the applicant's need as the car parking layout is becoming unsafe and inconvenient. The current meeting hall is cramped and is difficult for less mobile members of the congregation to safely be seated. A new meeting hall will allow for improved facilities including: providing a building which is suitable for disabled members of the congregation, providing additional indoor space to provide a library area and other requirements of the

congregation and would provide a safer environment for vulnerable members of the congregation. Should the application be successful the applicant has stated that the Hale site will close.

It is not considered that a D1 use is an inappropriate use within a rural area, indeed many community uses and places of worship are located within rural areas. Under paragraph 28 of the NPPF this encourages planning policies to promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Paragraph 70 of the NPPF states that Local Authorities should plan positively for the provision of *inter alia* places of worship to enhance the sustainability of communities, and to ensure that established facilities and services are able to develop and modernise in a way that is sustainable, retained for the benefit of the community. In this case, although the current meeting hall is located in Hale, it is considered that this site will allow the congregation to develop and modernise sustainably at a new site, with modern facilities suitable for all members of the existing and future congregations.

A number of the objections received to the application state that the proposal will not serve the community of Mobberley. However, this is not a certainty, and often having a facility nearby can encourage participation. It is also clear that whilst this may not immediately serve the Mobberley community at the current time, it will serve the congregation who live within a reasonable distance of the site, including those within Cheshire East.

It is not considered therefore that the use is inappropriate within a rural area in principle.

### **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.

### **SOCIAL SUSTAINABILITY**

The proposed development will replace the existing site at Hale Barns which is no longer fit for purpose and the church have been looking for some time to relocate into a purpose built premises. The congregation who use the current Hale Barns site require the new site to meet their needs going into the future. It is considered that the proposed meeting hall will meet the existing needs of the congregation and will provide an opportunity for the Sandbach and Crewe congregations to participate in services. This will reduce travel time for those, as well as being geographically well placed to serve the existing south Manchester community.

The proposed development would be socially sustainable as it provides a new purpose built and modern place of worship for the congregation within Cheshire East and south Manchester, better meeting the needs of the existing and future congregations.

It is therefore considered that the proposal plays an important social role for the congregation, and is therefore socially sustainable by meeting those needs.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design**

The proposed design has been formulated through pre-application discussions. The building takes a simple form and reflects the rural character of the area in which it will sit. The design must be sympathetic to its surroundings whilst being practical for its end use. The design is to reflect the agricultural style of the area and uses timber and Cheshire brick. The form of the building is considered to be acceptable. Therefore the proposals accords with policy BE1 of the Macclesfield Borough Local Plan.

### **Landscape**

The proposals have been designed to sit within the surroundings and the development is directed to where the existing development is located. The site particularly the entrance area is open in character however, and public footpaths run past the site to the north. The LVIA does not show that the proposal will have an adverse impact on the landscape as the site is previously developed. However the application does show inappropriate boundary treatments, such as high mesh security fencing. This does have planting behind it on the boundaries shown, however this is not rural in character and does not sit well in this setting. The Landscape Officer has commented on the proposals and particularly the landscape proposals. The comments state that the proposed landscape scheme is generally appropriate but further details are required for the proposed earth mounds as shown on the indicative landscaping plan, the grassed car parking areas and amendments to the planting proposals are required

There are concerns about the proposed high mesh security fencing which would be inappropriate in this rural area, particularly at the site entrance where the fencing and gates would be would be conspicuous from the Lane. Timber post and rail fencing and field gates would be more in keeping with the character of the area.

It is therefore considered that in order for the scheme to be acceptable, boundary treatments are required to be submitted by condition together with a landscaping scheme and a condition to ensure no tree removal.

### **Trees**

The proposal requires the removal of some trees and hedgerows to accommodate the development and the visibility splays, however the proposals include large amounts of replacement planting.

The Arboricultural Officer commented that the submitted Arboricultural Report states three moderate (B) category trees (T2 Lime T5 Maple and T6 Ash) will require removal to accommodate the proposed new building and access/proposed visibility splays. Two further low (C) category trees (T1 Ash and T3 Sycamore), three low (C) category groups of trees (G2-G4) and three hedgerows (H2, H8 and H12) will also require removal for the access and the car park.

Trees within the application site are not formally protected by a Tree Preservation Order and the site does not lie within a Conservation Area which would afford pre-emptive protection for trees.

The Arboricultural Report states the loss of moderate category trees will impact upon the local street scene and will be mitigated by replacement planting and landscaping. A Landscape Masterplan (TG Dwg 10452/PD7B Rev B) has been submitted in support of the application which makes provision for six large canopy trees either side of the proposed access and in excess of 60 further high canopy trees within the site. The proposed landscaping and planting proposals is considered to sufficiently offset the proposed loss of trees

A mature Sycamore identified for removal (TN2 and T3 of the Arboricultural Report ) has been identified in the submitted report as having high bat roost potential. Further advice on this matter is contained in the Council's Nature Conservation Officer's consultation report.

The supporting Ecological Appraisal has assessed hedgerows within the application site under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997 but not the Archaeology and History criteria. Under this criteria the Appraisal has determined the hedgerow does not meet the criteria for qualifying as 'Important' under the Regulations. The Appraisal identifies five hedgerows with one hedgerow of 100 metres in length adjacent to Newton Hall Lane (shown as TN23 and H2 and H12 of the Arboricultural Report) shown for removal to accommodate a proposed 2.4 x 134 metre visibility splay (CBO Transport drawing CBO-0350-002 Rev B refers).

A second species poor hedgerow (TN4) is identified in the Ecological Appraisal for removal (para 5.3) but appears to be located outside the application site.

A Cypress Hedge (H8 of the Arboricultural Report) located within the central southern section of the site is also identified for removal to accommodate the car park. The hedge is a species poor hedgerow and does not meet the criteria for an Important hedge under the 1997 Regulations.

The supporting Landscape scheme does provide for replacement hedgerows within the application site with 6 hedgerows varying in length with an accumulated total of 429 metres but with no replacement along the Newton Hall Lane frontage. In this regard the loss of the hedgerow and lack of replacement along Newton Hall Lane represents an adverse visual impact upon the rural character of the lane.

It is proposed through the revised landscaping scheme to mitigate this loss and to propose a replacement hedgerow where the visibility splay would be lost in order to make the proposal acceptable along the frontage of Newton Hall Lane.

The application proposes significant amounts of planting and replacement of lost landscape features. It is considered that this will effectively mitigate the loss and provide suitable boundary treatments and an effective landscaping scheme.

It is considered that the proposal accords with policy DC8, DC9 and DC37 of the Macclesfield Borough Local Plan.

### **Ecology**

#### Bats

Evidence of limited bat roosting activity has been reported in the submitted bat survey report (dated August 2016), in one of the buildings (not to be demolished but in close proximity to other buildings scheduled for demolition); and in a tree currently scheduled to be felled. A small number of common pipistrelle bats were recorded, and the ecologist concurs with the assessment that the features are used by non breeding individuals as summer roosts.

Outline mitigation and roosting enhancement provision has been proposed, and are supported in principle and if implemented should reduce the impact on bats to negligible levels. The mitigation and enhancement measures should be worked up into details for approval.

As bats could be directly impacted by the proposals the Council is required to consider the application under Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Alternatives

The alternative would be for the project to not go ahead, the site is Previously Developed Land within the Green Belt where future pressures could exist on the site for development. Therefore it is considered that alternatives may become available in the future, the site will be under pressure to be developed. The applicant carried out an extensive search for alternative sites and this site was considered to be the most suitable.

### Overriding public Interest

The proposals would bring about a new place of worship for an existing congregation community, whose existing facility is no longer fit for purpose, it would see the efficient re-use

of an existing brownfield site which is currently not being used. It is considered therefore this is in the wider public interest for the project to go ahead to meet the needs of this congregation.

Mitigation

A suitable scheme of mitigation has been put forward as part of the proposals and it is considered that the proposal would not have an adverse impact on protected species. The scheme for mitigation will be conditioned as part of the decision.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

It is therefore considered that subject to mitigation the proposal will accord with policy DC9 of the Macclesfield Borough Local Plan.

**Highways**

The matter of highways has been raised by many objectors to the development including Parish and Town Councils and has been assessed through a transport assessment. The highways issues at the site formed part of the pre-application discussions, CEC highways have provided detailed comments on the highways matters at the site.

The information submitted by the applicant indicates that there are a number of meetings held during the week and these are on Mondays, Tuesdays and Wednesdays in the evenings and on Sunday mornings and evenings. To support the information supplied on traffic generation the applicant has also submitted the traffic count information from the Hale Barns site.

Traffic Assessment

To assess the likely impact of the development on traffic flows the existing traffic flows on Newton Hall Lane has been counted and then the development traffic added during the times of operation. Table 5.1 is an extract from the Transport Assessment and shows the comparison in flows:

**Table 5.1: Busiest Periods of Traffic Flow on Newton Hall Lane and at Proposed Church Meeting Hall**

		Two Way Traffic Flow		
		Newton Hall Lane	Church Meeting Hall	Total
Wednesday service (19:00 – 20:00)	18:00 – 19:00	354	120	474
	20:00 – 21:00	111	120	231
Sunday service (10:30 – 11:30)	10:00 – 11:00	212	140	352
	11:00 – 12:00	288	140	428
Tuesday service (19:00 – 20:00)	18:00 – 19:00	342	80	422
	20:00 – 21:00	94	80	174
Existing busiest weekday periods on Newton Hall Lane	7:00 – 8:00	409	0	409
	8:00 – 9:00	474	0	474
	16:00 – 17:00	401	0	401
	17:00 – 18:00	441	10	451

The analysis of the traffic flows indicate that the traffic associated with the Church when added to the flows at the time of the services does not result in the overall traffic flows being materially different. Clearly, this is based upon the assumptions on traffic generation that the applicant has made, to clarify this issue as traffic survey was requested to be undertaken at the existing Church at Hale Barns. The resultant traffic flows figures are shown in the following table.

Survey Results: Hale Road Hall

September	Meeting Start Time	In			Out				No. of Cars	Max No. Cars referred to in TS	
		30 - 20 min before	20 - 10 min before	10 - 0 min before	0 - 10 min after	10 - 20 min after	20 - 30 min after	30 - 40 min after			
Monday	5th	18:30			12	4	8		12	10	
Tuesday	6th	19:15	15	35	33	21	34	19	9	83	80
Wednesday	7th	19:15	25	40	36	25	28	37	11	101	120
Sunday	11th	06:00			12	12				12	10
		10:30	38	44	47	39	28	36	26	129	140
		17:15	15	36	41	18	30	26	18	92	80

The results indicate that the number of vehicles visiting the Hale Barns site are shown as broadly similar to the figures submitted in the Transport Assessment.

Therefore, based upon the traffic flow figures submitted and the likely traffic generation by the development, there would be no material increase in flows above that already using the road network. This would also apply to the impact at nearby road junctions in that the level of flow would not be materially worse using the junctions.

Access

The proposed access to the site is shown as being relocation 4 metres north of its current location, it is 6m wide and has a 6m radius on the southern side and 10m radius on the northern side, the access arrangement is shown on Dwg No. CBO-0350-002 Rev B. One of the main highway concerns is the speed of vehicles using Newton Hall Lane and a speed survey has been undertaken to calculate the 85%ile speeds. Given that the maximum 85%ile speed was 47mph, DMRB visibility requirements should be provided and not Manual for Streets. The applicant’s access plan shows the visibility provision in both directions, the distances are in accordance with the standard requirement for 47mph from a setback distance of 2.4m.

Car Parking

As stated in the introduction there was originally 169 car parking spaces however following amendments, this has been reduced to 140 to remove encroachment. The parking is policy compliant with CEC standards which state in the Macclesfield Borough Local Plan and Cheshire East Local Plan is 1 space per 5 members, which is a requirement for 101 spaces and also the number of spaces (140) is the maximum number of vehicles recorded at the Hale Barns site, in the absence of other information regarding numbers of vehicles attending the site Highways accept that sufficient spaces have been provided. The amount of car parking provision on site is a concern, especially if the number of people/vehicles attending the site has been substantially underestimated and parking overflows out onto Newton Hall Lane. It has been made clear during the application process that this is a replacement facility

for the Hale Barns site and not intended as an amalgamation of other sites. Given the information submitted that 140 spaces would be an acceptable level of provision.

### Accessibility

There is an existing footway on the development side on Newton Hall Lane that connects to Burleyhurst Lane and also Knutsford Road. There is a local bus service that runs along Knutsford Road where the nearest bus stops are located, these are some distance away from the site. Whilst, the site is connected to the footway network it is likely that almost all trips to and from the site will be car based given that services are in the evening and on Sundays.

### Highways Summary and Conclusions

The former use of this site was a riding school and there has been traffic generation associated with the equestrian use. However, the change of use to a Church has the potential to increase flows considerably depending upon the size of congregation that would attend the services. There has been concern that the information submitted is not accurate and that there will be far more people attending the site than was indicated in the planning application. Clarification was sought from the applicant on the number of people that would be attending the Church and it was reaffirmed by the applicant that this facility was a replacement for the Hale Barns site. Therefore, based upon the traffic generation flows submitted in the application the level of traffic using Newton Hall Lane would not materially increase as the peak usage of the Church falls outside peak traffic hours.

The level of parking provision on the site is considered acceptable given the predicted level of vehicles visiting the site. However, it is important that parking is contained within the site and does not overspill onto Newton Hall Lane and the building can accommodate a maximum of 508 persons, at full capacity. This size restriction regulates the traffic flows as well as vehicles parking on site.

