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Northern Planning Committee

Agenda

Date:	**Wednesday, 6th June, 2018**
Time:	**10.00 am**
Venue:	**The Capesthorne Room - Town Hall, Macclesfield SK10 1EA**

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

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

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

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

1. **Apologies for Absence**

   To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 8)

   To approve the Minutes of the meeting held on 9 May 2018 as a correct record.

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

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. **17/5004M-The construction of 3no. new town houses on the land to the rear of nos 2 & 4 London Road South, 2 & 4, London Road South, Poynton for Mr Rob North, Istari Limited** (Pages 9 - 22)

To consider the above application.

6. **17/4989M-Demolition of existing County Hotel and redevelopment to provide 2no. residential blocks consisting of 26no. 2 bed apartments, alongside parking, landscaping and associated works, The County Hotel, Harden Park, Alderley Edge for Mr Andrew Hall, Harden Park Gardens Limited** (Pages 23 - 42)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 9th May, 2018 at The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, T Dean, L Durham, S Edgar (Substitute), P Findlow, A Harewood, N Mannion, M Sewart (Substitute), M Warren and G Williams

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr R Croker (Planning Officer), Mr A Goligher (Principal Development Control Officer) and Mr P Wakefield (Principal Planning Officer)

105 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors E Brooks and H Gaddum.

106 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/6072M, Councillor G Walton declared that he was the Ward Councillor but he remained open minded. In addition he was also acquainted with two of the speakers and the applicant who are members of Chelford Parish Council.

In the interest of openness in respect of application 17/3837M, Councillor L Durham declared that she was the Ward Councillor and had been contacted by a local resident and the applicant, however she had kept an open mind and had not predetermined the application.

In the interest of openness in respect of application 17/3837M, Councillor A Harewood declared that she had been employed by the nursing home over the years.

It was noted that Members had received correspondence in respect of application 17/3208M.

107 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 11 April 2018 be approved as a correct record and signed by the Chairman.

108 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

109 **17/3208M-ERECTION OF REPLACEMENT CLASS A1 RETAIL STORE, ASSOCIATED CAR PARKING AND SERVICING AREAS, RELOCATION OF ELECTRICITY SUB-STATION, LANDSCAPING AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING RETAIL STORE AND NEIGHBOURING FITNESS CLUB, LIDL STORE AND ENERGIE FITNESS CLUB, SUMMERFIELD VILLAGE CENTRE, DEAN ROW ROAD, WILMSLOW FOR MISS F HEELEY, LIDL UK GMBH**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Town Councillor David Pincombe, representing Wilmslow Town Council, Richard Armstead, an objector and Stuart Jardine, 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 written update to the Committee, the application be approved subject to referral to the Secretary of State and subject to the following conditions and:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A03TR - Construction specification/method statement (trees)
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Nesting birds survey to be submitted
10. External lighting details to be submitted (to include details of operating hours)
11. Measures to ensure that the exit only from the main car park is controlled to be submitted.
12. Development to be carried out in accordance with FRA
13. Drainage strategy with detailed calculations to be submitted
14. Foul and surface water shall be drained on separate systems.
15. Noise mitigation measures to be implemented
16. Method statement for piling and floor floating to be submitted
17. Method statement for minimising dust emissions during demolition / construction

18. Electric Vehicle Infrastructure to be provided-to include two rapid flash charging points
19. Travel plan implementation
20. Phase II ground investigation and risk assessment to be submitted
21. Imported soil to be tested for contamination
22. Unforeseen contamination to be reported to LPA
23. 10% of energy from decentralised and renewable or low carbon sources
24. No deliveries outside of the hours of 07:00 and 23:00 hours
25. Details of phasing to be submitted
26. Restriction on insertion of mezzanine floors or addition of retail ancillary shops/services
27. Restriction on addition of ancillary retail shops/services
28. Submission of a Delivery Management Plan

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

(During consideration of the application, the meeting was adjourned for 15 minutes).

110 **17/3837M-DEMOLITION OF THE EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE A REPLACEMENT CARE HOME (USE CLASS C2) ARRANGED OVER TWO STOREYS TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE, HOLLINS PARK NURSING HOME, VICTORIA ROAD, MACCLESFIELD FOR MR ANDREW BRETT, CARE UK COMMUNITY PARTNERSHIPS**

Consideration was given to the above application.

(Town Councillor Gareth Jones, representing Macclesfield Town Council and David Madden, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Development shall be in accordance with the approved plans
2. Details of materials to be submitted (Submitted to LPA prior to commencement)
3. Development shall commence within 3 years of planning permission being granted.

4. Parking shall be provided prior to occupation of the care home
5. Landscaping scheme (submitted to LPA prior to commencement)
6. Details of boundary treatments (submitted to LPA prior to commencement)
7. Hard/soft landscaping details (submitted to LPA prior to commencement)
8. Drainage to be carried out in accordance with the submitted Flood Risk Assessment
9. Sustainable drainage management and maintenance plan (submitted to LPA prior to commencement)
10. Acoustic assessment report (submitted to LPA prior to commencement)
11. Development to proceed in accordance with the Biodiversity Enhancement recommendations
12. Details of Piling foundations (submitted to LPA prior to commencement, if required)
13. Dust details during construction phase (submitted to LPA prior to commencement)
14. Floor floating details (submitted to LPA prior to commencement, if required)
15. Developer to provide Electric Vehicle Infrastructure
16. Details of soil or soil forming materials brought into the site (submitted to LPA prior to commencement)
17. Contamination remediation scheme (submitted to LPA prior to commencement)
18. Details of any external lighting (submitted to LPA prior to commencement)
19. Survey for nesting birds (submitted to LPA prior to commencement, if vegetation removed between 1st March and 31st August)
20. Features for breeding birds (submitted to LPA prior to commencement)
21. Arboricultural works to be carried out in accordance with the arboricultural statement
22. Construction Method Statement (submitted to LPA prior to commencement)

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

111 **17/6072M-REDEVELOPMENT OF FORMER GARDEN CENTRE TO 16NO. DWELLINGS, PUBLIC OPEN SPACES INCLUDING ASSOCIATED LANDSCAPE WORKS TOGETHER WITH CONVERSION OF EXISTING BUILDING TO OFFICE USE, OLLERTON NURSERY, CHELFORD ROAD, OLLERTON FOR BRIGHOUSE, BRIGHOUSE HOMES (MOBBERLEY) LTD**

Consideration was given to the above application. It was noted that the proposal should refer to 17 no dwellings and not 16.

(Parish Councillor Councillor Simon Saba, representing Ollerton with Marthall Parish Council, Brian Mellor, an objector and Simon Noblet, representing the Architect attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

1. The proposal represents an inappropriate form of development within the Green Belt. The proposed redevelopment of this previously developed site would have a greater impact on the openness of the Green Belt and would conflict with the purpose for including land within the Green Belt through encroachment. The proposal is therefore contrary to the National Planning Policy Framework (2012) and policies PG3 of the Cheshire East Local Plan Strategy (2010 – 2030) and GC1 of the Macclesfield Borough Local Plan (2004).

