

Northern Planning Committee

Agenda

Date:	Wednesday, 13th March, 2019
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 5 - 8)

To approve the Minutes of the meeting held on 13 February 2019 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462

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

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

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

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

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

5. **18/5737M-Demolition of the existing structure and the construction of a three-bedroom dwelling, with associated external landscaping works and the formation of two parking spaces, land off Shrigley Road North, Poynton for Mr Jonathan Bailey (Pages 9 - 24)**

To consider the above application.

6. **18/6319C-Reburbishment and extension of existing Leisure Centre to include demolition of existing swimming pool and auxiliary buildings, new build pool including Reception and Changing Areas, plus refurbishment of existing Sports Hall and Gym Areas, Congleton Leisure Centre, Worrall Street, Congleton for Cheshire East Council (Pages 25 - 42)**

To consider the above application.

7. **18/5811M-A new intake structure on the west bank roughly 20m upstream of the weir, 3.5m wide and protected by a coarse screen of 150mm aperture. 30m of 1500mm dia. buried low pressure pipeline. An Archimedes Screw turbine set onto concrete foundations within a 3m-wide channel constructed from sheet steel piles. A control building above the turbine 4m x 5.5m in plan enclosing the gearbox, generator and control equipment. A short tailrace channel delivering the flow back into the downstream weirpool. A buried electrical cable running 1000m to the switchroom at the Siemens factory in Congleton. Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2m width). The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk. 250m of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works whilst avoiding the more sensitive areas of the woodland, Weir, Havannah Lane, Havannah, Congleton for Mr Mervyn Sara, Dane Valley Community Energy Limited (Pages 43 - 60)**

To consider the above application.

8. **18/5001M-Erection of a ground floor extension to the rear of no.67 London Road and the associated amalgamation of internal floorspace and demolition of existing retail space to create a c.2,000 sq.ft unit (Class A1); reconfiguration of floorspace at first and second floor to create five two-bedroom apartments (Class C3); installation of a dormer window and all associated physical works and car parking, 65 & 67, London Road, Alderley Edge for Mr Alex Yeramain, CCM Industries** (Pages 61 - 70)

To consider the above application.

9. **Planning Appeals** (Pages 71 - 84)

To consider a report on the Planning Appeals.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 13th February, 2019 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors E Brooks, T Dean, L Durham, H Gaddum, A Harewood, O Hunter,
N Mannion, M Warren and G Williams

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning Officer),
Mr N Jones (Principal Development Officer) and Mr M Keen (Senior Planning
Officer)

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Wardlaw.

37 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 18/4867M, Councillor
C Browne declared that whilst he was a member of Alderely Edge Parish
Council who had considered the application, he had not taken part in any
discussions and had kept an open mind.

It was noted that Members had received email correspondence in respect
of application 18/4867M.

38 MINUTES OF THE PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 16 January 2019 be approved as
a correct record and signed by the Chairman.

39 PUBLIC SPEAKING**RESOLVED**

That the public speaking procedure be noted.

40 **18/4867M-DEMOLITION OF THE EXISTING COUNTY HOTEL AND REDEVELOPMENT TO PROVIDE 2 RESIDENTIAL BLOCKS COMPRISING OF 22NO APARTMENTS AND 4 TOWNHOUSES, TOGETHER WITH PARKING, LANDSCAPING AND ASSOCIATED WORKS, THE COUNTY HOTEL, HARDERN PARK, ALDERLEY EDGE FOR MR ANDREW HALL, HARDERN PARK GARDENS LIMITED**

Consideration was given to the above application.

(Parish Councillor Myles Garbett, representing Alderley Edge Parish Council, Trevor Birchenough, an objector and Richard Walters, the agent for the applicant).

RESOLVED

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

- Primary contribution of £54 231 and Secondary contribution of £65 371 totalling £119 602.
- Open space and recreation outdoor sports contributions of £84,000.00.
- Affordable housing contribution of £362,000

And subject to the 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-to include retention of the stone boundary wall
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
26. Pedestrian refuge to be implemented prior to occupation
27. Broadband
28. Construction Management Plan-to include a wheel washing facility
29. Obscure Glazing

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.

It was noted that the three landscaping conditions should be carried out in consultation with the Ward Councillor.

41 18/6139C-ERECTION OF SINGLE STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION, DEMOLITION OF EXISTING CONSERVATORY, 100 BOUNDARY LANE, CONGLETON FOR TOM EVANS

Consideration was given to the above application.

RESOLVED

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

- 1) 3-year commencement
- 2) Accord with plans
- 3) Materials per application
- 4) Obscure glaze first floor side-facing window

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) be granted 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 11.05 am

Councillor G M Walton (Chairman)

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Application No: 18/5737M

Location: Land off Shrigley Road North, Poynton

Proposal: Demolition of the existing structure and the construction of a three-bedroom dwelling, with associated external landscaping works and the formation of two parking spaces

Applicant: Jonathan Bailey

Expiry Date: 14-Mar-2019

SUMMARY

The principle of the development is considered to be acceptable, based on current planning case law, and the reductions in the scale of the development since the previous appeal decision have resulted in an acceptable proposal for an infill dwelling.

The application site has been the subject of a previous appeal decision for a larger development, which was dismissed due to the impact of the proposal upon the openness of the Green Belt. For reasons explained in the report, only limited weight can be given to the previous appeal decision.

The impact upon the Green Belt has been considered, and as a proposal for limited infilling in a village, it can be identified as not inappropriate development in the Green Belt. No further consideration regarding its impact on openness is necessary as has been established in the Court of Appeal.

The previous decisions on this site raised no issues in terms of the impact on the character of the area, the living conditions of neighbours, highway safety, or on any other relevant matter. The proposal is considered to comply with the development plan, insofar as it is consistent with the Framework, and where the Framework is more up to date, it complies with all relevant paragraphs. Accordingly, a recommendation of approval is made subject to the satisfactory outcome of ongoing discussions regarding the rear boundary.

Summary Recommendation:

Approve subject to conditions

REASON FOR REPORT

The application was called-in by the Local ward members Cllrs Jos Saunders and Howard Murray for the following reasons:

“This application has hardly changed since the previous one. That was opposed by Poynton Town Council. It was rejected by Cheshire East Council and also rejected by the Planning Inspector.

My reasons for objection are

RO3RD cramped development. Intrusive and out of character of existing properties in the vicinity.

RO3RD Inadequate space around the building. In particular with regard to provision of adequate levels of private space. It directly abuts and is intrusive to private gardens.

RO7RD The development is unneighbourly

The site is in the green belt and should be afforded the protection and respect that this demands.

In between the site and the former railway line are 2 private residential gardens, there is not enough space between them, the building is right on their boundary. This causes lack of privacy and unneighbourliness.

There is excavation on the site which will be over 1 metre deep, this is in a former mining area and risks subsidence.”

PROPOSAL

This application seeks full planning permission for the demolition of the existing structure and the construction of a three-bedroom dwelling with associated landscaping and the formation of two parking spaces.

SITE DESCRIPTION

The application site comprises a detached timber clad workshop that is currently vacant. The local area is characterised by a variety of properties including terraced houses, semi detached houses, detached bungalows, and a church and church hall. The site fronts onto Shrigley Road North with a detached bungalow directly opposite. The site is also bordered by a residential garage to the north, terraced properties to the south and a residential garden to the east, with the Middlewood Way beyond.

The site is located within the Green Belt as identified in the MBLP.

RELEVANT HISTORY

18/2502M - Demolition of the existing structure and the construction of a three-bedroom dwelling, with associated external landscaping works and the formation of two parking spaces – Declined to determine 19.07.2018

17/3978M - Demolition of the existing structure and the construction of a new 2/3 bed residential dwelling with associated external landscaping works, including the creation of two car parking spaces – Refused 24.11.2017, Appeal dismissed 06.03.2018

17/2497M - Demolish the existing structure on the site and to construct a new two storey, three bedroom residential dwelling with associated external landscaping works and the creation of two car parking spaces – Withdrawn 05.07.2017

POLICY

Development Plan

Cheshire East Local Plan

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG3 Green Belt

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

SE7 The Historic Environment

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

Saved policies of the Macclesfield Borough Local Plan

NE11 Nature conservation interests

GC1 Green Belt

DC3 Protection of the amenities of nearby residential properties

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

DC8 Requirements to provide and maintain landscape schemes for new development

DC9 Tree protection

DC63 Contaminated land

Neighbourhood Plan

Poynton Neighbourhood Plan – Regulation 14 stage reached (Draft Plan), therefore only limited weight can be attached to these policies.

Relevant draft policies include:

EGB 2 Brownfield Development

EGB 3 Development in the Green Belt

HOU 1 Location of Future Development

HOU 2 Amount of Housing Development

HOU 3 Criteria for assessing the suitability of potential housing sites

HOU 5 Higher Poynton

HOU 22 Design

Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Coal Authority – No objections subject to conditions relating to intrusive site investigations and remedial work, as required.

United Utilities – No objections subject to condition relating to drainage

Environmental Health – No objections subject to conditions relating to external lighting, electric vehicle infrastructure, ultra low emission boilers, and contaminated land

Head of Strategic Infrastructure – No objections

Poynton Town Council – Recommend refusal on the following grounds:

- The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site.
- The proposed development would provide inadequate space around and between buildings, particularly with regard to the provision of adequate levels of private open space.
- Development unneighbourly.
- The site is in the Green Belt and should be treated with special sensitivity and care particularly as regards openness. It is a ribbon development and it projects well forward from the existing building line. In between the site and the former railway line are two residential gardens and there is an issue of un-neighbourliness particularly in relation to these two properties. It is noted that there is a change from some of the previous applications and that there will be excavation on the site which will be over 1 metre deep; there is concern regarding subsidence, flooding and drainage in the area as it is a former mining area.

REPRESENTATIONS

62 letters of representation have been received from interested parties objecting to the proposal on the following grounds:

- Inappropriate development in Green Belt
- Loss of openness
- Over development of site
- Materially larger than current wooden structure
- Modern design not in keeping with the area
- Inadequate parking space
- Power and drainage at maximum capacity
- Forward of building line
- Impact on highway safety
- Excavating below ground level in an ex mining community is madness and not suitable due to unstable ground, high water table and potential impact on neighbouring properties
- Visual impact overbearing
- Brick wall to rear boundary not in keeping with openness or character of area.

- Not infill development – site is at end of row of terraced properties
- Health and safety issues arising from construction vehicles
- Materials are out of character
- Same as previously refused proposals
- Increased vehicle movements
- No useable footpath outside the property
- Intrusive to neighbouring garden
- Access during construction will be a problem
- Will not appear as a single storey property
- Area makes a significant contribution to Green Belt purposes
- Loss of privacy to neighbours
- Higher Poynton is not now considered to be a village and the plot should not be considered to be a brownfield site
- Increased noise from comings and goings associated with the dwelling
- Overshadowing and loss of daylight

One letter of support has also been received making the following comments:

- Not inappropriate when there is already a large and unsightly building on the site
- If digging down is potentially risky due to the area being an ex mining community, what about the row of houses next to it? Surely searches will show of any potential risks?
- Difficult to comprehend the point about a modern design not being in keeping with the road when there are many different periods of design on that road, including a 'modern' church.
- A modern, architecturally designed building will bring a fresh look to the road. And will be a considerable improvement on the current building on the plot.
- The roof line should not be above that of the neighbouring house
- Off street parking should be included in the plans - although the neighbouring houses mainly use the road

APPRAISAL

Green Belt

Comparison with appeal scheme

As noted above an application for a new dwelling on this site was refused by the Council in November 2017 on the grounds that the proposal was inappropriate development in the Green Belt and resulted in a loss of openness. This proposal was then dismissed at appeal in March 2018 on the grounds of loss of openness. The applicant has worked to address the Inspector's concerns since that decision, and the differences between the appeal scheme and the current proposal are set out below.

The Inspector noted that as a consequence of its proximity to the highway frontage and its relatively open surroundings, the appeal proposal would clearly be noticeable from the adjacent road, nearby residential properties, gardens and also from some views from the open countryside and thus would be experienced visually. He highlighted the two-storey height of the dwelling and its associated increase in bulk and massing compared to the modest workshop, the overall height of the building and the eaves height being significantly greater than the existing building, and the enclosing of the space between existing buildings,

particularly at first floor level, as the key factors that would result in a harmful effect on the openness of the Green Belt.

It is very clear to see how the appeal scheme was found to have a greater impact on openness than the existing development, given that the ridge height more than doubled, it had a full two-storey height when viewed from Shrigley Road North and the footprint was almost twice the size when compared to the existing, and the structure was set well forward of the existing building.

The proposed dwelling does still sit forward of the existing building by 1.2m, compared to the 2.5m previously, the ridge height of the building is now 4.8m, compared to the 6.6m previously proposed, and the eaves height is now 2.4m (similar to the existing building), compared to the 4m shown on the appeal scheme. The ridge height of the dwelling is still an increase over the 3.2m of the existing building, but to put that in context the bungalow opposite has a ridge height of 5.3m.

The issue of enclosing the space between existing buildings, particularly at first floor level, has been substantially reduced due to the single-storey appearance and scale of the structure now proposed. The distances between buildings remain similar to those of the existing building, although the building is 1.2m wider than the existing, therefore the separation distances will be less than existing but only marginally so.

The proposed building is larger than the existing, but in the context of the site, at the end of a row of two-storey terraced properties with ridge heights over 8 metres, it will appear as a subordinate structure.

Inappropriate Development

CELPS policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exceptions to the current proposal listed in the more recent paragraph 145 of the Framework are:

“e) limited infilling in villages; and...

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development;...”

Policy PG3 of the CELPS reflects exception (e), but differs from (g) as PG3 requires the redevelopment to also not have a greater impact on the purposes of including land in the Green Belt than the existing development. PG3 is therefore not entirely consistent with the Framework, which reduces slightly the weight that can be afforded to it.

Policy GC1 of the MBLP also relates to the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for an identified purpose, including limited infilling within specific settlements. However, in line with the decisions of Planning Inspectors on a number of other sites in the Borough, policy GC1 should be given only limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

Draft policy HOU5 of the Poynton Neighbourhood Plan explains that the “NPPF states that limited infilling in villages is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt.” As noted above, the openness test for limited infilling in villages is not included within the Framework, therefore this policy is not consistent with the Framework, and therefore any weight that could be attached to this draft policy in this assessment is further reduced.

Appeal decision

In his decision on a previous proposal on this site, the Inspector considered the proposal against the two exceptions to inappropriate development identified above.