Therefore, subject to conditions the Head of Strategic Infrastructure raises no objections to the application.

### **Amenity**

Environmental Health has been consulted on the application and has raised no objections in terms of air quality, noise or contaminated land. It is not considered that the proposed development will have a detrimental impact on the amenity of local residents. The closest immediate neighbour to the site is Oak House which is under the control of the applicants. Due to the nature of the proposed use and the design of the building, it is not considered that the proposal will cause disturbance through noise to neighbouring properties. There may be some noise from members of the congregation arriving and leaving services, however the services will be carried out inside the building, which will be built to modern energy efficiency standards which will reduce noise levels from outside the building.

Due to the shape of the building and the internal arrangement, of a hexagon shaped worship space, with the centre of the hexagon being the lectern and seating around this, the building is unlikely to have a dual purpose for events such as functions. However usual events in association with places of worship such as weddings and funerals will take place at the site.

According to the information provided, the latest a service would finish would be around 10pm and the earliest service is a Sunday at 6.00am. Therefore it is not considered to be unreasonable to restrict hours of operation to around 10.30pm to allow the congregation to leave and to close the building. Any external lighting other than security lighting will be required to be switched off when the building is not in use for visual amenity purposes.

It is considered that the proposed use would not cause disturbance through noise or light pollution, or through the congregation arriving at the site or leaving the site as there are no residential properties immediately adjoining the car parking area and that the proposals will not have a detrimental impact on the amenity of residents.

### **Flood Risk**

The proposed development is not considered to cause flooding or be at risk from flooding, the application is accompanied by a detailed Flood Risk Assessment. United Utilities have been consulted on the application with regard to drainage matters, and have raised no objections subject to conditions. Therefore it is not considered that the proposal will exacerbate or be at risk of flooding in the future subject to suitable drainage techniques being implemented on site.

### **Manchester Airport**

Manchester Airport has been consulted on the proposals and have raised no objections subject to conditions in relation to light pollution and attracting of geese.

### **Accessibility**

All new development should be sustainable and accessible for all users and by different modes of transport. The NPPF places great importance on accessibility and the important contribution this makes to overall sustainability.

This proposal is on the edge of Mobberley a Local Service Centre. Mobberley has a small number of shops a school and is well connected through public transport with bus routes and a rail station.

The site itself is more remote, located along Newton Hall Lane. The sustainability of the site is of concern, as it is acknowledged that the vast majority of the congregation would need to travel some distance to the site as they do not live in Mobberley. The application was accompanied by a Transport Statement which sets out the locational sustainability of the site. Whilst the site is fairly remote along Newton Hall Lane, there is a footpath which runs from the village to the site, so pedestrian access to the site is possible. The nearest bus stop is approximately 600m from the site. In addition to this there are regular rail services to Mobberley, Alderley Edge and Wilmslow, from Manchester, Crewe, Sandbach and Altrincham. Due to the proximity of rail stations locally, arrangements could be made for lift sharing, or cycling from these stations. The site is on a cycle route.

Information provided from the Hale Barns site does indicate that most people will drive to the site, and therefore the access is required to be safe for these purposes and sufficient car

parking be made available. Cycle spaces should also be provided, as cycling is a realistic option to the site given how well connected it is along a main cycle route. Whilst the site is on the edge of Mobberley, it is not a great distance from rail and bus links, and has a pedestrian link to the site.

It is considered that overall the site is accessible, to further enhance this it is considered that a Travel Plan can be developed to include methods to reduce the reliance on private cars to the site, such as mini-buses and lift-sharing. The applicant is also required to provide electric car charging points at the site in order to make a contribution to improving air quality.

Additional details have been provided detailing the public transport services available to the congregation, either through lift sharing from a railway station or from the bus service at the end of Newton Hall Lane, where a footpath runs the full length of it, so the bus stop is accessible on foot to and from the proposed development.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The accessibility to the site is not excellent due to its slightly isolated location, however this is not the only factor when assessing sustainability. The proposed use will not have a detrimental effect on ecology, the site does have protected species within close proximity however it is considered that the mitigation put forward makes the proposal acceptable. Some trees will be lost as a result of the proposals however, it is considered that suitable replacement planting will be able to mitigate this loss. The proposals are acceptable in terms of landscaping, highways matters, flood risk and amenity.

Therefore it is considered that the proposal is environmentally sustainable.

### **ECONOMIC SUSTAINABILITY**

#### **Employment**

The proposed development will generate short term employment for the development of the site, and a small number of occasional staff when the site is operational. Nonetheless the development of the site will provide some employment through the construction of the site.

In addition to this the construction of the site will require materials which will contribute to the local rural economy in the short term.

### **Economic sustainability conclusions**

The proposals will result in short term employment will through the construction of the site along with an economic boost locally in the short term. It is considered that the number of visitors to the site or up to 500 could boost the local economy through visits to local shops and amenities.

#### **Other Matters**

A major fuel pipeline to Manchester Airport runs past the site to the north, and is shown on the consultation response as possibly being affected by the removal of part of the hedge to

provide the visibility splay for the development. A representative from CLG who manage the pipeline has visited the site and has confirmed in writing that the pipeline is unaffected by the proposals.

### **Representations**

A large number of representations have been made with regard to the proposals. These objections cover a variety of material planning considerations, and have been taken into account and have been dealt with in this report.

### **The Planning Balance and Conclusions**

The proposals are an acceptable form of development within the Green Belt, the site is currently redundant as a riding school and the proposed change of use will give a new use for the site. The proposals do not increase the amount of development on the site, and it is considered that the proposals will not have a detrimental impact on neighbouring properties, or on the road network despite large numbers of visitors expected, due to the access and parking arrangements proposed.

There have been a large number of objections to the proposals, many of the concerns raised have been addressed within the report. The end use in this case has been assessed on its individual merits and it is considered that on balance the end use is an acceptable form of development in this location.

The Government through the National Planning Policy Framework, places great emphasis on the reuse and recycling of brownfield or Previously Developed Land. It is considered that the re-use of previously developed land for a place of worship is an acceptable form of development.

Concerns have been raised over the proposed boundary treatments to the site, these will be fully assessed for appropriateness as part of a condition with input from the Council's Landscape Officer.

On balance, the proposal is considered to be economically, socially and economically sustainable.

It is not considered that there are any adverse impacts of the development.

It is considered that the proposal represents a sustainable form of development when assessing the three strands of sustainability, therefore the proposal accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

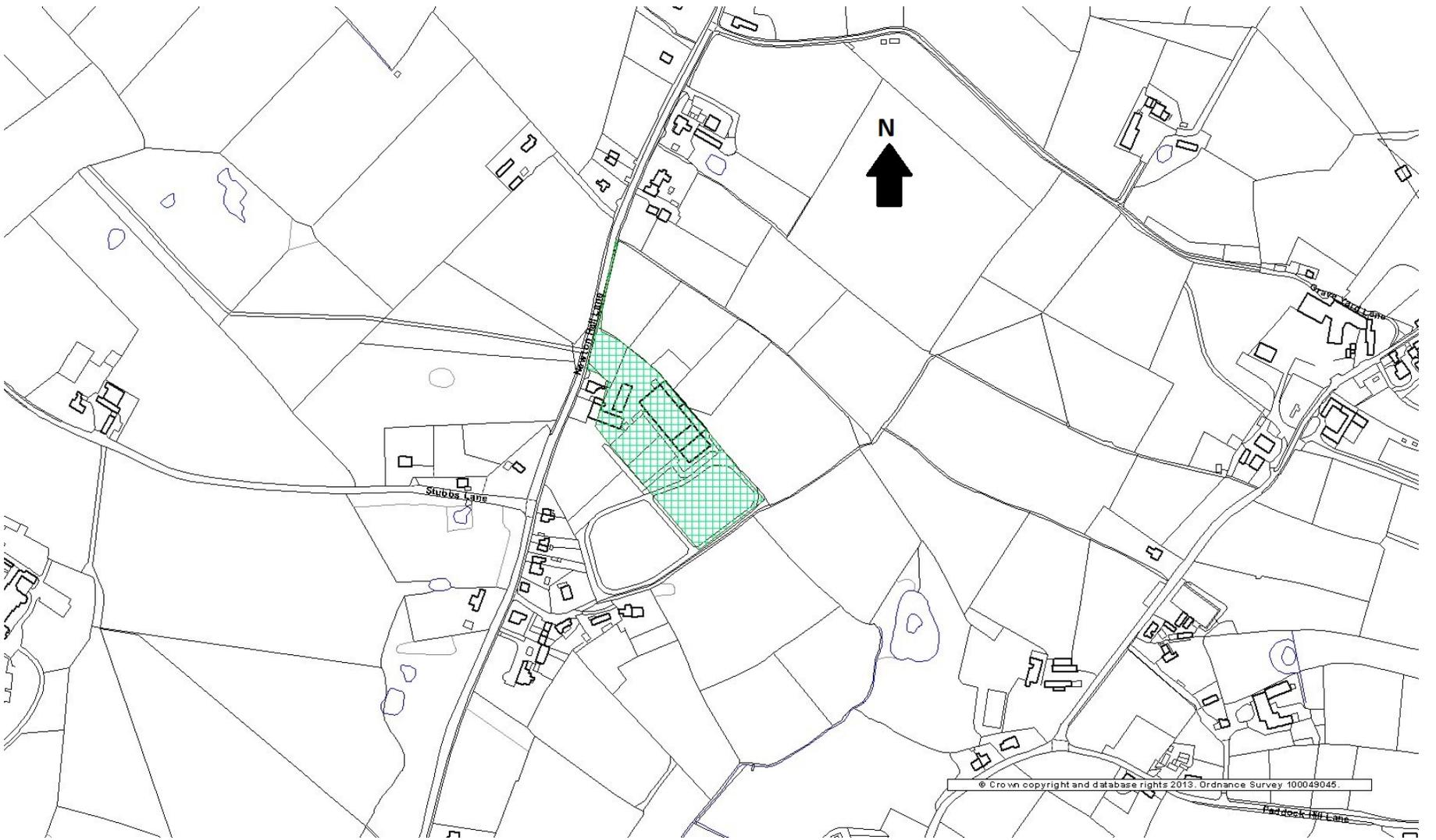
### **RECOMMENDATION**

APPROVE subject to conditions

1. Time Limit (Standard)
2. Approved Plans
3. Material Details, buildings and floorscape

4. Use Restriction (D1)
5. Hours of Operation restriction
6. Travel Plan
7. Electric Vehicle Infrastructure
8. Pile Foundations
9. Dust Control Measures
10. Floor Floating
11. Bat Mitigation and Enhancements Scheme to be submitted
12. Nesting and Breeding Birds
13. Visibility Splays to be in accordance with plan
14. Construction Management Plan
15. Detailed Lighting Scheme to be submitted
16. Submission of Landscaping Scheme
17. Landscaping Scheme Implementation
18. Details of Boundary Treatments including gates
19. Submission of Earthworks Details
20. No tree removal except for those shown to be removed
21. Sustainable Drainage Maintenance and Management Plan to be submitted
22. Drainage to be developed in consultation with Manchester Airport.

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: 16/4674M

Location: FAIRFIELD, 25, CHAPEL ROAD, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7DX

Proposal: Formation of new drive way onto Chapel Road, with dropped kerb.

Applicant: Mr Craig Jones, the CAVE

Expiry Date: 16-Jan-2017

**SUMMARY:**

The application for a vehicular access of Chapel Road includes the removal of part of a low level stone boundary wall, hedge and landscaped garden as well as dropping of the kerb. When considered as a whole, the proposed development does require planning permission by virtue of Chapel Road being a classified road, and overall the proposal is not considered to preserve or enhance the character of the conservation area and lacks public benefit to outweigh the harm to the conservation area.

**SUMMARY RECOMMENDATION**

Recommended for refusal

**REASON FOR THE REPORT**

The application has been called into committee at the request of Cllr Craig Browne for the following reasons:

*Concerns have been raised both by the Parish Council and local residents regarding the potential impact on the Conservation Area, highways safety and the opportunity it may create for further infill development. The application is therefore worthy of consideration by Northern Planning Committee, as it will provide an opportunity for all parties to be heard.*

**PROPOSAL**

The proposal is for vehicular access with dropped kerb, new driveway involving removal of a tree and front garden and alteration of the low level boundary wall.

**SITE DESCRIPTION**

The application site comprises of a semi-detached property located within the Trafford Road Conservation Area in Alderley Edge. The site is bordered by Stevens Street to the north and Chapel Road to the south. The front boundary to the site comprises a low level stone wall with hedge behind and timber gated pedestrian access and a landscaped front garden between the boundary and the front of the house.