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) 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.

112 **WITHDRAWN BY OFFICERS-17/4989M-DEMOLITION OF EXISTING COUNTY HOTEL AND REDEVELOPMENT TO PROVIDE 2NO. RESIDENTIAL BLOCKS CONSISTING OF 26NO. 2 BED APARTMENTS, ALONGSIDE PARKING, LANDSCAPING AND ASSOCIATED WORKS, THE COUNTY HOTEL, HARDERN PARK, ALDERLEY EDGE FOR MR ANDREW HALL, HARDEN PARK GARDENS LIMITED**

This application was withdrawn by Officers prior to the meeting.

The meeting commenced at 10.00 am and concluded at 12.40 pm

Councillor G M Walton (Chairman)

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Application No: 17/5004M

Location: 2 & 4, LONDON ROAD SOUTH, POYNTON, CHESHIRE, SK12 1NJ

Proposal: The construction of 3no. new town houses on the land to the rear of nos 2 & 4 London Road South

Applicant: Mr Rob North, Istari Limited

Expiry Date: 07-Jun-2018

REASON FOR DEFFERAL

At the Northern Planning Committee meeting of 11th April 2018 members resolved to defer this application for the following reasons:-
1 A revised layout plan to show the access arrangements, car parking and movements within the site along the full extent and details of the proposed bin store/s
2 Full conservation officer comments to be reported to seek clarification on conservation officer comments, highway matters including access, movements, additional parking and the location of a bin store.

APPLICANTS SUBMISSION SINCE DEFERRAL

Information has been submitted by the applicant to address the highways matters. Amended plans have also been submitted to indicate a reduction in the height of the proposed dwellings from 9.9ms to 9.5ms (ridge), move the block further way from the boundary with the properties on Abbey Court and closer to the northern boundary and slightly to the west.

REPRESENTATIONS

Adjacent neighbouring properties were re-consulted following the receipt of the amended plans and one letter of objection has been submitted which in summary details the following concerns;

- The proposed scheme is a severe hazard to local residents, the people of Poynton and road users passing through the village.
- An issue of severe cramming of 11 parked vehicles (planning regulations state that 4 parking places per property are mandated), there is insufficient space for 4 places per property.

- Parking in two of the 4 parking areas is only achieved with cars parked back to back with access from the rear parking spaces blocked when the front of the zones are occupied, leading to excessive vehicle noise & pollution when cars at the front of the assigned parking bays will have to be moved to enable the cars at the rear to be moved.
- The crammed nature of car parking in a severely restricted space (max two car lengths) creates a hazardous traffic zone with little/no space for emergency vehicles, refuse trucks and visitors.
- No turning circle is possible which would force vehicles to reverse out from the site into heavily congested on-coming traffic.
- No provision for visitor car parking and no nearby facilities
- Poor visibility at access point due to a severe blind spot due to presence of dense foliage, a large concrete post and a telegraph pole sited on the adjacent property.
- Insufficient space for the 9 bins of the new build/should be in self contained fence type structure with a gate
- Bin storage would interfere with emergency vehicles, refuse trucks and delivery vehicles would be unable to get past.
- There would be a hygiene, sanitation and health & safety hazard to the residents of No.4 London Road and the residents of No.6 London Road who enjoy an outdoor seating area at the rear of their property
- Impact of blight caused should this scheme go ahead would reduce the re-sale value on the affected properties in Abbey Court by 10% to 15%.
- Residents will have the right for legally binding compensation should this scheme be granted planning permission.

CONSIDERATION OF REASONS FOR DEFERRAL

Conservation officer comments

The conservation officer previously commented; "*I would consider that non designated heritage assets of Fountain Court, particularly numbers 5 and 6 would be overshadowed by this development, in deciding any relevant planning permission that affects a locally listed heritage asset or its setting. As such I would have to take issue with the over dominance of the proposal particularly as it is close to existing assets".*

The officer has updated their comments after receiving the amended plans as follows. *"The revised plan for this site has reduced the height of the development: which was a concern in my previous comments. I am now of the view that although there will be some change in the views from the designated heritage asset this is less than substantial and not over bearing".*

When viewed from London Road South, the development site is well screened and the proposed dwellings would not be immediately visible in relation to the alms houses. There may be glimpses of them when looking down the drive way of no 2 but they will not appear prominent in the street scene and would be visually subservient both to the alms houses and 2 and 4 London Road South. As the new dwellings would be set much further back into the site away from the road frontage where the character of the alms houses is most apparent, it is considered that the proposed dwellings would not harm the setting of these buildings and would comply with Policy SE7 of CELPS.

Highways

An amended plan has been submitted to indicate additional parking for visitors, with an increase from 6 spaces to 11 spaces for the three new dwellings. The two existing dwellings (no`s 2 and 4) would retain two parking spaces each. The provision for car parking spaces is now in excess of the parking standards required in appendix C of CELPS.

A bin storage area for the three dwellings is now shown lying adjacent to the southern elevation of No 4 London Road South.

The vehicular access into the site would be 4.5ms wide for a distance of 11.5ms into the site. There would be a pinch point along the drive resulting from a projecting window on the southern elevation of no 4 London Road South, where the drive would be reduced to 4.0ms wide. The drive would then reduce to 3ms wide further in to the site, thereby allowing the provision of a landscaping strip to the southern boundary.

The Strategic Infrastructure Manager has been re-consulted and states "*the revised plan submitted has addressed the potential of parking on the access road and also the initial section of the access road can accommodate two way flow of traffic. There are no highway objections raised to the proposal".*

Neighbour amenity

The movement of the proposed dwellings away from the boundary now result in the distances between the southern gable wall of the development and the rear of the adjacent properties on Abbey Court exceeding the requirements under saved Policy DC38 of MBLP.

CONCLUSION

As in the original report, the application is recommended for approval.

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ORIGINAL REPORT FROM 11 APRIL COMMITTEE MEETING

SUMMARY

This application seeks full planning permission for the erection of 3 dwellings houses to the rear of 2 and 4 London Road South. The site is located in a predominantly residential area in the centre of Poynton.

It is considered that the proposal is environmentally, socially and economically sustainable and accords with the development plan and the framework. The site is located sustainably within the town boundary of Poynton and the proposal represents an efficient use of land,

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

The application is to be presented at Northern Planning Committee as it has been 'called-in' to committee at the request of Cllr Beanland. This is due to concern regarding "*insufficient and inappropriate notice given to all affected parties, particularly the vicarage which bounds the site on two sides; It has an overbearing nature on neighbouring properties".*

SURROUNDING DEVELOPMENT

The application site lies in a predominantly residential area close to the centre of Poynton, south of the roundabout junction of London Road South, Park Lane and Chester Road. The site currently contains a pair of semi detached dwellings (2 and 4 London Road South) which have large rear gardens and each house has its own separate vehicular access.

Residential properties on Abbey Court lies to the south of the site, St Georges Church Hall and the locally listed alms houses on Fountain Close lie to the north of the site and the graveyard associated with St Georges to the west of the site.

