

# Northern Planning Committee

## Agenda

---

<b>Date:</b>	<b>Wednesday, 10th April, 2019</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

---

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

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

**3. Minutes of the Previous Meeting (Pages 3 - 10)**

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

**4. Public Speaking**

---

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

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. **18/4024M-Demolition of existing 2 detached properties and erection of 65no. bedrooms care home with associated landscaping, car park and access, 51 & 53 Handforth Road, Wilmslow for New Care Project LLP** (Pages 11 - 28)

To consider the above application.

6. **19/0313M-Replacement of existing temporary cafe with a permanent cafe building, Quarry Bank Mill, Quarry Bank Road, Styal for Mrs Phyllis Bayley, National Trust** (Pages 29 - 42)

To consider the above application.

7. **19/0681N-Bespoke lean-to extension to be constructed in replacement of the current conservatory to the right of the existing dwelling, The Old Vicarage, Bridgemere Lane, Hunsterson, for Mr & Mrs Clowes** (Pages 43 - 48)

To consider the above application.

8. **Land to the South of 18 Gaskell Avenue, Knutsford** (Pages 49 - 50)

To consider the above report.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 13th March, 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,  
N Mannion, J Nicholas (Substitute), L Wardlaw and G Williams

### **OFFICERS IN ATTENDANCE**

Mr J Baggaley (Nature Conservation Officer), Mr A Barnes (Senior Planning Officer), Mr T Body (Nature Conservation Officer), Mrs N Folan (Planning Solicitor), Mr N Hulland (Principal Planning Officer), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

### **42 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors O Hunter and M Warren.

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

It was noted that Members had received correspondence in respect of application 18/5737M.

In the interest of openness in respect of application 18/6319C, Councillor L Wardlaw declared that she was Portfolio Holder for Health and the development of Congleton leisure centre came under her portfolio and in the interest of transparency she would not take part in the debate and leave the room prior to consideration of the application.

In the interest of openness in respect of application 18/5001M, Councillor C Browne declared that whilst he was a member of Alderley Edge Parish Council and they had submitted a comment in respect of the application he did not take part in the meeting. Whilst he had called in the application and the applicant and his family are known to him he still had an open mind.

In the interest of openness in respect of application 18/6319C, Councillor G Williams declared he had made representations on behalf of a number of community groups who were in support of the application, therefore he would not take part in the debate and leave the room prior to consideration of the application.

In the interest of openness in respect of application 18/5811M, Councillor G Williams declared he was a governor of Eaton Bank Academy who were supporting the project however he had had no direct involvement and whilst he had an interest in sustainability in the town and was involved in a sustainability group but he had come to the meeting with an open mind.

In the interest of openness in respect of application 18/5737M, Councillor H Gaddum declared she knew John Knight and Councillor J Saunders both of who were speaking on the application, however she had not discussed the application with either of them.

In the interest of openness in respect of application 18/5737M, Councillor N Mannion declared that he lived near to John Knight who was speaking on the application however he had no contact with him in respect of the application.

In the interest of openness in respect of application 18/6319C, Councillor N Mannion declared that he was a member of Macclesfield Rugby Club who had played against Congleton Rugby Club and he was a close friend of someone operating a business at the leisure centre however he had not discussed the application.

Prior to the debate on application 18/5001M, Councillor N Mannion declared a non pecuniary interest by virtue of the fact that he was involved with his brothers business who had provided a quote to the applicant to undertake some work and therefore he left the room prior to consideration of the application and did not return.

#### **44 MINUTES OF THE PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting held on 13 February 2019 be approved as a correct record and signed by the Chairman.

#### **45 PUBLIC SPEAKING**

##### **RESOLVED**

That the public speaking procedure be noted.

#### **46 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**

Consideration was given to the above application.

(Councillor J Saunders, the Ward Councillor, John Knight, representing Poynton Town Council, Hayley Whitaker, an Objector, and Jonathan Bailey, the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the 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
17. Broadband
18. Removal of PDR
19. Submission of a Construction Management Plan
20. Boundary treatment to the rear to be submitted and agreed

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.

(Prior to consideration of the following item, Councillor E Brooks arrived to the meeting).

### **47 18/6319C-REFURBISHMENT 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**

Consideration was given to the above application.

(Matt Johnson, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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 reasons set out in the report and in the written and verbal update to the Committee and, 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 subject to 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
22. Provision of electric charging points

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

(The meeting was adjourned for a short break).

- 48 **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**

Consideration was given to the above application.

(Dr Foster, a supporter and Paul Guymer, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be approved subject to the following conditions:-

1. Time (3 years) – Except where varied
2. Approved plans
3. Materials as per application
4. AIA - Implementation
5. Prior submission/approval of details of an Engineer designed no dig hard surface construction for the access track
6. Prior submission/approval of agreed scheme of supervision for the approved arboricultural protection measures
7. Nesting birds
8. Prior submission/approval of breeding bird features
9. Prior submission/approval of updated badger survey
10. Watercourse protection method statement
11. Prior submission/approval of a habitat/woodland management plan for lifetime of screw
12. Prior submission/approval of a method statement to safeguard areas of retained habitat
13. Noise mitigation – Implementation
14. Temporary access track cannot implemented until the CLR works at the eastern end have been completed
15. Removal of access track upon completion of works and restoration
16. Prior submission/approval of a remediation scheme comprising of a shut-down arrangements, involving the de-commissioning/shut-down of the facility rather than its removal
17. Prior submission/approval of boardwalk construction method statement
18. Prior submission/approval of a Education Plan
19. Prior removal of any trees harming stone structure adjacent to the Weir done prior to installation of Screw

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

(This decision was contrary to the Officer's recommendation of refusal. During the course of consideration of the application the meeting was adjourned in order for Officers to compile a list of conditions given that there had been a proposal to approve the application contrary to the Officer's recommendation).

- 49 **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**

Consideration was given to the above application.

(Parish Councillor Mike Dudley-Jones, representing Alderley Edge Parish Council, Louise Booth, an objector, and Angela Mealing, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

- 1.The design, bulk, form and massing of the proposed development would be contrary to Policy SD2 of the Cheshire East Local Plan Strategy (2017) and the Cheshire East Borough Design Guide Supplementary Planning Document (2017).
- 2.The proposed development would result in a loss of privacy by way of overlooking injuring the amenities of neighbouring properties and therefore would be contrary to saved policy DC3 of the Macclesfield Borough Local Plan (2004).

In the event of any changes being needed to the wording of the Committee's decision (such as to 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.

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

**50 PLANNING APPEALS**

Consideration was given to the above report.

**RESOLVED**

That the report be noted.

The meeting commenced at 10.00 am and concluded at 3.05 pm

Councillor G M Walton (Chairman)



Application No: 18/4024M

Location: 51 & 53 HANDFORTH ROAD, WILMSLOW, CHESHIRE, SK9 2LX

Proposal: Demolition of existing 2 detached properties and erection of 65no. bedrooms care home with associated landscaping, car park and access

Applicant: New Care Project LLP

Expiry Date: 12-Apr-2019

### REASON FOR REPORT

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Barry Burkhill on the 28<sup>th</sup> February 2019 due to the following concerns:

*"The application has created significant and extensive local concern. It will create precedence for other houses in this area on both sides of the road in an area of large, low density, detached properties, widely separated, set in their own grounds and will inappropriately alter the character of the area. There is concern about overlooking a large car parking area and the parking provided does not meet parking standards, particularly at peak times."*

**SUMMARY**

The principle of the proposed development is acceptable subject to there being no significant adverse impacts arising from the proposal.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the proposal also raises no significant visual, highway safety, amenity, design or flooding issues, and complies with relevant local and national planning policies.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

**SUMMARY RECOMMENDATION**

Approve subject to conditions and completion of a s106 agreement

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises 2no. detached residential dwellings situated in large plots, fronting onto Handforth Road. The levels increase from the north-west of the site to the south-east (right to left as you look at the site from the front).