## **PLANNING HISTORY**

31908P EXTENSION TO FORM SUN TERRACE AND DINING AREA AND A REPLACEMENT DETACHED DOUBLE GARAGE AND INTERIOR ALTERATIONS

Withdrawn 17-Dec-1982

32450P REPLACEMENT DOUBLE GARAGE Approved 16-Feb-1983

16/4943M SELF BUILD CONSTRUCTION OF ONE DETACHED INFILL DWELLING WITH NEW ACCESS AND ASSOCIATED CAR PARKING – not yet determined

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

56-68 Requiring good design

128, 129,13, 132-134 Conserving and enhancing the historic environment

### **Development Plan**

#### **Macclesfield Borough Local Plan**

BE1 Design Guidance

BE2 Historic Fabric

BE3 Conservation Areas

H13 Protecting Residential Areas

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC35 Materials and Finishes

DC37 Landscaping

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

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

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

## **Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Cheshire East Borough Design Guide

## **CONSULTATIONS**

**Highways** – No objections

**Forestry** – No objections subject to condition relating to replacement planting

**Conservation** – Some harm caused

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

Alderley Edge Parish Council: recommends refusal, raising the following issues:

- Not improving or enhancing the conservation area
- No need for hardstanding as access already exists at the rear
- Reduction of free drainage
- Highways safety concerns

## **OTHER REPRESENTATIONS**

10 letters/representations have been received from/on behalf of neighbours. The full comments can be found on the Cheshire East Council website. A summary of the key issues raised are as follows:

- Concerns over impact on highway safety
- Impact on the character of the conservation area
- Partial loss of the stone front boundary wall.
- The choice of materials for the proposed driveway
- Loss of vegetation, a magnolia tree, and hedge
- Root protection to silver birch tree in the garden of No27 Chapel Road
- Impact on drainage

## **APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary, where development is normally acceptable in principle subject to all other material considerations being satisfactory. The site is within a designated conservation area and special attention to the desirability of preserving or enhancing its character or appearance is required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

## Environmental Sustainability

### Design issues and impact on the Conservation Area

Policy BE1 of the Macclesfield Borough Local Plan requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 requires development to be sympathetic to its surroundings, streetscene and host building and within Conservation areas, Policy BE3 requires development to preserve or enhance the character or appearance of the conservation area, with special attention to matters of bulk, height, materials, colour and design.

Much of Chapel Road is characterised by substantial residential properties dating from around the turn of the last century, with mature gardens. The boundary treatment along the road on the northern side particularly to the eastern end is relatively consistent with low level walls and fences and mature hedges, most punctuated only by narrow pedestrian entrances. This boundary treatment contributes to the character and appearance of the conservation area. The parking restrictions on the road mean that there is very little visibility of parked cars along this section of the road. An exception to this is No.23 Chapel Road where a vehicular access has been constructed and part of the boundary wall and hedge removed allowing an opening of 3m wide. Applications for vehicular access to Nos 11 and 13 were both refused and dismissed at appeal. Whilst these appeals were some time ago and policies may have since changed, the issues of impact upon the conservation area remain.

The proposal at 25 Chapel Road includes widening the boundary opening to approximately 4.4m wide (as measured on the revised layout), a substantially larger opening than at the adjacent No.23. Each application is considered on its own merit. It is considered that the existing widened opening to the boundary to 23 Chapel Road does cause some harm to the conservation area, and some existing harm does not justify further harm. If this opening is repeated down Chapel Road it would result in a significant visual impact on the street scene with the introduction of parked cars visible and a breakdown of the currently almost continuous sense of enclosure created by the existing boundary treatments. The visual appearance of parked cars as well as the widening of the opening and loss of landscaping would alter the character of the conservation area, in a manner that would be to its detriment.

The stone wall and hedged boundaries are a feature of the Trafford Road conservation area and the Conservation Officer has commented that some harm would be caused (to the character of the conservation area), but she does note that the extent of the works to the wall fall within permitted development due to the extent of alteration and the height. The revised layout with a change of materials and reduced size to the driveway surfacing is preferable in design terms to the original proposal, however in principle the proposal is considered to have an unacceptable impact on the conservation area, and it is considered that less than substantial harm to the designated heritage asset would result.

A planning application is required for creation of the vehicular access as Chapel Road is a classified road. Whilst it is acknowledged that aspects of the work can be carried out under permitted development, on consideration of the application as a whole it is not considered to preserve or enhance the character of the conservation area. Even if the permitted development aspects were carried out, planning permission would still be required for the

construction of access to a highway. This access would facilitate the parking of cars on the front garden the detrimental visual impact of parked cars would still be evident.

(Policy BE12 has been mentioned in some of the comments relating to this application. BE12 relates specifically to the Alderley Edge Conservation Area which has a different character to the Trafford Road conservation area.)

### Highways

There are no concerns raised by the highways department. Two parking spaces are shown on the layout and there would be space for a third car on the driveway. If approved, highways have requested an informative notifying the developer of the requirement for entering a Section 184 Agreement under the Highways Act 1980.

### Trees/Landscaping

The arboricultural officer's comment notes that the proposals would include the removal of a mature magnolia, but that whilst protected as part of the conservation area, it is not considered worthy of formal protection under a Tree Preservation Order. If the application is approved, and the magnolia tree removed, replacement planting will be required. No concerns have been raised by the arboricultural officer in relation to root protection of trees in the neighbouring property.

### Additional issues

It should be noted that there is an application for a new dwelling at the rear of the garden to 25 Chapel Road, fronting Stevens Street, in the location of the current parking spaces and garage for the existing property (16/4943M). However each application is considered on its own merit, and application 16/4943M alongside this one does not materially affect the issues discussed within this report.

The comments of the Town Council and neighbours have been considered regarding drainage. Surface water run off can be managed by appropriate drainage to areas of soft landscaping within the site boundary and could be conditioned.

## **Social & Economic Sustainability**

### Neighbouring Amenity

The proposals are not considered to cause significant harm to the living conditions of neighbouring property due to the nature and scale of the proposal.

There are not considered to be any significant issues relating to economic sustainability arising from this proposal.

## **PLANNING BALANCE**

It has been identified that some harm would be caused to the character of the conservation area. As the application does require planning permission due to its being a classified road, the application can be considered as whole, including the visual impact of parked cars in this

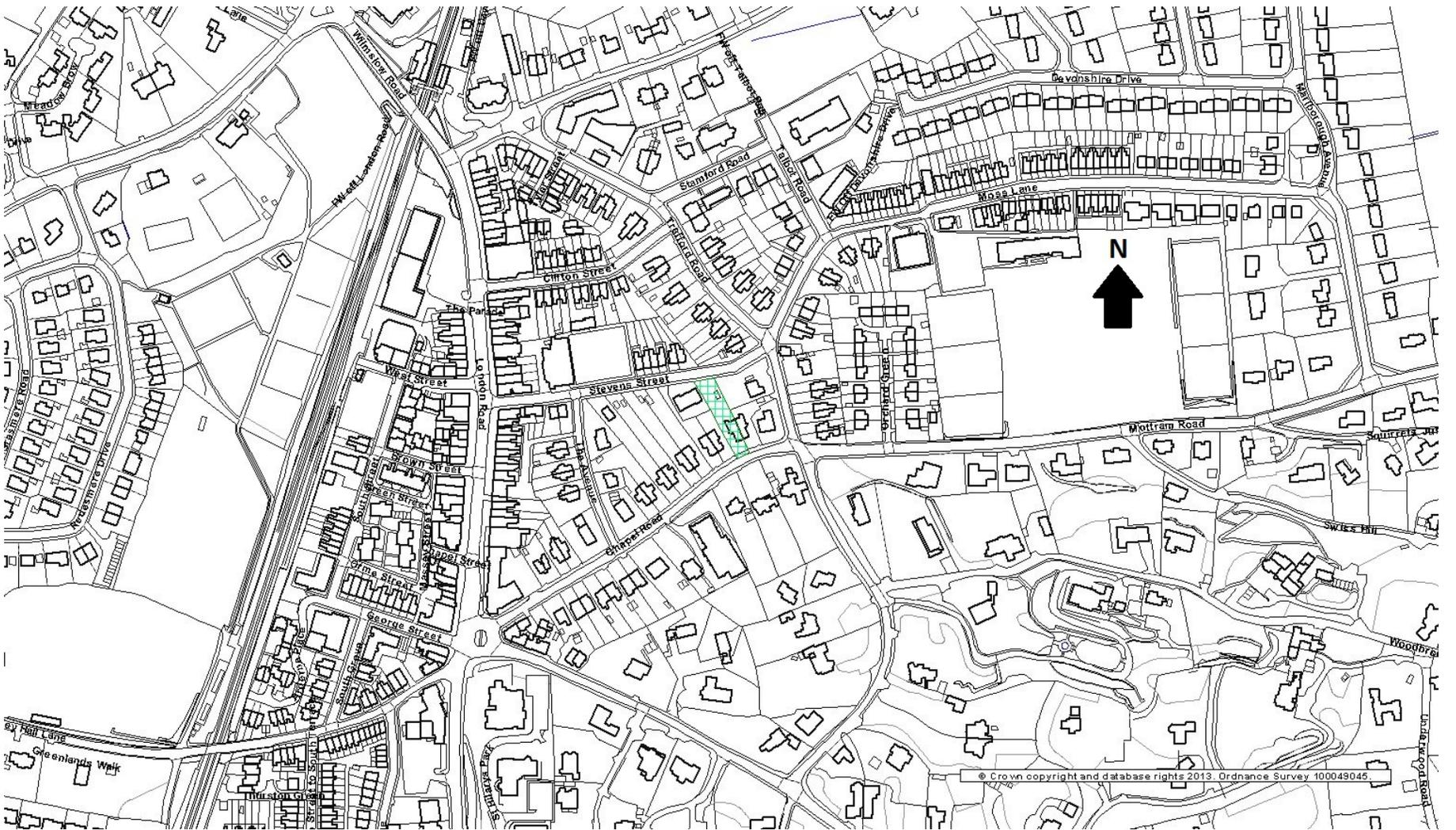
location and the overall impact on the conservation area. The proposals are not considered to preserve or enhance the character of the conservation area, contrary to policy BE3 of the local plan, and do result in less than substantial harm to the conservation area, a designated heritage asset. Paragraph 134 of the NPPF requires that where there is less than substantial harm to the significance of the designated heritage asset arising from a development proposal, this harm should be weighed against the public benefits of the proposal. In this case, there are not considered to be any public benefits to the proposal which would outweigh the harm to the conservation area. Accordingly the application is recommended for refusal.

### **RECOMMENDATION**

Refuse for the following reason:

- 1. The formation of an access and parking area to the front of the dwelling would not preserve or enhance the character and appearance of the Conservation Area and would result in less than substantial harm to the designated heritage asset. There are no public benefits of the proposal to outweigh the identified harm to the Conservation Area. The proposal is therefore contrary to policy BE3 of the Macclesfield Borough Local Plan and paragraph 134 of the NPPF.**

*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: 16/4943M

Location: FAIRFIELD, 25, CHAPEL ROAD, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7DX

Proposal: Self build construction of one detached infill dwelling with new access and associated car parking

Applicant: Mr Tim Conniff

Expiry Date: 16-Jan-2017

### REASON FOR THE REPORT

The application has been called in to committee at the request of Cllr Craig Browne for the following reasons:

*The application is linked to application no. 16/4674M which has also been called in at the request of the Parish Council and in response to the concerns of local residents about infill development within the Conservation Area.*

#### SUMMARY

Full planning permission is sought for self build construction of a detached two and a half storey dwelling with new access and associated car parking within the garden of Fairfield, 25 Chapel Road in Alderley Edge located within the Trafford Road Conservation Area.

The Council has worked proactively with the agent to address a number of issues relating to the application. However it is considered that the impact of the proposal on the conservation area including the potential threat to the trees which have a positive contribution to the conservation area would collectively not be considered to preserve or enhance the character or appearance of the conservation area. The proposal also fails to provide adequate car parking for the existing and proposed dwellings. The harm to the Conservation Area is considered to be less than substantial harm, but the public benefits to the scheme are not considered sufficient to outweigh the potential harm to the Conservation Area.

**SUMMARY RECOMMENDATION:** Recommended for refusal

#### PROPOSAL

Full planning permission is sought for self build construction of a detached two and a half storey dwelling with new access and associated car parking within the garden of Fairfield, 25 Chapel Road in Alderley Edge.

## **SITE DESCRIPTION**

The application site currently forms the rear section of garden with a detached garage and parking area serving 25 Chapel Road in Alderley Edge and can be accessed from Steven Street. 25 Chapel Road comprises of a semi-detached property dating from the turn of the last century, located within the Trafford Road Conservation Area in Alderley Edge.

## **PLANNING HISTORY**

31908P EXTENSION TO FORM SUN TERRACE AND DINING AREA AND A REPLACEMENT DETACHED DOUBLE GARAGE AND INTERIOR ALTERATIONS  
Withdrawn 17-Dec-1982

32450P REPLACEMENT DOUBLE GARAGE Approved 16-Feb-1983

16/4674M FORMATION OF NEW DRIVEWAY ONTO CHAPEL ROAD, WITH DROPPED KERB. Not yet determined.

## **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

128, 129,13, 132-134 Conserving and enhancing the historic environment

### **Development Plan**

#### **Macclesfield Borough Local Plan**

BE1 Design Guidance

BE2 Historic Fabric

BE3 Conservation Areas

H2 Environmental Quality in Housing Developments

H5 Windfall Housing Sites

H13 Protecting Residential Areas

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC35 Materials and Finishes

DC37 Landscaping

DC38 Space, Light and Privacy

DC41 Infill Housing Development

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

## **Cheshire East Local Plan Strategy – Proposed Changes Version**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

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

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Trees & Development Guidelines (SPG) – 2004

1982 Tree Preservation Order

Cheshire East Borough Design Guide

## **CONSULTATIONS**

**Highways** - Raise concerns regarding tree affecting access to parking spaces and length of parking space.

**United Utilities** - No objections

**Environmental Protection** - No objections subject to conditions relating to Construction hours of operation, Pile Foundations, Dust Control, and Contaminated Land

## **VIEWS OF THE TOWN COUNCIL**

**Alderley Edge Parish Council** - recommend refusal and calling in to the Northern Planning committee. The grounds given are inappropriate infill development within the Conservation Area, impact on the Conservation area, overbearing overdevelopment and arguably a loss of amenity to neighbours in loss of natural light and privacy.