DETAILS OF PROPOSAL

This application seeks approval for the erection of 3 terraced dwellings, which would be oriented northeast to southwest, in the rear garden area of 2 and 4 London Road South. The original submission proposed 4 dwellings but the proposal has been reduced to 3, thereby allowing the development to be moved northwards away from the shared boundary with the dwellings on Abbey Court. It is proposed to access the proposed dwellings by using the existing access of no 4 London Road South. The existing access to no 2 would be used for access to the 2 existing dwellings. Two parking spaces each would be allocated to the existing houses and 2 spaces are proposed for each of the three new dwellings, plus a turning area.

The proposed dwellings would be 10m high to the roof ridge and would be 2 .5 storeys. The orientation of the windows would be northwest to southeast. Each unit would contain 4 bedrooms and with kitchen/dining room ground floor with living room at first floor. The front elevation would have dormer style windows in the roof space and the rear elevation would have second floor windows at eaves height.

They would be constructed of brick, natural slate roof, UPVC windows, Art stone heads and cills, hardwood doors and the rear elevation would contain some timber cladding.

APPLICANTS SUBMISSION

The applicant has provided the following information in support of the application

- Landscaping layout
- 3D massing diagram
- Vehicle tracking plans
- Ecology report
- Arboricultural report
- Comments on the locally listed buildings

RELEVANT PLANNING HISTORY

No relevant history

CONSULTATIONS

Two rounds of consultation were undertaken

Original submission (4 dwellings)

Poynton Town Council - Object to the proposal on the basis of;

- It being backland development
- Cramped development
- Inadequate space around dwellings
- It being unneighbourly
- There being a threat to trees and their contribution to amenity
- The developer having cleared trees form the site already
- Inadequate visibility
- Additional vehicular turning movements
- Inadequate turning facilities
- Inadequate service provision
- Access road being exceptionally close to no 4 London Road South
- Inadequate parking provision
- Detracting from St Georges Church which is a listed building

Amended submission (3 dwellings)

Poynton Town council object on the same grounds as above

Strategic Infrastructure Manager - No objection subject to clarification regarding the swept path of refuse vehicles.

Environmental Health - No objection subject to conditions relating to the construction phase of development, electric vehicle infrastructure, contaminated land.

REPRESENTATIONS

Letters of representation have been received from 27 properties, over both rounds of consultation all of which object.

Original submission (4 dwellings)

In summary they relate to;

- An existing tree which overhangs a neighbouring property
- Site preparations having already started
- Impact upon privacy
- Insufficient parking spaces/potential to prevent access for services
- Impact upon amenity through additional activity
- Impact on the long term life of existing trees and hedgerows
- Difficulties for bin collection due to width of access

- Inadequate access and visibility on to London Road South
- The development would be overbearing
- Increase in congestion on London Road South
- Overlooking
- Overshadowing
- No public engagement prior to submission of the application
- Close proximity of dwellings to 7 Abbey Court, which sit slightly lower than the application site
- Height of dwellings taller then average 2 storey dwellings
- Reduction in amount of daylight currently received by 7 Abbey Court
- Does not comply with plan policy
- A report was submitted regarding protective measures for the removal of trees however the trees have already been cleared
- Inaccurate plans
- Already a sufficient supply of housing in the Local Plan Strategy
- Window in gable end of proposed property resulting in loss of privacy
- Cramming/over development
- There should be a "green" barrier between the development and Abbey Court
- Effect upon the market value of adjacent houses
- Concerns about protection of trees and the wild life within them
- Suggested hours of construction

Amended submission (3 Dwellings)

Many of the previous comments were repeated but some additional comments included the following;

- Inadequate service provision
- Additional turning movements onto London Road South
- Inadequate turning within the site
- Inadequate width of access road
- Loss of trees
- In accuracy in plans
- Bus top adjacent to site and double island within 50 yds which would exacerbate highway safety risk
- Loss of view of the St Georges Church
- Difficulties for service vehicles accessing the site and queries regarding the information submitted
- Proposal not reduced in height
- Potential for further loss of trees between 2 London Road South and the rear of 5/6 Fountain Close, should a new fence be erected
- Loss of light to church hall and car park exacerbated by a blanket tree protection order on all of the trees along the western side of the car park and hall and proposed building site
- Potential for complaints from new householders regarding the noise and activity at the church hall

- Would the development put the TPO at risk and who would the onus fall upon for future maintenance
- The 3D computer drawing being misleading showing trees along the boundary with church hall car park which do not exist

POLICIES

Cheshire East Local Plan Strategy – Adopted July 2017

Policy MP1 - Presumption in favour of Sustainable development
Policy SD1 - Sustainable development in Cheshire East
Policy SD2 - Sustainable development principles
Policy SE1 – Design
Policy SE2 - Efficient use of land
Policy SE5 - Trees Hedgerows and woodlands
Policy PG1 - Overall development strategy
Policy PG2 - Settlement hierarchy
Policy SE7 - The historic environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan - saved policies

Policy DC3 – Protection of the amenities of nearby residential properties
Policy DC6 - Circulation and access
Policy DC8 - Landscaping
Policy DC9 - Tree protection
Policy DC38 - Space light and privacy
Policy DC41 - Infill housing development

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Heritage assets and HOU1 location of future development for housing
Cheshire East Borough Design Guide Supplementary Planning Document

Poynton Neighbourhood Plan relevant draft policies include Policies EGB24
At the Regulation 14 – Pre-submission Consultation stage

OFFICER APPRAISAL

Principle of development

The principle of erecting dwellings in this location is acceptable provided all detailed matters have been fully addressed

Policy SD 1 states that development should wherever possible contribute to creating a strong, responsive and competitive economy, prioritise investment and growth within the Principal Towns and Key Service Centres, contribute to the creation of sustainable communities, ensure that development is accessible by public transport, walking and cycling, provide a locally distinct, high quality, sustainable, well designed and durable environment, support the achievement of vibrant and prosperous town and village centres, make efficient use of land, protect the best and most versatile agricultural land and make best use of previously developed land where possible and prioritise the most accessible and sustainable locations.

Policy PG 2 states that Key Service Centres such as Poynton will accommodate development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.

Impact on residential amenity

Policy DC38 recommends that distances of 21 metres front to front and 25 metres back to back are achieved between facing habitable windows of residential properties The distance between the rear habitable room windows of the existing properties (2 and 4 London Road South) and the front windows of the proposed new dwellings would be 26.8 metres and is therefore considered acceptable. To the rear of the site, the nearest properties are over 50 metres away.

Policy DC38 recommends 14 metres between habitable rooms and non habitable rooms. The first two floors of No 7 Abbey Court are closer to the boundary than their second floors. The distance between the gable end of the new dwellings and the closet part of no 7 Abbey Court is 14.4 metres. No 9 Abbey Court has a ground floor conservatory which would be 13.2metres away from the gable end of the new dwellings 17metres at the first floor and above. It is considered that based upon the distances listed in saved policy DC38 and advice in the Cheshire East Design Guide the proposal will retain adequate spacing to the existing dwellings.