On the issue of limited infilling, the Inspector stated, *“I consider that the site can reasonably be considered to be a limited gap and that the provision of a single dwelling within that gap may be considered to be limited infilling as included in the Framework and MLP definition.”* He then goes on to state *“However that is not to say that the concept of openness should be disregarded when considering infill proposals.”*

In terms of the complete redevelopment of a brownfield site the development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it; he found that *“the proposal would have a harmful effect on the openness of the Green Belt.”* The Inspector went on to find that the proposal would conflict with one of the purposes of Green Belt; safeguarding the countryside from encroachment. He stated, *“To encroach on the countryside is to intrude and in this particular case it is clear to me that the proposal would be visually intrusive in this regard and as such the harm to the openness would be experienced both visually and in terms of the way in which the greater bulk, scale and massing of the proposal would harm the surrounding countryside, thus failing to safeguard it.”*

The Inspector concluded, *“Whether the proposal is determined as limited infilling within a village or as redevelopment of previously developed land the proposal, as a consequence of harm to openness which cannot simply be ignored, is unacceptable. Therefore, on this issue I conclude that the proposal would be contrary to Policy PG3 of the CELP and the Framework.”*

“Given my conclusion above that the proposal is not inappropriate development I do not consider it necessary for it to be demonstrated that there are other considerations so as to amount to very special circumstances necessary to outweigh the harm by way of inappropriateness. In any case, with respect to brownfield redevelopment the appellant has not satisfactorily demonstrated very special circumstances which would outweigh the harm I have found.”

Whilst the Inspector’s comments are acknowledged, it should be noted that in terms of Green Belt policy, the category of exception in paragraph 145 of the Framework and policy PG3 of the CELPS which is being considered here, “limited infilling in villages”, is unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt, and regardless of their size and location. This principle has been established in the Court of Appeal in *R (on the application of Lee Valley Regional Park Authority) v. Epping Forest District Council and Valley Grown Nurseries [2016] EWCA Civ 404*. Accordingly, it is considered that the Inspector applied an incorrect test of impact on openness to a form of development that is not inappropriate in the Green Belt

(limited infilling in villages) in his decision, which significantly reduces the weight that can be afforded to it as a material consideration in the assessment of the current proposal.

Current proposal

In the case of the current proposal, whilst it has been reduced significantly from the appeal scheme, as noted above it will still be taller, wider and deeper than the existing and will be set forward from the building line of the existing. As such it is considered that the proposal will have a greater impact upon the openness of the Green Belt than the existing development. Consequently the development would not qualify as an exception to inappropriate development under point (g) of paragraph 145 of the Framework (redevelopment of previously developed land).

However, that is not the end of the consideration of Green Belt matters as the proposal can also be considered against point (e) of paragraph 145 (limited infilling in villages).

The Framework does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines “infill development” as *“The development of a relatively small gap between existing buildings”*, and the MBLP defines “infilling” as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*.

In this case the site sits between the end house of a row of terraced properties and a detached garage serving this end terraced property. The site is approximately 24 metres wide, with the gap between the buildings either side being approximately 29 metres wide which could only accommodate one or two houses (particularly given the linear nature of the site) and is considered to be relatively small. Whilst there is a building on the application site at present, it is considered that the development of this site would still apply as limited infilling as the new development would still occupy a relatively small gap between buildings.

Given that the proposal can be identified as limited infilling, it is then necessary to consider whether it is in a village. The site is located within a relatively built up area outside of defined settlement boundary. An appeal decision in 2015 on a site on Coppice Road (approximately 200 metres from the application site) referred to the area as *“having a village character and as such it appears reasonable to me to consider that the site is within a village”*. An application for infill development on the site directly opposite the application site which was refused in July 2017 was not refused on the grounds of it being inappropriate development in the Green Belt, which suggests it was accepted as being limited infilling in a village. In addition to this, the site lies within the Higher Poynton Proposed Infill Boundary line defined under policy HOU5 of the Draft Poynton Neighbourhood Plan. The site is also identified as being within the infill boundary line for Higher Poynton defined under draft policy PG10 of the CEC Site Allocations Development Policies Document. There is therefore considerable evidence (albeit some is at a draft stage) to support the contention that the site is within a village. On this basis it is considered that the site does lie within a village.

Having regard to the above, it is considered that the proposal does amount to limited infilling in a village. Therefore assessing the proposal against point (e) of paragraph 145 of the Framework, and point 3(v) of policy PG3 in the CELPS, the proposal is not considered to be inappropriate development in the Green Belt.

Given that the proposal does comply with exception point e) of paragraph 145 of the Framework and exception point (v) of paragraph 3 of policy PG3 in the CELPS, there is no need to consider Green Belt policy any further.

It should be noted that proposals for infill development, or other unqualified exceptions in paragraph 145 of the Framework, such as the erection of agricultural buildings in the Green Belt, will not escape other policies in the Framework or the development plan, including policies directed to the visual effects of development and the protection of the countryside or the character of the landscape, which are discussed further below.

Design / Character

Policies SE1 and SD2 of the CELPS relate to design. Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;

The local area is characterised by a variety of properties including terraced houses, semi detached houses, detached bungalows, and a modern church and church hall. The majority of the semi-detached and terraced properties fill the width of their linear plots which extend back from the highway. The application site is turned 90 degrees compared to the majority of other plots, and its linear form runs parallel with Shrigley Road North, as opposed to running back from it. The existing workshop building consequently does not fill the width of the site, and it fronts onto Shrigley Road North with a detached bungalow, set in a substantial plot, directly opposite. The site is also bordered by a residential garage and garden to the north, terraced properties to the south and a residential garden to the east, with the Middlewood Way beyond.

The existing site comprises a low level single-storey, timber clad, linear workshop with a small extension to the rear, and is of little architectural merit. The proposed dwelling makes reference to the form of the existing building and will also be timber clad. Whilst it will be two-storey, a large proportion of the dwelling will be submerged below ground level, thereby retaining a single-storey appearance, comparable to the bungalow opposite. The front elevation retains a very simple form, which again reflects the appearance of the existing building.

Sitting forward of the adjacent terrace by approximately 1.2m, the dwelling will "book end" the uniform row of semi-detached and terraced properties on the eastern side of Shrigley Road North. A similar step in building lines exists on the opposite side of the road between 32 and 34 Shrigley Road North. The uniformity and attractiveness of the existing row is also diluted to some degree by the presence of parked cars in front gardens that have been paved over to provide off street parking. As many of the representations have noted there is also a continual presence of parked cars on the road, which do clutter the streetscene, but which will also serve to temper the prominence of the building on the site, particularly when approaching the site from the south. The existing boundary hedgerow will also be retained and gap filled as required, and the hedgerow along Shrigley Road North will limit views of the new building when approaching from the north.

The building will have a contemporary, but simple, appearance when viewed from Shrigley Road North, and will step down from the two-storey terraced properties to the garage on the opposite side. The materials are to be natural (untreated) timber and dark grey standing seam to roof and the dormers. These are different to other materials along this road, however it does reflect the existing building on the site, and in the context of the site's position towards the end of the row, and the variety of brick and render that is apparent on the varied ages of properties along his road, the use of modern materials is considered to be appropriate to the area and reflective of the different stages of development along this road over time.

The proposed dwelling retains 4.5 metres to the southern boundary of the site, shared with number 5, and 8 metres to the northern boundary where a domestic garage is located. Consequently adequate space will be retained within the site, and between these buildings, in order to maintain the open character of the area. The building does extend right up to the rear boundary of the site, where the entrance is provided. The land immediately to the rear of the application site is owned by number 7 (the second terraced property to the right of the application site), and acts as an additional area of garden for this neighbour. However, visually the land is the backdrop to the application site, which gives the site a more spacious, open appearance, similar to what you would find with a more traditional dwelling and rear garden arrangement. In combination with the spacing to the sides, the open land to the rear, whilst not part of the application site, eliminates any concerns regarding the proposal appearing as a cramped form of development.

The plans currently show a 2 metre high brick wall / brick wall with timber infill panels along the entire rear boundary. This wall does not require planning permission as it could be erected at any time under permitted development. However, it is not considered to be a particularly sympathetic boundary treatment to extend the full length of the rear boundary. A softer treatment to this rear boundary, or a lower boundary wall would be a preferred option. The established character of the area is all hedges and low walls. Discussions with the applicant are ongoing on this matter, however, it should be noted that there is currently a row of conifer trees along this boundary which are the responsibility of the owner of the land to the rear, and which will form a significant boundary feature over time.

In terms of sustainable design features, the new dwelling will be provided with electricity from roof mounted solar panels to the rear of the property, and stored within a battery pack with excess electricity returned to the grid. An electric car charging point will also be provided within the site. Internal lighting will consist of low voltage LEDs and heating will be provided through an energy efficient underfloor heating system. Surface water will be drained to the existing sewerage system, but surface water run-off will be minimised by connecting downpipes to water storage butts to be re-used on site.

The condition recommended by Environmental Health requiring an ultra low-emission boiler to be installed is not considered to be necessary or reasonable.

Having regard to the details outlined above, the proposal is considered to comply with policies SE1 and SD2 of the CELPS.

Living conditions

It is important to note that no amenity concerns were raised in the previous decision on this site, for a much larger building, either by the Council or the Inspector. The adjacent terraced property has side facing windows looking towards the application site, which are the sole windows serving a living room and a bedroom. The side elevation of the new dwelling comes approximately 300mm closer to the neighbour at number 5 than the existing building, and the eaves are 100mm higher. The separation distance will be approximately 6.3 metres compared to approximately 6.6 metres as existing. Whilst the overall height of the new building is greater by 1.6m there will still be some outlook past the new building at ground and first floor level, and there will be no overshadowing by virtue of the application site being to the north of the neighbour. The only window facing this neighbour is at ground/lower ground level, and will be recessed and given the intervening vegetation no overlooking or loss of privacy will occur.

To the rear, the land is owned by the occupier of number 7 Shrigley Road North and as such this area of garden is quite detached from their house and other external amenity areas to the rear of the property. It is understood that this is the only private garden area serving number 7. The narrow strip of land beyond the garden to number 7 is an area of garden land belonging to number 5. The area immediately to the rear of numbers 5 and 7 is shared between these properties. This is an unusual situation as the occupiers of number 7 have to walk past number 5 to access their private garden to the rear of the application site. This garden area is approximately 300mm higher than the land levels within the applications site.

The presence of the new building will be experienced from the garden area to the rear of the site, as is the existing building. The flat roof entrance to the new dwelling will border this neighbour's land, but at 2m high, it is no higher than a wall that could be erected under permitted development. Comings and goings associated with the use of this entrance will not be so substantial to result in an adverse impact upon the living conditions of the neighbour. The closest point of the rest of the dwelling is 300mm from the boundary at its northern end (as was the case with the previously refused proposal), increasing to 2.8m at its southern end. As noted above the eaves are maintained at a similar height to the existing, and the roof slopes away from this boundary, reducing the impact of the structure. As noted above the neighbour has planted a row of conifer trees which will, in time, form a significant boundary feature in its own right. The only first floor windows will serve a bathroom, which will be obscurely glazed, and a stairwell. Consequently no significant overlooking will take place, and the proposal is not considered to be unduly dominant when viewed from the neighbour's garden.

The driveway, garage and garden area to the left of the application site belongs to number 5 Shrigley Road North. Whilst the side facing windows of the new dwelling would look towards this neighbouring site, it would not give rise to any significant overlooking over and above what would normally be expected in a residential area.

The proposal is therefore considered to comply with policy DC3 of the MBLP, and as noted above, the previous, larger application was not refused due to the impact upon the living conditions of neighbours.

Highways

The existing site benefits from two vehicular access points onto Shrigley Road North. The southern access point will be closed and the hedge re-instated, and the northern access will be used to serve the site. Two parking spaces will be provided within the site in accordance with the parking standards in the CELPS. The Head of Strategic Infrastructure raises no objections to the proposal.

Ecology

No significant ecological issues are raised by the proposal. The nature conservation officer raises no objections. A condition requiring the incorporation of features into the scheme suitable for use by breeding birds is recommended to lead to an ecological enhancement as required by policy SE3 of the CELPS.

Tree / Landscape

There are no trees on the site, and therefore there are no arboricultural implications associated with the proposed development. Landscaping details for the site can be secured by condition.

Flood Risk

A number of comments relate to the impact upon existing drainage infrastructure arising from the proposed development. The site does already have a building on it and some water run off will already discharge to the public sewer. No objections are raised by United Utilities subject to appropriate drainage conditions. Subject to these conditions the proposal is considered to comply with policy SE13 of the CELPS.

Contaminated land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. In this case, areas of current hard standing are proposed to be soft landscaped within garden areas. The underlying soil should be proven to be suitable for use in a residential setting garden setting.

As such, and in accordance with the Framework and policy SE12 of the CELPS conditions are recommended relating to unforeseen contamination, the testing of soil imported onto the site, a scope of works to address risks posed by land contamination, and a verification report.

Coal Mining

The application site falls within the Coal Authority's defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment Report.

The report correctly identifies that the application site may have been subject to past coal mining related activities. Specifically, the report identifies that the application site may be underlain by unrecorded very shallow coal outcrop workings or shallow underground coal seam mine workings. The report recommends intrusive site investigations to establish depth to coal seams and the presence of workings as well as drift and bedrock depth.

The Coal Authority concurs with the conclusions and recommendations of the submitted Coal Mining Risk Assessment Report, relating to intrusive site investigations. A condition relating to intrusive site investigations and remedial works is therefore recommended.

Comments have been received in representation relating to the stability of the land, and the proposed intrusive site investigations will further inform the safety and stability of the proposed development and will identify appropriate remedial works, where required.

SUMMARY AND CONCLUSION

The application site has been the subject of a previous appeal decision for a larger development, which was dismissed due to the impact of the proposal upon the openness of the Green Belt. However, for the reasons outlined earlier in this report, only limited weight can be given to the previous appeal decision. The impact upon the Green Belt has been considered above, and as a proposal for limited infilling in a village, it can be identified as not inappropriate development in the Green Belt. No further consideration regarding its impact on openness is necessary as has been established in the Court of Appeal.

The development has been reduced in scale when compared to the refused application. The previous decisions on this site raised no issues in terms of the impact on the character of the area, the living conditions of neighbours, highway safety, or on any other relevant matter. Similarly, this proposal raises no new issues in respect of those matters, notwithstanding the objections raised from interested parties. The proposal is considered to comply with the development plan, insofar as it is consistent with the Framework, and where the Framework is more up to date, it complies with all relevant paragraphs. Accordingly, a recommendation of approval is made subject to the satisfactory outcome of ongoing discussions regarding the rear boundary.

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

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. Landscaping - submission of details
5. Landscaping (implementation)
6. Obscure glazing requirement
7. Implementation of energy efficiency features
8. Parking to be provided and retained
9. Details for the incorporation of features into the scheme suitable for use by breeding birds to be submitted
10. Electric vehicle infrastructure to be provided
11. Soil to be tested for contamination
12. Unidentified contamination to be reported
13. Scope of works for the addressing risks posed by land contamination to be submitted
14. Verification report to be submitted
15. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance
16. Scheme of intrusive site investigations / remedial work to be submitted

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Application No: 18/6319C

Location: Congleton Leisure Centre, Worrall Street, Congleton, CW12 1DT

Proposal: Reurbishment and extension of existing Leisure Centre to include demolition of existing swimming pool and auxiliary buildings, new build pool including Reception and Changing Areas, plus refurbishment of existing Sports Hall and Gym Areas.