## **OTHER REPRESENTATIONS**

Forty five representations have been received from neighbours. The full comments can be found on the Cheshire East Council website. A summary of the key issues raised are as follows:

- Impact on the character of the conservation area
- Subdivision of the plot, long plots being a characteristic of this part of the conservation area.
- Application 01/0336P relating to 13 Chapel Road which was refused and dismissed at Appeal – similar issues to the current application
- Impact on trees covered by a TPO
- Lack of natural light to rooms adjacent to the trees
- Scale of proposal in relation to the plot
- Loss of privacy, natural light to neighbouring properties
- Insufficient separation distances
- Concern for flat roof being converted to a balcony in the future
- 18 Steven Street should not be a precedent
- Insufficient parking
- Application should be considered alongside 16/4674M.
- Concerns over increase in traffic
- Potential for similar developments to follow in the future

### **APPLICANTS SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

Planning Statement

Design & Access Statement

Location Plan

Existing Site Plan

Topographical Survey

Proposed Site Plan

Proposed Floor Plans

Proposed Elevations

Street Scene

Arboricultural Statement

Supplementary Arboricultural Statement

Revised Site Plan

Revised Floor Plans

Letter from Emery Planning and Analytical Plan

### **APPRAISAL**

Key Issues:

- Principle of Development
- Design and Impact on the Conservation Area
- Highway/parking Issues
- Trees/landscaping
- Impact on amenity

- Sustainability

## **Principle of Development**

The site lies within the settlement boundary, where development is normally acceptable in principle subject to all other material considerations being satisfactory. The site is within a designated conservation area and there are protected trees within the site, meaning development is subject to stricter control with a policy focus on preserving or enhancing the character or appearance of the conservation area, and protecting the trees subject to a preservation order.

## **SOCIAL SUSTAINABILITY**

### **Housing supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision

on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Residential Amenity**

The distance back to back between first floor habitable rooms of the proposed property and the existing house at 25 Chapel Road, is 22m, which is slightly less than the distances set out in Local Plan Policy DC38. Although such a distance is sufficient based on the minimum recommended distances of the draft Cheshire East Borough Design Guide (Part 2). Both properties have ground floor rooms projecting further back than the first floor habitable rooms, reducing the distances back to back at ground floor level to just over 15m at the closest point. Any boundary treatment between the two properties would help to create privacy at ground floor level.

Concerns over the use of the proposed flat roof as a balcony or roof terrace could be addressed through a restrictive condition preventing this should the application be approved.

Policy DC41 relating to infill housing development states that “in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards then new dwellings should meet the higher local standard” and “the garden space should reflect the typical ratio of garden space within the curtilages in the area and the location, size and shapes should be suitable for the intended purpose”. In this case many of the properties on the north side of Chapel Road have long gardens with significant distances at the rear. Whilst the proposal is commensurate with the adjacent properties (23 Chapel Road and 18 Stevens Street), these are an exception in the area.

Taking all of the above into consideration, it is considered that the proposed new dwelling and in its relationship with the existing dwelling at 25 Chapel Road would result in amenity of less than other properties in the area and the proposals are therefore not in compliance with policy with regard to amenity. This does weigh against the proposal but is not considered to amount to a reason for refusal in its own right.

## **ENVIRONMENTAL SUSTAINABILITY**

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

Several comments received in representation refer to policy BE12 of the local plan. However, it should be noted that policy BE12 relates to Alderley Edge Conservation Area and not to the Trafford Road Conservation Area in which the application site is located.

The plots between Chapel Road and Stevens Street are on the whole long plots with traditional properties facing south onto Chapel Road, and gardens behind. Stevens Street predominantly has a number of south facing properties on the north side, looking towards the backs of these gardens on the south side. The south side of Stevens Street is characterised by mature gardens with small scale garages. The boundary treatment is relatively consistent comprising fences and mature hedges with mature trees behind creating a strong visual edge.

The prevailing character of the Conservation Area is well designed traditional properties with substantial gardens. This has been reinforced by the appeal decision for a proposal relating to 13 Chapel Road which was refused in 2001 (01/0336P). Concern has been raised by the Conservation Officer, and neighbours, with regard to the subdivision of the long plot, a characteristic feature of the Conservation Area. The Conservation Officer has concluded that the proposal would erode this character and therefore would not preserve or enhance the character or appearance of the Conservation Area.

The agent has responded to the comments from the Conservation Officer with an analysis of plots within the Conservation Area, demonstrating that 55% of dwellings have a garden of a similar size to the proposed dwelling. However it is a particular characteristic of properties between Chapel Lane and Stevens Street that have long plots, other streets within the Conservation Area are acknowledged to have a slightly different character. Although the properties either side of the application side do not have long plots, the plot to the east fronts onto Trafford Road, a road with a slightly different character to Chapel Lane, and the plot to the west is that of 18 Stevens Street, which is not considered to make a positive contribution to the character of the Conservation Area and, as the Conservation Officer has confirmed, conservation guidance is clear that where harm has already been caused it does not justify further harm.

The height of the proposal as evident on the drawings of the street scene is higher than that either side – 18 Steven Street and 48 Trafford Road. Given the openness of the adjacent site at the eastern end of Stevens Street, the ridge to the proposal should be similar if not lower than 18 Steven Street to step down visually at the end of the street rather than stepping up and down again as is currently proposed. Whilst the proposal is lower in height than properties opposite and to the rear this does not necessarily justify it being higher than properties either side within the street scene.

The protected trees on the site are a positive feature which contribute to the character of the Conservation Area which are important to preserve or enhance through the planning process. Whilst the technical issues relating to trees are considered separately, if there is a valid concern in risk to the future of the trees this is an important consideration in the evaluation of the impact on the Conservation Area.

The current view down Stevens Street from Trafford Road is a predominantly hedged boundaries with mature trees and gardens behind. The application site is bounded by fencing rather than hedges; however the combined impact is a strong boundary along the length of the road. However, the proposal would a site frontage that appears from the plans to be absent of any boundary treatment at all. Such a gap in this relatively continuous boundary treatment would be out of keeping with the established character.

The Conservation Officer's consultation response includes the following:

*The duty under section 72 of the Act, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, for the reasons noted above the proposal will fail to preserve the character of the conservation area.*

*The harm identified to the significance of the designated heritage asset, the Trafford Road Conservation Area, is considered less than substantial, paragraph 134 of the NPPF states “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”.*

An assessment of any identified public benefits is included in the planning balance section of the report below.

### **Highways/Parking issues**

Currently the application site houses a garage and parking space serving 25 Chapel Road. Parking is restricted on both Stevens Street and Chapel Road and has been raised as a concern by neighbours. Application 16/4674M also relates to 25 Chapel Road and if approved it would provide alternative parking should the plot be divided and the current parking arrangements to the property removed. Currently there is no alternative parking for the existing property at 25 Chapel Road.

The initial scheme for the new dwelling included two parking spaces whereas the council’s parking standards requires 3 off road parking spaces for a property of four or more properties. Revisions have been made to the internal layout of the property showing it as a three bedroom property, and two parking spaces are now shown to the front of the property. However, Highways still raise concerns regarding the large tree which restricts access to both of the proposed parking spaces. In addition the parking area adjacent to the front door of the proposed dwelling should be a minimum of 5.5m long, to allow pedestrian circulation around a parked car without the vehicle overhanging the footway on Chapel Road. These matters have been raised with the applicant and any further details will be provided as an update.

### **Trees/Landscaping**

Two trees on the site (Horse Chestnut and Lime) and a further Sycamore Tree in the north east corner of the adjacent 18 Stevens Street are protected by Tree Preservation Order. Further trees are protected as part of the Trafford Road Conservation Area.

The Arboricultural Officer initially raised the following concerns with the application:

- Impact on tree roots of the construction of vehicular crossing over the adopted footway to an adoptable standard.
- Seasonal “honeydew” deposits on cars parked under the Lime and off site sycamore.
- Impact of construction of the proposed new dwelling on roots of protected trees
- Social proximity

A revised layout addressed the first of these issues by altering the access to utilise the existing dropped kerb and propose two parking spaces with separate access, either side of one of the trees. Whilst this is acceptable to the Arboricultural officer, it has raised further issues which have been outlined in the Highways section which are not fully resolved from a highways perspective.

The Arboricultural officer's second consultation response (14/12/16) following the receipt of additional information states : "*There are still concerns in respect of nuisance and 'honey dew' deposits but it is accepted that this is not inferior to what exists at present.*" However, whilst these comments are acknowledged, given the presence of an existing garage on the site, the current occupiers are able to choose whether they park their cars in the garage or in the open below the trees. Such a choice would not be available to the occupants of the new dwelling as there is no garage or car port proposed. The applicants would be forced to park their cars below the trees, which is an inferior situation to what exists at present in terms of the honeydew deposits.

The issue regarding the lack of natural light due to the presence of the trees has been considered in the internal layout, where the location of habitable rooms which would benefit most from natural light on the ground floor being at the rear of the property away from trees at the front.

The Arboricultural officer initially raised the issue of social proximity. The trees concerned at the front of the site are all between 16 and 18 metres in height, and the Arboricultural states in the original consultation response that the relationship and social proximity to these trees will cause undue apprehension to future occupiers and would be indefensible if an application was submitted to remove these trees. The second consultation response discusses a requirement for cyclical pruning of the trees to address issues of social proximity. The recommended cyclical pruning would, however, place a burden upon both the future occupants of the new dwelling and the local authority, which does not currently exist. Taking this into account, and that the Arboricultural Officer has identified the species as reactive to pruning, which is likely to result in extensive regrowth, there could in the future be pressure to fell the trees. The solution should be to design out the problem from the outset, and currently the position of the trees to the proposed dwelling is unacceptably close.

To summarise there are a number of tree related issues which have been raised and whilst some have been addressed it is considered that overall the proposals would result in a genuine threat to the long term well being of the trees and the significance of the trees to the character of the conservation area also raises the importance of protecting the trees. The proposal is therefore considered to be contrary to policy DC9 of the local plan.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a new dwelling would bring the usual economic benefit to the closest shops in Alderley Edge 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. However, given the scale of the development this impact would be limited.

### **PLANNING BALANCE**

The proposed dwelling is considered to result in less than substantial harm to the Trafford Road Conservation Area, which is a designated heritage asset. Paragraph 134 of the NPPF

states that in such cases, this harm should be weighed against the public benefits of the proposal.

The benefits in this case are:

- The provision of one additional house, which would make a very limited contribution to the Council's housing land supply.
- The provision of one family dwelling would provide some benefit to local shops and services, but again this would be very limited due to the scale of the development,

The adverse impacts of the development would be:

- Harm to the character and appearance of the Conservation Area
- Threat to protected trees
- Inadequate car parking
- Shortfall in separation distances between existing and proposed dwelling, not commensurate with area.

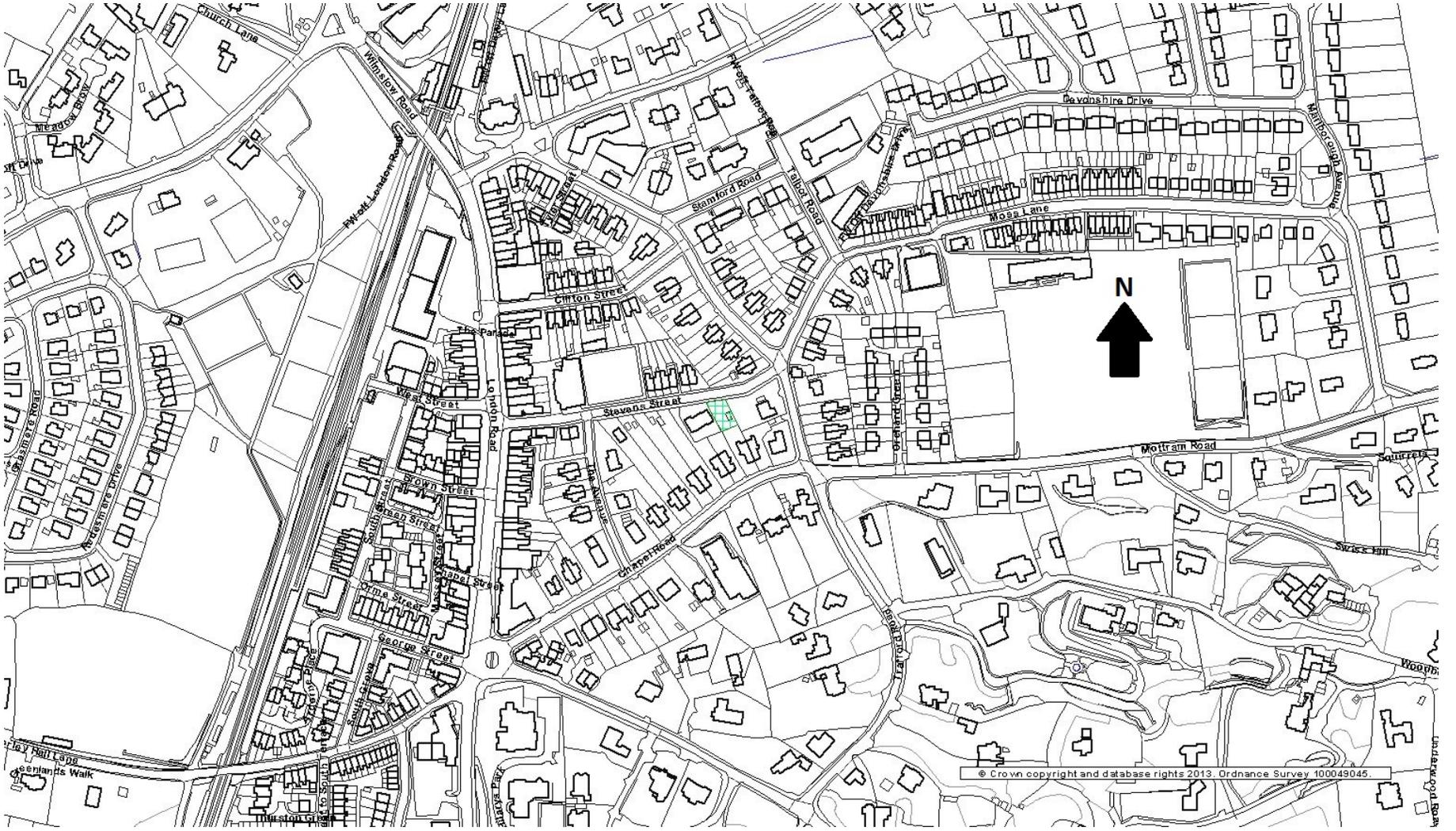
It is considered that the impact of the proposal on the Conservation Area including the potential threat to the trees which make a positive contribution to the Conservation Area would not preserve or enhance the character or appearance of the Trafford Road Conservation Area of which the site forms a part. In addition the proposal provides inadequate parking for both the existing and proposed dwellings. The harm to the Conservation Area is considered to be less than substantial harm, however the public benefits of the scheme are not considered to be sufficient to outweigh the identified harm in this case. Accordingly, the application is recommended for refusal.