Although there is a glazed design feature on the gable end of the nearest proposed dwelling facing towards Abbey Court, this would be obscurely glazed and would not introduce overlooking.

The proposed dwellings would be at a 45 degree angle to 5 and 6 Fountain Close and separated by existing landscaping within the curtilage of the neighbouring properties. Additional planting is also proposed as part of the application, and at their closest points the proposed dwellings will be 14.5 from the south west corner of 6 Fountain Close.

Therefore it is considered that the proposal complies with saved polices DC3 and DC38 of the Macclesfield Local Plan.

Highways

Each dwelling would have two parking spaces which accords with the guideline parking standards set out in the CELPS which states that dwellings with more than 3 bedrooms in key service centres should each have 2 parking spaces.

The existing houses currently each have separate access. It is proposed to reuse the northern access, for turning and car parking spaces for no 2 and 4 London Road South. The Southern access is proposed to be used for access to the proposed new development.

Some queries have been raised by the Strategic Infrastructure Manager regarding the tracking layouts for a refuse vehicle. Further details will be provided as an update.

Infill development

Infill housing can be considered to be acceptable provided existing levels of privacy is maintained and there is no significant overshadowing and parking standards are met. These matters have been addressed above. Proposed garden spaces would reflect adjacent properties and in respect of harm to amenity for adjacent neighbours resulting from increased activity, it is considered the introduction of 3 dwellings in this location would not cause further harm, due to the significant activity of this stretch of London Road South. Nor would the development result in a substandard outlook with sufficient land surrounding the dwellings to accommodate appropriate landscaping. Land to the north of the site is a graveyard associated with St Georges Church, and provides an open outlook for the new dwellings.

It is therefore considered that the proposed development would accord with saved policy DC41 of MBLP.

Design/Character

The design of the dwelling at 2.5 storeys high of brick construction with detailing such as stone heads and cills and timber cladding on the rear is considered to be acceptable in this location. The existing dwellings adjacent to the site are predominantly of red brick construction. Nos 2 and 4 although semi-detached are large buildings with steep roofs and are taller than the adjacent neighbours on London Road South. The steep grey slate roofs reflect the adjacent church hall and the adjacent alms houses.

The dwellings on Abbey Court are three storeys buildings. Some of these dwellings have dormers serving the second floor rooms; some have gable elevations to accommodate the second floor.

It is considered that the proposed dwelling reflects design and character of the area and the adjacent existing buildings and therefore accords with Policy SE1 and SD2 of the CELPS

Historic environment

5 and 6 Fountain Court (Alms houses) which lie to the north of no 2 London Road South and locally listed buildings and as such are non designated heritage assets.. The nearest of the proposed new houses would be 14.5.m away and there are mature trees close to the shared boundary within the curtilage of the adjacent properties.

When viewed from London Road South, the development site is well screened and the proposed dwellings would not be immediately visible in relation to the alms houses. There may be glimpses of them when looking down the drive way of no 2 but they will not appear prominent in the street scene and would be visually subservient both to the alms houses and 2 and 4 London Road South. The conservation officer has raised some concerns about the impact of the proposed development on the setting of the alms houses. However there is a clearly defined boundary and a distinct change in character between the alms houses and no 2 and 4 London Road South. As the new dwellings would be set much further back into the site away from the road frontage where the character of the alms houses is most apparent, it is considered that the proposed dwellings would not harm the setting of these buildings and would comply with Policy SE7 of CELPS.

Ecology

Bats and birds are know to occur in this locality therefore a condition requiring the incorporation of features suitable for rooting bats and breeding birds within the development is recommended to safeguard protected species. No further ecological issues are raised, and the proposal is considered to comply with policy SE3 of CELPS

Trees and landscaping

All but one tree (T10) identified for removal within the submitted Tree Protection Plan have been felled as part of pre-determination works. The site is not subject to a Tree Preservation Order and is located outside any Conservation Area

The proposed site plan depicts the retention of a Deodar Cedar which remains on site. It is an early mature specimen with significant growth potential, and likely to dominate the rear garden areas associated with the off site properties on Abbey Court, therefore its loss would also be acceptable.

Some of the trees located off site to the north are protected as part of the Macclesfield Rural District Council (Chester Road/London Road) Tree Preservation Order 1971. Conditions would be required for no dig construction regarding some of the parking bays.

No significant post development issues are anticipated in terms of off site protected trees in terms of light attenuation or nuisance.

A landscaping plan has been submitted to show the introduction of new landscaping along the shared boundary with properties on Abbey Court.

Therefore it is considered that the proposal complies with saved policies DC8 and DC9 of MBLP and policy SE5 of CELPS

Economic sustainability

The proposal contributes would contribute to the economic well being of Poynton, as the new residential occupants would add to the vitality and viability of the local shops and restaurants in the town centre, which is within very easy walking distance of the site.

CONCLUSION

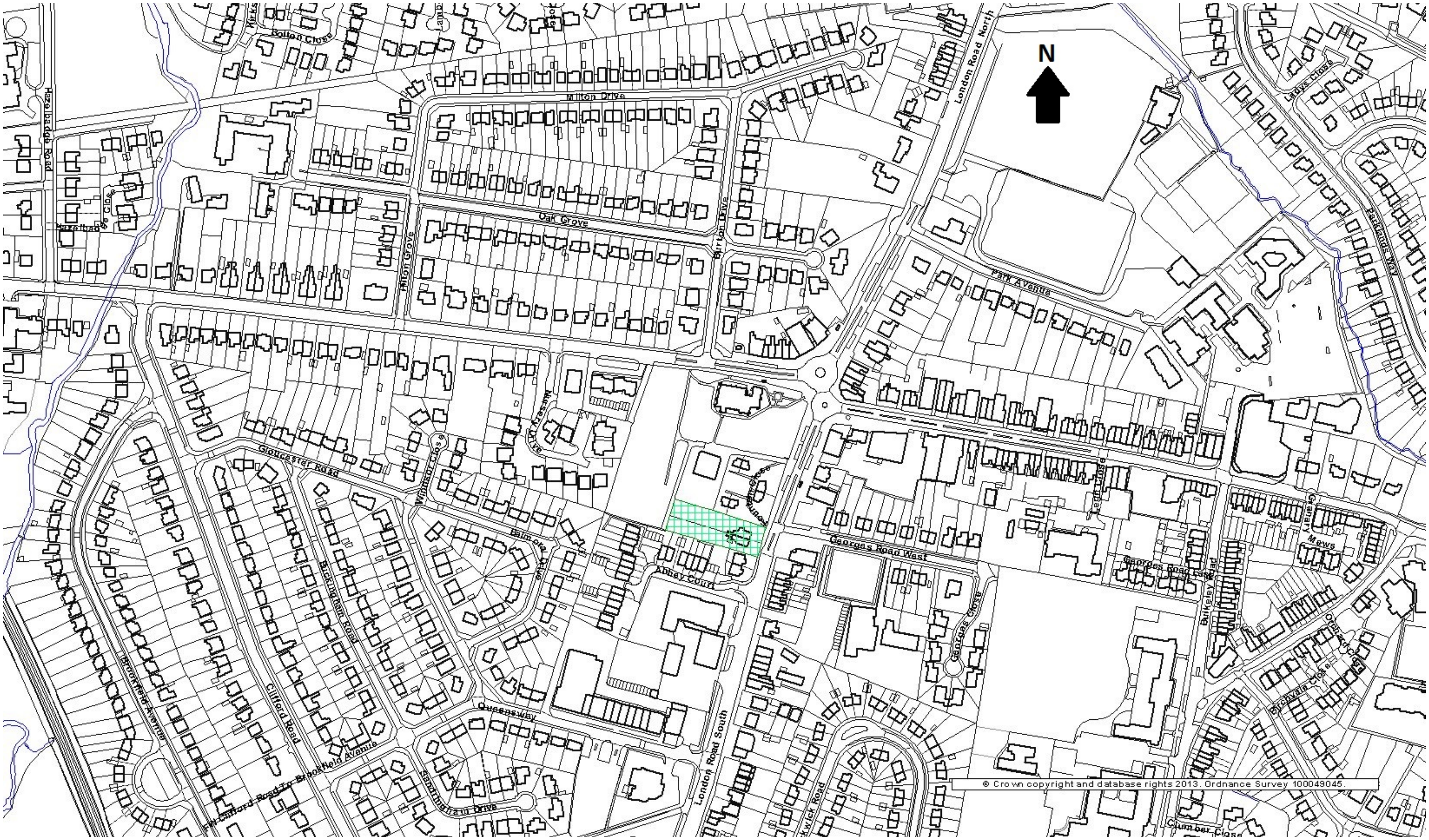
Whilst the concerns raised by interested parties are acknowledged, the amended scheme is now considered to be of appropriate proportions to the site and highways matters are being addressed. Subject to confirmation from the Strategic Infrastructure Manager that the tracking details for refuse vehicles are acceptable, the proposal complies with the requirements of the development plan. In such circumstances policy MP1 of the CELPS (and paragraph 14 of the NPPF) states that *"Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise."* Accordingly the application is recommended for approval subject to conditions.