Applicant: Cheshire East Council

Expiry Date: 19-Mar-2019

SUMMARY:

The proposal seeks permission for the refurbishment of an existing leisure centre including demolition, the erection of a large extension of external works.

As a result of the proposed extension, a parcel of Protected Open Space, also understood to be used as an outdoor playing pitch space for Congleton Rugby Club would be lost.

In order to mitigate the loss of these protected elements, an area of existing car park is to be returned to grass for the use by the Rugby Club although this would not completely account for the loss. However, as a result of this partial replacement provision, along with the requirement for the Council to provide various upgrades to existing facilities and the wider benefits to sport and physical activity across the borough as a result of the refurbishment works, it has been concluded that the benefits of the proposal in the round, outweigh the loss.

As such, the principle of the proposal is considered to be acceptable.

In consideration of other matters, the proposal is deemed to be of an acceptable design, that would not create any concern in relation to; neighbouring amenity, highway safety, landscape, trees and hedgerows, flood risk and drainage or public rights of way, subject to conditions and a financial contribution where deemed necessary.

However, as there has been insufficient information received in relation to bats, it is recommended that planning application be delegated back to the Head of Planning (Regulation) in conjunction with the Chair of Planning Committee to APPROVE as per recommendation but to resolve ecology matters and receive payment of the required highways contribution.

RECOMMENDATION:

That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Northern Planning Committee, to APPROVE the application for the reason set out in the report, subject to;

- **The receipt of a contribution of £8,000, prior to the issuing of the decision notice, to consult upon and implement parking restrictions on Worrall Street; and**
- **Resolution of ecology matters in relation to bats**

REASON FOR REFERRAL

The application has been referred to Northern Planning Committee as it is deemed to represent a significant application submitted on behalf of Cheshire East Council.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is an existing Leisure Centre and associated land which includes a car park, a skate park and playing pitches. The leisure centre is located at the eastern end of Worrell Street within the Congleton Settlement Zone Line. The site falls entirely within an Area of Protected Open Space and partially within the Town Centre boundary. The site also falls within a Flood Zone 2 and adjacent to a Locally Listed Church (St Stephen's).

DETAILS OF PROPOSAL

Full planning permission is sought for the refurbishment and extension of Congleton Leisure Centre. Proposed works include;

- Demolition of existing swimming pool and auxiliary buildings
- New build pool including; reception and changing areas
- Refurbishment of existing Sports Hall and Gym areas
- Return area of car park back to greenfield/playing pitch space

RELEVANT HISTORY

07/0460/FUL - Various works including - construction of access ramp to front and side elevation. Construction of egress ramps to rear elevation to overcome stepped egress. Installation of 2.4m high security railings and gate to rear elevation to enclose rear yard area. Installation of 3 No. condensing units to front/side elevation flat roof area to provide air cooling to new staff areas to first floor. Installation of 2 No. louvers for air handling unit to staff area to front/side elevation – Approved 20th June 2007

04/0442/FUL (Skate Park) - 4 x 8m high columns supporting floodlights to illuminate skate park. 1 x 8m column supporting CCTV camera linked to CBC control room, Alsager – Approved 22nd February 2005

30822/3 - Formation of Vehicular Turning Head – Approved 26th April 1999

29188/3 - Formation of Vehicular Turning Head Between Astbury Lighting & Congleton Leisure Centre – Approved 22nd July 1997

27134/3 - Single Storey Extension to Leisure Centre – Approved 25th April 1995

18296/3 - Open Air Multi Sport All Weather Playing Area With 8 No. Lighting Columns 10 metres High, Perimeter Wall and Fence – Approved 10th March 1987

14120/3 - New Roofing and Canopy To Front Elevation – Approved 2nd June 1982

6857/3 – Alterations – 20th June 1978

3266/9 – Display sign – Approved 15th April 1976

ADOPTED PLANNING POLICY

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005 (CBLP). The relevant policies include;

Cheshire East Local Plan Strategy (CELPS)

MP1 (Presumption in favour of sustainable development)
PG1 (Overall Development Strategy)
PG2 (Settlement Hierarchy)
PG7 (Spatial Distribution of Development)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
IN1 (Infrastructure)
IN2 (Developer contributions)
SC1 (Leisure and Recreation)
SC2 (Indoor and Outdoor Sports Facilities)
SC3 (Health and Well-Being)
SE1 (Design)
SE2 (Efficient use of land)
SE3 (Biodiversity and geodiversity)
SE4 (The Landscape)
SE5 (Trees, Hedgerows and Woodland)
SE6 (Green Infrastructure)
SE7 (Historic Environment)
SE8 (Renewable and Low Carbon Energy)
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)

Congleton Borough Local Plan First Review 2005

PS4 (Towns)
GR6 and GR7 (Amenity and Health)
GR9 and GR10 (Accessibility, Servicing and Parking Provision)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR20 (Public Utilities)
NR2 (Statutory Sites)
NR4 (Non-Statutory Sites)

S5 (Other Town Centre Uses)

RC2 (Protected Areas of Open Space)

RC10 (Outdoor Formal Recreational and Amenity Open Space Facilities)

RC11 (Indoor Recreational and Community Uses (General))

Other material policy considerations

National Planning Policy Framework (The Framework) (2019)

Draft Congleton Neighbourhood Plan

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition requiring the prior submission/approval of cycle storage details and the securing of £8,000 towards consultation and implementation of additional parking restrictions on Worrall St

Environmental Protection – No objections, subject to a condition requiring the submission/approval of a soil verification report in the event that any soil or soil forming materials are brought to the site for soft landscaping. An informative relating to hours of construction and contaminated land are also proposed

Sport England – No objections, subject to conditions/restrictions including; the protection of the main pitch during construction, improvements to the quality and drainage of the main pitch; the re-location and floodlighting of training grids; implementation of drainage and pitch quality improvements at Back Lane; re-location of storage units and provision of a 10-year licence to the Congleton Rugby Club to secure adequate security of the tenure

ANSA Greenspace - No objections

Flood Risk Manager - No objections, subject to a condition requiring the implementation of the Flood Risk Assessment mitigation and a condition requiring the prior submission/approval of a surface water drainage strategy and associated management and maintenance plan

United Utilities – No objections, subject to a number of conditions including; Foul and surface water shall be drained on separate systems, the prior submission/approval of a strategy outlining the method of cleaning and disposal of discharge from the swimming pool, the prior submission/approval of a surface water drainage scheme

Indoor Sport (Cheshire East Council) – Support proposals

Cadent Gas – No objections, subject to an informative that there is operational gas apparatus within the site boundary and the applicant must not infringe Cadent's legal rights

Public Rights of Way (PROW) – No objections

Sustrans – Concerned about the lack of cycling provision

Congleton Town Council – No objections

OTHER REPRESENTATIONS:

Consultation letters were sent the occupiers of nearby properties, a site notice erected and the proposals advertised in the local newspaper. At the time of assessment, letters of representation had been received from approximately 62 interested parties/groups. Of the 62 received, 30 objected/raised concerns for the following reasons;

- Insufficient background research - Suggest that the proposals do not sufficiently account for the recently approved housing development/growing population of Congleton
- Insufficient facility provision / Design–
 - a) Swimming - Proposed pool and associated facilities is too small (should be 8 lanes) /not to a competitive standard with inadequate viewing area/starting blocks/turning boards – restricts number of galas possible
 - b) Squash and Badminton - Reduction in the number of badminton and squash courts which are needed
 - c) Re-design of part of the car park (rear) to a grassed area – inappropriate and will result in further walking distances impacting those vulnerable pedestrians
- Insufficient cycling facilities/infrastructure, contrary to CEC policy
- Lack of adequate consultation - seek further consultation (with specialist groups such as the Dane Valley Swimming Club) before progressing the submitted design
- Highways - Replacement access is unworkable and no speed bumps are being proposed on Worrall St

Of the 62 received, 26 wanted to make general observations including;

- Provision of facilities / re-design suggestions relation to;
 - a) Would like outdoor play equipment provided
 - b) Swimming - Suggest provision of removable, tiered seating indoors
 - c) Suggest the promotion of sauna/steam/spa facilities
 - d) Suggest inclusion of showers between the changing room and the pool
 - e) Suggest the provision of tennis courts
 - f) Want to know if the new facility will have cricket nets
 - g) Suggest the inclusion of renewable energy e.g. solar panels on roof, rainwater collection for toilets
 - h) Suggest the opening up of the St Stephen's entrance
 - i) Thought should be given to re-location of entire facility
 - j) General re-design suggestions
- Consultations - Suggest that the proposals do not sufficiently account for the recently approved housing development/growing population of Congleton

- Cycling provision;
 - a) Suggest the proposed footpath and cycling routes are made as easy as possible. Also suggest footpath width be increased to 3 metres to accommodate cyclists
 - b) Suggest the provision of a covered cycle store/stand
- General concerns/points of clarification;
 - a) Seek clarity whether car park will become 'pay and display'
 - b) Support reduction of viewing area / concerns about the viewing area from a safety perspective 'leering'
 - c) Request the costs of classes are kept down
 - d) Concerns about the mixed gender areas
 - e) That other towns have no swimming facilities e.g. Middlewich

Of the 62 received, 6 consultees/interested groups offered their support for the proposals for the following reasons;

- Health and wellbeing benefits
- Support the pathway link between the Leisure Centre and St Stephen's Church (improved accessibility)
- Welcome the provision of cricket facilities

OFFICER APPRAISAL

Principle of development

The site lies within the Congleton Settlement Zone Line where according to Policy PS4 of the Congleton Borough Local Plan (CBLP); there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan.

The application site relates to Congleton Leisure Centre which lies within a Protected Area of Open Space, protected by saved Policy RC2 of the CBLP. As such, Policy RC2 of the CBLP is relevant, as are policies SC1 (Leisure and Recreation) and SC2 (Indoor and Outdoor Sports Facilities) of the Cheshire East Local Plan Strategy (CELPS). The key requirements of these policies are that proposals should;

- Not result in a shortfall in formal Open Space provision
- Address a recognised leisure need
- Not result in the loss of existing outdoor sports facilities unless there is a proven surplus or an alternative provision
- Not result in the loss of an area important for its amenity and contribution to the character of the area in general
- Adhere with all other relevant aspects of the development plan

The proposal seeks to demolish a large part of the existing Congleton leisure centre on the Worrall Street side of the site comprising of; a main swimming pool and smaller secondary pool, changing rooms, toilets and offices at ground floor level and a sauna, store rooms and a swimming pool viewing area at above and at first-floor. It is proposed that this element of the leisure centre be replaced with additional parking provision for the facility to increasing the parking capacity by 17 spaces.

An extension, not dissimilar in scale to the footprint of the area to be demolished, is then proposed to be erected on the eastern side of the remaining element of the building. This would include; a main swimming pool and a smaller secondary pool, changing facilities, a café area with seating and storage at ground-floor level and studio's, storage rooms and a upper element to a soft play area at first-floor.

The land on which this extension is proposed is an Area of Protected Open Space (which is also likely to be considered an Outdoor Sports Facility).

In response to the matters to be addressed by policy;

Not result in a shortfall in formal Open Space provision

The proposals will result in the loss of Protected Open Space totaling 1,341sqm. This greenspace currently has two functions; Public Open Space accessible to all and Playing Field land, also accessible to all.

In consideration of the Public Open Space element, clearly the loss of any greenspace is considered carefully against the mitigation put forward and the overall wider benefits delivered by the scheme.

The redevelopment will have two key benefits in terms of Open Space which the Council's ANSA Open Space Officer advises, helps mitigate the net loss. The skate park will no longer be an isolated facility with very poor surveillance and a target for Anti-Social Behavior. The new layout of the leisure centre puts the skate park in full view from the car park and close to the main entrance. Improved access and a more visual position will encourage greater / wider use and the applicant has committed to renovating the park where required as a result of the development.

A new path will also link from the car park adjacent to the skate park to the existing route to Congleton park and the Council's ANSA Open Space Officer advises that this is a much welcomed addition.

The applicant also proposes a new area of grass on the overflow carpark which will offset a portion of the total area of Protected Open Space lost as a result of development.

In addition, the improved façade of the leisure centre will offer a more positive vista from Congleton Park, a heritage park and the newly created access from the building onto the open space to the rear of the centre will for the first time offer an opportunity to better integrate the indoor and outdoor sports elements provided on the site as a whole. This will also help bring activity and surveillance to this side of the building.

As such, although the development would still result in a net loss of Public Open Space which is regrettable, the Council's ANSA Open Space Officer advises that, on balance, due to the much improved indoor offer and greater connectivity between indoor and outdoor facilities, there is a substantial opportunity presented by the application to encourage greater sporting and active recreation participation. These benefits are deemed to outweigh the loss.

Address a recognised leisure need

The application is supported by Design and Access Statement. Within this, it is advised that the current facilities are very worn and outdated and the following leisure' facilities will be enhanced/introduced along with ancillary non-leisure provisions;

- Provision of a two-storey gym and fitness suite and new accessible equipment
- Additional studio space. Introduction of a new thermal suite including sauna and steam room
- New soft play area for under 8-year olds

The Cheshire East Council document entitled '*Indoor Built Facilities Strategy 2017*' is the most recent document which assessed the existing indoor provision and the projected need for the length of the Cheshire East Council Local Plan term (2010-2030), to account for the erection of further housing. This document identified that the specific need going forward in Congleton would be for the additional provision of; 2 badminton courts and 1.5 swimming lanes.

Although this specific additional demand is not being met by the proposals, the proposals would help address the key challenge identified for Congleton within the Strategy which was '*to retain and enhance the facility mix at Peter Mason Leisure Centre as a priority and to ensure this is financially sustainable in the longer term*'.

It is understood that a balanced judgement was made in terms of providing a suitable provision of facilities across all elements of the leisure centre, against the loss of external protected open space and cost. It is advised as part of this assessment, consideration of; the local demographic, number of potential users for each element of the facility and predicted population growth/changes were taken into account. It was deemed that a reduction in the swimming pool viewing facilities and reduction in the number of badminton courts available were required in order to provide a greater quality of facilities in the round (e.g. the proposed badminton courts will have a recognised space between the courts for safety reasons) and a better balance/mix of facilities that the leisure centre could offer.

Whilst it is noted that the proposals would not address the specific additional individual sport needs within the 2017 Strategy, there are undoubtedly wider leisure benefits via the creation of additional studio rooms and the overall refurbishment of older, tired facilities and this would satisfy the key challenge for Congleton identified in the 2017 Strategy.

Not result in the loss of existing outdoor sports facilities unless there is a proven surplus or an alternative provision

In accordance with Policy SC2 of the CELPS, it would need to be demonstrated that there is a surplus in the provision of outdoor play facilities in order to account for any loss.

The parcel of Public Open Space that would be lost to the development is understood to be used by Congleton Rugby Club for training and mini training reasons.