The site frontage (north-east) is to Handforth road, with mature tree screening to the north and west, separating the site from the neighbouring residential properties and the sports field to the rear.

The site is located to the south-east of Handforth and north-east of Wilmslow, within a predominantly residential area, as defined in the Macclesfield Local Plan.

**DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the two existing detached dwellings and the erection of a 65no. bed care home with associated landscaping, car park and access.

### RELEVANT HISTORY

18/1025M Demolition of existing 2 detached properties and erection of 83-bedroom care home with associated landscaping, car parking and access.

This application is currently subject to an appeal against the non-determination of the application.

### POLICIES

#### **Cheshire East Local Plan Strategy – adopted 27<sup>th</sup> July 2017**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well Being

SC4 Residential Mix

#### Appendix C – Parking Standards

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

#### **Saved Macclesfield Borough Local Plan Policies**

DC3 (Protection of the amenities of nearby residential properties)

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

DC8 (Landscaping)

DC9 (Protected Trees)

DC38 (Guidelines for space, light and privacy for housing development)  
NE11 (Nature conservation)  
DC57 (Community Uses - Residential Institutions)

### Other Material Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Design Guide

The Wilmslow Neighbourhood Plan has reached regulation 16 stage and has been through public consultation. On this basis some weight can be given to the relevant policies which are;

SP1: Sustainable Construction  
SP3: Sustainable Transport  
NE5: Biodiversity Conservation  
NE6: Development in Gardens  
H2: Residential Design  
H3: Housing Mix  
CR3: Local Green Spaces  
CR4: Public Open Space  
CR5: Health Centres

### **National Policy:**

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

Of particular relevance are paragraphs 2, 4, 6, 8, 9, 11, 12 and 15.

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

**United Utilities:** no objection subject to conditions relating to drainage

**Housing:** no objection

**Manchester Airport:** no objection

**Highways:** no objection subject to a construction management plan condition

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

**Environmental Protection:** No objections subject to conditions relating to a construction phase environmental management plan, lighting, a travel plan, piling and contaminated land.

**NHS Eastern Cheshire Clinical Commissioning Group:** Request financial contribution of £31,324 to support the development of Handforth Health Centre.

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

**Wilmslow Town Council:** The initial comments relating to the originally submitted plans were as follows:

*“Wilmslow Town Council’s Planning Committee recommend refusal of this application on the grounds of overdevelopment of the site and being out-of-keeping with the area. Parking provision is also inadequate and the proposed development will be overbearing on neighbouring properties resulting in loss of privacy. In addition, the transport statement is no longer accurate.”*

Following the amended plans the following comments were submitted:

*“Wilmslow Town Council’s Planning Committee remains of the view that this application is overdevelopment of the site out-of-keeping with the area. The proposed parking provision is still inadequate and the proposed development will be overbearing on neighbouring properties resulting in loss of privacy. “*

### **OTHER REPRESENTATIONS**

Representations from 50 properties were received prior to the submission of the revised plans, below is a summary of the relevant comments:

- Lack of car parking with the scheme – the proposed provision is less than is required in the Council’s parking standards.
- Highway safety issues due to the increase in traffic.
- Doctors surgeries in the area will be overwhelmed.
- There is not a need in the area for additional care homes; there is a derelict one in the centre of Handforth.
- Loss of light and overlooking to surrounding adjacent neighbours.
- The building will be out of character with the surrounding area - the surrounding area contains mainly two storey detached dwellings.
- There is no substantiated need for this development which will probably be for residents outside the area.
- Construction traffic to the proposed site will pose a significant risk to pedestrians.
- The mass of the building would be overbearing to neighbouring properties.
- The applicant has not submitted a manoeuvrability diagram demonstrating that emergency vehicles can enter and leave the site in a forward gear.

- Construction traffic to the proposed site will pose a significant risk to pedestrians.
- In order to construct the development a number of mature trees would have to be destroyed altering the local landscape and wildlife of this area.
- Another unjustified incursion into the Green Belt.
- The pedestrian footpaths in both directions are very hilly and unsuitable for residents walking around.
- This development would also bring out-of-hours noise from Lorries and vehicles, manoeuvring and loading which will impact local residents, particularly at times of the day/night when ambient noise levels are low.
- The visual impact to the frontage of the plot will create a street scene dominated by vehicles having a detrimental effect on the character surrounding this residential area contrary to policy guidance.
- Over development of the site.
- A roundabout was recently installed near to the site which increases highway safety issues.

A further 34 no. properties commented again following the reconsultation after the amended plans were submitted. The comments raise the same concerns as the initial round of objections raised.

### **OFFICER APPRAISAL**

#### **Key Issues**

- Design and impact on the character and appearance of the area, including the street-scene.
- Impact on the amenity of neighbouring properties
- Highways safety
- Landscaping, trees & nature conservation

#### **Principle of Development**

The site lies within a Predominantly Residential Area of the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle.

The site is considered to be in a sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. No policy objections are raised to the proposal.



Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver up to 46 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

Policy SC4 of the Cheshire East Local Plan states the following: *“Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.”*

The purposes are broadly repeated in the saved Macclesfield Borough Local Plan policy DC57, which lists a number of relevant criteria for assessing new residential institutions.

The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run past the site.

Policy DC57 states that the development must comprise a reasonable sized private garden in the order of 10 sq metres per resident. Accommodation would be provided for up to 65no. residents. This would require a private garden in excess of 650 sq metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 700 sq metres of useable garden area, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed.

The Strategic Highways Engineer raised no objections to the application.

### **Need for the development**

Cheshire East Housing Strategy 2018-2023 *Growth and quality of place Health, wellbeing and quality of life*

One of the challenges identified within the strategy is for improving the housing offer for an ageing population. *“Provision of smaller homes for older people to meet changes in household types; help those with special needs; dementia friendly; making existing homes*

*suitable for independent living and provide a mix of housing on larger developments, including single storey accommodation as a choice."*

### Vulnerable and Older People's Housing Strategy (2014)

This strategy identifies that the proportion of older people in Cheshire East is already above national average, along with this there will be a shortfall of what is defined as Extra Care of 1,063 places by 2030. The strategy does not identify any forthcoming sites for this type of accommodation.