### **RECOMMENDATION:**

Refuse for the following reasons:

1. The proposed development by virtue of its size, siting and design would have an unacceptable impact on the Trafford Road Conservation Area of which the site forms a part. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area.
2. The proposed development by virtue of its size and siting would result in an unsatisfactory relationship with, and a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council Alderley Edge (Stevens Street/The Avenue) Provisional Tree Preservation Order 1982. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the Conservation Area in which the application site is located.
3. The proposal would be contrary to the interests of highway safety by reason of inadequately sized and restricted parking for the new dwelling, and no parking provision for the existing dwelling.

*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 No: 16/6007M

Location: 71, HEYES LANE, ALDERLEY EDGE, SK9 7LN

Proposal: Proposed two storey detached house including demolition of garage, conservatory and outrigger.

Applicant: Mr Bryn Davies

Expiry Date: 07-Feb-2017

**Summary**

The proposals are in accordance with the NPPF and Macclesfield Borough Council Local Plan.

Highways have no objection to the proposal. The site accommodates 4 parking spaces for 2 dwellinghouses (which is double the amount of parking spaces that is required). Therefore there are no substantial highways concerns.

Cheshire East Councils Forestry Officer, has no objection to the proposals. In addition Environmental Health, have no objection to the proposal.

The design is deemed acceptable and in keeping with the area and there are no substantial amenity issues to be caused.

The plot division will result in two plots which are a similar size to surrounding sites.

This proposal has been assessed on its merits and it is concluded that the proposed development has an acceptable impact on the character of the area, living conditions of neighbouring properties and all other matters of public interest.

The proposal is therefore considered to be a sustainable form of development and a recommendation of approval is made.

**RECOMMENDATION**

Approve subject to conditions

**REASON FOR REPORT**

The application has been called into committee by Councillor C Browne. The reasons for requesting the application is reported to the planning committee are as follows:

*A number of residents have expressed concerns relating to the potential impact on neighbouring properties, should this development go ahead. The proposals have provoked strong feelings and many residents have signed a petition asking for permission to be refused. Under the circumstances, the application would benefit from a site visit and*

*discussion by the committee, in order that members are fully able to appreciate and debate the issues raised.*

### **PROPOSAL**

This application seeks full planning permission to demolish the garage conservatory and single storey outrigger which currently belongs to number 71 Heyes Lane and erect a new two storey, two bedroom, detached house to the south west of the dwellinghouse at 71 Heyes Lane.

### **SITE DESCRIPTION**

71 Heyes Lane is located within a predominantly residential area of Alderley Edge as defined in the Macclesfield Borough Council Local Plan.

71 Heyes Lane is an end terrace and is set back from 69 Heyes Lane front elevation by 2.3m. The application site contains a detached garage a side conservatory extension and a mono-pitched single storey rear extension. 71 Heyes Lane currently has a site measuring approximately 224sqm. The adjoining property 73 Heyes Lane has a site measuring approximately 85sqm.

The front elevation of the existing house is comprised of a bay window at ground floor and one window at first floor. This also reflects the character and design of other dwellings in close proximity.

### **RELEVANT HISTORY**

None

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

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

#### **Development Plan**

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

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC2 (Extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)
- DC5 (Design out crime)
- DC6 (Circulation and Access)
- DC8 & DC37 (Landscaping)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC35 (Materials)
- DC41 (Infill housing development or redevelopment)
- H5 (Windfall housing)

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

### **Other Material considerations**

Cheshire East Local Plan Strategy – Submission Version (CELP)

### **CONSULTATIONS**

Heritage & Design – Forestry – No objection

Environmental Health – No objection subject to conditions

Highways – No objection

### **PARISH/TOWN COUNCIL**

Alderley Edge Parish Council - The Parish Council recommends refusal on the grounds that it is unnecessary infill development, excessive development of the plot, not in keeping with the locality and doesn't enhance the area. There are also concerns that there has been insufficient consultation with neighbours as no's 77, 79 and 81 which are directly behind the property were not consulted and no 90 which is directly opposite was also not consulted.

### **REPRESENTATIONS**

6 objections have been received from local residents and a signed petition by 44 objectors. The objections in full can be located on file. A summary of the objections can be located below.

- Overshadow number 69 Heyes lane and the three properties behind
- Out of keeping with the surrounding Victorian and Edwardian properties
- Concerns over roof height and pitch
- Parking/highways concerns
- Loss of light
- Loss of privacy
- Over development of the site
- Loss of outlook
- Overlooked to the rear

### **APPRAISAL**

The key issues relate to:

- 1) Impact on the character and appearance of the area and relationship with the street-scene;
- 2) Impact on neighbour amenity;
- 3) Highway safety.

### **ENVIRONMENTAL SUSTAINABILITY**

**Design / character**

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

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

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

71 Heyes Lane is an end terrace and set back from 69 Heyes Lane by 2.3m. The proposed dwelling has been specifically positioned to ensure it’s front elevation is appropriately staggered between numbers 71 and 69 Heyes Lane.

Number 71 Heyes Lane forms a group of 3 cottages, the cottages are not listed and are not within a Conservation area. The group of cottages has already been altered by various additions and alterations, notably to 71 and 75. The adjoining property, 69 Heyes Lane, has had a single-storey addition and a dormer window to the rear.

The adjoining property, number 69 Heyes Lane contains a pitched roof measuring 10m to the ridge. The proposed dwelling is stepped down and contains a pitched roof with a ridge height of 9.4m and 71 Heyes Lane contains a hipped roof measuring 7.6m to the ridge. The proposed dwelling sits comfortably between the two adjacent dwellings resulting in no substantial impact on the streetscene.

71 Heyes Lane currently has a site area of 224sqm and the adjoining property 73 Heyes Lane has a site area of 85sqm. Therefore subdivision of the site still results in a larger site area than the adjoining dwelling, in addition the wider area has been assessed as detailed in the table below. As evidenced, the plot sizes do vary significantly, however the subdivision results in a plot of approximately 124sqm for the new dwelling and approximately 100sqm for number 71, which is considered to be acceptable and in keeping with the character of the area. Therefore, the proposal does not result in overdevelopment of the site.

<b>Address</b>	<b>Square metre of site</b>
67 Heyes Lane	255 sqm
69 Heyes Lane	242 sqm
73 Heyes Lane	85 sqm
75 Heye Lane	208 sqm
77 Heye Lane	85sqm
79 Heyes Lane	96 sqm
81 Heyes Lane	80sqm

The front elevation of the existing house has been amended during the course of the application and now comprises a bay window and front door at ground floor and two windows first floor, which appropriately reflects the character and design of other properties in close proximity. The roof and roof to the bay window are to be comprised of natural slate and the walls are to be comprised of red brick, which can be conditioned.

It is therefore considered that the proposed dwelling is in keeping with the character and appearance of the area. The proposal is therefore in accordance with the requirements in policies BE1, DC1, and DC2 of the Macclesfield Borough Local Plan.

### **Residential Amenity**

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

It is understood that there are no habitable room windows to the side elevation of number 69 Heyes Lane, which faces the application site. The proposed dwelling contains one window in the side elevation that will face number 69, which is to serve a landing and will be conditioned to be obscurely glazed. Therefore the proposed 3.9m gap between the proposed side elevation of the new dwellinghouse and 69 Heyes Lane is deemed not to cause any substantial amenity issues.

To the rear of the proposed dwelling are domestic gardens which serve 77, 79 and 81 Heyes Lane. To ensure no substantial amenity issues are caused the floor plans have been designed so the first floor rear windows serve non habitable rooms and can be obscurely glazed and non-opening up to a minimum 1.7m above the internal floor level. The rear ground floor windows/doors serve a kitchen diner which will look out towards the 1.8m high close boarded fence. Due to the orientation of the proposed dwellinghouse in comparison to 77, 79 and 81 Heyes Lane and taking into account the set back, it is not deemed there will be any substantial loss of light to the dwellings/gardens sited to the rear. Therefore there are no substantial amenity issues anticipated.

The proposed side elevation facing number 71 does not project to the rear as far as the two storey rear elevation of 71 Heyes Lane. This elevation will contain a single window at ground floor which will serve a toilet, and no windows at first floor. Therefore again there are no substantial amenity issues caused.

Number 71 Heyes Lane does contain a first floor side window which will face the proposed dwelling. This is the sole window serving a bedroom. A revised site plan has been submitted evidencing the location of this window in comparison to the proposed dwelling. The new dwelling would obscure part of the 1.5m wide window. However, due to the depth of bedroom 2 and the relationship of the proposed dwelling in relation to the window, there would still be adequate outlook from the window. In addition the applicant is the owner/occupier of 71 Heyes Lane and is happy with the relationship between the two. A further window could also be added to the rear at any time without planning permission should the occupiers require one.

Bearing the above points in mind the proposal is considered to be in accordance with policies DC3, DC38 and H13 of the Macclesfield Borough Council Local Plan.

## **Trees**

There are no trees of amenity value affected by the proposal, and the Council's Forestry Officer raises no objections. The development is therefore in accordance with the requirements in policies DC9 of the Macclesfield Borough Local Plan.

## **Highways**

The Strategic Infrastructure Manager has been consulted on the proposal and raises no objections. It has been confirmed the parking which is to be provided equates to 200% parking being provided at both the existing and proposed dwellings, which is acceptable.

There are no material highway implications associated with this proposal; the proposal for access is satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

Furthermore, as the site is to only accommodate one additional dwelling, it is not considered the proposal will result in any significant increase in levels or traffic/vehicular movement. A precedent has been set with a large number of the dwellings in close proximity with regards to providing parking in the front garden and so the proposal is deemed to be in keeping with the local area. A revised plan has been received evidencing a new boundary hedge between the proposed four parking spaces which again is in keeping with the area and to soften the proposal.

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

## **Other Matters**

The Parish Council and neighbour comments have been taken into consideration with regards to lack of consultation. It is confirmed that letters have been sent to the 5 adjoining neighbours (69, 73, 77, 88 Heyes Lane and Kotona) and in addition a site notice has also been erected for a minimum of 3 weeks. Therefore the correct consultation has taken place.

## **PLANNING BALANCE**

The proposals are in accordance with the NPPF and the Macclesfield Borough Council Local Plan.

Highways have no objection to the proposal. The site accommodates 4 parking spaces for 2 dwellings (which is double the amount of parking spaces that is required). Therefore there are no substantial highways concerns.

The design is considered to be acceptable and in keeping with the character of the area, and no significant amenity issues are raised.

The plot division will result in two plots which will have similar site areas to surrounding sites, and the dwelling will be located in an established residential area, which is a ten minute walk to the centre of Alderley Edge and Railway station.

This proposal has been assessed on its merits and it is concluded that the proposed development has an acceptable impact on the character of the area, living conditions of neighbouring properties and all other matters of public interest.

The proposal is therefore considered to be a sustainable form of development and a recommendation of approval, subject to conditions, is made.

*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. Materials as application
4. Obscure glazing requirement: Rear and side
5. Should piling be required (details to be submitted)
6. Site Specific Dust Management Plan (DMP)



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Application No: 16/4826M  
Location: 2, LANCASTER ROAD, WILMSLOW, WILMSLOW, CHESHIRE, SK9 2HF  
Proposal: Proposed two storey 3 bedroom detached dwelling  
Applicant: Mr Max Eden  
Expiry Date: 08-Dec-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 and materials will be dealt with by way of a condition.

On balance, the impact on the amenity of the property at 31 Tudor Road is considered to be within acceptable limits for a combination of reasons. All separation distances with other properties are met.

The development raises no issues in respect of highway safety, 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 Fox has requested that the application be determined by Northern Planning Committee for the following reason;

*Inappropriate scale of dwelling within the plot size; potentially overbearing and overlooking neighbouring properties. Due to the adjacent primary school this location is subject to severe congestion and parking issues. Additional associated vehicles will exacerbate this situation*

## **PROPOSAL**

The application is for the erection of a two storey 3 bedroom detached dwelling. As a result of the development 2 parking spaces will be created at the front of the existing property.