Sport England have been consulted on the proposed 'loss of pitch' element of the scheme. They have come to the following conclusions when assessing this against their policies;

- The proposal would result in a marginal benefit to the users of the rugby pitches/spectators from the improved leisure facilities. However, this is not significant as the rugby club has it's own clubhouse and changing rooms.
- The proposal would lead to the loss of a functional playing field (used for training and mini rugby by Congleton Rugby Club)
- Some of the grass playing field lost would be replaced by restoring an existing car park area to grass, but is not large enough to provide 2 mini rugby pitches whereas the new 'playing field area' is not large enough to provide any pitches. There is in effect, a loss of playing field land capable of providing two mini rugby pitches.
- For the above reasons, the proposal is deemed contrary to Sport England policy

However, there is an exception to breaches of Sport England policy, Exception 5, which states;

'The proposed development is for an outdoor or outdoor facility for sport, the provision of which would be sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

In response to this exception, the key question is whether the benefits arising from the development of the leisure centre outweigh the benefits from protecting playing field land capable of providing two mini rugby pitches. The Council's Built Facility Strategy recommends an improved leisure centre as a strategic priority and the Playing Pitch Strategy seeks to protect and improve rugby provision. Sport England have considered the following factors relevant to this consideration;

- The **main pitch** is being retained. However, it will be necessary to undertake an agronomy assessment of the existing pitch to identify quality issues/solutions and agree a scheme of improvement in accordance with RFU guidance notes (Possible condition)
- The continued use of the **main pitch** could be impacted during construction. Following discussions between the Council and the RFU, the rugby pitch should still be usable during construction, and if necessary, can be temporarily narrowed and the goalposts re-centred which the Council will undertake. It is suggested that this could be conditioned in the event of approval.
- The **loss of the playing field training/junior match area** may be compensated to some extent by the improvement to the main pitch. There is scope for training grids to be provided on the replacement area and this will need to be set-out and floodlit to make it useable all year round. Two storage units will be retained and re-located and one provided with power for use of temporary lights for the main pitch upon the completion of the projects. In addition, the Council will invest in drainage improvements to Back Lane Playing field. It is suggested that this could be conditioned in the event of approval.

- **Floodlighting** - The training grid/mini pitch area is currently floodlit which extends the hours of use of the site. The specification and location of these lights have not been provided and should be conditioned in the event of approval.
- **Security of Tenure** - Sport England support the Council in providing a 10-year licence to Rugby Club to provide certainty
- **Storage** – Rugby club have agreed to rationalise their equipment and reduce their storage needs from three containers to two.

Sport England, in consideration of the above factors advise that on balance, whilst it is regrettable that there is a loss of functional playing field as a result of the proposal which may constrain the junior growth of Congleton Rugby Club, the benefits arising from the new leisure centre will be of greater benefit to wider sport and physical activity across the borough and there as measures referred to above, that would mitigate the level of harm to the rugby club.

As such, Sport England raise no objections are raised subject to a number of conditions/restrictions including; the protection of the main pitch during construction, improvements to the quality and drainage of the main pitch; the re-location and floodlighting of training grids; implementation of drainage and pitch quality improvements at Back Lane; re-location of storage units and provision of a 10-year licence to the Congleton Rugby Club to secure adequate security of the tenure.

The Council's ANSA Open Space Officer has advised that whilst the Rugby Club have recently begun to use additional areas of the playing field for formal mini pitches, historically their use of the areas surrounding the senior pitch have been informal, outside of any agreement with the council and for training practice only. As the club has a range of facilities that can be available to them and with the provision of the new grass area on the overflow carpark being constructed to a high standard to accommodate their training needs including floodlighting, the Council's ANSA Open Space Officer does not consider the sporting use of the site to have been compromised and as such, shares a similar view to Sport England.

Not result in the loss of an area important for its amenity and contribution to the character of the area in general

As advised in the detail in the above sections, it is deemed by the Council's ANSA Open Space Officer that the overall wider benefits of the scheme would outweigh the harm.

Adherence with all other relevant aspects of the development plan

These are considered below;

New indoor sports facilities (including matters of highway safety, amenity & design)

Saved Policy RC11 of the CBLP considers proposals for indoor recreations facilities. It advises that such proposals will be supported where a number of criteria are satisfied. This criteria includes; that the proposal lies within a settlement, the provision of adequate on-site parking and servicing is provided, satisfactory access can be achieved, the proposal would not give rise to unacceptable levels of vehicular traffic, that neighbouring amenities would both be unacceptably impacted, a high standard of design is achieved taking account the relationship with the surrounding areas and properties, suitable disabled access and

facilities are provided, appropriate noise control measures are carried out and the proposal adheres with other policies of the Local Plan.

In response to the above, the site lies within the Congleton Settlement Zone Line. In consideration of the other elements of Policy RC11;

Highways

The proposal will result in an increase in the gross floor area of the building and the parking provision. The parking provision is to be increased from 104 to 121 spaces. Given the small increase in floor area and parking data from comparable sites, the Council's Head of Strategic Infrastructure (HSI) considers this provision to be acceptable.

A minor amendment is sought to the access off Worrall St, which the Council's HSI has advised is acceptable.

There are parking restrictions along one side of Worrall St, but parking takes place along the other side, reducing the usable width for large sections to a single car width. The Head of Strategic Infrastructure (HSI) has advised that it may be possible to extend some of the parking restrictions on both sides to free up some of the carriageway to account for the increased parking provision and possible traffic volumes. In order to explore this option, the Head of Strategic Infrastructure (HSI) request a sum of £8,000 towards the consultation and possible implementation of this change. The applicant has confirmed that they are agreeable to this contribution.

Given that the Council cannot enter into a legal agreement with itself, it has been agreed that in the event that the Council resolves to grant planning permission it is proposed that permission be granted subject to this payment being made and that the payment be made prior to the issuing of a decision notice. In the event that the consented development is not implemented, the payment would be returned to the applicant.

A new pedestrian/cyclist path will be provided from the eastern end of the site, improving connectivity to the site from the east. There have been comments submitted asking for a more direct, less conflicted cycle/pedestrian route through the site. Due to the requirement of the HGV turning area associated with the adjacent businesses, the Council's HSI has advised that it is not possible to provide a suitable and formal route through the site. In the event of approval, it is recommended that a condition be added to the decision requiring the prior submission/approval of cycle storage details.

As a result of the above reasons, the Council's Head of Strategic Infrastructure raises no objection to the proposed development, subject to a £8,000 contribution for the consultation and implementation of additional parking restrictions on Worrall St and a condition requiring the prior submission/approval of cycle storage details.

Amenity

Policy GR6 (Amenity and Health) of the CBLP 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. Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. If the proposal adheres with these standards, issues such as privacy, loss of light and visual intrusion would be nullified.

The proposed built form would be located sufficiently away from neighbouring dwellings to overcome these concerns.

In consideration of matters of environmental disturbance (noise, air pollution, contaminated land matters), the Council's Environmental Protection Officer has advised that they have no objections to the proposed development, subject to a condition requiring the submission/approval of a soil verification report in the event that any soil or soil forming materials are brought to the site for soft landscaping. An informative relating to hours of construction and contaminated land are also proposed.

Design

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene.

The scheme has been reviewed by the Council's Urban Design Officer who has considered its various elements.

Materials - A key consideration is to secure the best materials in order to achieve the best finish. The Council's Urban Design Officer has concerns about the proposed cladding, considering that the proposed copper could appear visually strident, especially having regard to the nearby Congleton park which is a registered historic park/garden. As such, it is recommended that a more subdued cladding material would be less harmful. It is considered that this matter can be conditioned for subsequent approval.

Connectivity and provision for walking and cycling - There are improvements in the connectivity of the site by foot and cycle and pedestrian priority within the site is an improvement upon the existing situation. Although the frontage to the centre would appear a little car dominated, more trees within this area would help to reduce that effect, if that can be achieved.

The Friends of the Park have welcomed the link to the existing footpath adjacent to St Stephens Church connecting to the park. The Council's Urban Design Officer also welcomes the improved formal connectivity to the park and the architectural announcement incorporated into the entrance into the building to reinforce links between the park and the Leisure Centre.

Cycling provision – It is noted that a number of consultation responses refer to provision for cyclists and clearly to promote cycling there do need to be facilities for storage etc. that are protected from the elements, secure and safe to use.

In summary therefore, the Council's Urban Design Officer supports the proposal subject to use of conditions to manage the materiality and working details of the following:
Cladding/roofing (including features), brickwork and render, windows/doors glazing including finish of frames. In addition, an updated soft landscaping and planting plan is proposed to incorporate more trees into the car park area. Subject to these conditions, the design of the proposal is considered to be acceptable.

Policy RC11 conclusions

Subject to the imposition of the conditions as suggested above, the proposal would adhere with policy RC11 of the CBLP.

Landscape

The proposal is located within the Congleton Settlement Zone Line enclosed by development on all sides in its wider context. It is not considered that the proposal would result in any wider landscape concerns.

The application is supported by a planting plan which has been reviewed by the Council's Landscape Officer. It is advised that the detail of this is acceptable, subject to its implementation.

Trees and hedgerows

The application is supported by a Stage 1 and Stage 2 Arboricultural Impact Assessment Report. This considered 59 trees and 6 groups of trees.

The report shows that the proposed development would result in the loss of 2 trees and part of 1 group of trees. The report recommends that 5 further trees are removed due to their condition.

The report has been reviewed by the Council's Tree Officer who advises that the overall arboricultural impacts are not significant. However, in the event of approval recommends conditions relating to tree protection and the submission of a revised landscaping condition to allow for replacement tree planting, a recommendation of the report. Subject to these conditions, the proposals are deemed to adhere with Policy SE5 of the CELPS.

Ecology

The application is supported by a Phase One Habitat and Bat survey. The main ecology impacts of the proposal are considered below;

Bats

The buildings on site were identified during the habitat surveys as having low suitability for roosting bats. Consequently a single bat activity survey was undertaken. The bat activity

survey was undertaken very late in the survey season and the original submitted report did not provide any details of the level of qualifications of the surveyors that undertook the survey or the number of surveyors present on site. In addition the survey was undertaken over three years ago and the report advises that if works have not commenced by spring 2016 then an updated survey should be undertaken. As such, during the course of the application, it was recommended that an updated bat survey should be undertaken.

Due to time constraints, a further bat survey could not be completed at the time this report was drafted. It is recommended that the decision is delegated back to the Head of Planning (Regulation) in conjunction with Chair of Northern Planning Committee to consider these matters in the event that permission is supported in principle.

River Dane

To avoid any impacts on the River Dane located to the north of the proposed development site, the Council's Nature Conservation Officer has advised that it must be ensured that all construction activity including the storage of materials and works compounds are restricted to the red line of the planning application. It is proposed that this be added as an informative in the event of approval.

Flood Risk and Drainage

The application site lies entirely within a Flood Zone 2.

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough by ensuring that; amongst other requirements, all development follows the sequential approach to determining the suitability of land for development, direct new development to areas at lowest risk of flooding and where necessary, apply the exception test. It also states that all development at risk of flooding should be supported by a Flood Risk Assessment and new development should be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change.

Policy SD2 of the CELPS states that all development should avoid high risk flood areas, or where necessary provide appropriate mitigation measures.

The application is supported by a Flood Risk Assessment (FRA). This has been reviewed by the Council's Flood Risk Officer who concludes that he has no objections, subject to a condition requiring the implementation of the Flood Risk Assessment mitigation and a condition requiring the prior submission/approval of a surface water drainage strategy and associated management and maintenance plan.

It is not considered that a sequential test is necessary in this instance given that the proposals relate to an extension of existing facilities on site, rather than new provision.

In consideration of matters of drainage, United Utilities have been consulted and have advised that No objections, subject to a number of conditions including; Foul and surface water shall be drained on separate systems, the prior submission/approval of a strategy

outlining the method of cleaning and disposal of discharge from the swimming pool, the prior submission/approval of a surface water drainage scheme.

Subject to the above recommended conditions, no flood risk or drainage concerns are identified.

Public Rights of Way/Footpaths

The development does not appear to affect a public right of way.

Other matters

A number of the queries and suggestions made by interested parties such as the cost of classes and 'pay and display' of the car park, are not material considerations in the assessment of the planning application.

CONCLUSIONS

The proposal seeks permission for the refurbishment of an existing leisure centre including demolition, the erection of a large extension of external works.

As a result of the proposed extension, a parcel of Protected Open Space, also understood to be used as an outdoor playing pitch space for Congleton Rugby Club would be lost.

In order to mitigate the loss of these protected elements, an area of existing car park is to be returned to grass for the use by the Rugby Club although this would not completely account for the loss. However, as a result of this partial replacement provision, along with the requirement for the Council to provide various upgrades to existing facilities and the wider benefits to sport and physical activity across the borough as a result of the refurbishment works, it has been concluded that the benefits of the proposal in the round, outweigh the loss.

As such, the principle of the proposal is considered to be acceptable.

In consideration of other matters, the proposal is deemed to be of an acceptable design, that would not create any concern in relation to; neighbouring amenity, highway safety, landscape, trees and hedgerows, flood risk and drainage or public rights of way, subject to conditions and a financial contribution where deemed necessary.

However, as there has been insufficient information received in relation to bats, it is recommended that planning application be delegated back to the Head of Planning (Regulation) in conjunction with the Chair of Planning Committee to APPROVE as per recommendation but to resolve ecology matters and receive payment of the required highways contribution.