The oversupply of residential and nursing care places is noted within this strategy. Page 5 states:

*"For those with escalating needs, the Council will encourage wherever appropriate the transition of older people into specialist supported accommodation, and especially housing that enables them to live independently for as long as possible."* Outcome 2 of the strategy states:

*"People can receive the support they need in a wide range of specialist, supported accommodation within the Borough".*

### Cheshire East Extra Care SHMA - Peter Fletcher and ARC4 (2010)

This document states that:

*"the key question to be asked in defining extra care is 'can the proposed development provide care equivalent to that found in a residential care home if needed?' If the proposed development is able to achieve that 'Home for life' threshold then it could be argued it is extra care in terms of Cheshire strategic objectives".*

### Cheshire East SHMA 2010

The SHMA identified the statistics for an ageing population of Cheshire East and concluded the following:

*"Between 2010 and 2030, the number of households:*

- Pensionable age to 74 is forecast to increase by 13,300;*
- 75-84 is forecast to increase by 14,000; and*
- 85 and over is forecast to increase by 11,200."*

Paragraph 4.42 indicates that there is:

*"a degree of interest in new forms of older persons' accommodation, for instance older persons' apartments and properties in a retirement/care village. Providing a wider range of older persons' accommodation has the potential to free-up larger family accommodation (although price could still remain a barrier to entry)."*

### Cheshire East SHMA Update 2013

The SHMA was updated in 2013 and paragraph 6.27 acknowledges that:

*"the range of housing options available to older people needs to be diversified, for instance through the development of open market housing marketed at older people, the development of Extra Care accommodation and co-housing."*

It restates the issue of an oversupply of care home beds. It notes that the population is ageing and over the period 2011 to 2030, the number of pensionable age people and above is forecast to increase from 85,500 in 2011 (23.1% of the population) to 124,000 in 2030 (30.2% of the population).

With this in mind, there is considered to be an identified need for the proposed development, and this is a material consideration of significant weight in support of the proposal.

### **Healthcare**

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented on the application noting that there is a nearby GP practice within Handforth - Handforth Health Centre. The Handforth Health Centre GP practice is a 1970's single storey building in need of some improvements and a predicted patient growth rate of 32% over the next 10 years. Space utilisation analysis has demonstrated that the Handforth Health Centre currently has a 44% shortfall in required space in order to adequately provide primary care services to the existing patient population.

For the planning application in question the CCG requests a contribution to health infrastructure via Section 106 of £31,324. This is based on the NHS funding model for general practice (the Carr-Hill formula), which applies a workload factor to patients in nursing and residential homes of 1.43 leading to a calculation consisting of number of beds x 1.43 x £337, where £337 is the build cost per head of additional population.

### **Design and Impact on the character and appearance of the area**

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 application proposes the replacement of the existing two detached dwellings with a large care home. Amended plans were submitted during the course of the application following concerns raised by officers.

The parking has been reconsidered and landscaped with hard and soft landscaping to tie in with the street frontage to provide adequate screening of the parking. The surface materials should be permeable as detailed within the CEC design guide to promote SuDs within the curtilage.

The proposal balances the horizontal and vertical scale of the elevations with a variety of elements. The elevation facing the footpath provides natural surveillance along this elevation. The corner feature provides a distinctive corner detail for legibility. The amendments have broken down and articulated the elevations with a series of bays, giving the impression of a more domestic scale development. The front elevation and side elevation fronting on to the footpath read as a number of linked units.

There is a fairly wide variety in topography throughout the site. The proposal responds to the topography by providing a diverse roof line that steps to provide a more organic form.

A mix of materials that incorporate the local palette has been proposed. The proposal is a mix of traditional styling that relates to the architectural vernacular with modern elements that create a modern feature to the prominent corner.

The Council's Design Officer has concluded that *"Overall a far more refined design that contributes to the sense of place along Handforth Road and one that would be supported."*

Conditions regarding the specification of materials to the buildings and surface treatments would be attached to any approval.

While large it is considered that the size of the site, along with the improved front elevation of the proposed scheme ensure that the impact of the proposal on the character of the area is, on balance, acceptable and the views of the Council's Design Officer are concurred with.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

To the north, there is a sufficient gap with extensive screening from protected trees to ensure that the development would have an acceptable impact on the properties to the north.

To the south the adjacent property would be number 49. Changes in the topography and orientation reduce the impact on this property in terms of loss of light or loss of privacy. The proposed building would be positioned over 40m from the closest rear habitable windows of number 49.

The proposed side facing windows at first and second floor would be positioned over 22m from the boundary with number 49, which together with the mature boundary screening would ensure that this relationship is within acceptable limits.

Further into the site the building would be over 24m from the closest point of the properties along Tarporley Walk. This is within acceptable limits.

With the above in mind it is considered that the impact of the proposal on the residential amenity of the neighbouring properties is within acceptable limits in line with saved policies DC3, DC41 and DC38 of the Macclesfield Local Plan.

### **Highways**

The comments below were submitted by the Council's Strategic Highways manager:

"To justify, the applicant has stated that during peak times 50% of staff travel by car which would leave approximately 10 spaces free for residents and visitors. Due to the nature of the proposal, car ownership levels for residents would be low.

In addition to this, car park accumulation surveys have been carried out from 7AM to 7PM for 3 other similar sites in Macclesfield, Wilmslow, and Holmes Chapel. The average peak parking demand of the sites was 0.34 and the provision for the proposal is 0.37, which is slightly higher. Based on this it is unlikely that parking would overspill onto the highway. There is also a resting area adjacent to space 9 should an ambulance require it.

For these reasons the parking provision is considered acceptable.

The proposal will generate no more than a dozen vehicle movements during either of the network peak hours the impact of which will be negligible.

The access and parking provision are acceptable and no objection is raised subject to an appropriate condition relating to a construction management plan."

### **Accessibility**

It is a reasonably sustainable location, with public transport adjacent to the site, and also positioned approximately 0.6 mile from the local shopping complex at Summerfields Village Centre.

The topography of Handforth Road means that there is an incline when travelling north or south. No doubt this would dissuade some people from walking to the village centre depending on mobility. However, the path is used by local people including the elderly. As a consequence, it seems unlikely that the more mobile residents or those with mobility scooters would be deterred from walking/riding to the local facilities along Handforth Road. Walking to the nearest facilities is therefore an option for residents.

Accessibility is therefore considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

### **Trees**

The submitted arboricultural report supporting the application confirms there are 14 individual trees and one group of trees that are categorised as moderate (B), the remaining trees are categorised as low (C) in accordance with BS5837 :2012 Tree Quality Assessment methodology. Three moderate category Birch trees (T29, T30 and T37) will require removal to accommodate the proposed development; two of the trees (T29 and T30) are protected by the TPO. To justify these removals, the report at para 5.3.3. states that as these trees are located internally within the site, their removal will have little impact upon the amenity of the group when viewed from outside the site. Following a further assessment, it is agreed by the

Council's Forestry Officer that both trees are not significantly visible from outside the site and their loss will not present a detriment to the wider amenity of the area.

The report advises other low value (C) category trees will require removal to accommodate the development. Such trees would not normally be considered for retention unless they present a significant constraint on development.

Para 5.3.4 of the Report identifies several instances where the development will encroach within the RPA of retained trees. With regard to Silver Birch (T14) to the northern boundary, the encroachment is for a footpath. It is agreed by the Council's Forestry Officer that given the nature of construction, this can be adequately dealt with by installation of ground protection and a suitable method statement/construction specification.

Proposed parking to the northern boundary of the site will interface slightly within the RPA of a group of offsite Cypress (G9). The incursion into the RPA of these trees is considered to be relatively minor and given the tree's vitality and available soil rooting volume elsewhere, the construction of the car parking spaces can be implemented utilising a no dig construction methodology.

At 5.3.6 the report refers to two trees (G46 shown as T46 on the plan) and T47. Tree T46 are two Sycamore located offsite; T47 is an early mature Ash located within the site close to the site boundary. Parking bays are proposed within the RPA of both trees, however as the area is already compacted by the existing site access proposed by the proposed car parking any additional harm is expected to be minimal. The Report proposes a no dig construction to minimise disturbance and existing levels to be retained which is acceptable.