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A04LS - Landscaping completed in accorance with submitted plan
5. A05LS - Landscaping to be implemented witihn the first planting season of occuption of dwellings
6. A02TR - Tree protection
7. A04TR - Tree pruning / felling specification
8. Construction hours of operation - Piling
9. Electric Vehicle Infrastructure
10. Contamination -suitability of soil and verification
11. Contamination - works shall cease if contamination found during construction
12. No dig construction for driveway and hardsurfacing areas near root procetion areas for Chester Road/London Road TPO 1971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Milton Drive
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Park Avenue
London Road North
London Road South
Gloucester Road
Georges Road West
Queensway
Clifford Road
Brookfield Avenue
Buckingham Road
Sandringham Drive
Windsor Close
Abbey Court
Bolton Close
Hilton Grove
Burton Drive
Georges Close
Granary Mews
Bulkeley Road
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Application No: 17/4989M

Location: The County Hotel, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: Demolition of existing County Hotel and redevelopment to provide 2no. residential blocks consisting of 26no. 2 bed apartments, alongside parking, landscaping and associated works

Applicant: Mr Andrew Hall, Harden Park Gardens Limited

Expiry Date: 08-Jun-2018

SUMMARY

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in economic benefits, albeit relatively minor.

The development would make effective use of a previously developed site and would also result in the removal of the existing unsociable use of the hotel and pub, given the proximity of existing residential properties. The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, nature conservation, amenity or highway safety issues.

RECOMMENDATION: Approve subject to conditions and a s106 agreement.

REASON FOR REPORT

Due to the scale of the proposal the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the existing County Hotel building, associated car parking area and outdoor amenity area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings on site and the erection of 2no. replacement buildings comprising 26no. apartments with associated landscaping and basement car parking. 20no. apartments would contain two bedrooms and 6no. apartments would contain one bedroom.

RELEVANT HISTORY

12/4353M Full planning permission for the demolition of the existing former County Hotel building and construction of 14 No. residential units with car parking and associated landscaping and external works.
Approved 01 October 2013

11/4542M Full planning permission for the extension, refurbishment, alterations and conversion of the former County Hotel to create 6 residential apartments; erection of new four storey block of 8 residential apartments; together with car parking, landscaping and associated external works.
Withdrawn 06.03.2012

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017
MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Boundaries
PG3 Green Belt
PG7 Spatial distribution of development
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE8 Renewable and Low Carbon Energy
SE12 Pollution, Land Contamination and Land Instability

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)
DC3 (Amenities of residential property)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree protection)
DC35 (Materials and Finishes)
DC36 (Road layouts and circulation)
DC37 (Landscaping in housing developments)
DC38 (Space, light and Privacy)
DC41 (Infilling housing or redevelopment)
DC63 (Contaminated Land)

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

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Alderley Edge Neighbourhood Plan – currently under consultation at regulation 7
The Cheshire East Borough Design Guide (2017)

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.
Of particular relevance are Chapters 1, 4, 5, 6, 7, 8, 9, 10 and 11.

CONSULTATIONS (External to Planning)

Highways: no objections

Environmental Health: no objections subject to conditions relating to noise and a travel pack

United Utilities: no objections, subject to conditions relating to drainage

Housing: objection – on site provision required

Education: awaiting comments.

Public Open Space: awaiting comments

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council: *"The Parish council recommends refusal and call in to NP committee – This proposal constitutes significant overdevelopment within the greenbelt. The increased footprint and footage is significant. Ingress and egress from Harden Park will have considerable risk with added pressure from the former "Yesterdays" site, currently being developed, proposed developments on the Royal London site and ever increasing traffic on*

the A34/Alderley Road. A round about likely won't allow exit and so traffic lights could be the only option. The PC objects to the proposal being a gated complex. The positioning of the entrance directly opposite existing houses compromise their amenity and privacy."

It should be noted these comments were for the original proposal and no comments have been received since the revised plans were submitted.

OTHER REPRESENTATIONS

Amended plans were received during the application period. 6no. objections were received prior to the amendments with a further 5no. objections received following the re-consultation which reiterate the earlier comments. Below is a summary of the main, relevant issues:

- Highway safety issues due to the number of cars proposed.
- Green Belt issues – inappropriate development.
- Over development of the site.
- Underground parking will not be used, Harden Park will be used.
- Incorrect access position.
- A site management plan should be conditioned.
- Residents would have to drive into Wilmslow or Alderley edge due to the distance. There is no pavement into Alderley edge.
- Bats are roosting in the existing building and would be disturbed by the development.
- Design is an 'architectural disgrace'.
- No visitor parking.
- The conditions were not discharged properly before commencement of development, so the previous permission is not extant.
- The block to the north would fall short of the Council's space guidance distance of 28m to Orchard Cottage.
- There are more trees to be lost with this application than the previously approved development.
- The proposed access to the rear of the site was never to be allowed to come into use again as part of the extensions for the Wacky Warehouse.
- The transport statement contains numeric errors.
- Protected species would be impacted by the development.
- Concerns regarding the impact on trees.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a bat report, arboricultural statement, transport statement, design & access statement and planning statement. The planning statement concludes that:

- Redevelopment will remove an unsightly and imposing building, enhancing the setting and appearance of the site.
- There is an extant permission, 12/4353M, which establishes the principle of the development and allows an increase in the overall scale and massing of development when compared to existing.
- The proposal provides two high quality residential blocks, carefully laid out and sited to minimise their visual impact. In this case, the proposals seek to divide a large form of development (permitted under the extant consent) into two smaller forms, breaking up

the built form and massing that could be delivered on site, ultimately reducing the prominence of buildings on site.