RECOMMENDATION

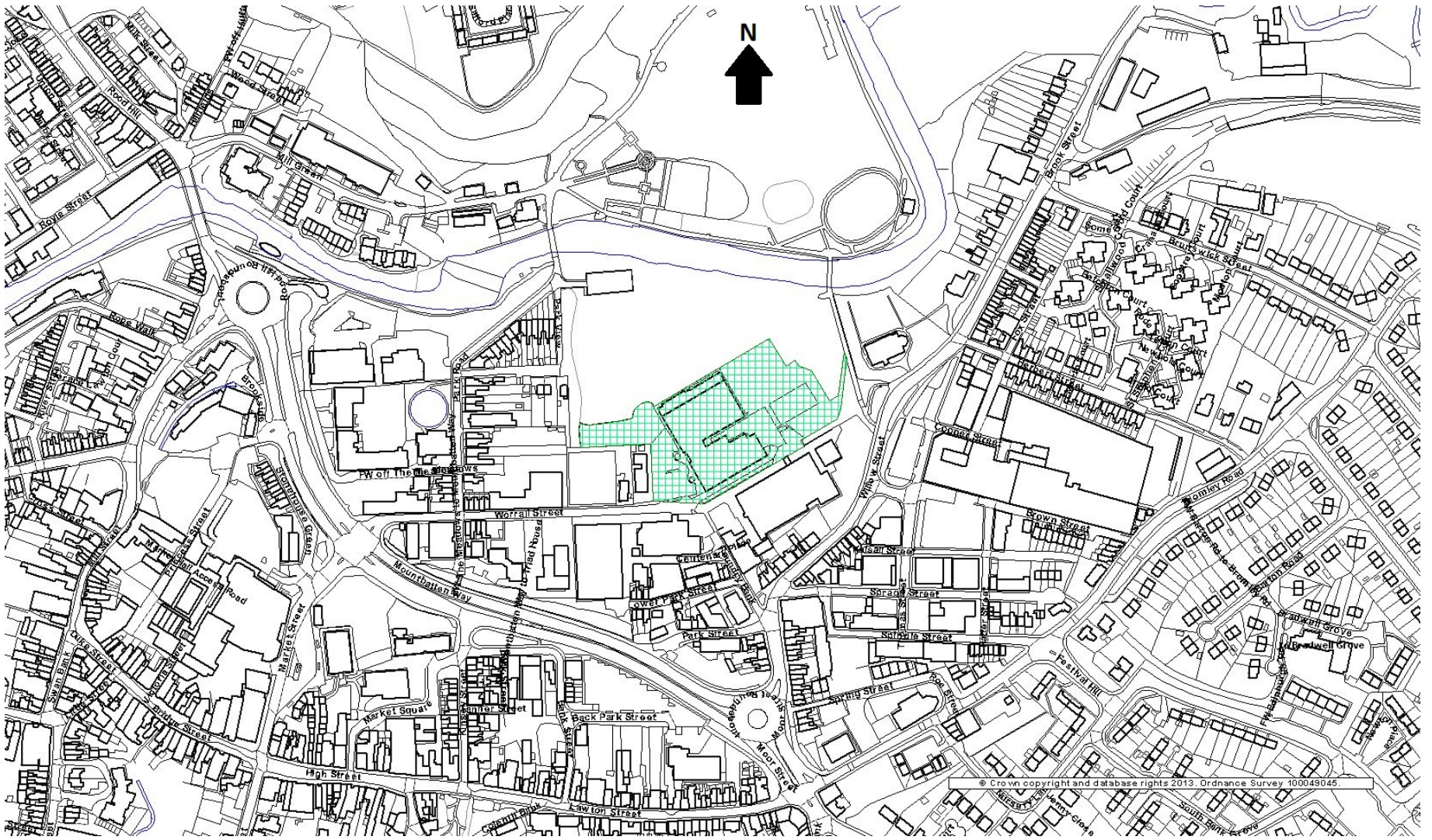
That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Northern Planning Committee, to APPROVE the application for the reason set out in the report, subject to;

- The receipt of a contribution of £8,000, prior to the issuing of the decision notice, to consult upon and implement parking restrictions on Worrall Street; and
- Resolution of ecology matters in relation to bats

And the following conditions;

1. Time (3 years)
2. Plans
3. Facing (including cladding, render and brickwork), roofing and external surfacing materials – Prior submission/approval
4. Prior submission/approval of windows/doors glazing details, including finish of frames
5. Levels – Prior submission/approval
6. Protection of the main outdoor pitch during construction (Sport England)
7. Prior submission/approval of a drainage improvement scheme to the main pitch (Sport England)
8. Prior to commencement of development, detailed plans of the relocation and floodlighting of training grids and timescales for implementation (Sport England)
9. Prior submission/approval of drainage and pitch quality improvements at Back Lane and timescales for implementation (Sport England)
10. Relocation of storage units shall take place, one to have power, in accordance with the details set out in the planning application and latest submission (Sport England)
11. Use of land for rugby
12. Prior submission/approval of cycle storage details (incl location)
13. Prior submission/approval of a soil verification report
14. Tree protection – Implementation
15. Landscape scheme – submission of details (incl replacement/further tree planting and)
16. Landscape scheme – Implementation
17. Implementation of the Flood Risk Assessment mitigation
18. Prior submission/approval of a surface water drainage strategy and associated management and maintenance plan.
19. Foul and surface water shall be drained on separate systems
20. Prior submission/approval of a strategy outlining the method of cleaning and disposal of discharge from the swimming pool
21. Prior submission/approval of a surface water drainage scheme

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: 18/5811M

Location: Weir, Havannah Lane, Havannah, Congleton

Proposal: A new intake structure on the west bank roughly 20m upstream of the weir, 3.5m wide and protected by a coarse screen of 150mm aperture. 30m of 1500mm dia. buried low pressure pipeline. An Archimedes Screw turbine set onto concrete foundations within a 3m-wide channel constructed from sheet steel piles. A control building above the turbine 4m x 5.5m in plan enclosing the gearbox, generator and control equipment. A short tailrace channel delivering the flow back into the downstream weirpool. A buried electrical cable running 1000m to the switchroom at the Siemens factory in Congleton. Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2m width). The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk. 250m of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works whilst avoiding the more sensitive areas of the woodland.

Applicant: Mr Mervyn Sara, Dane Valley Community Energy Limited

Expiry Date: 15-Mar-2019

SUMMARY:

The application site is located predominantly within the Open Countryside where development is only supported in certain instances to protect it for its own sake.

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

In addition to the above, given the detached location of the proposed car park, it is deemed to detrimentally impact the intrinsic character and beauty of the Open Countryside.

No significant other concerns would be created in consideration of other development plan policies, subject to conditions in the event of approval.

However, as a result of the above reasons, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The application has been referred to Northern Planning Committee at the discretion of the Executive Director – Place, due to it being submitted on behalf of a community group.

DESCRIPTION OF SITE AND CONTEXT

This application relates to Havannah Wier and adjacent land on the northern edge of Congleton, within the Countryside beyond the Green Belt (Open Countryside). Much application site also falls within one, and adjacent to another Local Wildlife Site, and partially within a Flood Zone 2 and Flood Zone 3. There are also two Grade II listed buildings within proximity of the development. Part of the access track falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

DETAILS OF PROPOSAL

Full Planning permission is sought for the installation of a mini-hydro electricity scheme in the form of an Archimedes Screw turbine and its associated supporting infrastructure and ancillary buildings. This development would be used to serve the Siemens factory approximately 850 metres to the south (as the crow flies). The elements sought for planning permission include;

- A new intake structure on the west bank roughly 20 metres upstream of the weir, 3.5 metres wide and protected by a coarse screen of 150 mm aperture.
- 30 metres of 1500mm diameter buried low pressure pipeline.
- An Archimedes Screw turbine set onto concrete foundations within a 3 metre-wide channel constructed from sheet steel piles.
- A control building above the turbine 4 metres x 5.5 metres in plan enclosing the gearbox, generator and control equipment.
- A short tailrace channel delivering the flow back into the downstream weirpool.
- A buried electrical cable running 1000m to the switchroom at the Siemens factory in Congleton.
- Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2 metres width). The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk.
- 250 metres of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works.
- A car park close to the junction between Havannah Lane and Macclesfield Road

RELEVANT HISTORY

18/0773M - A new intake structure on the west-bank River Dane roughly 20m upstream of the weir protected by a coarse screen of 150mm aperture. ·· 30m of 1500mm dia. buried low pressure pipeline ·· An Archimedes Screw turbine set onto concrete foundations within a 3m-wide channel constructed from steel sheet piles. ·· A small control building above the turbine, 5m x 5.5m in plan, enclosing the gearbox, generator and control equipment. ·· A short tailrace channel delivering the flow back into the downstream weirpool. ·· A buried electrical cable running 1000m to the switchroom at the Siemens factory on Varey Rd, Congleton, CW12 1PH. ·· 250m of temporary access track from the A536 through an adjacent field to the intake and turbine locations, providing construction access to the hydro works – Withdrawn
1st June 2018

ADOPTED PLANNING POLICIES

The aspects of the Cheshire East Council Development Plan that are relevant to the application proposals include; Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan (MBLP). The specific policies are detailed below.

Cheshire East Local Plan Strategy (CELPS)

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
EG1 – Economic Prosperity
EG2 – Rural Economy
SC3 – Health and Wellbeing
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
SE14 – Jodrell Bank

Macclesfield Borough Local Plan (MBLP)

NE3 – Landscape Conservation
NE8 – Promotion and Restoration of Woodland
NE9 – Protection of River Corridors
NE11 – Nature Conservation
NE12 – SSSI's, SBI's and Nature Reserves
NE13 – Sites of Biological Importance
NE14 – Nature Conservation Sites
NE15 – Habitat Enhancement
BE2 – Preservation of Historic Fabric
BE15 – Listed Buildings
GC14 – Jodrell Bank
RT7 – Cycleways, Bridleways and Footpaths
RT8 – Access to the Countryside
DC3 – Design (Amenity)
DC8 – Design (Landscape)
DC9 – Design (Tree Protection),
DC10 – Design (Landscaping and Tree Protection)
DC13 and DC14 – Design (Noise)
DC17, DC19 and DC20 – Design (Water Resources)
DC21 – Design (Temporary Building uses)

Other material planning policy considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environment Agency – No objections

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition preventing the use of the proposed temporary access track being implemented until the Congleton Link Road works at the eastern end completed and a condition requiring the removal of the track upon completion of the works. Concerns are raised about the location of the long-term parking facility and its distance from the development.

Environmental Protection (Cheshire East Council) – No objections, subject to a condition requiring the implementation of the submitted noise mitigation measures

United Utilities – No objections, subject to a condition requiring the prior submission/approval of a surface water drainage scheme and condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan

Canal and River Trust – ‘No comment’

Jodrell Bank – No comments received at time of report

Flood Risk Manager – No objections

Public Rights of Way (PROW) - No objections, subject to a condition regarding how the existing PROW should be treated

Eaton Parish Council – Have the following concerns/make the following suggestions;

- Highways – Concerned about the proposed temporary access as they may conflict with the Congleton Link Road works. Also suggest no parking of vehicles or access from Havannah Lane. Recommended that upon construction completion, the site access should be re-seeded and returned to field. Any parking proposed parking spaces on Havannah Lane for the use of the scheme post construction must be minimised and controlled with no use by other parties.
- Potential legacy issues – Suggest an agreement to safeguard the long term interests of the local community in the event that the project assets are sold off
- Suggest a condition that the site be de-commissioned upon its cessation of use

OTHER REPRESENTATIONS:

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of representation have been received from 27 interested parties. Of the letters/comments received, the majority (26) are in support of the proposals for the following reasons;

- Provision of renewable energy and the knock on benefits (incl less reliance of fossil fuels and reductions in CO2)
- Scheme conceived by a community group to generate funds for local causes/community projects
- Community collaboration benefits
- Enthuse educational activities – science, technology and environmental matters
- Benefits local business in terms of energy costs keeping it competitive (Siemens)

To date (08/01/2019), 1 letter of objection has been received, raising the following concerns;

- Loss of wildlife
- Loss of trees
- Amenity – noise pollution, disturbance during construction (6 months)
- Highway safety – parking for staff of development on highway

OFFICER APPRAISAL

Principle of Development

The main aspect of the development site is designated as being within the Countryside beyond the Green Belt as defined by the proposals map within the Macclesfield Borough Local Plan (MBLP).

Policy PG6 of the CELPS refers to Open Countryside development and refers to instances where development is permitted in such locations. The policy states that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

There are exceptions listed to this, but none of these exceptions apply in this case.

The proposal does not clearly fall into any of these policy exceptions therefore consideration needs to be given as to whether the proposals represent an '*other use appropriate to a rural area.*'

Policy SE8 refers to renewable and low carbon energy. The policy states that proposals such as the application scheme, which is community-led, together with ancillary buildings and infrastructure will be positively supported and considered in the context of sustainable development and any impact on the landscape.

The policy states that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon;

- I. *The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses; and / or*
- I. *Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; and / or*
- II. *The operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope.*

The above matters shall be considered in turn below;

Wider social, environmental and economic benefits

The proposal is a community-led hydro-electric power scheme predicted to generate 250,000 kWh per year for the Siemens factory in Congleton. That would be the equivalent to the electrical consumption of over 60 average households and a saving of 200 tonnes of Co2 per year from UK coal-fired power stations.

It is advised that the proposals are 'non-for profit' as any additional income generated by the development (predicted to be up to £5,000 per annum) would be used to fund community projects. Despite the positives of this particular aspect, there is currently no planning mechanism proposed which secures this. As such, only limited weight can be afforded to this benefit.

It is advised within a submitted 'summary document' that in partnership with Eaton Bank Academy and local primary schools, the site will provide a sustainable education programme relating to science and engineering, environment and sustainability, aquatics, bio-diversity, business management etc.

It is further advised that the scheme will rely on local volunteers to undertake day-to-day tasks, although these are not expanded upon. Nonetheless, this would add the community benefits of the project.

As such, the proposal would offer significant environmental benefits in terms of the saving of CO2. The social benefits created with regards to assisting in creating sustainable communities and the economic benefits in terms of creating funds to invest in local community projects are only afforded limited weight as there is no mechanism to ensure these benefits are realised.

I. Impact upon surrounding landscape (incl Ecology and Heritage)

Landscape

The site is adjacent to the River Dane much of which is covered with broadleaved woodland, beyond which is agricultural land, across which part of the temporary access track from the

A536 will cross. The site is designated as a non-statutory Grade C Site of Biological Importance (SBI), for its riparian deciduous woodland, and ground flora species indicative of Ancient Woodland.

The proposals will require a temporary access track across the field adjacent to the A536, approximately 250m long, this track will drop down the plateau above the intake and turbine locations, providing access to the hydro works.

The submission includes an Existing Tree Survey Plan, Proposals Earthworks Plan and a Cut and Fill Plan. The Council's Landscape Officer has advised that whilst the proposals will result in some tree loss and some temporary landscape and visual impacts, he does not consider that these will be significant and would offer no objections to the proposals on landscape grounds.

Trees

The application is supported by an Arboricultural Assessment. The report identifies 29 individual trees and 11 groups of trees that form part of the woodland on the western bank of the River Dane. The majority of trees have been designated as Moderate (B) Category under the categorisation for tree quality assessment (BS5837:2012). The woodland has been described as a wet-woodland comprising of Alder, Ash, Oak, Sycamore, Hazel, Elm and Hawthorn.

The woodland is not designated as Ancient Woodland and is currently not protected by a Tree Preservation Order nor does the site lie within a Conservation Area.

Two Oaks (T4 and T23) have been identified within the report as being of High Quality (A category specimens) landscape value and designated as Veteran status.

The report states that trees mainly feature on the mid-upper woodland slopes, close to the weir race and pool and adjacent to Havannah Lane and are described as valuable to the overall age structure and their importance in landscape value and biodiversity. Particular reference is made to mature Alders as being important part of the wet woodland habitat.

The Report identifies two areas of tree loss within the woodland; within the operational area along the river edge and the proposed vehicular access route (described as Route A).

Sixteen individual trees, 3 groups and part of 3 groups (comprising a total area of 0.14 ha), assessed as moderate category specimens, are proposed to be removed to accommodate the development. The Council's Tree Officer advises that the loss of these trees is considered to be significant and will have an adverse impact on the woodland.