At 5.3.7 the report refers to the protected Horse Chestnut (T5) along the Handforth Road boundary. Area of hard standing (tarmac and stone flags already exist within the RPA of this tree to the north and west, which is proposed to be removed within the RPA. Some encroachment is proposed within a segment of the RPA to the south for the proposed access, and a small segment to the north. No dig construction is proposed for both segments. The removal of existing hard standing within the RPA and proposed no dig encroachment represents a neutral impact and is accepted by the Council's Forestry Officer on this basis.

Concern has been expressed regarding the social proximity of retained trees in relation to the proposed development, having regard to the group of protected trees to the western section of the site. Separation distance to the closest retained tree (T25 Norway Maple) has been measured on plan as 11.5 metres to a bedroom window and a separation distance of 5 metres from the edge of the tree's canopy spread. In this regard, it is anticipated that shading and some obstruction of afternoon sun from this tree and others within the group will occur, particularly when the trees are in full leaf. The report does state that due to the temporary nature of occupancy and the developer will have authority over management of the grounds, there will be less external pressure to remove trees.

Having regard to the nature of occupancy and management of the site, whilst separation distances are not ideal, the reasons given are acceptable.

There are proposals for retaining walls along the western section of the site (adjacent to the protected group of trees) and to the south of the site. The proposed walls appear to be

located outside the RPA of retained trees; however it will be necessary for construction to be dealt with by a method statement/construction specification.

Existing constraints and the scale of the development make this a very restricted site and the Council's Forestry Officer has reservations about the efficacy of the proposed tree protection measures and availability of working space, however with appropriately worded conditions these constraints should be overcome.

With suitably worded conditions the Council's Forestry Officer has no objections to the scheme.

### **Nature Conservation**

#### Breeding Birds

Suitably worded conditions relating to breeding birds should be included in any approval.

#### Great Crested Newts

Following eDNA surveys of the site, Great Crested Newts are not considered likely to be present on site. No further action required.

#### Bats

Evidence of bat activity in the form of minor roosts of a relatively common bat species has been recorded within number 53 and number 51. The usage of the buildings by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

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

(b) no satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the

Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

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

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

In this case it is considered that the proposal will result in social and economic benefits, and any alternatives are likely to involve extensions to the existing building, which would have a comparable impact upon the species.

The submitted report recommends the installation of bat boxes on the replacement building as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable.

### **HEADS OF TERMS**

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

- Healthcare contribution of £31,324.00.

### **Community Infrastructure Levy (CIL) Regulations**

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



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

The provision of a healthcare contribution is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

### **PLANNING BALANCE**

While the objections are noted, the proposed scheme is considered to be acceptable.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight.

The impact on European Protected Species and other ecological interests has been assessed by the nature conservation officer and is acceptable. The proposal accords with the relevant ecology policies in the local plan and national guidance in the Framework. There is not considered to be any reason, having regard to the Conservation of Habitats and Species Regulations 2010, to withhold planning permission in this case.

Similarly, the proposal also raises no significant visual, highway safety, amenity, design or flooding issues, and complies with relevant local and national planning policies.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution to healthcare.

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

### Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and 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
8. Construction specification/method statement
9. Arboricultural method statement
10. Service / drainage layout
11. Lighting details
12. All arboricultural works shall be carried out in accordance with submitted tree works and tree protection plan
13. Ecological Mitigation and Enhancement
14. Bat mitigation
15. Wildlife sensitive lighting
16. Nesting birds
17. Breeding birds
18. Major Development Construction Phase Environmental Management Plan
19. Foul water
20. Drainage strategy
21. Travel information pack
22. Electric vehicle infrastructure
23. Contaminated Land (investigation works)
24. Contaminated Land (verification report)
25. Contaminated Land (soil)
26. Contaminated Land (unexpected)
27. Construction management plan
28. Surface water drainage



**This page is intentionally left blank**

Application No: 19/0313M

Location: QUARRY BANK MILL, QUARRY BANK ROAD, STYAL, CHESHIRE, SK9 4LA

Proposal: Replacement of existing temporary cafe with a permanent cafe building.

Applicant: Mrs Phyllis Bayley, National Trust

Expiry Date: 18-Mar-2019

### **SUMMARY**

The proposal is considered to be an inappropriate form of development in the Green Belt, which reduce openness and encroaches into the countryside. The identified harm to significance of the heritage assets is considered to amount to less than substantial harm, and should therefore be weighed against the public benefits of the proposal.

There are considerations in favour of the proposal, including the identified public benefits are considered to clearly outweigh the less than substantial harm to the Styal Conservation Area, and the walled garden.

The only long term options for the site are the current proposal or the use of the Gardener's Cottage. The viability of the Gardener's Cottage has proven to be difficult for the applicant as the cellular layout and domestic scale of the rooms does not offer suitable accommodation for the requirements of a café, has limited accessibility and the position of the Cottage does not work well with the visitors routes that are established on the site. The Gardener's Cottage is part of the history of the site and the National Trust are also considering altering the Cottage to restore it to its original form, which will involve removal of a later extension which intrudes into the walled garden. This would make its use as a café even less viable. Accessibility to the cottage is also a limiting factor for its use as a café.

It is therefore accepted that the only long-term viable option for a café in the Upper Garden area is the current proposal. The considerations set out above in terms of the popularity of the facility amongst visitors, its ability to help to distribute visitors throughout the site, its convenient location as a stepping stone to wider parts of the site, and the absence of any viable alternative, are considered to clearly outweigh the identified harm to the Green Belt and do amount to very special circumstances.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

## **REASON FOR REPORT**

The application has been referred to the Committee by the Head of Planning Regulation due to the particular circumstances of the application.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises parts of the Quarry Bank Mill and Styal Estate. The whole of this estate covers an area of 172 hectares along the valley of the River Bollin, at the heart of which lies the Cotton Mill surrounded by other elements of this early industrial site. These other elements include the Mill Owner's house (Quarry Bank House), the Mill Manager's House, the Apprentice House and an entire worker's village as well as the agricultural land, a farmstead, allotments, walled garden, and picturesque gardens and woodland which complemented and helped to sustain this early industrial community.

A number of the buildings across the site are listed and the site is located within the Styal Conservation Area, the Green Belt and an Area of Special County Value as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to erect a permanent café building on the site of an existing temporary café building.

The temporary café building has permission until February 2020, at which point it is required to be removed from the site.

## **RELEVANT HISTORY**

There is a range of planning history across the site, but the most relevant to the current proposal is:

14/3242M - Upper Garden: Redevelopment of the Upper Garden, including the restoration of the historic glasshouse and back sheds, including provision of an ancillary retail offer within one of the restored back sheds, the temporary provision of a structure for catering and landscape restoration works. Construction of a new Gardener's Building and compound. Quarry Bank House: Change of use of Quarry Bank House from C3 (Dwellinghouse) to D2 (Assembly & Leisure). Styal Village Properties: Change of use and Listed Building Consent for 13 Oak Cottages from C3 (Dwellinghouse) to D2 (Assembly and Leisure) and conversion and adaptation of existing Collection Store to use as an interpretation facility. Northern Woods: Restoration of paths and bridges including the removal of modern paths. Car Park: Reconfiguration and extension of the existing car park, with associated landscaping works. Welcome Building: Provision of a new single storey visitor welcome building – Approved 07.02.2015

## **POLICIES**

**Cheshire East Local Plan Strategy 2017**

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
PG3 – Green Belt  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
EG4 - Tourism  
SC1 – Leisure and Recreation  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow 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

**Macclesfield Borough Local Plan Policy 2004**

NE1 Areas of Special County Value  
NE5 Parkland Landscapes  
NE11 Nature Conservation  
BE15 Listed Buildings  
BE24 Archaeology  
GC1 Green Belt New Buildings  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC54 Restaurants, Cafes, Takeaways

**Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance (NPPG)

Styal Neighbourhood Plan

The Styal Neighbourhood Plan has reached Regulation 7 (Neighbourhood Area Designation) stage. No draft plan or policies are currently available; therefore no weight can be afforded to it.