## **SITE DESCRIPTION**

The application site consists of a triangular piece of land that currently forms part of the garden serving 2 Lancaster Road. The site is well maintained and hedges of various types form the boundary of the site to 31 Tudor Road and to the highway that forms the western boundary.

The neighbouring property at 31 Tudor Road has been extensively extended in the past and as a result a habitable room window in the side elevation overlooking the application site. The leftover garden area and existing house at 2 Lancaster Road form the northern boundary of the site.

The immediate area has a mix of houses types and design.

## **RELEVANT HISTORY**

07/0074P – Renewal of approval 02/2078P for erection of dwelling linked to existing dwelling with new garage for benefit of no. 2. Refused 19 April 2007.

03/2383P – Erection of dwelling and garage. Refused 11 November 2003.

02/2078P – Erection of dwelling linked to existing dwelling with new garage for benefit of no. 2. Approved 15 November 2002.

54800P – To build a house on the land adjacent to 2 Lancaster Road to blend in with the existing property. Refused 14 September 1988.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

BE1 (Design principles for new developments)

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)

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)  
H13 (Protecting residential areas)

## **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  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land

## **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

United Utilities – A public sewer crosses the site and United Utilities will not permit the building over of the sewer. Details of surface water drainage are requested and this will be dealt with by way of a condition on the decision notice.

This issue is a private matter between the applicant and United Utilities. If the property is located within the easement for the sewer it could be diverted with the agreement of United Utilities.

Highway Engineer – No objection.

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

Wilmslow Town Council – No objection.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 5 properties over the course of the application. The points of objection relate to;

- Lack of car parking and increase in traffic
- Disruption as a result of the construction works
- Loss of sunlight / overshadowing
- Poor outlook
- Overlooking
- Over-development of the site
- Flooding issues / disposal of surface water

## **APPRAISAL**

### **Principle of Development**

The site is in an area that is identified 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 local shops and services and Handforth train station. The site is considered to be a sustainable location.

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be "appropriate, justified, effective, deliverable and soundly based." As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

### **SOCIAL SUSTAINABILITY**

#### **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 two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m 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.

With regard to the properties on the opposite side of the Lancaster Road a separation of 21 metres is required. These properties will be located at least 24 metres from the front elevation of the proposed property and the separation between the properties is acceptable.

The property at the rear of the application site is 31 Tudor Road. Planning permission was granted in 1988 for extensions to the property that included a large two-storey extension to

the rear that has a habitable room window in the elevation overlooking the application site. The rear elevation of the proposed property will not incorporate and habitable room windows in the rear elevation and therefore no overlooking will occur. A bathroom window is proposed in this elevation and a condition will be included on the decision notice requiring this window is obscurely glazed.

As no habitable room windows are proposed in this elevation the required separation distance set out in Policy DC38 is 14 metres. The gap between the first floor window and the proposed dwelling is 12 metres.

In this particular case the 12 metre separation is considered to be acceptable. Firstly the window is in an extension to the property rather than part of the original house and it is unusual that a window is placed in the side elevation of the extension rather than the rear elevation overlooking the properties own garden rather than a neighbouring property.

Secondly a previous planning permission with a near identical relationship has been approved in the past. This was never implemented and the renewal application was refused on the basis that at the time the area had an over-supply of housing.

Thirdly the planting located along the boundary are in the ownership of the neighbouring property. They offer a solid screen between the property and the application site. The planting is already at a height similar to that of the bedroom window and any ground floor windows in the existing property will therefore not be impacted upon by a two-storey building 12 metres away.

Finally the orientation of the existing and proposed properties mean that any loss of direct sunlight will only occur when the sun is setting later in the day.

It is considered that the above combination of factors, on balance, justify the separation distance required between the existing and proposed property not reaching the required 14 metre distance.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur. In any even a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

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 and the requirements of Local Plan policies DC3, DC38 and H13 are met.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Layout & 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 facilities

The design of the proposed dwelling has been amended during the course of the application so the eave and ridge heights reflect those on 2 Lancaster Road. As a result the scale and appearance of the dwelling does not have detrimental impact on the character of the area. A condition will be included on the decision notice requiring details of the materials to be used in the construction of the property.

In terms of the site layout adequate space is available within the site for the required level of parking and an amount of amenity space that would be expected for a property of this size.

The proposal therefore complies with Policies BE1 and DC1 of the Macclesfield Local Plan.

### **Highways**

There are no highway implications associated with this development proposal; off street parking provision is in accordance with the required minimum standards. The level of development proposed will not have an impact on the operation of the local highway network.

Conditions will be included on the decision notice that require the proposed dwelling maintains 2 off-street spaces and that 2 off-street spaces are provided for 2 Lancaster Avenue before works can commence on the proposed property.

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

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Wilmslow 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.

### **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 would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed but it cannot be necessarily stated that the character of the area is improved.
- 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 the neighbouring property, but at a level considered acceptable as outlined previously in the report.

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.

### **RECOMMENDATION**

The application is recommended for approval.

*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:

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. Obscure glazing requirement
7. Parking for proposed dwelling
8. Parking provision for the existing property
9. Details of boundary treatment to be submitted
10. Removal of permitted development rights
11. Obscure glazing



Application No: 16/3285M

Location: 77-79 ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PA

Proposal: Demolition of vacant dental surgery (77) and House (79), and construction of 21 Apartments and 6 bed detached house.

Applicant: Mr Williams, William Developments

Expiry Date: 06-Dec-2016

**SUMMARY:**

The site is within the Settlement Zone Line and a predominantly residential area of Wilmslow, where there is a presumption in favour of sustainable development.

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

- The principle of the development
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact upon highway safety
- Impact upon protected trees

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity. It is within a sustainable location.

However, the proposal is unacceptable in design and landscape terms. Any re-location of the development would impact on the adjoining dwellings to a greater extent and therefore the proposal must be considered to represent an over-development of the site. Therefore the proposal does not satisfy the environmental sustainability role.

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

In terms of the social role of sustainable development, the development brings the opportunity to secure affordable housing and contributions to open space provision.

**RECOMMENDATION:****Refuse permission****PROPOSAL**

The proposal is to demolish the existing buildings on the site and erect a three storey replacement building comprising 21 apartments (use class C3) and associated facilities. The land to the east would be developed by the construction of a 2 ½ storey detached dwelling off Greenway.

## **SUPPORTING DOCUMENTS**

Design and access statement  
Planning statement  
Aboricultural report  
Ecological report  
Air quality report  
Noise report  
Contamination report  
Heritage statement  
Archaeology report

## **SITE DESCRIPTION**

The application site is located approximately 100 metres due south of Wilmslow town centre on the east side of Alderley Road (B5086), the main approach to the town centre.

The site comprises a rectangular area extending to 0.33 hectares, It is occupied by the former, now vacant Fernleigh Consulting Clinic (No. 77), Aysgarth (No 79) a two storey detached dwelling) and an undeveloped garden plot accessed from Greenway.

## **RELEVANT HISTORY**

77

70252P Change of use from dwelling to medical consulting rooms. Granted 13 May 1992

79

25862P Change of use from dwelling to medical consulting rooms. Refused 22/4/1981

30369PB Ground and first floor extension Refused 4/8/1982

31402P Extension to form sitting room and bathroom. Refused 27/10/1982

32639P Ground floor extension Approved 4/3/1983

Plot at No 13 Greenway

Several previous permissions

12/0542M Dwelling (outline) granted 21/3/2012

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 14 and 19.

## **POLICY**

The site is identified in the Macclesfield Borough Local Plan as being within a predominantly residential area, and is close to the Town centre and Shopping Area. The relevant policies in the determination of any subsequent application are:

### **Macclesfield Borough Local Plan**

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments  
H4 Housing sites in urban areas  
H9 Affordable Housing;  
H13 Protecting Residential Areas;  
DC1 and DC5 Design;  
DC3 Residential Amenity;  
DC6 Circulation and Access;  
DC8 Landscaping;  
DC9 Tree Protection;  
DC35, DC36, DC37, DC38 relating to the layout of residential development;  
DC40 Children's Play Provision and Amenity Space  
T3 Pedestrians;  
T4 Access for people with restricted mobility; T5 Provision for Cyclists.

## **Other Material Considerations**

National Planning Policy Framework  
Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Draft Cheshire East Design Guide

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

## Cheshire East Local Plan Strategy – Proposed Changes Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that,

unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities

SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

**CONSULTATIONS:**

**Wilmslow Town Council:**

Wilmslow Town Council's Planning Committee recommend refusal of the apartment block on the grounds of the design being out-of-character with the surrounding buildings and the proposed building line being well forward of the existing building line.

**Highways:**

The Head of Strategic Infrastructure (HSI) raises no objections subject to conditions including parking, visibility and a construction management plan.

**Environmental Protection:** No objections subject to conditions including demolition and construction management plan, residents travel pack and electronic vehicle charging, further contamination investigation, noise mitigation scheme and lighting details.

**Wilmslow Civic Trust:** Object on grounds of:

- Over-development of site forward of the established building line
- Bland design not helped by mansard roof elements
- Inadequate car parking leading to parking in greenway
- Increase in traffic volume and duration
- Character of dwellings on both sides not considered

**Manchester Airport safeguarding:** No objections

**United Utilities:** Recommend conditions regarding sustainable drainage

**Housing:** 6 affordable dwellings required plus contribution to affordable housing in the vicinity. Object to tenure split proposed in the application.

**Forestry:** Recommend conditions based on revised plans to safeguard TPO sycamore tree.

**Conservation:** recommends refusal

**Landscape:** recommends refusal

**Flood officer:** no objections subject to conditions

**Education:** Contribution required to secondary school places in the locality.

**Rights of Way:** Comments regarding safeguarding footpath 118.

## **REPRESENTATIONS:**

At the time of report writing 21 representations have been received which can be viewed in full on the Council website. The points can be summarised as:

- Over-development of site
- Out of scale with surroundings and projecting beyond the building line
- Inappropriate design featuring flat roofs not in-keeping with character of area
- Exhaust fumes from vehicles in car parks will adversely affect living conditions in adjoining gardens
- Inadequate car parking
- Loss of privacy for dwellings in Greenway from the proposed 3 storey dwelling including parking spaces
- 3 storey dwelling is out of character with the area
- Pedestrian/cycle access to path leading to Greenway will lead to parking on this road
- Increased traffic using busy road and junctions opposite dental practice and on a school route
- Adverse impact on adjoining dwellings through overlooking, loss of privacy, loss of light, light pollution and use of refuse/recycling bins
- Separation distances have not been met
- Loss of shrubs and habitat would be detrimental to natural environment and amenity, including bats which are present on site
- Building is too close to the footpath and would cause danger during construction
- There is an abundance of flats being provided in the area
- Balconies will increase impact of overlooking
- Loss of mature trees

## **APPRAISAL**

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

- The principle of the development
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact upon highway safety
- Impact upon protected trees

### **Principle of Development**

The site is identified in the Macclesfield Borough Local Plan as within a predominantly residential area with medical and other community uses. The site is previously developed land and is located on the edge of Wilmslow Town Centre. I would consider the site to be very accessible and well connected to the town centre, and to represent a sustainable location for the development. The proposed development is therefore considered to be acceptable in principle.

### Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development. The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Locational sustainability**

The site is within easy walking distance of tow centre amenities and services, and is well served by transport links. It is therefore considered to be in a sustainable location.

### **Impact upon the character of the area**

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

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

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

### Built heritage and design

The current buildings on the site are attractive and are shown on the first OS map. These buildings are considered to be non-designated heritage assets, the loss of these buildings is not taking the opportunity to retain local distinctiveness within the area, number 77 especially, historically known as Fernlea. These buildings are appropriately scaled to surrounding property and would convert well to new uses with new alongside. The loss of the building should be assessed against para 135, for non-designated heritage assets. Loss of other traditional properties does not justify loss of every building along the road, and what it is being

replaced with should be of high quality and be in keeping with the locality which the proposed is not.

The proposed building to the road frontage is very large and out of scale with surrounding properties. There will be little room for any meaningful planting due to the build line being brought forward which again is out of character with the surrounding street scene. The building is not set back and will be an over dominant feature. As a starting point consideration should be given to retaining the existing buildings on site, with an element of new.

Any new buildings on site should not sit forward of the existing building line and be very similar in footprint and scale to the existing building to ensure that the overall impact on the street scene is not over dominant. The flat roof approach here is also likely to be unacceptable, the roof lines are quite varied but there is a traditional feel to the character of the area, and this type of design will exacerbate any feeling of dominance. There is very little room for meaningful planting, which would be in keeping with the street scene, again an opportunity lost because the building is too big.

The proposed apartment building is too large for the plot and will be a discordant feature due to its location on the plot and overall scale and mass. The issues above mean that the design would fail to be in keeping with the existing character.

The new dwelling proposed to the rear appears in line with what has previously been approved no issues with this element of the scheme.

### Landscape

This stretch of Alderley Road has an open leafy character with most buildings being set back from the road frontage with hedges, tall shrubs and mature trees on front boundaries. Large mature trees are characteristic of the area. A robust planting belt along the frontage of this plot, ideally including large tree species, would be desirable to reinforce the character of the area.

The proposed apartment block is located close to the road frontage. The front elevation also has numerous windows and balconies and two ground floor terraces which would make it difficult to establish tall boundary vegetation, particularly larger trees, due to future social proximity issues.