- The separation of the buildings helps to increase the openness at the site by increasing views through the site.
- The building would result in an increase in floor area above ground floor level. However, this has to be considered alongside the significant reductions in the hardstanding areas compared to existing and also the 'extant' permission. The overall height of the building would also be no higher than the existing.
- The site is well screened and so has no impact on the openness of the wider Green Belt.
- The replacement of the former County Hotel with a building of a traditional design which reflects the architectural features of the original building would also be of positive benefit to the site and Green Belt.
- The proposed development will not conflict with any of the five purposes of maintaining land in the Green Belt and will not result in a materially greater impact on Green Belt openness.
- There would no harm to highway safety or the amenity of neighbouring residential properties as a result of the proposed development due to the nature of the use and the distances between buildings.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

SOCIAL SUSTAINABILITY

Housing Land Supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise." This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 14 of the NPPF means: "approving development proposals that accord with the development plan without delay". As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be able to demonstrate a 5 year supply of

housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes**,** equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council’s claimed supply of 15,908 deliverable homes, the Inspector concluded that “*in total 331 units should be deducted from the Council’s supply figure, reducing it to 15,577*”.

The Inspector went on to make an overall assessment of the housing supply position:

“Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met”

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning
Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is now a proposed development of 26 dwellings within 2 blocks; therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in the sub area of Mobberley, Chelford and Alderley Edge, Per Year until 2017/8 is for 16x 1 bedroom, 17x 2 bedroom, 11x 3 bedroom and 9x 4 bedroom General Needs dwellings. The SHMA is also shown a yearly need for 9x 1 bedroom and 22x 2 bedroom Older Persons dwellings.

The Older Persons dwellings can be provided via flats, cottage style flats and bungalows.

The current number of those on the Cheshire Homechoice waiting list with
Alderley Edge as their first choice is 143. This can be broken down to 70x 1
bedroom, 45x 2 bedroom, 23x 3 bedroom and 5x 4 bedroom dwellings, therefore a mix of 1, 2 and 3 bedroom General Needs dwellings and 1 and 2 bedroom Older Persons dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The applicant in the planning statement has stated that they are proposing to use a commuted sum in lieu of on site Affordable Housing provision.

The applicant in the planning statement has stated that they are proposing to use a commuted sum in lieu of on site Affordable Housing provision.

The NPPG provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to

the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1,948sqm and the proposed floorspace is 4,717sqm, an increase of 2,769sqm or 41% of the total proposed floorspace. To put that as numbers of dwellings - 41% of 26 dwellings is 10 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 10 dwellings. 30% of 10 is 3 dwellings, which would be the requirement for this site. This equates to 11.5% of the total number of dwellings.

This application is for full planning permission for a development including 26 dwellings. There is therefore an affordable requirement, albeit much lower than the normal 30%, at 11.5%.

The Cheshire East Local Plan has been adopted since the last approval, and of specific relevance to the application is policy SC5 relating to affordable housing. This policy contains the following paragraph:
"Affordable housing is required to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision."

Registered providers have been contacted by the applicant and no interest was forthcoming due to *"issues of dwelling values, the fact that sales would have to be on a leasehold basis and the incidence of ground rents and management charges on occupancy"*. The Council's Housing section are satisfied that an off site contribution for affordable housing would be appropriate in this case, as it was for the previous approval. Discussions are ongoing as to the amount of the contribution and location of spend for any contributions. This will be confirmed in an update.

Open Space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. Normal requirements are for 65 square metres per dwelling. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

The contributions derive from the Planning Obligations SPG for Macclesfield which requires £3000 per family dwelling for public open space and £1000 per family dwelling for recreation and outdoor sports facilities. Based on 46 bed spaces this would equate to £69,000.

The POS commuted sum would be required and would be used to make additions, enhancements and improvements to the play [including teenage play and recreation] and amenity facilities at Alderley Park, Beech Road Play area and Chorley Hall. Commuted sums would be required on commencement of development and spend period would be 15 years.

The ROS com sum would be £500 per two bed space or more apartments. Based on 20 two bed apartments that would equate to £10,000. The ROS com would be required on commencement of development and would be used to make additions enhancements and improvements in line with the PPS at Chorley Hall Playing Fields.

Education

The development is expected to impact on both primary school and secondary 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

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

5 x £11,919 x 0.91 = £54,231.00 (primary)
4 x £17,959 x 0.91 = £65,371.00 (secondary)
Total education contribution: £119,602.00.

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate more to the overall scale, bulk and massing of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt, rather than a comparative assessment of floorspace / footprint.

The proposed building is clearly larger than the one it replaces. The floorspace figures indicate that whilst the footprints of the buildings remain similar, there is a 24% increase in floorspace, excluding the basement. As the basement is totally subterranean there would be no impact on the openness of the Green Belt from the basement and so, although extensive it is not included in the assessment.

The previous approval contained an increase of 14% over existing. This is still extant due to the commencement of the development within the three year time period. In response to the comments received in representation it appears that all of the relevant conditions were discharged prior to development and so is a material consideration in the determination of this application. Substantial weight was previously given to the significant decrease in hardstanding, and associated car parking, and associated level of activity that also currently impact on openness during the operation of the existing hotel / pub use. It is accepted that the extent to which the existing use impacts upon the openness of the Green Belt is more

than just the existing building. The current site does contain significant areas of hardstanding, which when fully occupied would have a significant impact upon the openness of the Green Belt. While the previous approval did go some way to decreasing the amount of hardstanding there was still a significant amount approved with 33no. above ground parking spaces in addition to the internal access roads. This hardstanding covered large areas of the site and would have still had a significant impact on the openness of the Green Belt.

The current proposal contains no above ground car parking spaces with all parking confined to the basement, which means that all of the space previously allocated to parking could be used for landscaping which would soften the impact of the proposed buildings, and also help to improve the visual impact of the site.

The proposed buildings comprise two blocks, rather than the one current building and one previously approved building. The block to the rear is lower with two storeys which echoes the existing format with a lower section to the rear of the site. The elevations are broken up with a two storey element closest to the main road and three storey element in the middle. This variation in heights helps to reduce the bulk of the proposal. The buildings would be set a similar distance from the main road as the existing building, however rather than large areas of hardstanding adjacent to the main road the proposal would contain a large area of landscaping.