**CONSULTATIONS (External to Planning)**

Manchester Airport – No objections subject to an informative relating to the use of cranes.

Environment Agency – No comments received

Historic England – Do not offer any comments. Recommend the views of the Council's specialist conservation and archaeological advisors are sought.

Cheshire Gardens Trust – Support the proposal, noting:

- Preferable to retain café in present position, which does not encroach on the walled garden
- Although larger than temporary structure, design in interesting and suitably discreet, being no higher than walls of walled garden
- Orchard theme with suitable planting of trees would certainly be of benefit and historical value. Request that consideration is given to permeability of paving, limiting surface water run-off.

Environmental Health – No comments received

Cheshire Archaeology Planning Advisory Service – No objection

Styal Parish Council – In positive support of this application

### **REPRESENTATIONS**

None received

### **OFFICER APPRAISAL**

#### **Heritage Assets**

The main heritage issue is the impact of the proposals upon the significance of the Styal Conservation Area (designated heritage asset) and the Upper Garden, including walled garden and vinery (non-designated heritage asset).

The Upper Garden sits on high ground above the River Bollin. It was originally the kitchen garden for the Greg family (the Mill owners) and was being established in advance of Quarry Bank House (the Mill owner's house), ready for its occupation by the Gregs. It developed over time and also became an outlet for the horticultural pursuits of a number of members of the Greg family. Its ownership changed in the twentieth century and much of its historic features were lost, including a significant portion of the glasshouse and much of its glazing and secondary structure. Recent archaeological investigations have revealed more information about the heating system within the glasshouses, illustrating the innovation and ingenuity of the Greg family. This area includes the Gardener's Cottage, the Back Sheds and the slip gardens - areas outside of the walled garden itself used for growing fruit, nuts and vegetables.

The application site is located within the area known as the slip gardens. The path network in this area has been reinstated, the footprint of the building has been designed to respect these historic paths and field boundaries evident on the 1872 Ordnance Survey map. The proposed scheme takes on a form which reflects the constraints imposed by the wall and pathways. However, whilst the historical wall and path layout is respected, the introduction of a permanent building in this former orchard area is considered to result in some harmful impact to the significance of the Upper Garden area of the managed National Trust estate which forms part of the Styal Conservation Area.



It should be noted that following the planning permission granted in 2015, the works to the Upper Garden have been completed including the restoration of the walled garden and glasshouses and works to the “back sheds” to the rear of the wall. The back sheds now include a gift shop, toilets and an interpretation / educational area. Consequently, the restored Upper Garden is now a popular destination for visitors, and the temporary café has contributed to this attraction and has been in place since the restoration works were completed.

The proposed café building is a contemporary structure to be constructed mainly with glazing and larch boarding. Importantly, it does have a low roof line which is set below the top of the walled garden. Together with the extent of glazing and the stand off from the wall, this will still allow the wall of the garden to be appreciated. Overall it is considered that the level of harm resulting from the introduction of the building will be less than substantial.

Accordingly, as required by paragraph 196 of the Framework and policy SE7 of the CELPS, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the proposal are discussed below in the planning balance section of the report.

There are other heritage assets within the vicinity of the site including:

- The Grade II\* listed Mill Building
- The Grade II listed Mill Cottage
- The Grade II listed Packhorse Bridge
- The Grade II listed Quarry Bank House
- The Grade II\* listed Apprentice House

Due to the distance to these listed buildings and the intervening topography and vegetation there is not considered to be any significant impact upon the significance of these designated heritage assets or their setting.

The conservation officer has commented on the proposals and notes that the contemporary design of this new permanent structure can be accommodated within the complex of buildings on this site and would act as a contrasting architectural element in the landscape. He concludes that the proposed cafe will not harm the setting of the listed buildings in its surroundings.

### **Green Belt**

The construction of new buildings in the Green Belt are identified as inappropriate development, unless they are for one of the identified exceptions listed in paragraph 145 of the Framework and policy PG3 of the CELPS. In this case the proposed café building does not meet any of the exception criteria and is therefore an inappropriate form of development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Whilst there is a building on the site at present, this was allowed on a temporary basis until February 2020, and therefore the site is effectively an undeveloped site. The proposed development will encroach into this area of countryside and will reduce the openness of the area. Accordingly there is harm to the Green Belt by reason of inappropriateness, loss of openness (the essential characteristic of Green Belts) and encroachment into the countryside;

safeguarding the countryside from encroachment being one of the five purposes of Green Belts.

Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The other considerations that are relevant in this case are discussed in the planning balance section below.

### **Design**

The new single storey building is set against the backdrop of the existing garden wall set within proposed orchard planting. The building is positioned away from the garden wall and its roof is no higher than the height of the wall, so that it is invisible from within the Walled Garden. The corner of the structure closest to the end of the wall has been left open which ensures that as much of the wall is visible as possible and the entrance elevation is splayed to open up views to the wall. In addition, glazed elements inside the building ensure the wall is seen through the structure

The structure adopts a contemporary flat roof appearance, which minimises its overall bulk and massing. The proposed materials include: powder coated aluminium framing which encloses the public café area and scorched larch boarding to the kitchen and service areas, including a concealed service yard for waste and deliveries. The roof is a lead coloured single ply membrane with 'lead' rolls to mimic traditional roofing materials. Externally, the existing grassed slope is cut back and retained with a low brick wall. This area of grass will be planted with orchard trees. Generally, the surface for paving follows the general pattern of the whole site of sealed gravel with reclaimed York stone defining the main path to the entrance door.

The low level, contemporary and relatively lightweight appearance is considered to be sensitive to the proximate designated and local heritage assets and their settings in accordance with policy SE1 of the CELPS.

### **Living conditions**

Policy DC3 of the MBLP seeks to protect the living conditions of residential occupiers, and states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking.

The Gardener's Cottage, which is located at the North West corner of the walled garden is the nearest residential property to the application site. It is understood that this property is let out by the National Trust as a dwelling. However this property is located approximately 70m from the application site and as such the proposed café is not considered to raise any significant concerns regarding the impact upon living conditions for this property. It should also be noted that any occupiers of this dwelling will be accustomed to the presence of significant numbers of people now that the recently restored walled garden is a significant attraction to visitors. The proposal is therefore considered to comply with policy DC3 of the MBLP.

### **Highways**

The café is to be provided as a facility for existing visitors of the Quarry Bank Mill site, and replaces an existing temporary facility. Therefore it is not anticipated that the proposal will generate a significant parking demand, which cannot be accommodated within the enhanced parking facilities provided as part of permission 14/3242M. No significant highway safety or traffic generation issues are therefore raised.

It should also be noted that the wider Quarry Bank site is approximately 900 metres from Styal railway station, and has its own bus stop within the site. Visitors to the site are therefore not wholly reliant on the private car.

### **Trees and landscape**

There are no significant arboricultural implications arising from the proposed development. The proposal therefore complies with policies DC9 of the MBLP and SE5 of the CELPS.