It should also be noted that the Report states that the extent of tree removals within Tree Group G9 cannot be determined (and only indicative) as the extent of removals can only be determined once the road alignment has been set out. In the light of the above, the Council's Tree Officer advises that the extent of harm cannot be fully determined or mitigation fully assessed against any further impacts.

A Woodland Management Plan is recommended in the D & A statement, however the Council's Tree Officer advises that this alone cannot be seen as substantive evidence for mitigation of tree loss and impacts on landscape character.

Veteran Trees

Current standing advice recommends that ancient and veteran trees are afforded RPAs of 15 x stem diameter (which is referred to in the Tree Survey). Such buffer zones should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.

Oak (T23) has been assessed as a Veteran Tree with the access (Route A) encroaching within its Root Protection Area (RPA). The revised NPPF 2019 (Para 175), refers to the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient and veteran trees which should be refused unless there are wholly exceptional reasons. In this regard, the Council's Tree Officer advises that it is important to consider that Veteran trees are likely to be less tolerant of root loss than trees of other age classes, and particularly within a woodland setting may have less symmetrical root systems. It is also important that Veteran trees should be considered as complex ecosystems with associate species/invertebrates which may extend beyond the tree.

It is noted that the Report makes reference to appropriate design solutions, construction methods and protection measures, and recommends using minimal dig, and above ground construction and cell web (para 6.17). Having regard to the standing advice, the Council's Tree Officer considers such design solutions are inappropriate and would represent a deterioration of an associated habitat.

Para 6.17 of the report further suggests that the access track will have minimal impact on the RPA of Groups G3, G4, G8 and G9 by employing minimal dig and above ground construction methods. Given the challenging topography of the site and reference to the submitted cut and fill profile sections provided in support of this application, it is suggested that there will be works within the vicinity of retained trees and their RPA's. Details of retaining structures are referenced on the cut/fill drawings and are not considered in any detail in the Arboricultural report and may potentially impact upon the rooting environment of retained trees.

In the light of the above, the Council's Tree Officer objects to the proposals and the development is deemed contrary to Policy SE5 of the CELPS and Policy DC9 of the Macclesfield Borough Local Plan.

Ecology

The application is supported by ecology reports. The ecology matters are broken down as follows;

Local Wildlife Sites (LWS) - Havannah Wood and River Dane (Congleton to Peak Park)

It should be clarified at this juncture that LWS's are also known as Site's of Biological Importance (SBI's), as referred to in the applicant's Ecology Survey.

The proposed development site falls within a particularly rich section of the Havannah Wood LWS and adjacent to the River Dane LWS. The woodland habitat on site is also listed on the national inventory of 'Priority Habitats' and is a material consideration under local planning policy.

The Council's Nature Conservation Officer considers that the proposed development would have a serious adverse impact upon the Havannah Wood LWS.

The Council's Nature Conservation Officer advises that avoidance of any impacts upon Local Wildlife Sites in accordance with the mitigation hierarchy should be the first consideration of harm. If avoidance is not possible, then and only then, an appropriate level of compensatory measures relative to the damage/disturbance/loss of habitat should be proposed/considered.

The applicant proposes compensatory measures in the form of a Woodland Management Plan. As part of this plan, the applicant proposes to; plant further trees, include tree protection measures during construction, create habitat piles, remove Himalayan balsam and creates glades.

In response to the compensation measures, the Council's Nature Conservation Officer has advised that the woodland is already in a good condition and does not require management to enhance it. There are existing, naturally formed dead wood piles (habitat piles) and open canopy sections (glades). The extent of woodland available to be put into a management programme is relatively small meaning the potential benefits to the woodland are limited. The Council's Nature Conservation Officer advises that Cheshire is a poorly wooded county with less than half the woodland cover of the national average, therefore all woodland habitat is important. It should also be recognised that the harm would not just be confined to the areas where development is proposed as harm would also be created over a much wider area during construction.

For the above reasons, it is considered that the compensation is unlikely to address the impacts/level of harm and the proposal is deemed contrary to the ecology aspect of Policy SE8 in addition to Policy SE3 of the CELPS and Policies NE11, NE12, NE13 and NE14 of the MBLP.

Bats

The submitted *Preliminary Ecological Appraisal* (Peak Ecology, 12/02/2018) observed that the stone archway on site offers low-moderate potential for bats and as such, requires further assessment. The submitted survey recommends the submission of an endoscope survey for further review prior to commencement of development.

During the application process, discussions were held between the Council's Nature Conservation officer and the applicant's representative. The result of these conversations are that it was identified that the stone arch is located outside the red line of the application and will not be effected by the development. On that basis no further bat survey work will be required.

In the event of approval, the Council's Nature Conservation Officer recommends that it be conditioned that no construction works take place on site after dark.

Breeding Birds

In the event of approval, the Council's Nature Conservation Officer recommends a condition to protect nesting birds.

'Other' protected species

While no evidence of an active sett was identified during the survey there was evidence that the other protected species were using the site for commuting/foraging. The report recommends a pre-works check to confirm continued sett absence. The Council's Nature Conservation Officer recommends that in the event of approval, this survey be conditioned.

Schedule 9 Species (Invasive species)

Himalayan Balsam and American Signal Crayfish are present on the proposed development site. Prior to the use of any building materials on site, the Council's Nature Conservation Officer recommends that an invasive species management plan should be submitted for prior approval as a planning condition.

Ecology Conclusions

As a result of the severe adverse impact of the development upon the Havannah Wood LWS, the Council's Nature Conservation objects to the proposed development. The development is therefore deemed contrary to the ecology elements of Policy SE8 of the CELPS, Policy SE3 of the CELPS and Policies NE11, NE12, NE13 and NE14 of the MBLP.

Heritage & Design

Havannah Wier is a Grade II listed building located within close proximity to the proposed development. The listing states;

'Weir. Early/Mid C19. Stone segmentally coved and stepped. The weir originally provided power for a cigar manufactory.'

Havannah Bridge, also Grade II listed lies approximately 35-40 metres to the south of the development and within close proximity to where the proposed cabling would extend.

Policy SE7 of the CELPS (Historic Environment) seeks to conserve and enhance the character, quality of the historic built environment, including the setting of assets and where appropriate, the wider historic environment.

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale,

form, grouping, choice of materials, design features, massing and impact upon the streetscene.

There proposal includes;

1. A new intake structure on the west bank - It is advised that this would be 3.5 metres wide, will be set into the upstream riverbank and will be built 1.5 metres inland from the edge of the river. Bank strengthening 3 and 5 metres in each direction once structure is in place
2. An Archimedes Screw turbine - of steel fabrication supported by a tank and the top and a concrete pad at the base. It will sit at a 28 degree angle within a 3.2-metre wide sloping channel formed out of steel sheet piling.
3. A short (8-metre) tailrace channel delivering the flow back into the downstream weirpool
4. A control building/shed – This would be located above the turbine and would measure approximately 4 metres x 5.5 metres in plan enclosing the gearbox, generator and control equipment. It is advised it will be constructed in blockwork with larchwood cladding and a green profiled metal sheet roof. It will have double-doors and a small viewing window both facing the hillside
5. Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2 metres width) – This would extend approximately 70 metres from Havannah Lane to the proposed temporary access track adjacent to the proposed turbine. The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk.
6. 250 metres of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works. A turning head is also proposed of a size suitable for staff parking within the field just to the north of the woodland. It is advised that the access track would be established using a combination of heavy duty HDPE panels and laid hard core.

Turning to heritage considerations, within the submitted Design and Access Statement, the only reference to the heritage assets is within section 4.3 where it is stated that the proposal would not directly impact the assets and that some remedial work will be undertaken to remove self-seeded trees which are causing damage to the structure. It is also noted that a minimum water depth of 60mm will be maintained over the Weir during hydro-extraction.

The proposals have been reviewed by the Council's Heritage Officer who advises that that the development would not detrimentally impact the heritage assets or their significance. The proposal to remove self-seeded trees from the Weir structures is welcomed.

In consideration of general design matters, the development proposals would include structures required to make the scheme operational which would be constructed from

materials suitable for the purpose they would serve. In the event of approval, it is recommended materials choices be conditioned.

It is considered that the proposals would adhere with the heritage and design aspects of Policy SE8 and policies SE1, SD2 and SE7 of the CELPS and Policy BE15 of the MBLP.

II. Residential amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby properties or sensitive uses in terms of; privacy, overbearing effect, loss of light or environmental matters.

The main elements of the proposal, the screw turbine and associated infrastructure, would be located over 40 metres away from the closest impacted residential dwellings which comprise of; Riverside Mill to the south and The Old Mill to the south-east. Given this distance from these properties and the nature of the development, it is not considered that the proposals would detrimentally impact the occupiers of this development in terms of privacy, overbearing effect or loss of light.

In consideration of environmental matters, which relate primarily to noise in this instance, the application is accompanied by a noise report. This report has been reviewed by the Council's Environmental Protection Team who advise that they are satisfied with the mitigation measures it provides and as such, in the event of approval, it should be conditioned to be implemented. Environmental Protection have provided no other comments other than for the recommendation of an informative advising of hours of construction.

III. Jodrell Bank

The application site lies on the edge of the Jodrell Bank Consultation Outer Consultation Zone. Jodrell Bank have not to formerly commented on the application. However, due to a combination of the nature of the development, its distance from the telescope and importantly, the topography of the site, as the proposal would lie within a river valley, although there is likely to be a degree of harm, it is not considered that the impact upon the efficiency of the telescope would be significant to warrant refusal of the application.

Principle conclusions

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; Open Countryside, ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

Other Matters

Open Countryside

During the course of the application, it became clear that a long-term car park is proposed close to the junction between Havannah Lane and Macclesfield Road to provide parking for engineers and volunteers. This element of the scheme is considered too detached from the proposed development and would have a detrimental impact upon the intrinsic character and beauty of the Open Countryside.

Highways

As part of the proposed development, a temporary access track for construction vehicles is proposed from the A536 Macclesfield Road.

The Council's Head of Strategic Infrastructure (HSI) has advised that there are no highway concerns regarding the proposed development although the proposed location of the access has restricted visibility. The HSI advises that the introduction of the Congleton Link Road (CLR) will have the effect of reducing vehicle approach speeds in this area of Macclesfield Road and also the geometry changes that will take place.

Therefore, the HSI raises no objections to the application subject to a condition preventing the temporary access track being implemented until the CLR works at the eastern end have been completed. In addition, a condition requiring the removal of the access track is proposed upon completion of the construction works.

A further update will be provided to committee on the acceptability of any alternative arrangements proposed in relation to the car park proposals sought for engineers and volunteers, should they be received.

Flood Risk and Drainage

The main element of the proposed development would lie adjacent to the River Dane, partially within areas of Flood Risk Zone 2 and 3.

The application is supported by a Flood Risk Assessment (FRA).

The flood risk elements have been reviewed by the Environment Agency who have advised that they raise no objections.

The Council's Flood Risk Manager has reviewed the proposals and advised that they raise no objections.

In consideration of drainage matters, United Utilities have reviewed the submission and also raise no objections subject to a number of conditions including; the prior submission/approval of a surface water drainage scheme and condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan.

Public Rights of Way (PROW)

Public Byway No. 9, Eaton, as recorded on the Definitive Map of Public Rights of Way, runs along Havannah Lane itself and appears to be the only location that any aspect of the development would intersect a PROW. At this juncture, the submitted plans show the proposed cabling of the development would pass through this point.

The PROW team have advised that an advisory should be added to any permission in the event of approval, reminding the applicants/developers of their responsibilities in terms of not interfering with it. Also, it is recommended that the applicant/developer is advised that any variation to the above will require the prior consent of the PROW Unit.

The reference to an Angler's path and construction of a boardwalk appears to be a private path and is not a recorded public right of way.

CONCLUSIONS

The application site is located predominantly within the Open Countryside where development is only supported in certain instances to protect it for its own sake.

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

In addition to the above, given the detached location of the proposed car park, it is deemed to detrimentally impact the intrinsic character and beauty of the Open Countryside.

No significant other concerns would be created in consideration of other development plan policies, subject to conditions in the event of approval.

However, as a result of the above reasons, the application is recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons;

- 1. The proposed development would have a significant adverse impact upon the Havannah Wood Local Wildlife Site. The proposed compensatory measures are not deemed sufficient to outweigh the harm. In addition, the proposal would have a significant impact upon the woodland as a result of tree loss. Furthermore, insufficient information has been provided to assess the impact of the development upon a veteran tree. Harm would also be created to the intrinsic character and beauty of the countryside as a result of the siting of the proposed car park. It is not considered that other material considerations are sufficient to outweigh the environmental harm that would be created as a result of the development. The application is therefore deemed contrary to policies; PG6 (Open Countryside), SE8 (Renewable and Low Carbon Energy), SE3 (Biodiversity and Geodiversity) and SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy and policies; NE11 (Nature Conservation), NE12 (SSSI's, SBI's and Nature Reserves), NE13 (Sites of Biological Importance), NE14 (Nature Conservation Sites) and DC9 (Tree Protection) of the Macclesfield Borough Local 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) 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: 18/5001M

Location: 65 & 67, London Road, Alderley Edge, Cheshire, SK9 7DY

Proposal: Erection of a ground floor extension to the rear of no.67 London Road and the associated amalgamation of internal floorspace and demolition of existing retail space to create a c.2,000 sq.ft unit (Class A1); reconfiguration of floorspace at first and second floor to create five two-bedroom apartments (Class C3); installation of a dormer window and all associated physical works and car parking

Applicant: Mr Alex Yeramain, CCM Industries

Expiry Date: 14-Feb-2019

SUMMARY

This application proposes erection of a ground floor extension to the rear of no.67 London Road and the associated amalgamation of internal floorspace and demolition of existing retail space to create a c.2,000 sq.ft unit (Class A1); reconfiguration of floorspace at first and second floor to create five two-bedroom apartments (Class C3); installation of a dormer window and all associated physical works and car parking. The site is located in a predominantly shopping area.

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 very sustainably within the village centre of Alderley Edge and the proposal represents an efficient use of land that will enhance the vitality and viability of Alderley Edge which is identified as a Local Service Centre.

Cheshire East is currently able to demonstrate a 7.2 year supply of housing and 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.

SUMMARY RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been called in by Councillor Browne for the following reason;

Following concerns expressed by local residents and Parish Councillors with respect to potential overdevelopment of the site, parking provision, proximity to the Conservation Area and access to the site by construction vehicles, this application is called in to allow a full discussion of the various issues.

SITE DESCRIPTION

The application site measures 0.06ha and is located within Alderley Edge Village Centre. The buildings are of a typical Victorian retail frontage. The two units sit centrally within the main retail frontage, which extends to the north and south along both sides of London Road. The character is a mix of traditional and contemporary. There is a traditional underpass access from London Road to the adjoining units.