The building should be located further back from Alderley Road to provide adequate space for planting on the frontage and also wrapping around the north western boundary. Some parking at the front of the building may help to produce a more acceptable layout.

Any revised layout should indicate which specific trees from group G6 on the frontage of plot 79 would be retained and their species, height, crown spread and RPA should be shown.

Proposed boundary treatments should be carefully considered. Low stone walls are characteristic of the area.

### **Trees**

The submitted Planning Statement at para 7.26 refers to the submission of an Arboricultural Assessment and justification for the removal of a mature High (A) category protected Sycamore (T18 of the Wilmslow Urban District Council (Alderley Road Tree Preservation Order 1973).

The application is supported by a Preliminary Tree Survey (Cheshire Woodlands Ref CW/8252-SS) (which states that it requires finalisation upon completion of layout proposal), a Tree Survey Plan and Layout Appraisal Plan. However there appears to be no evidence in the submission of any Arboricultural Impact Assessment that provides any justification for the removal of the protected tree.

The Planning Statement goes on to state at para 7.27 that the loss of the protected tree will be replaced by mature trees at the front of the site on Alderley Road to reinforce the mature tree lined approach to the town centre.

Replacement with mature trees is currently not technically feasible and is limited to maximum tree sizes of advanced nursery stock category. Secondly, given the proposed position of the apartment block in relation to the Alderley Road frontage and availability for future growth requirements of large canopy trees such as Sycamore, there leaves very little scope for any meaningful tree planting other than the planting of ornamental specimens and shrubs

The amended drawing 16037-128 provides for the retention of the protected Sycamore (T18 of the TPO)) insofar as the Root Protection Area (RPA) has been respected. The preliminary Tree Survey supporting this application provided some detail on design, showing shading from the protected tree would be cast away from the development and therefore would not be an issue here. BS5837:2012 PARA 5.3. 4 requires an assessment in addition to shading, the relationship of the buildings to large trees which are to be retained within development. In this regard the position of the new build is closer to the protected tree than the existing building and that there is some potential apprehension by future occupiers. On balance however in this particular case the tree is defensible. Conditions would be required.

### **Residential Amenity**

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

The plans show that there would be a separation distance of between 29 and 33 metres from the three storey apartment building to the two storey dwellings in Holly Road North. The location of the apartments takes account of the adjoining dwellings and seeks comply with separation distances

### **Highways**

The proposal is within walking distance from the services and amenities within central Wilmslow, and from bus stops and train station. Suitable pedestrian infrastructure surrounds the site and it is considered sustainable.

The access width is of a suitable width for two-way vehicle movement and there is adequate turning area allowing refuse vehicles to safely enter/exit the site.

A pedestrian access to the PROW adjacent to the site has been proposed, which provides an additional access to Greenway and surrounding area.

23 car parking spaces have been proposed which is considered acceptable as it reflects car ownership levels for apartments in this location, which themselves reflect the sustainable location. Adequate covered cycle parking provision has also been proposed. Although below standards, parking will not overspill onto the highway if used in an efficient manner by ensuring the spaces remain unallocated.

Access visibility is in line with standards as shown on plan 'Visibility Splay 16037-124-A'. The northern vehicle access will be closed and kerb should be reinstated to line and level.

Pedestrian visibility in relation to the 5 bed house, with an access adjacent to the footpath that runs along the northern boundary of the site, is sufficient as shown on plan 'Pedestrian Visibility Splay to Eastern Exit of Footpath'.

With sufficient off-road parking being proposed, the minimal traffic impact of the development, and adequate access being provided, no objections are raised with the imposition of conditions.

### **ECONOMIC SUSTAINABILITY**

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

### **SOCIAL SUSTAINABILITY**

#### Affordable Housing

This is a proposed development of 21 apartments and 1 house therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 2 units as Intermediate tenure. Generally the affordable housing requirement is rounded to the closest whole number as a partial affordable unit cannot be delivered on site.

In this case the applicant proposes to provide 6 affordable dwellings on site with an additional commuted sum equal to 0.6 affordable dwellings to satisfy the 30% requirement for this site - which is 6.6 affordable dwellings. As this is equal to the required 30% the applicants' proposal is deemed to be acceptable. However, in line with the IPS the tenure split of the affordable units provided on site should be 4 units for affordable rent and 2 for Intermediate tenure - not the 3 affordable rent / 3 Intermediate tenure as has been proposed by the applicant.

The SHMA 2013 shows the demand in the sub-area of Handforth & Wilmslow is for 49 x 3 bed, 5 x 4 bed, 13 x 1 bed older persons and 3 x 2 bed older persons dwellings per annum. It evidenced an oversupply of 1 and 2 bed dwellings. The demand in Wilmslow on Cheshire Homechoice is for 116 x 1 bed, 144 x 2 bed, 77 x 3 bed and 18 x 4 bed dwellings. In order to meet demand there should be some 1 bed units also included on the scheme.

The preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

#### Open Space Provision

Policy RT6 of the Macclesfield Local Plan advises that within new developments open space should be provided in accordance with the Boroughs Council standards.

Appendix 4 of the Supplementary Planning Guidance on Section 106 (planning) agreements advises that where development exceeds 6 or more dwellings and where on site provision can not be provided a commuted sum payment to provide or improve facilities for Public Open Space (POS) and Recreation/outdoor sports (ROS) facilities in lieu of on site provision.

No off site contributions towards provision have been proposed as part of the development. A contribution would be required towards improvement of off site recreation/public open space facilities.

### Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on 77-79 Alderley Rd (16/3285M), there are 4 further registered and undetermined planning applications in Wilmslow generating an additional 12 primary children and 10 secondary children.

The development of 22 dwellings is expected to generate:

4 primary children (22 x 0.19)  
3 secondary children (22 x 0.15)  
0 SEN children (22 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

To alleviate forecast pressures, the following contributions would be required:

3 x £17,959 x 0.91 = £49,028 (secondary)  
Total education contribution: £49,028

A secured contribution of £49,028 is required. Without the mitigation, 3 secondary children would not have a school place in Wilmslow.

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

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

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

However, the proposal is unacceptable in design and landscape terms. Any re-location of the development would impact on the adjoining dwellings to a greater extent and therefore the proposal must be considered to represent an overdevelopment of the site, therefore as the design stands, it would have an unacceptable impact on the street scene, and have a harmful impact on the character of the area. Therefore the proposal does not satisfy the environmental sustainability role.

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

In terms of the social role of sustainable development, the development brings the opportunity to secure affordable housing, a secondary education contribution and contributions to open space provision.

Therefore on balance the benefits of the proposed development as mentioned above would not outweigh the harm caused by the development. Therefore the application is recommended for refusal.

### **RECOMMENDATION**

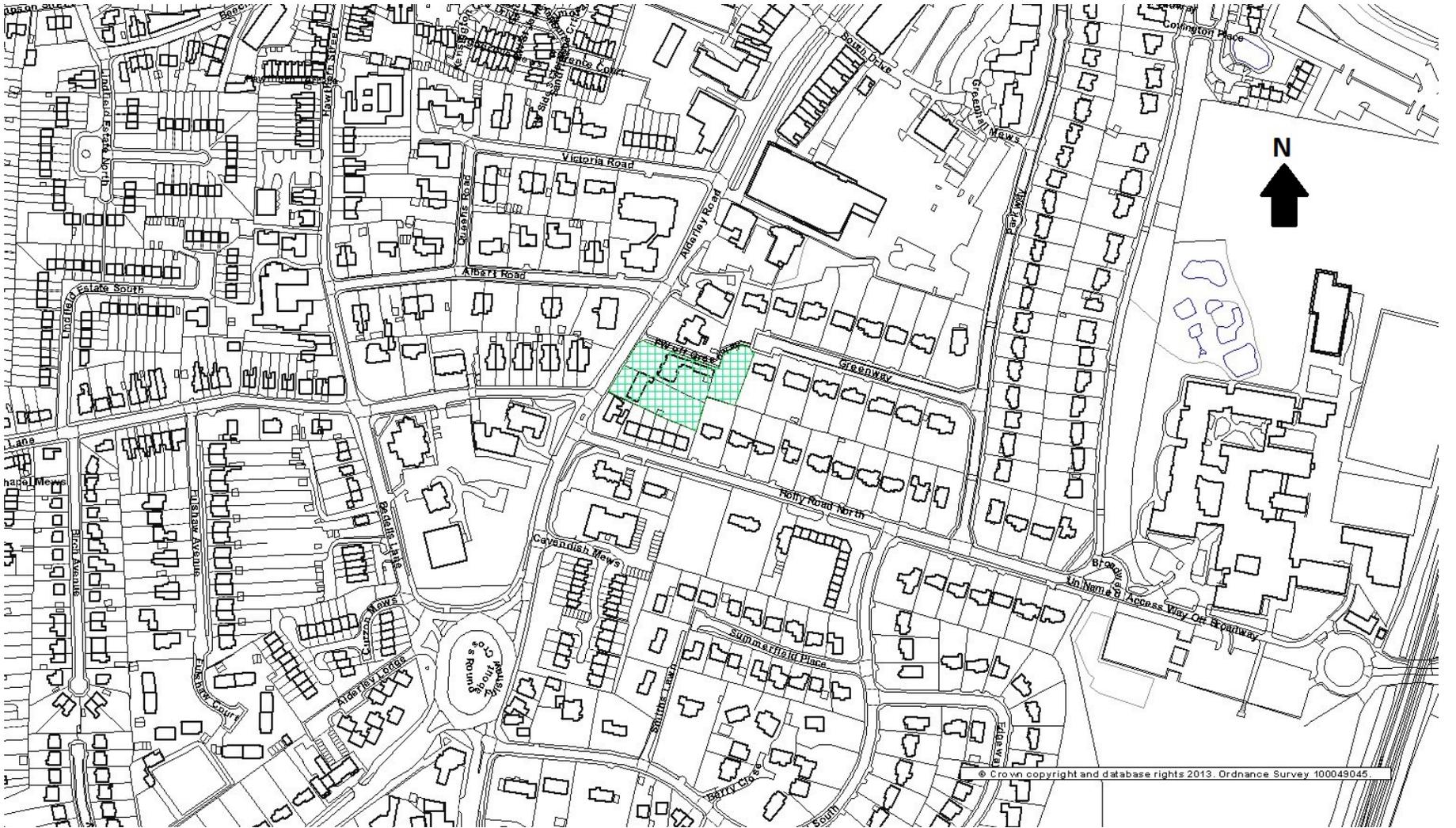
**Refuse permission for the following reason:**

- 1. The proposed apartment development by virtue of its size and design, in particular its height and proximity to the road, would have an unacceptable impact on the street scene. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area. The development would therefore not accord with Macclesfield Borough Local Plan policies BE1, DC1 and DC8, Policy SE1 of the emerging Cheshire East Local Plan and the National Planning Policy Framework**

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

**Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms;**

- 30% of the dwellings to be affordable in a 65:35 split**
- Education contribution – £49,028 for secondary places**
- Detailed open space scheme, maintenance scheme and management agreement scheme for the open space/children's play, and contribution towards off-site improvements to be submitted and approved and implemented in perpetuity.**



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Application No: 16/5788C

Location: Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP

Proposal: Proposed conversion of public house and extensions & additions to form retail premises, cafe, pharmacy and managers flat

Applicant: Mr J Yu, Yu Developments

Expiry Date: 31-Jan-2017

### **SUMMARY**

The proposed development represents a sustainable form of development which does not raise significant or adverse issues with regard to design, amenity or highway safety. The proposed development is therefore considered to be compliant with Local and National Planning Policy and as such is recommended for approval.

### **RECOMMENDATION**

APPROVE subject to conditions

### **REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as the application has been "called in" by Councillor George Hayes for the following reason:

*This application is overbearing and out of keeping with the local area. It could be considered that this is over development of the site and it will certainly have a detrimental impact on the existing overburdened highways network in this area. The previous application (which was a two storey application) was more acceptable and hence, was approved at planning, but the additional storey of the building effectively in a mansard roof will add unnecessary floor space and creates overlooking concerns for neighbouring residents as well as potential loss of light. The way in which this development has already been made (retrospective application) has caused a variety of concerns locally and enforcement monitoring is required, regardless of the outcome of the determination of this application.*

### **PROPOSAL**

This application seeks planning permission for the conversion, alteration and extension of the former public house (known as Grove Inn), and the change of use of the building to a mixed use development comprising retail floorspace on ground floor; a café and pharmacy on first floor; and a residential flat at second floor within the roof space.

The proposal comprises side and rear extensions and the raising of the eaves and ridge height of the original building. External alterations include the creation of new openings. The scheme also includes changes to the site access, amended car parking layout and external landscaping. The scheme includes the creation of a pedestrian crossing.

The application development is at an advanced stage of construction with the extensions and change to roof height completed and as such, in terms of this operational development, the scheme is partly retrospective.

## **SITE DESCRIPTION**

The site relates to the site of the former Grove Inn Public House which lies within the Settlement Zone Line of Congleton as defined by the Local Plan Proposals Map. The site lies at the northern end of the settlement and is sited on an island at the junction of Manchester Road and Macclesfield Road. The island is shared with an ambulance station, however the surrounding area is predominantly residential.

As detailed above, the application site is currently under redevelopment.