Similarly, no significant landscape impact is identified, having regard to the limited scale of the café building, and its position adjacent to the walled garden. Additional orchard planting is proposed, which is specifically supported by the Cheshire Gardens Trust, however limited details have been provided for this planting and proposed hard surfaces around the building. Appropriate landscape conditions are therefore recommended to ensure compliance with policy SE4 of the CELPS and DC8 of the MBLP.

### **Ecology**

#### Great Crested Newts

A number of ponds are located within 250m of the proposed development and a small population of great crested newts has previously been recorded at one of these ponds. The application site however offers very limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and protection. The proposed development would not result in the fragmentation or isolation of great crested newt habitat.

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

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

#### Hedgehogs

The ecological assessment has highlighted the potential presence of this priority species in the vicinity of the proposed development. The ecological assessment includes a method statement of measures to minimise the risk of hedgehogs being disturbed during the proposed works. These measures are acceptable.

Appropriate conditions are recommended to ensure that the submitted Great Crested Newt and Hedgehog mitigation measures are implemented:

### Lighting

Any additional external lighting associated with the proposed permanent café buildings may have an adverse effect on wildlife and particularly bats associated with the surrounding adjacent woodland. Clarification has been requested from the applicant on the extent of any lighting proposed and will be reported as an update.

### Nesting Birds

The submitted ecological report highlights that the existing building on site has potential for use by nesting birds, therefore a nesting bird survey condition is recommended.

Subject to the above conditions, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

### **Archaeology**

Quarry Bank Mill is recorded in the Cheshire Historic Environment Record (CHER 2617/1/1) where it is noted that the site was established alongside the River Bollin in 1784 by Samuel Greg. The complex, much of which is Listed as Grade II\* and Grade II, saw further development and expansion during the 19<sup>th</sup> century. The estate is now owned by the National Trust.

A watching brief was recommended with regard to the 2014 application and a project design was approved for the work. However, none of the mitigation was focused on the proposed café site and therefore no archaeological issues are raised.

### **Planning Balance and conclusions**

The proposal is considered to be an inappropriate form of development in the Green Belt, which reduces openness and encroaches into the countryside. The identified harm to significance of the heritage assets is considered to amount to less than substantial harm, and should therefore be weighed against the public benefits of the proposal.

In terms of public benefits, the recent restoration works to the Upper Garden, including the restoration of the historic glasshouse and back sheds, the provision of an ancillary retail offer within one of the restored back sheds, the temporary provision of a cafe and landscape restoration works have been a key component in opening up the wider site for visitors, and enabling the wider understanding and appreciation of the totality of the site.

The temporary café has proved to be a very popular destination for visitors, and it serves to relieve the Mill Yard café, distributing people around the wider site effectively. This application for a permanent building reflects the success of the temporary provision which sought to test the need for refreshments in this area of the Quarry Bank complex. The applicant's submission outlines that since the erection of the temporary café the seating outside around the building is very popular with visitors. The internal seating area is limited in the building which does encourage more outdoor sitting. More importantly, this outdoor facility at the Upper Gardens contrasts with the fully enclosed offer in the Mill Café which is within one of the old mill buildings. At the Mill, there is limited opportunity for outdoor seating. At the Upper Garden, the café is sited on a south facing valley side and offers sheltered long views across the gardens and valley, and the outdoor seating provides an appropriate facility associated with the now very attractive historical Upper Garden.

As noted above, the café in this position relieves the pressure from the main café in the Mill Yard and allows visitors to explore the wider site without having to return to the Mill Yard for refreshments. The site is conveniently located on a route between the Mill yard, and the Styal Village properties to the north of the wider estate. The café undoubtedly increases the attraction of the Upper Garden to visitors, and the income generated by the café is all re-invested into the conservation work throughout the site. Any increase in visitor numbers will also be a benefit to the visitor economy of Cheshire East as a whole.

These considerations in favour of the proposal, including the identified public benefits are considered to clearly outweigh the less than substantial harm to the Styal Conservation Area, and the walled garden.

These same benefits of the proposal also contribute towards the “other considerations” needed to clearly outweigh the identified harm to the Green Belt. In addition to these benefits, the applicant has undertaken an options appraisal (for their internal use) to consider other options for the proposed café. Five options were considered, and these are outlined below:

- **Demolish the existing structure and provide no catering facility in the garden (Option1)**

This option would remove any development from the historic environment and would allow the slip garden to be returned to Orchard. However, the applicant notes that the enjoyment of the garden by visitors would be diminished; visitor numbers are projected to grow and without this facility the remaining facilities would be over stretched; the benefits and legacy of outside funding at risk of not being realised in the long term; visits to the garden area will likely reduce and dwell time will reduce; the viability of the shop would be affected; financial assessment illustrates that this is not a financially viable option.

- **Demolish the existing café and provide mobile catering at times of potential high demand (Option 2)**

This option would again remove any development from the historic environment and would allow the slip garden to be returned to Orchard. However, the applicant notes that the same dis-benefits outlined for option 1 would apply to this option.

- **Demolish the existing café and convert the Gardener’s Cottage to a café (Option 3)**

This option was the original intention at the time of the application for the temporary café. The intention with the temporary café was to allow time for the viability of this option to be fully investigated. This option avoids development in the Green Belt and the historic environment and allows the slip garden to be returned to orchard. This option provides a much less flexible arrangement for catering with an inefficient layout, and would be much more costly in staffing terms; discourages long term curatorial aspirations to return the house to its original smaller layout as the “Gardener’s Cottage”; is less central in terms of access from the car park and other areas of the site; rental income from house will be lost; provides less covers than the proposed unit; is further from the shop and will affect passing retail trade; financial assessment illustrates that this is not a financially viable option.

- **Seek extended planning permission for the existing structure (Option 4)**

The positive aspect of this option is that in the short term it maintains the existing situation in terms of catering in the Upper Garden and requires no major building disruption. However, in the long term (beyond 5 years) the temporary nature of this building means that it is not physically or financially viable; it does not cater for growing / target visitor numbers; and is too small as a long term option with very small food preparation and storage areas.

- **New café development on existing temporary café site (Option 5)**

This is the current proposal and the applicant's preferred option as their evidence suggests that this is both needed and wanted by visitors; financial assessment illustrates that this is a financially viable option; the benefits and legacy of the externally funded project are protected in the long term; will provide a well designed and top quality permanent facility in the garden environment; overall offer will be improved due to better planned space having learned from previous 3 years of operation; good landscape design can incorporate elements of the former orchard use; and it provides excellent access opportunities for all visitors. The dis-benefits of this option are that it will involve new building in the Green Belt; it uses land which was once orchard; and it requires significant funding.

The options appraisal suggests that the only long term options for the site are the current proposal or the use of the Gardener's Cottage. The Gardener's Cottage is located to the north west of the walled garden. The viability of this placement has proven to be difficult for the applicant as the cellular layout and domestic scale of the rooms does not offer suitable accommodation for the requirements of a café, has limited accessibility and the position of the Cottage does not work well with the visitors routes that are established on the site. The Gardener's Cottage is part of the history of the site and the National Trust are considering altering the Cottage to restore it to its original form, which will involve removal of a later extension which intrudes into the walled garden. This would make its use as a café even less viable. Furthermore, due to the configuration of the rooms within the building, it is considered that the Gardeners Cottage would not be easily accessible for all. The restrictive accessibility includes access into the building from outside, limited opportunity for self service areas and manoeuvrability within the spaces. For all of these reasons the applicant has confirmed that the re-use of the Gardener's Cottage is not an option for the Trust.