65 London Road has a traditional shop frontage with double bay. Unit 67 affords an expanse of quite dated, aluminium framed glazing. The upper floors are traditional in appearance, with original timber sash windows at first floor and the original timber formed dormer windows to the second. Both properties consist of original local brickwork with stone mullions, plinths and quoins with a slate roof over. The rear elevation has been subject to many changes over several years, with the addition of poorly constructed outbuildings, the blocking up of original window openings and the replacement of some existing sash windows with deteriorating UPVC casements and solid fire doors. The ground and basement floors within no.65 London Road are currently occupied by Cancer Research UK for a retail use (Class A1), with an office use at first floor (Class B1). No.67 London Road is currently vacant, having previously been occupied as a pharmacy (Class A1). The basement and first floor levels are also vacant. Both units benefit from a shared car park providing seven car parking spaces to the rear. Existing vehicles access the car park from The Avenue, parallel to London Road (to the east). Large three storey residential properties set within generous mature gardens line The Avenue and Chapel Road, sharing a common boundary with the car park.

DETAILS OF PROPOSAL

It is proposed to erect a three-storey rear extension and reconfigure the ground floor retail (Class A1) floorspace and change the use from office (Class B1) to residential (Class C3) at first and second floor. Install an additional front dormer window together with associated external works and car parking.

The proposals would create five two-bedroomed apartments and first and second floor. Access to the proposed reconfigured car parking would be as existing from the Avenue and would provide 10 allocated parking spaces with dedicated cycle parking. Bin storage is proposed separately for residential and retail uses.

RELEVANT PLANNING HISTORY

No relevant history

POLICIES

Cheshire East Local Plan Strategy

Policy MP1 - Presumption in favour of Sustainable development

Policy PG1- Overall development hierarchy

Policy PG7 - Spatial distribution

Policy PG2 - Settlement Hierarchy

Policy SC4 – Residential Mix

Policy SD1 - Sustainable development in Cheshire East

Policy SD2 - Sustainable development principles

Policy SE1 - Design

Policy SE5 -Trees, hedgerows and woodlands

Policy SE7 – The Historic Environment

Macclesfield Borough Local Plan - saved policies

Policy AEC1 – Shopping Area

Policy AEC3 – Upper Floor Development

Policy BE2 – Historic Fabric

Policy DC2 – Extensions and Alterations

Policy DC3 - Amenity

Policy DC6 - Circulation and access

Policy DC9 - Tree protection

Policy DC14 - Noise

Policy DC38 - Space light and privacy

Policy DC41 – Infill Housing Development or Redevelopment

Policy DC42 – Subdivision of Property for Residential Purposes

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

Cheshire East Borough Design Guide Supplementary Planning Document

CONSULTATIONS

Strategic Infrastructure Manager - No objections

Environmental Health – Have requested conditions in respect of noise insulation, emissions and contamination.

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council - *Recommends refusal and call in to committee. There is likely loss of amenity and privacy to properties to the rear through overlooking from the apartment's windows and terraces. Whilst some imaginative consideration has been given to car park provision it's probably insufficient when considering the apartments and commercial space together. There are also concerns around the very limited access. The properties have questionable access rights and it is long and narrow, leading to a very minor road, as to be impractical bordering on dangerous. During construction there would be significant concerns around access particularly in excavation phases. The access way is used for other properties and this proposal could make this untenable, compounded through lack of turning space and lead to loss of amenity in this regard and subsequent undesirable displacement.*

OTHER REPRESENTATIONS

9 properties have made comment on the application and in summary raise the following issues of objections;

- Overdevelopment and cramped as a result of the scale of development
- Insufficient unworkable car parking
- Not in character
- Access too narrow and inappropriate
- Loss of privacy and overlooking
- Loss of trees and ecology
- Hawthorn tree not in applicants ownership
- Insufficient information on levels and ramped access
- Unattractive design
- Poor bin storage

Edge Association – Recommend refusal as the extension and reconfiguration of the properties to create a block of five apartments is too large. The proposal creates a property which will be far too imposing on the houses to the rear. The rear access road to the proposed development is unsuitable, being very narrow and having too greater impact on the residents of the “The Avenue”. Possible conflicts with the right of access to the car parking area. The impracticability of actually implementing the proposed development if it were to gain approval has not been addressed and It appears that no provision or Method Statement has been made available covering the unacceptable issues that will be created for existing nearby residents and businesses and lack of access for heavy good vehicles during any potential building phase.

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The site is located within the boundary with Alderley Edge village centre. 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 in the Local Service Centres, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities. The proposal would contribute to the economic well being of Alderley Edge as the new residential occupants would add to the vitality and viability of the local shops and restaurants in the village centre coupled with the refurbishment of the retail space. It would rationalise the space to the rear adding order and demarcation and thus the proposals admirably comply with policy of principle.

Policies AEC1 prescribes that change of use from A1, A2, and A3 to non shopping uses will not normally be allowed. In this application the A1 use is being retained and regenerated thus it complies with AEC1. Policy AEC3 states that the use of upper floors will be encouraged for housing. In this application, the upper floors are being converted to housing in the form of flats, and it thus complies with AEC3.

The principle of the development is acceptable as it complies with relevant policies.

HOUSING LAND SUPPLY

In addition to the letter from the applicant the NPPF was updated after the publication of the report and the housing land supply section of the original report should be amended to read as follows;

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:

- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

HERITAGE AND DESIGN ISSUES

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide. The site is adjacent to the Alderley Edge Conservation area and thus policies BE2 (MBLP) and SE7 (CELPS) apply.

The front elevations facing onto London Road would have limited changes. They comprise the addition of a small dormer window to the second floor to 67 London Road to reflect the existing dormer windows to the second-floor elevations to either side. The changes to the frontage to London Road would be in keeping and seamlessly fit in with the street scene.

Turning to the changes to the rear the extension to the rear elevation will increase the height of the built form on this part of the site, but would be no higher than the existing ridge of the roofline. The functional shape of the extension proposed enables accommodation to be incorporated within the roof space in a similar fashion to neighbouring properties. Full length windows are proposed with Juliette balconies similar to those within an adjoining property.

The design proposal is simple in style to the rear and it is considered acceptable in this context to utilise the space to the rear of the retail frontage. It would be an efficient design solution and would vastly improve the present run down position that is in need of modernisation. It is not considered to be cramped or overdeveloped as it would reflect the urban context of the site and would comply with policies SE1, SD2 and the Cheshire East Design Guide.

The site itself is not within a conservation area but it does adjoin a conservation along the eastern boundary of the site. A Heritage Statement has been submitted in support of the application and the Conservation Officer considers that there would be no impact on the setting of the Conservation Area. Therefore proposals comply with the requirements of Policies SE7 and BE2.

IMPACT ON RESIDENTIAL AMENITY

In order for the proposals to be acceptable, it is important that they do not result in a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and DC42 seek to ensure that new development does not injure the amenities of adjoining or nearby residential property.

The separation distance required by policy DC38 and the Design Guide between habitable room windows remains at 21 – 25 metres and the proposal affords a distance that is generally around 24 metres. In this instance this is considered acceptable as the stated distances are for guidance only and the relationship is angled, rather than directly facing windows. A level of screening is also afforded between the site and the neighbouring properties.

In terms of overlooking of existing rear gardens the nearest windows in the proposed units would be approximately 7.5 metres to the rear fence and this is considered sufficient to comply with DC3, DC38 and DC42 and not overly impact on amenity for both existing residents and future occupiers.

A condition is recommended to ensure the proposed residential units are adequately insulated against noise from the ground floor and adjoining commercial uses.

IMPACT ON TREES

The Forestry Officer has commented that the application is supported by an Arboricultural Impact Assessment and Arboricultural Method Statement.

The supporting detail identifies two trees T1&T2 along with two groups of trees G1 & G2 for removal to facilitate the development proposals. The removal of T1 is required irrespective of the development proposals due to its condition, both G1 and G2 are considered to be of sufficiently low amenity value to warrant their unclassified (U) valuation in terms of BS5837:2012, with only T2 (Silver Birch) identified as a moderate value category B specimen. The Silver Birch stands outside the Trafford Road Conservation Area; formal protection as part of a Tree Preservation Order (TPO) is not considered appropriate given the absence of clear views of the tree which are obscured by the shops associated with London Road and the residential dwellings on Chapel Road and The Avenue.

Located off site within one of the gardens on The Avenue, and protected as part of the Trafford Road Conservation Area stands a mature Horse chestnut identified as T4. The tree has been managed as a heavy pollard over the

preceding years leaving the tree as a stumped off low value specimen. The proposed car parking extends within the trees RPA, the incursion is not considered detrimental given the absence of any significant amenity value associated with T4, however an appropriate condition relating to the proposed tree works is recommended.

ACCESS AND PARKING

As described earlier the site benefits from a shared car park providing seven car parking spaces to the rear of the building. Vehicles currently access the car park from The Avenue, parallel to London Road (to the east). Large three storey residential properties set within generous mature gardens line The Avenue and Chapel Road, sharing a common boundary with the car park.

The present situation at the rear of the London Road units is confused and unmanaged. At present no formal spaces are marked out and parking is used on an informal basis.

The highways officer has commented that there are no material highway implications associated with the above proposal as the site is accessed from an unadopted private service road, that serves the current site's B1 use and its associated car parking, its continued use to serve the site for residential use is considered to be acceptable. Also the proposed level of off-street parking provision for the residential element of the proposal (10 spaces) is in accordance with CEC parking standards.

It is noted that no off-street car parking provision is made for the A1 use but given that the site is located within the main shopping area of Alderley Edge, where there are a number of A1 premises with no off-street parking provision, this is considered to be acceptable.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application subject to conditions. Therefore it is considered that the proposals comply with policy DC6 and this application should significantly improve and administer control over the area to the rear of the site. A condition will be included on the decision notice to ensure the parking layout shown in the proposed plans is provided before the residential units are occupied.

COMMENTS ON REPRESENTATIONS

A number of the points of objection have been addressed in the main body of the report and the remaining are that it is considered that the level of information submitted is acceptable as levels are shown via sections provided. The ownership of the hawthorn tree is a civil matter between the parties but the applicants are aware of the comments and are to investigate the matter.

CONCLUSION

The issues raised in representation have been duly considered and the proposals are considered to comply with National and Local Policy. The development will regenerate this section of the frontage, whilst bringing additional housing into the village centre that assists in improving the vitality and viability of Alderley Edge as a Local Service Centre.

Policy MP1 of the CELPS 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 the event of any changes being needed to the wording of the Committee’s decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the 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.

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. Submission of construction method statement
5. Noise/Glazing
6. Arboriculture
7. Implement the approved parking layout before the residential units are occupied.





Working for a brighter future together

NORTHERN PLANNING COMMITTEE

Date of Meeting: 13 March 2019

Report Title: Planning Appeals Report

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: David Malcolm, Head of Planning (Regulation)

1. Report Summary

- 1.1. To summarise the outcome of Planning Appeals that have been decided between 1st July 2018 and 31st December 2018. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

2. Recommendation/s

- 2.1. That the report be noted.

3. Reasons for Recommendation/s

- 3.1. To learn from outcomes and to continue to improve the Council's quality of decision making on planning applications.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector - this is referred to as a 'recovered appeal'.
- 5.2. Appeals can be dealt with through several different procedures: written representations; informal hearing; or public inquiry. There is also a fast-

track procedure for householder and small scale commercial developments.

- 5.3. All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 5.4. This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

6. Commentary on Appeal Statistics

- 6.1. The statistics on planning appeals for the year to date are set out in Appendix 1. A full list of the appeals decided between 1st July 2018 and 31st December 2018 are set out in Appendix 2 and 3.
- 6.2. The statistics are set into different components to enable key trends to be identified:
 - Overall performance;
 - Performance by type of appeal procedure;
 - Performance on delegated decisions;
 - Performance on committee decisions;
 - Overall numbers of appeals lodged;
 - Benchmarking nationally.
- 6.3. The overall number of appeals lodged has remained consistent and averages out at approximately 120 - 140 planning appeals annually. At present, approximately 30% of decisions to refuse planning permission will result in a planning appeal.
- 6.4. In terms of the outcomes of the appeals decided, the performance is close to the national average; 33.7% of appeals have been allowed in the year to date against a national average of 30%.
- 6.5. The reduction in the number of appeals held through public inquiry has continued, which is a reflection of the adoption of the Local Plan Strategy and the subsequent reduction in major housing appeals.
- 6.6. When analysed by type of appeal, the trends also follow national average, with 40% of appeal hearings allowed and 30% of written representation appeals allowed.

- 6.7. The performance of appeals against planning decisions made under delegated powers also reflects a national picture, with 29.4% of appeals allowed.
- 6.8. The year to date has seen 12 appeals determined following decisions by planning committee. 58% of those appeals (7) have been allowed. *Note this figure includes 3 applications with a recommendation of refusal by officers.* In the year to date 9 appeals have been decided following a committee decision contrary to officer recommendation. Of those 9 decisions, 7 have proceeded to be allowed at appeal (78%) and 2 decisions have been successfully defended by the Council.
- 6.9. In the previous year (2017/18) there were 29 appeals decided following decisions contrary to officer recommendation. Despite the proportion of appeals allowed this year to date, the reduction of such appeals to 9 (in the year to date) is a potential indicator of improved decision making by the Council as a whole.
- 6.10. It should be noted that, due to the timescales of the appeals process, these figures will reflect decisions made 6 months ago and earlier.

7. Commentary on Appeal Decisions

- 7.1. Two appeal decisions have been highlighted to help with future decision making.
- 7.2. Application ref. 17/5999C was for the retrospective change of use from garage services to a hand car wash and associated development. Members disagreed with the assessment of officers and considered that the use was significantly harmful to the residential amenity of the adjoining property as a result of noise and disturbance. The appeal was successfully defended and it was dismissed due to the impact on adjoining residents.
- 7.3. Application ref. 17/2854M was for the erection of 32 residential dwellings and associated engineering works. The site formed part of a wider site allocated for housing in the Local Plan. Members resolved to refuse planning permission due to concerns over highway safety, contrary to the advice of officers. The appeal was allowed and full costs were awarded against the Council.
- 7.4. In respect of the application for the hand car wash, this serves to highlight the importance of Members challenging officer recommendations and applying well reasoned planning judgement based on good evidence. In this case the impact on the adjoining residents' amenity was clearly the

central issue with the application and it was a matter of judgment for the decision maker as to the level of significance. Whilst officers considered that the impacts could be controlled adequately by conditions there was evidence of frequent and unacceptable noise impact that was able to be used at the appeal to defend the decision.

- 7.5. In respect of the application for 32 dwellings, this serves to illustrate that the reasonable challenge to the officer recommendation can spill over into being unreasonable behaviour by the Council. The site was allocated for housing and the Council's own highways officers confirmed that the access arrangements complied with the required standards. The appellant was able to provide clear technical evidence at the appeal to demonstrate this. Despite best efforts to defend the decision, the Inspector awarded full costs against the Council stating that the reason for refusal was based on "*vague and generalised points*" and stating that "*development which should clearly have been permitted, having regard to the development plan, national policy and adopted highway standards, was delayed*".