Having regard to the factors noted above, on balance, the proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. Therefore the proposal is not considered to be inappropriate development as identified under paragraph 89 of the Framework.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. The closest property to the proposed buildings is positioned 25.7m from the rear of block 2, Orchard Cottage. This property is not directly opposite the proposed buildings and the distance complies with the recommended distance of 21m between rear to rear of dwellings outlined in the Cheshire East Design Guide and more than the 25m outlined in saved Macclesfield Borough Local Plan policy DC38. The elevation facing onto this property would also contain obscure glazing in order to prevent overlooking of the garden of Orchard Cottage.

The other surrounding dwellings are further still from the proposed buildings with surrounding vegetation further lessening any impacts.

Within the site the two blocks are positioned approx. 10m apart. There are habitable windows facing onto habitable windows at ground and first floors. In order to prevent overlooking an obscure glazing condition should be included to the side facing lounge/dining rooms. These

are secondary windows so the impact should be acceptable. The side facing bedroom windows would not contain obscure glazing as these would be the only windows to these rooms. While the 10m is below the 12m recommended in the design guide for habitable windows facing onto blank gables the impact would only be felt by future residents and so there is an element of 'buyer beware' attached to any impact.

With the above in mind an adequate amount of space, light and privacy is retained between the dwellings.

Air Quality

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to encourage the uptake of sustainable transport options for future occupants of modern housing, and also for a 'travel information pack' to be available for all new residents of the development.

Noise

Environmental Protection has noted that further information is required to ensure that a satisfactory level of amenity is maintained for future occupiers of the apartments due to the traffic related noise from the A34 road and by pass. It is therefore recommended that any approval is subject to a condition requiring an acoustic survey of the development, in order to ensure that acceptable internal noise levels are achieved.

Contaminated Land

The contaminated land officer advises that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. Therefore adequate gas protection measures are required which can be dealt with by condition.

Trees/Landscape

The Council's Arboricultural and Forestry Officer has provided the following comments:

The application is supported by an Arboricultural Statement by Cheshire Woodlands (CW/7373-AS-17) dated 1st November 2017.

Located off site to the west of the proposed development site within the grounds of The Merlin public house are a group of trees protected as part of the Macclesfield Borough Council (Wilmslow - College Flats) Tree Preservation Order 1992; the trees are protected as part of a Woodland designation.

The development proposals require the removal of four moderate value Category B tree groups (G3, G4, G6, & G7) and four low value Category C individual trees (T3, T4, T6, &T9) and four Category C groups (G1, G2, G5, & G8).; the majority of the trees are located on the south, south eastern boundaries of the site. The removal of an un-classified Goat Willow T5 has also been identified.

The only large mature high canopy tree identified for removal is a Lime located within G3; the tree exhibits signs of reduced vigour and vitality, with dieback and reduced twig development noted. The remaining trees are closely spaced specimens; Elm regeneration was also noted which is likely to succumb to Dutch Elm Disease within the next few years. The collective contribution of these trees is not considered significant, any impact on the amenity of the immediate area and the wider landscape is considered to be moderately low.

The remaining individual trees (T1, T2, 7 T7) associated with the immediate development area are unaffected by the development proposals. It was noted that T2 appears to be decline with significant dieback identified within the trees upper canopy.

Construction works to facilitate the new basement extends within the RPA's of the retained trees identified as T8, G9/1, and G9/2; the incursions are all relatively minor, the presence of existing hard surfacing also mitigates any detrimental impact which is likely to be negligible.

The off site trees G9 protected as part of the Macclesfield Borough Council (Wilmslow - College Flats) Tree Preservation Order 1992 can be retained and protected in accordance with current best practice. The social proximity of the boundary trees associated with G9 to the existing building in some areas is not sustainable; the proposed development does not establish an inferior relationship to what exists at present. Pruning to establish and maintain adequate clearance will be an ongoing requirement, but this will not have a significant impact on the trees or affect external views of the trees.

The landscape details submitted with the application are limited and conflict in terms of tree retention with the submitted Arboricultural statement in terms of tree removal; this clearly has an impact on the Harden Park road frontage. In order to compensate for the proposed tree loses it is important to maximise the landscape space available to accommodate semi-mature high canopy replacement planting; this is particularly pertinent along Alderley Road and Harden Park where the buildings are set back into the site.

Subject to appropriate conditions, the proposal will have an acceptable impact upon landscaping and trees within the site, in accordance with saved Macclesfield Borough Local Plan policy DC9 and policy SE5 of the Cheshire East Local Plan.

Ecology

The Council's Nature Conservation Officer has provided the following comments:

Great Crested Newts

A number of ponds are located within 250m of the proposed development and a small population of great crested newts is known to occur at a pond located just over 130m from the application site boundary. The application site however offers limited habitat for great crested newts. The better quality habitat, located to the north of the site, will however be used as a community garden as part of the proposed development.

In order to minimise the risk of Great Crested Newts being harmed during the works the applicant's ecologist has recommended the implementation of

Reasonable Avoidance Measures.

Considering the distance between the proposed development and the adjacent ponds and the small area of better quality habitat affected by the development, it is advised that provided the recommended measures are implemented the proposed development would be unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

However, as there is a loss of some suitable habitat for great crested newts, albeit on a minor scale, it is advised that the proposed development should include some proposals to compensate for this loss. The Council's Ecologist suggests that this should take the form of the provision of a small additional pond and hibernacula. The applicant was asked to amend the layout plan to include the provision of these features which has been received.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing hotel building on a number of occasions. Whilst it is now sometime since the last detailed bat survey was undertaken it is advised that it is unlikely that the level of roosting activity has changed. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive`s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Saved Macclesfield Borough Local Plan Policy NE11 and policy SE3 of the Cheshire East Local Plan states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England`s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case it is considered that the proposal will result in a more sustainable form of development than the existing, particularly in terms of energy efficiency, and any alternatives are likely to involve significant works to the existing building, which would have a comparable impact upon the species. The submitted report recommends the installation of bat boxes on trees and the incorporation of features for roosting bats into the replacement residential building to compensate for the loss of the existing roosts and the supervision and timing of the works by a licensed bat worker to mitigate the risk posed to bats during the works.

The nature conservation officer advises that the proposed mitigation/ compensation is acceptable and it is highly likely that the favourable conservation status of the species concerned will be unaffected by the proposed development. However, if planning consent is granted a condition requiring the development to proceed in accordance with the recommendations made by the submitted Ecological Scoping Survey is recommended.

A number of trees will be removed as part of the proposed development. Whilst the submitted Preliminary Ecological Appraisal states that the trees on site were assessed for their potential to support roosting bats. All trees were assessed as pertaining to a ‘negligible’ categorisation in relation to bat roost suitability. All trees were absent of any extensive fissures/cavities/holes which may otherwise be utilised for ingress into trees by bat species.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

In the event that planning permission is granted a suitable condition is recommended to safeguard nesting birds.

Hedgehog
Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted a suitable condition is recommended.

Highways

There are two existing access points to the site, one of these points is to be closed and the site access is taken using an existing access to Harden Park that leads to the basement car park.