It is therefore accepted that the only long-term viable option for a café in the Upper Garden area is the current proposal. The considerations set out above in terms of the popularity of the facility amongst visitors, its ability to help to distribute visitors throughout the site, its convenient location as a stepping stone to wider parts of the site, and the absence of any viable alternative, are considered to clearly outweigh the identified harm to the Green Belt and do amount to very special circumstances.

Policy EG4 of the CELPS seeks to protect and enhance the unique features of Cheshire East that attract visitors to the area, including their settings, whilst encouraging investment. The policy explains that this will be achieved through a range of measures including the protection of Cheshire East's tourist assets, such as Quarry Bank Mill, protecting visitor attraction sites and promoting the enhancement and expansion of existing visitor attractions and tourist accommodation, and the provision of new visitor and tourism facilities, in sustainable and appropriate locations;

Policy EG4 maintains that proposals for tourist development outside the Principal Towns, Key Service Centres or Local Service Centres will be supported where they are either located within an existing or replacement building; or there is evidence that the facilities are required in conjunction with a particular countryside attraction, and the scale, design and use of the proposal is compatible with its wider setting, it would not be detrimental to the amenities of residential areas, the proposals are served by adequate access and infrastructure; and the site has access to local services and employment. In this case, it is considered that the facilities are required in association with the heritage assets on the Quarry Bank estate. Anchor sites such as Quarry Bank Mill are considered to be important for the local cultural and visitor economy. The current proposal supports the development of tourism infrastructure, an improved environment at the site and a focus on customer service to ensure a quality visitor experience.

As outlined above, the scale, design and use of the proposal is compatible with its wider setting. It will not result in any significant injury to the amenity of nearby residential properties. The Quarry Bank site has adequate access and infrastructure, and has access to local services and employment. In addition, no significant ecological issues are raised, and the visual and landscape impacts of the development are acceptable. No significant environmental effects have been identified.

The proposal is considered to be a sustainable form of development under the definition of The Framework.

Consequently, for the reasons outlined above, there are not considered to be any significant adverse impacts that would outweigh the presumption in favour of sustainable development in this case. The application is therefore 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. Landscaping - submission of details
5. Landscaping (implementation)

6. Development to be carried out in accordance with the Method Statement detailed in section 3 of the submitted Ecological Assessment
7. Nesting bird survey to be submitted





**This page is intentionally left blank**

Application No: 19/0681N

Location: The Old Vicarage, Bridgemere Lane, Hunsterson, CW5 7PR

Proposal: Bespoke lean-to extension to be constructed in replacement of the current conservatory to the right of the existing dwelling.

Applicant: Mr & Mrs Clowes

Expiry Date: 04-Apr-2019

## REASON FOR REPORT

This application has been referred to the Northern Planning Committee as the applicant is an elected Ward Member of Cheshire east Borough Council.

### SUMMARY

The application is a stable building located within the open countryside.

Policies PG.6 (Open Countryside) of the Cheshire East Local Plan allows for extensions to existing dwellings within the open countryside provided that are not disproportionate to the original dwelling. Further to this, the Supplementary Planning Document: Extensions and Householder Development permits extensions that do not lead to an increase of the original dwelling of more than 100% volume.

The application property is within the Open Countryside, the proposed development will not exceed 100% of the volume of the original dwelling and will remain subservient to it. Therefore, the proposed development is considered to be in accordance with the above policies.

Access will be via the existing highways arrangements and sufficient parking space is achievable within the confines of the site.

The proposal is considered to be an acceptable form of development, and therefore a recommendation of approval with conditions is made.

**Summary Recommendation:**  
Approve subject to conditions

## **DETAILS OF PROPOSAL**

This application seeks approval for a single storey side extension in place of an existing conservatory.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a detached two storey dwelling situated in an isolated location on Bridgemere Lane within the Open Countryside. The property is set back from the passing highway with mature vegetation to the boundaries.

The closest neighbouring dwelling is situated approximately 100 metres away to the east and agricultural land is located to the north, west and south.

## **RELEVANT HISTORY**

P04/1481 - Two Storey Rear Extension – approved with conditions 2005

7/14580 - Garage and kennel – approved 1987

7/14126 - Erection of garage, store and kennel - approved 1987

## **POLICIES**

**Neighbourhood Plan** - Wybunbury and Combined Parishes Neighbourhood Plan - Reg 14 Stage

H.4 – Design

E.5 - Landscape Quality, Countryside and Open Views

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

SD.2 – Sustainable Development Principles

SE.1 – Design

PG.6 – Open Countryside

### **Crewe & Nantwich Borough Council Local Plan Policy**

BE.1 – Amenity

RES.11 – Improvements and Alterations to Existing Dwellings

Supplementary Planning Document: Extensions and Householder Development

National Planning Policy Framework

## **CONSULTATIONS**

None

## **VIEWS OF THE PARISH**

No comments received

## **OTHER REPRESENTATIONS**

None received

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposal is for a single rear extension to replace an existing conservatory to a dwelling situated within the Open Countryside which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or the Open Countryside.

### **Amenity**

Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan allows for new development that:

- Is compatible with surrounding land uses
- Does not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, visual intrusion, noise and disturbance, odour or in any other way
- Does not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses
- Does not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land

In terms of residential amenity the closest neighbouring dwelling is situated approximately 100 metres to the east of the application site. Given this distance and the position of the proposal to the west elevation it is not considered that there will be any detrimental impact on neighbouring residential amenity.

There are no other neighbouring dwellings near the application site.

Overall, it is considered that the proposed development is in accordance with Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan.

### **Design and Open Countryside**

Policy PG.6 (Open Countryside) of the Cheshire East Local Plan allows for extensions to existing dwellings where the extension is not disproportionate to the original dwelling.

Further to this, the Supplementary Planning Document: Extensions and Householder Development permits extensions that do not result in an increase of over 100% of the volume of the original dwelling.

With the above in mind the application dwelling is a substantial two storey detached dwelling that lies in an isolated position along Bridgemere Lane. There is very little existing development along Bridgemere Lane; as such there is no real set vernacular.

In terms of the design of the proposed extension it will be single storey and project from the side elevation of the existing dwelling. It will measure 3.6 metres in height with an eaves height of 2.7 metres, a projection of 3.8 metres and a width of 7.4 metres. The proposed extensions will not lead to an increase of over 100% of the original dwelling alongside the other previously approved extensions. .

These dimensions will allow the proposal to remain subservient and subordinate to the host dwelling and will not lead to any visual impact on either the existing dwelling or the open countryside in the wider context. Furthermore, the proposed development will not be readily visible from public viewpoints, as such there will be no visual impact on the streetscene.

Given the above it is not considered that the proposed development will be unduly prominent and will not be disproportionate to the existing dwelling, nor will it have a detriment impact upon the surrounding Open Countryside. Therefore, the proposed development is in accordance with Policy PG.6 (Open Countryside) of the Cheshire East Local Plan and supplementary planning guidance.

### **Highways and Parking**

There will be no change to the existing highways and parking arrangements.