8. Implications of the Recommendations

8.1. Legal Implications

- 8.1.1. None.

8.2. Finance Implications

- 8.2.1. None.

8.3. Policy Implications

- 8.3.1. None.

8.4. Equality Implications

- 8.4.1. None.

8.5. Human Resources Implications

- 8.5.1. None.

8.6. Risk Management Implications

- 8.6.1. None.

8.7. Rural Communities Implications

- 8.7.1. None.

8.8. Implications for Children & Young People

8.8.1. None.

8.9. Public Health Implications

8.9.1. None.

9. Ward Members Affected

9.1. All Wards – implications are Borough Wide

10. Consultation & Engagement

10.1. Not applicable.

11. Access to Information

11.1. Details of all of the cases referenced can be found on the Council's website.

12. Contact Information

12.1. Any questions relating to this report should be directed to the following officer:

Name: Peter Hooley

Job Title: Planning & Enforcement Manager

Email: peter.hooley@cheshireeast.gov.uk

13. Version Control

<This table below must be completed to show the journey that the report has taken; and should include details on the officers consulted on each version of the report. It is expected that Finance, Legal, line manager and Executive Director are consulted on every version.

Each Directorate is to have a document library to store its reports and it is the responsibility of the author to ensure that all versions are retained and stored correctly. >

Draft versions are to be categorised by meeting type.

- Directorate management team; version to begin at 1.0
- CLT; version to begin at 2.0

This section can be deleted when the report is at its final state and is being submitted to Informal Cabinet, Cabinet, Council, PH decision or Committee. Remember to also delete the version control box on the front sheet of the report on the top left hand corner.

The version number should also be referenced on the front cover of the report

Remember to delete the guidance wording when report is complete.>

Date	Version	Author	Meeting report presented to	Consultees		Summary of amendments made
				Name of officers consulted	Date consulted	
10.01.19	1	DM				

Quarterly Planning Appeals Report

Appendix 1. Planning Appeal Statistics 2018/19

All Planning Appeals decided					
Q1 (1st Apr 2018 to 30th Jun 2018)					
Q2 (1st Jul 2018 to 30th Sept 2018)					
Q3 (1st Oct 2018 to 31st Dec 2018)					
Q4 (1st Jan 2019 to 31st Mar 2019)					
	Q1	Q2	Q3	Q4	Year to date
Number of Planning Appeals determined	30	21	29		80
Total Allowed	11	5	11		27
Total Dismissed (%)	19	16	18		53
Percentage allowed	36.7%	23.8%	37.9%		33.7%
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>					

Public Inquiries	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	0	0	0		0
Total Allowed	0	0	0		0
Total Dismissed	0	0	0		0
Percentage allowed	n/a	n/a	n/a		n/a

Hearings	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	2	6	2		10
Total Allowed	1	1	2		4
Total Dismissed	1	5	0		6
Percentage allowed	50%	16.7%	100%		40%

Written representations	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	19	10	24		53
Total Allowed	5	3	8		16
Total Dismissed	14	7	16		37
Percentage allowed	26%	30%	33.3%		30.2%

Quarterly Planning Appeals Report

Householder Appeal Service	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	9	5	3		17
Total Allowed	5	1	1		7
Total Dismissed	4	4	2		10
Percentage allowed	56%	20%	33.3%		41%

Appeals against Delegated Decisions

	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	26	17	25		68
Total Allowed	8	3	9		20
Total Dismissed	18	14	16		48
Percentage allowed	31%	17.6%	36%		29.4%

Appeals against Planning Committee Decisions

	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	4	4	4		12
Total Allowed	3	2	2		7
Total Dismissed	1	2	2		5
Percentage allowed	75%	50%	50%		58.3%

Appeals Lodged this year

	Q1	Q2	Q3	Q4	YTD
Public Inquiries	0	0	0		0
Hearing	6	2	1		9
Written Rep	22	19	18		59
Household fast-track	3	9	3		15
Total	31	30	22		83*

**Figures are subject to future revision due to delay between date appeals lodged and start date confirmed by PINS.*

Benchmarking

Latest national figures for s78 Planning Appeals

2018/19 (YTD)				
	Public Inquiry	Hearings	Written Representations	All
Number of appeals determined	162	375	6899	7436
Percentage allowed	48%	43%	29%	30%

Quarterly Planning Appeals Report

National figures for Householder Appeal Service

2018/19 (YTD)	
	Householder
Number of appeals determined	3,475
Percentage allowed	39%

Source: Planning Inspectorate Statistics 15 Feb 2019.

Appendix 2. Appeals determined 1st July – 30th September 2018

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn Y/N
17/3932N	Sunnyside Stables, COOLE LANE, NEWHALL, CW5 8AY	Erection of toilet block, construction of driveway and hardstanding	Southern Planning	Written Representations	Part allowed/Part dismissed	N
17/5249M	11, MANOR PARK SOUTH, KNUTSFORD, WA16 8AD	Proposed first floor front extension and revised roof pitch	Southern Planning	Householder Appeal Service	Dismissed	N
16/3931M	MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, WA16 7LB	Demolition of the existing buildings on site and the erection of Church Meeting	Northern Planning	Informal Hearing	Dismissed	Y
16/2096M	ENDON QUARRY, WINDMILL LANE, KERRIDGE, BOLLINGTON	Telecommunications installation and associated works (NTQ Replacement)	Northern Planning	Written Representations	Allowed	Y
17/3500M	BOWLING GREEN, INGERSLEY VALE, BOLLINGTON	Reserved matters application following outline approval 15/2354M	Northern Planning	Written Representations	Allowed	Y
17/2170C	Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY	Alterations to an existing Grade II Listed farmhouse, barn and boar house,	Delegation	Informal Hearing	Dismissed	
17/4380C	Parklands, Byley Lane, Cranage, CW4 8EL	New dwelling in lieu of existing cattery on land to the rear of Parklands.	Delegation	Written Representations	Dismissed	
17/4203M	Field off Hollin Lane, Sutton	Change of use and adaptation of existing stable building	Delegation	Written Representations	Dismissed	
17/4414N	CHAPEL VILLA, WOORE ROAD, BUERTON, CW3 0DA	Outline application for erection of single dwelling (Access only)	Delegation	Written Representations	Dismissed	
17/4850M	WOODSIDE NURSERIES, HALL LANE, MOBBERLEY, WA16 7AH	Demolition of the existing Bungalow and erection of a replacement house	Delegation	Written Representations	Allowed	
17/4852M	48, KENILWORTH ROAD, MACCLESFIELD, SK11 8UX	To create a larger family home with four bedrooms and 2 ensuite bathrooms	Delegation	Householder Appeal Service	Deemed Invalid by DoE	
17/4965N	Land adjoining 18, MILTON DRIVE, WISTASTON, CW2	New bungalow	Delegation	Written Representations	Dismissed	

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	8BS					
17/5037N	DORFOLD COTTAGE, SWANLEY LANE, BURLAND, CW5 8LP	Proposed Dwelling	Delegation	Written Representations	Dismissed	
17/2171C	Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY	Alterations to an existing Grade II Listed farmhouse, barn and boar house	Delegation	Informal Hearing	Dismissed	
17/2777M	3A MOORSIDE LANE, POTT SHRIGLEY, SK10 5RZ	Replacement dwelling, alteration to planning consent ref. 14/2798M	Delegation	Informal Hearing	Dismissed	
17/3504M	Anson Engine Museum, ANSON ROAD, POYNTON, SK12 1TD	New entrance hall and toilets and new exhibition hall	Delegation	Informal Hearing	Allowed	
17/5569M	Land between 4 and 6 Shrigley Road North, POYNTON	Outline planning permission, with all matters reserved	Delegation	Informal Hearing	Dismissed	
17/5998M	LAND AT WILLOW GROVE FARM 60, KNUTSFORD ROAD, ALDERLEY EDGE, SK9 7SF	New dwelling (in place of dwelling approved under permission 16/0545M)	Delegation	Written Representations	Dismissed	
17/6076C	Oak Leaf Barn, OAK LANE, ASTBURY, CW12 4RT	Rear single storey extension	Delegation	Householder Appeal Service	Dismissed	
17/6182M	189, WILMSLOW ROAD, HANDFORTH, SK9 3JX	1 new 4 bedroom detached dwelling	Delegation	Written Representations	Dismissed	
18/0218M	Percivals View, MOSS LANE, OLLERTON, WA16 8SW	Erection of car port	Delegation	Householder Appeal Service	Dismissed	
18/1080C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to right side of house and rear of property.	Delegation	Householder Appeal Service	Allowed	
18/1094M	34A, SUNNY BANK DRIVE, WILMSLOW, SK9 6DY	Alteration to roof profile and elevational enhancements	Delegation	Householder Appeal Service	Dismissed	

Appendix 3. Appeals determined 1st October – 31st December 2018

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn Y/N
17/2398N	HORSESHOE FARM, WARMINGHAM LANE, MOSTON, CW10 0HJ	Change of use of land to use as a transit caravan site for gypsies	Southern Planning	Informal Hearing	Allowed	Y
17/5999C	79, UNION STREET, SANDBACH, CW11 4BG	Retrospective change of use from garage services to hand car wash	Southern Planning	Written Representations	Dismissed	Y
17/2854M	Land off Moss Lane, Macclesfield	Erection of 32 no. residential dwellings and associated engineering works.	Northern Planning	Informal Hearing	Allowed	Y
17/6072M	Ollerton Nursery, CHELFORD ROAD, OLLERTON, WA16 8RJ	Redevelopment of former garden centre to 17no. Dwellings	Northern Planning	Written Representations	Dismissed	N
18/0513C	The Bakehouse, 3 Marsh Green Road, Sandbach, CW11 3BH	Prior Approval for a Change of Use from storage to dwellinghouse.	Delegation	Written Representations	Dismissed	
18/0769M	GWYNANT, PLUMLEY MOOR ROAD, PLUMLEY, WA16 0TR	Demolition of the existing dwelling and the erection of two semi-detached dwellings	Delegation	Written Representations	Allowed	
18/0838N	KINSAL VILLA, PADDOCK LANE, AUDLEM, CW3 0DP	Proposed dwelling	Delegation	Written Representations	Dismissed	
18/1125N	MADAMS FARM, RAVENS LANE, BURLAND, CW5 8PF	Listed building consent for the retention of two solar panels, internal pipework	Delegation	Written Representations	Dismissed	
18/1141M	HIGH LEGH GARDENS, DITCHFIELD LANE, HIGH LEGH, WA16 0QW	hand car wash and valet facility including 8m x 4m canopy	Delegation	Written Representations	Dismissed	
18/1190M	SILVER BIRCHES, MILL LANE, SNELSON, SK11 9BN	Demolition of existing single dwelling and erection of new single dwelling	Delegation	Written Representations	Dismissed	
18/1427C	Land at Bonneyfield Cottage, MOW LANE, ASTBURY, CW12 3NH	Development of stable block/storage building and manege including engineering operation	Delegation	Written Representations	Dismissed	
18/1598M	Brickyard Farm, CONGLETON ROAD, MARTON, SK11 9HG	Conversion and change of use of domestic barn / garage to dwelling	Delegation	Written Representations	Dismissed	
18/2900M	WOODSIDE, 24, TOWERS ROAD, POYNTON, SK12 1DD	2 storey side and single storey side/rear extensions	Delegation	Householder Appeal Service	Allowed	
18/3107M	58, GAWSWORTH ROAD, MACCLESFIELD, SK11 8UF	Detached garage	Delegation	Householder Appeal Service	Dismissed	

Quarterly Planning Appeals Report

17/3485N	Land west of Park Farm Barn, WREXHAM ROAD, RIDLEY	Proposed construction of two detached bungalows	Delegation	Written Representations	Dismissed	
17/4403M	ALDWARDEN HILL, LEGH ROAD, KNUTSFORD, WA16 8LP	Erection of orangery	Delegation	Written Representations	Allowed	
17/4404M	ALDWARDEN HILL, LEGH ROAD, KNUTSFORD, WA16 8LP	Listed Building Consent for erection of orangery	Delegation	Written Representations	Allowed	
17/4849C	MOSS NOOK, MOSS LANE, BRERETON HEATH, CW12 4SX	Conversion and extension of existing garage to form single dwelling	Delegation	Written Representations	Allowed	
17/5071M	LAND SOUTH OF 18 GASKELL AVENUE, KNUTSFORD, WA16 0DA	Construction of one pair semi-detached dwellings	Delegation	Written Representations	Dismissed	
17/5105M	Brickyard Farm, CONGLETON ROAD, MARTON, SK11 9HG	Reuse of rural buildings for business storage (B8) use	Delegation	Written Representations	Allowed	
17/5370N	Land off BARONS ROAD, WORLESTON	Prior approval for a change of use of agricultural building to two dwellings	Delegation	Written Representations	Allowed	
17/5703C	CROSSMERE FARM, DAVENPORT LANE, BRERETON HEATH, CW12 4SU	Demolition of existing livery buildings and construction of new dwellings.	Delegation	Written Representations	Dismissed	
17/5843C	COACHMANS COTTAGE, MACCLESFIELD ROAD, JODRELL BANK, CW4 8BU	Construction of a partially subterranean dwelling in the garden of Coachman's Co	Delegation	Written Representations	Dismissed	
17/5877M	WHITE LODGE, CHESTER ROAD, TABLEY, WA16 0HF	Erection of gates, gate posts, associated walls and planting	Delegation	Householder Appeal Service	Deemed Invalid by DoE	
17/2510C	YEW TREE FARM, MANOR PARK ROAD, NORTH RODE, CW12 2PF	Erection of a detached garage, and new window openings and rooflights	Delegation	Written Representations	Part allowed/Part dismissed	
17/6061M	Mottram Wood Farm, SMITHY LANE, MOTTRAM ST ANDREW, SK10 4QJ	Retention of cabin for use as guest/tourist accommodation	Delegation	Written Representations	Dismissed	
17/6172M	102, HOLLINWOOD ROAD,	First floor extension.	Delegation	Householder	Dismissed	

Quarterly Planning Appeals Report

	DISLEY, SK12 2EN			Appeal Service		
17/6343C	Agricultural Building, PEOVER LANE, CONGLETON	Prior approval for a change of use	Delegation	Written Representations	Allowed	
17/6419M	THE WILLOWS, HOBBS HILL LANE, HIGH LEGH, WA16 0QZ	Certificate of lawful proposed use or development - Mobile home	Delegation	Written Representations	Dismissed	
18/0077M	21, HILLSIDE ROAD, KNUTSFORD, WA16 6TH	First floor side extension, single storey rear extension and front elevation bay	Delegation	Householder Appeal Service	Part allowed/Part dismissed	
18/0189C	Land adjacent 23, Sandbach Road, Church Lawton	New Detached Residential Dwelling	Delegation	Written Representations	Allowed	
18/0327N	2, POTTER CLOSE, WILLASTON, CW5 7HQ	Extension of boundary wall to incorporate land to the side of the property	Delegation	Written Representations	Dismissed	