The car parking provision is 61no. spaces which provides more than 2no. spaces/apartment, this level of provision accords with the CEC parking standards for 2 bed units. There is a communal bin storage located alongside the access road that is convenient for refuse collection from Harden Park.

The applicant has produced figures for traffic generation and the peak hour range is between 15 – 17 trips, this is considered an accurate assessment for apartments by the Council's Strategic Infrastructure Manager. This level of traffic is not considered to have a material traffic impact on the local road network and the former use of the site has also to be taken into consideration as this did generate similar traffic movements to the site.

Therefore, the proposals are considered to be acceptable and no objections are raised by the Strategic Infrastructure Manager.

Objections have been received regarding the use of the proposed access to the rear of the site which it is stated were not to be used as an access and this was agreed when the extensions to the rear of the existing building for the Wacky Warehouse was approved. No information regarding this statement can be located, and in any event the proposal must be assessed in relation to the existing conditions on site and no objections are raised with regard to the position of the access.

Design

The existing site is an eyesore with years of neglect leading to the existing dilapidated building currently on site.

The design of the proposed building replicates features of buildings found in the vicinity and therefore it is considered that the design approach is adequately in keeping with the character of the area. The proposed buildings contain a variety of ridge heights which helps to break up the mass of the proposal, with the two buildings breaking up the mass much more effectively than the extant permission for one large building. Furthermore, due to the positioning of the buildings within the site, and the existing boundary

vegetation, it will be difficult to view the buildings together, with different sections visible from different vantage points. There are also other substantial buildings within the immediate area. The proposal is therefore considered to have an acceptable impact upon the character of the area.

The reduction of hardstanding will also facilitate the creation of a substantial landscaped frontage to Alderley Road, which will represent a significant visual benefit compared to the existing situation. The parking will all be hidden in a basement car park.

Entrance gates are shown on the proposed site plan, however in order to promote inclusive communities in line with paragraph 69 of the NPPF a condition is recommended preventing the erection of gates.

ECONOMIC SUSTAINABILITY

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

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Education contributions:
  - £54,231.00 (primary)
  - £65,371.00 (secondary)
- Open space and recreation outdoor sports contributions:
  - POS £69,000
  - ROS £10,000 .
- Contribution towards off site affordable housing (amount TBC).

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

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

The provision of public open space, affordable housing and education contributions are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSION

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor.

The development would make effective use of a previously developed site and would also result in the removal of the existing unsociable use of the hotel and pub, given the proximity of existing residential properties. The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, amenity, nature conservation or highway safety issues.

In such circumstances the NPPF at para.14 and policy MP1 of the CELPS require development proposals that accord with the development plan to be permitted without delay and therefore the application is recommended for approval subject to conditions and a section 106 agreement.

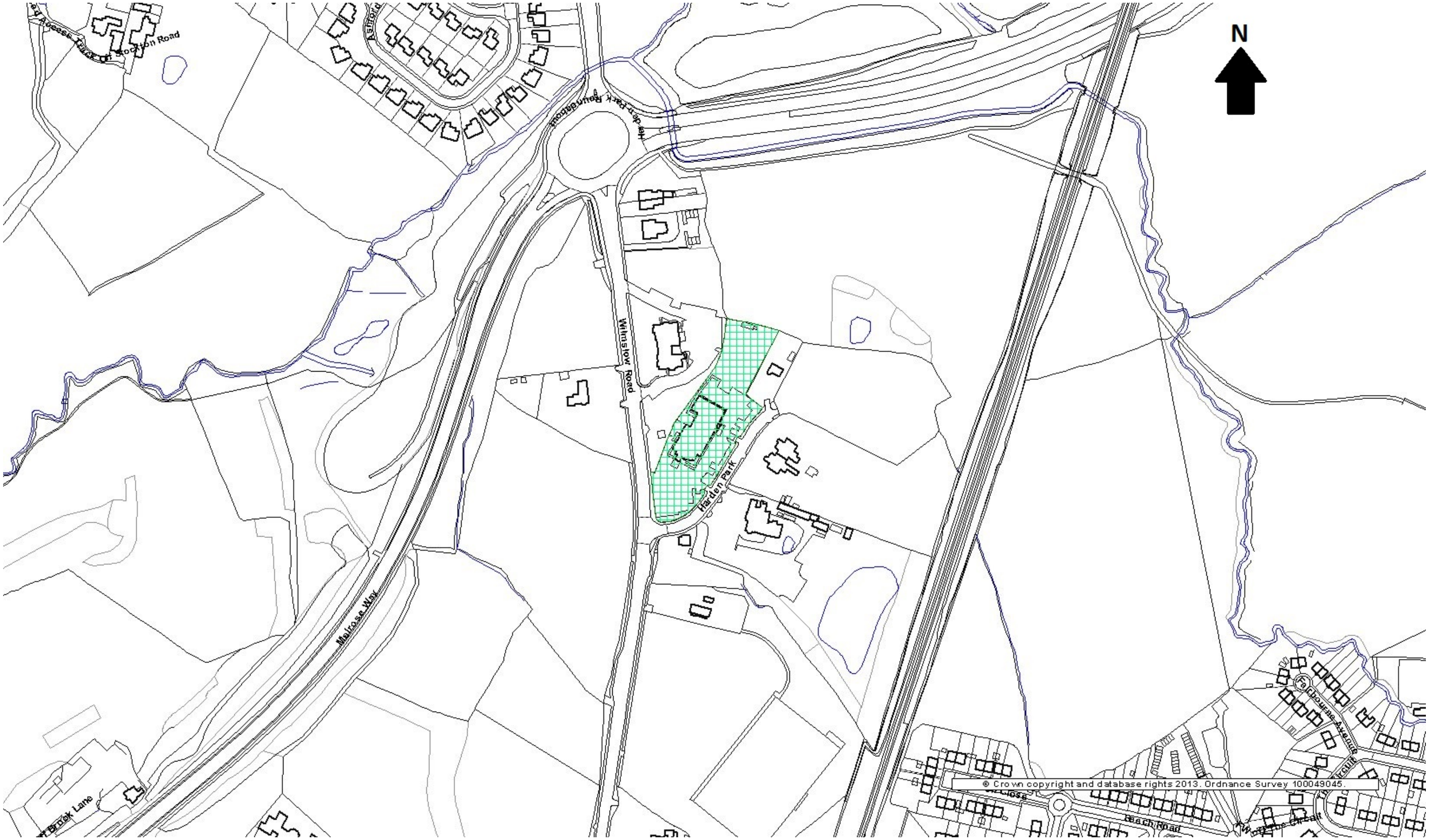
In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Scheme for noise mitigation to be submitted (acoustic survey)
9. Gas protection measures to be submitted
10. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement

11. Pond to be installed
12. Bat mitigation
13. Lighting
14. Nesting birds
15. Breeding birds
16. Hedgehog mitigation
17. No gates
18. Foul water
19. Surface water
20. Travel information pack
21. Electric vehicle infrastructure
22. Contaminated Land
23. Contaminated land (verification report)
24. Contaminated Land (soil)
25. Contaminated Land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Wilmslow Road
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