## **RELEVANT SITE HISTORY**

**16/5521C** - Variation of Conditions 6 and 11 to approved application 15/3850C – undetermined

**16/3000C** - Variation of Condition 2 on 15/3850C conversion of existing public house and extensions to form new retail premises and first floor offices – undetermined

**15/3850C** - Conversion of existing public house and extensions and additions to form new retail premises and first floor offices – approved – 15/10/15

**12/2147C** - The Replacement of the Vacant Public House with a Convenience Outlet Store – approved – 23/03/15.

**12/0384C** - Replacement of Vacant Public House with Convenience Retail Outlet store – refused – 20/03/12.

**12/0381C** - Prior Notification of Proposed Demolition of Two Storey Brick Built Public House – Approval not required – 22/02/12.

## **LOCAL & NATIONAL POLICY**

### **Congleton Borough Local Plan (2005)**

PS4	Towns
GR1	General Criteria for Development
GR2	Design
GR4	Landscaping
GR5	Landscaping

GR6	Amenity & Health
GR7	Amenity & Health
GR9	Accessibility, Servicing and Parking Provision
GR10	Accessibility, Servicing and Parking Provision
GR17	Traffic Generation
GR19	Infrastructure
H4	Residential Development in Towns
S1	Shopping Hierarchy
S2	Shopping and Commercial Development Outside Town Centres

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

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG1 - Overall Development Strategy  
Policy PG2 - Settlement Hierarchy  
Policy PG6 – Spatial Distribution of Development  
Policy SD1 - Sustainable Development in Cheshire East  
Policy SD2 - Sustainable Development Principles  
Policy EG5 – Promoting a Town Centre First Approach to Retail and Commerce  
Policy SE1 – Design  
Policy SE2 - Efficient Use of Land  
Policy SE4 - The Landscape  
Policy SE5 - Trees, Hedgerows and Woodland

### **National Policy**

The National Planning Policy Framework (NPPF) 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;  
23-27 – Ensuring the vitality of town centres;  
32 – Promoting sustainable transport;  
47-50 - Wide choice of quality homes;  
56-68 - Requiring good design; and,  
69-78 - Promoting healthy communities;

The National Planning Practice Guidance (NPPG)

### **CONSULTATIONS**

#### **CEC Highways:**

No objection.

#### **Environmental Protection:**

No comments received

**Congleton Town Council:**

Object for following reason:

- Roof line too high
- Obtrusive and overbearing

**REPRESENTATIONS**

Four letters of objection received. The salient planning points being:

- Three storey development should have been applied for prior to commencing development;
- Position of puffin crossings are of concern;
- Will make traffic in this location worse;
- Development is fundamentally unsafe;
- Roof dwarfs nearby properties;
- Raised eaves makes roof look too high;
- Flat not required by the community;
- Building now obtrusive; and,
- Loss of privacy from second floor windows.

**APPRAISAL**

**Key Issues**

- Preamble;
- Principle of development;
- Design Considerations;
- Impact upon the amenity of neighbouring properties; and,
- Highway safety implications.

**Preamble**

Planning permission has been approved for the redevelopment of the site under planning permission 15/3850C. That permission approved the conversion and extension of the former pub, to create a mixed use premises comprising retail, café and office floorspace. That permission has been commenced, however the development has not been carried out in accordance with the approved plans by raising the eaves and ridge height of the development.

Consequently, planning application 16/3000C was submitted to regularise the unauthorised operational development through a variation of the approved plans condition. Following review of the amended plans it was observed that the amended floorplans sought to change the mix of uses on the site. This would result in a fundamentally different form of development to that which was approved under 15/3850C.

This application has therefore been submitted to regularise the unauthorised operational development, and seek approval for the revised mix of uses within the development.

### **Principle of Development**

The application proposals relate to the introduction of a shop, café, pharmacy and dwelling. The site is located within the settlement zone line for Congleton. Policies S1 and S2, which relate to shopping and commercial developments within Towns (outside of town centre) states that such development will be permitted where the development is of an appropriate scale intended to serve the needs of a locality. Planning permission has been approved for the construction of shop and café at this site, which has established the principle of these uses in this location. The application proposals do not significantly alter the proportions of retail and commercial floorspace at the site and as such would remain of an appropriate scale to remain in accordance with Local Plan Policy.

The scheme also includes the introduction of a dwelling on the site, which purports to be a flat for a site manager. The dwelling would be at second floor level within the roofspace. Policy PS4 states that within such locations there is a general presumption in favour of development, while Policy H4 states that residential development in such locations is acceptable in principle.

The main issues in this instance are the impact of the development on the character and appearance of the area; the amenity of neighbouring properties; and the impact on highway safety.

### **Design Considerations**

Local Plan Policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme.

Paragraph 64 of the NPPF states that development that is of a poor design should be refused. However paragraph 60 also states that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

As detailed previously, planning consent has been approved for the conversion, alteration and extension of the original building. The development has not been carried out in accordance with the approved scheme as the height of the building to eaves and ridge has been increased. The main consideration in this regard therefore is whether those alterations result in significant harm to the character and appearance of the area. A number of objections have been received raising concern over the scale of the building being obtrusive and overbearing. The eaves height (of the principal southern elevation) of the originally approved scheme was 5.6m and the development had a ridge height of 8.9m. The height of the proposal as submitted is 6.3m to eaves and 9.6m to ridge. Therefore, comparatively, taking measurements from the same point, the proposed development is 0.7m higher to both eaves

and ridge. The proposed increase in height has facilitated the use of the roofspace to provide a flat.

The alterations to the building, by their very nature, increase the bulk and mass of the building. The surrounding area is predominantly residential and two storey in scale. The application site is located on an island, adjacent to two main roads and as such the building occupies a prominent position within the streetscene. Notwithstanding the prominent position of the site, it is considered that the alterations retain, and are sympathetic to, the original character of the building. The increase in mass does not significantly alter the overall character and appearance of the building and retains an appropriate scale. Therefore, the proposals do not result in a development which is unduly out of character with its surroundings to cause demonstrable harm to the character and appearance of the area.

### **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 in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The application building is sited 31m from the front elevation of the dwellings to the east and 22m from the properties to the east. This is considered to be sufficient distance for the proposed development not to have an overbearing, overshadowing or visually intrusive impact on those properties. It is also noted that there are busy main roads between the application site and nearby dwellings which lessens the sensitivity of the relationship.

Concern has been raised with regard to loss of privacy resulting from openings within the scheme. The spacing distance between the application building and nearby properties will be retained as approved, which is greater distance than minimum spacing standards. The number of windows within the walls of the east and west elevations would also be as approved in the extant permission. Roof lights to serve the roofspace flat are proposed within the west elevation, however the spacing with properties on the opposite side of Manchester Road (22m) is sufficient to retain privacy. The dormer window and roof lights within the rear elevation (facing north) would not face directly towards residential properties and as such would not give rise to amenity issues.

The application proposes opening hours of 07:00 to 22:00 for the retail use and 08:00 to 21:30 for the proposed café use. These hours of operation are considered to be acceptable which would not give rise to significant amenity issues through noise and disturbance.

### **Highways**

The development proposes a total of 29 off street car parking spaces to serve the development in its entirety. Provision will also be made for cycle and motorcycle parking. Assessing the proposed mix of uses against the emerging parking standards contained within Appendix C of the emerging local plan, the development would have a parking demand for 32 spaces (12 for retail, 16 for café, 2 for pharmacy and 2 for the dwelling). The development would therefore have a slight under provision of parking of 3 spaces. Notwithstanding this, the scheme proposes cycle and motorcycle parking and is a very sustainable location. It is also worthy of noting that there was an under provision of car parking of 13 spaces on the

previously approved scheme which was considered to be acceptable in this sustainable location.

The scheme proposes access to the site to be provided solely from Macclesfield Road with the vehicular point of access from Manchester Road being closed off. The point of access will be as previously approved and as such is considered to be acceptable for the proposed mix of end uses. The scheme provides provision for servicing which enables 12m rigid/7.5tonne HGV vehicles to enter and exit the site in a forward gear.

To improve pedestrian accessibility to the site the scheme proposes the installation of two puffin crossings to the site. Again, the previous scheme included two puffin crossings, one on Macclesfield Road and one on Manchester Road. The position of the crossing on Macclesfield Road has been amended so that it is clear of the existing bus stop.

The proposed highway works have been the subject of a Road Safety Audit, which concludes that there are no fundamental design issues with the scheme.

The Strategic Infrastructure Manager is satisfied that the proposed layout and highways works are acceptable and will not give rise to highway safety issues. Consequently the proposed development is considered to be acceptable and no objections have been raised.

### **Other matters**

Concern has been raised locally that the development has not been carried out in accordance with the application originally approved. The concerns relating to this retrospective and unauthorised development are noted and the development has proceeded at the risk of the applicant. Notwithstanding this, the application needs to be assessed against relevant planning policy and determined on its merits, which in this instance is considered to be acceptable.

### **Conditions**

The recommendation to approve is subject to conditions. Those conditions on the original consent, where they remain relevant, have been replicated in the recommendation. As the construction is at an advance stage it is not considered that conditions relating to piling, floor floating or construction management plan remain necessary.

### **Conclusion**

The proposed development represents a sustainable form of development which does not raise significant or adverse issues with regard to design, amenity or highway safety. The proposed development is therefore considered to be compliant with Local and National Planning Policy and as such is recommended for approval.

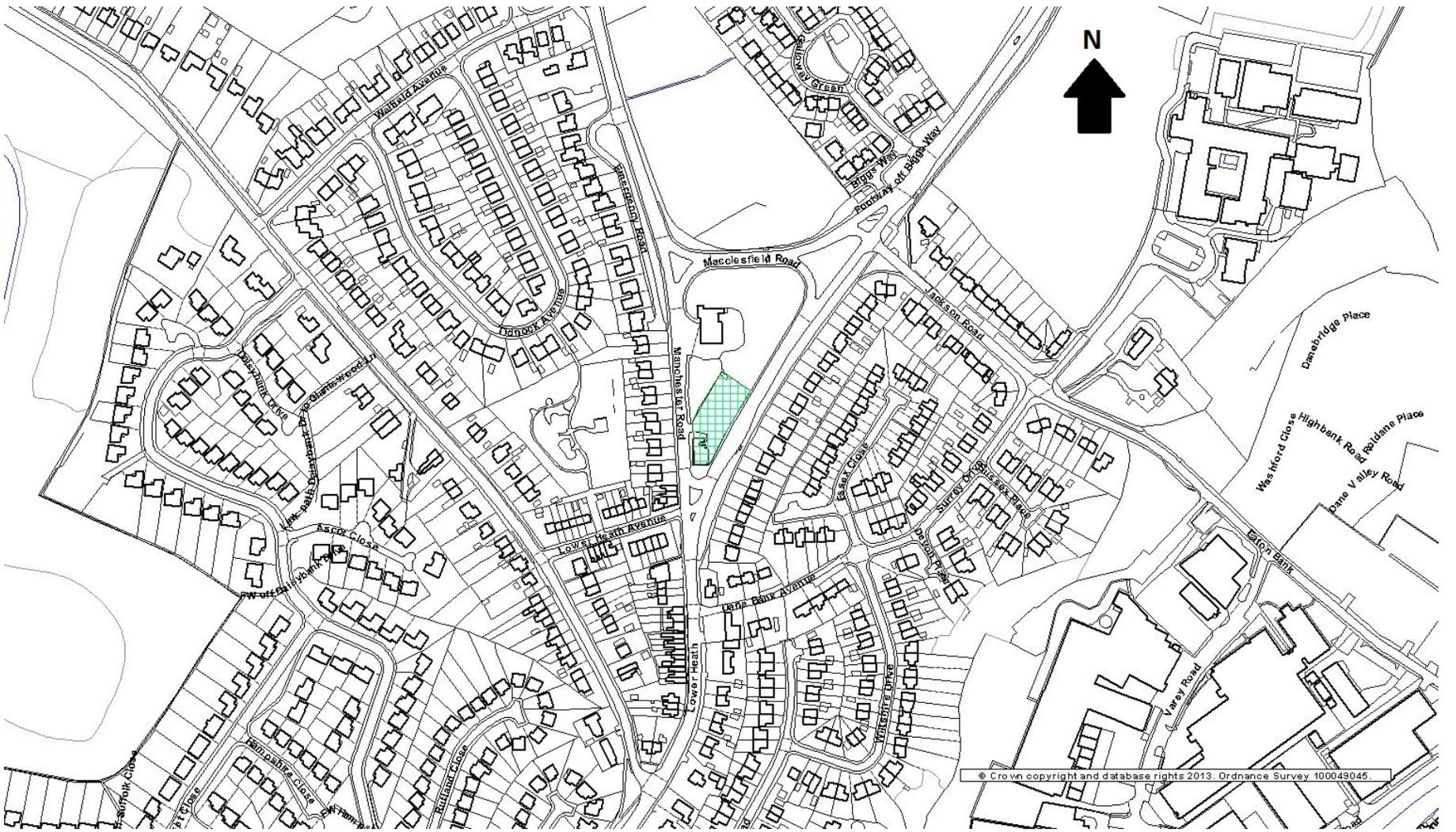
## **RECOMMENDATION**

### **Approve subject to following conditions:**

1. Development to be carried out in accordance with approved plans
2. Development to be carried out in strict accordance with materials detailed in application

3. The maximum weight of vehicles delivering to the site shall be restricted to a maximum weight of 7.5 tonnes
4. Access shall be completed and made available prior to first use
5. Puffin crossings shall be provided and made available prior to store beginning to trade
6. Tree Protection measures to be retained during construction
7. Hours of deliveries to the development shall be limited to 06:30 to 19:00
8. Hours of operation of the uses hereby approved shall be limited to 07:00 to 22:00

*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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