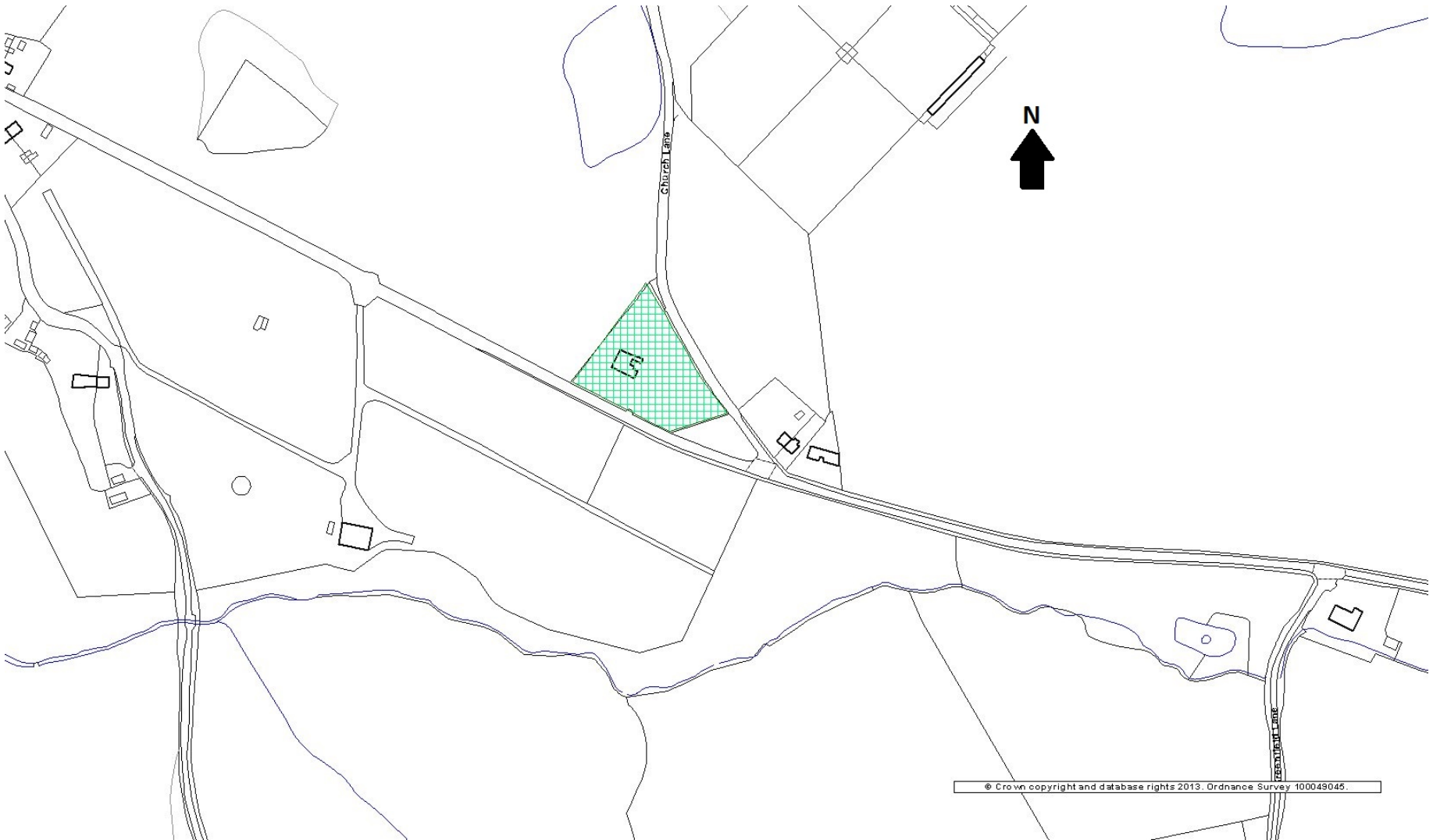
### **SUMMARY AND CONCLUSION**

The proposed development will not raise any neighbouring amenity or highways concerns. Furthermore, the proposal is considered to be appropriate to the host dwelling and the open countryside location in terms of design, scale, bulk and mass. Therefore, there will not be any visual impact to either the streetscene of Bridgemere Lane or the wider open countryside.

### **RECOMMENDATIONS**

#### **APPROVE with conditions**

1. Time limit for commencement of development (3 years)
2. Approved Plans
3. Materials as per application



**This page is intentionally left blank**



---

**NORTHERN PLANNING COMMITTEE**

---

**Date of Meeting:** 13 March 2019

**Report Title:** Land to the South of 18 Gaskell Avenue, Knutsford

**Portfolio Holder:** Cllr Ainsley Arnold

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

---

## **1.0 Purpose of Report**

- 1.1.1 To note the withdrawal of a reason for refusal relating to planning application 18/3205M for the construction of a detached dwelling to the Land to the south of Gaskell Avenue, Knutsford.

## **2.0 Decision Required**

- 2.1 To note withdrawal of one of the reasons for refusal and to instruct Officers to advise the Planning Inspectorate that this appeal will only be contested on the remaining reason for refusal and should proceed to a decision accordingly.

## **3.0 Background**

- 3.1 Members may recall at the meeting on 10 October 2018 two applications were considered on the same site to the south of Gaskell Avenue, Knutsford.
- 3.2 The report for application 17/5071M sought a resolution for the case the Council should put forward in respect of an appeal made against the non-determination of the planning application. This application was for the erection of a pair of semi-detached properties.
- 3.3 The report for application 18/3205M was recommended for refusal but was for a single detached property.
- 3.4 At the meeting on 10 October 2018 members supported the recommendation put forward with both applications and therefore the Council's defence of the appeal for 17/5071M was put forward on the same basis as application 18/3205M. The reasons for refusal are as follows;
1. *The proposal will have a substantial detrimental impact on the character and appearance of the Conservation Area by way of the scale and location of the development and the loss of green open space between dwellings. No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan*

*and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.*

2. *The proposal will result in vehicles passing directly alongside the The Coach House and this will have a detrimental impact on the amenity of this property by way of disturbance and potential overlooking caused by inappropriate vehicle movements. The proposal is therefore contrary to Policies DC3 and DC41 of the Macclesfield Borough Local Plan..*

- 3.5 The appeal for application 17/5071M has now been considered by the Planning Inspectorate and was dismissed. The Inspector in his considerations fully supported the Council's position in respect of the impact of the development on the conservation area. However, the Inspector considered that the level of overlooking and disturbance caused by the two proposed dwellings on the adjacent property would be acceptable and he stated the following;

*The proposed access route is currently used by occupiers of the existing apartments to access a side entrance to Hamlet House, and is also used to access an existing garage to the rear. Whilst the proposal would generate some increase in traffic and footfall along this route, this would be limited in frequency. In my view, it would not result in a significant level of noise and disturbance or loss of privacy.*

- 3.6 The appeal relating to 18/3205M has now been submitted and it is considered the Council can put forward a robust case to support the first reason for refusal. However, this is not the case for the second reason for refusal that relates to the impact of the proposals on the amenity of neighbouring properties. This is because the Inspector considered the impact of 2 properties to be acceptable and this current appeal is for a single dwelling which has no greater impact.
- 3.7 The Council has a duty to react to changed circumstances at the earliest opportunity and it would now be considered unreasonable to continue to defend the reason for refusal based on amenity impact.
- 3.8 The appeal will still be robustly defended on the first reason for refusal, which relates to the impact of the development on the character and appearance of the Conservation Area.

#### **4.0 Conclusion**

- 4.1 On the basis of the above, it is considered that the Council at this time cannot reasonably continue to rely upon the second reason for refusal for this appeal.

#### **5.0 Recommendation**

- 5.1 To note withdrawal of the second reason for refusal and to instruct Officers to advise the Planning Inspectorate that this appeal will only be contested on the second reason for refusal.