

Northern Planning Committee

Agenda

Date: Wednesday, 10th July, 2019
Time: 10.00 am
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 12)

To approve the Minutes of the meeting held on 5 June 2019 as a correct record.

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

4. **Public Speaking**

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

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

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

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

5. **WITHDRAWN-19/1134M-Proposed Residential Development of 17 dwellings (including 5 affordable homes) with New Access to A54 Buxton Road following demolition of existing buildings on site, Wheatsheaf Farm, Buxton Road, North Rode for Brighthouse Homes (Pages 13 - 34)**

To consider the above application.

6. **18/6189M-Improve facilities including provision of a path network with one section of adoptable shared use path with lighting, new play area, new drainage system, multi-use games area and a pitch for kick-about football, Land at Browns Lane, Wilmslow for Ms Ruth Morgan, Ansa Environmental Services Ltd (Pages 35 - 48)**

To consider the above application.

7. **Cheshire East Borough Council (Macclesfield - Land to the East of 80 Birtles Road) Tree Preservation Order 2019 (Pages 49 - 72)**

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 5th June, 2019 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor C Browne (Chairman)
Councillor T Dean (Vice-Chairman)

Councillors L Braithwaite, JP Findlow, A Gregory, A Harewood, S Holland,
I Macfarlane, N Mannion, B Puddicombe and L Smetham

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Q Abel, S Akers Smith and J Nicholas

OFFICERS PRESENT

Sheila Dillon (Senior Lawyer)
Neil Jones (Principal Development Officer)
Robert Law (Principal Planning Officer)
Paul Wakefield (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Roberts.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received correspondence from former Councillor Gaddum with regard to application number 19/0739C.

With regard to application number 18/6157M, Councillor T Dean declared that he had been a member of Knutsford Town Council when the application had originally been submitted. However, the application had been significantly amended, he had not been party to the consultations on the current version of the application and he had kept an open mind.

With regard to application number 18/3938M, Councillor N Mannion declared that his cousin was a manager at Lowerhouse Mill, but he had not discussed the application.

With regard to application number 19/0739C, Councillor L Smetham declared that she had called in the application but that she had not discussed it beyond passing references and had kept an open mind.

With regard to application number 18/3938M, Councillor A Gregory declared that he and his wife had friends who were residents of Albert Road but he had not discussed the application with them.

With regard to application number 19/0739C, Councillor S Holland declared that she was familiar with the applicant.

With regard to application number 18/6374C, Councillor S Holland declared that she had taken part in a vote at Congleton Town Council, so she would leave the room and not take part in the debate or vote.

With regard to application number 18/4060M, Councillor P Findlow declared that he knew the applicant but not well.

3 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 10 April 2019 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

RESOLVED - That the public speaking procedure be noted.

5 TERMS OF REFERENCE

RESOLVED – That the Committee's Terms of Reference be noted.

6 18/3938M-ERECTION OF 34 DWELLINGS WITH ASSOCIATED WORKS TO INCLUDE OPEN SPACE, PLAY AREA AND A FLOOD MITIGATION AREA, LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON FOR HILLCREST HOMES (EST. 1985) LTD AND AVAL

Note: Councillor James Nicholas (Ward Councillor), Liz Thomas (objector) and Rawdon Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	30% (10 units) (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision
Education	Primary 0 Secondary 5 £81,713 Total education contribution: £81,713	50% Prior to first occupation 50% at occupation of 17th dwelling
Public Open Space inc play, amenity greenspace, ecological, riverside walkway & buffer areas.	Management Co. for on-site open space £34,000 towards works of addition, improvement and enhancement to the sports pitches, courts and greens at Bollington Recreation Ground and within the period of 15 years from receipt.	On first occupation

and the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Removal of permitted development rights for Classes A-E
4. Construction of access prior to first occupation
5. Landscaping - submission of details and to include retention of west boundary hedge where possible and planting with native species
6. Landscaping (implementation)
7. Protection for breeding birds during bird nesting season
8. Submission of landscape management plan
9. Details of ground levels to be submitted including cut and fill
10. Nesting bird mitigation measures
11. Notwithstanding submitted detail, details of boundary treatments to be submitted and approved (to exclude the provision of any gate to the main access)
12. Details of proposed noise fence to be submitted and approved
13. Should any contamination be found, a remediation strategy shall be submitted to the EA
14. Features for roosting bats to be incorporated into housing
15. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
16. Submission of an ecological enhancement management strategy including proposals for the eradication of Himalayan Balsam
17. Submission of updated badger survey prior to commencement of development.
18. Details of pile foundations to be submitted and approved
19. Electric Vehicle Infrastructure to be provided at each property with private driveway

20. Scheme of dust control to be submitted and approved
21. Contaminated Land Survey to be submitted and approved
22. Development to be carried out in accordance with Flood Risk Assessment
23. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
24. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted
25. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events to be submitted and approved
26. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted and approved
27. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems
28. Details of facing, roofing and surfacing materials to be submitted and approved
29. Scheme of Tree Protection to be submitted and approved
30. Tree Pruning/Felling Specification to be submitted and approved
31. Construction Management Plan to be submitted
32. Standard broadband condition
33. Details of bin stores to be submitted
34. Scheme of play equipment to be submitted, approved and implemented.
35. Noise mitigation measures inc mechanical ventilation for the houses nearest to the Mill to be submitted / implemented

- (b) That, in order to give proper effect to the Committee's intent and without changing the substance of its decision, authority be delegated to the Head of Development Management following consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice or in the event of an appeal.

7 19/0739C-OUTLINE APPLICATION FOR AN AGRICULTURAL WORKERS DWELLING (PERMANENT), LAND TO THE WEST OF, PEXALL ROAD, BRAMHALL HILL, CONGLETON FOR MR & MRS DAVID AND JULIE PLATT

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: Bridget Taylor (supporter) and Ben Wharfe (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That authority be DELEGATED to the Head of Development Management to APPROVE the application contrary to the planning officer's recommendation for refusal, following consultation with the Chairman and Ward Member, subject to:
- receipt of written confirmation of offer of 10 year land tenancies
 - the following conditions:
 1. Approval of reserved matters
 2. Submission of reserved matters
 3. Submission of RM within 3 years
 4. Commencement within 2 years of last RM
 5. Agricultural occupancy
 6. Removal of Classes A-E PD rights
 7. Agricultural buildings constructed before dwelling
- (b) That, 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 Development Management be granted delegated authority to do so following consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Note: Members requested that the reserved matters application be considered by the Northern Planning Committee.

8 **18/4060M-ERECTION OF A REPLACEMENT POTATO PROCESSING FACTORY FOLLOWING DEMOLITION OF THE EXISTING POTATO PROCESSING FACTORY, BENTWORTH, LEES LANE, NEWTON FOR MR RICHARD PARK, E PARK AND SONS LTD**

Note: Richard Park (applicant) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED, subject to referral to the Secretary of State 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. Submission of landscape/woodland management plan
9. Lighting
10. Nesting birds
11. Breeding birds
12. Dust control
13. Removal of permitted development rights
14. Surface water flood risk mitigation
15. Surface water drainage
16. Electric vehicle infrastructure
17. Contaminated Land
18. Details of substation to be submitted

(b) That, 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 Development Management be granted delegated authority to do so following consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

- 9 **18/6157M-DEMOLITION OF EXISTING 1920'S COTTAGE ON THE SITE OF 'THE OWLS', LEGH ROAD IN KNUTSFORD AND REPLACING WITH A NEW 4-BEDROOM DETACHED FAMILY RESIDENCE. (REVISED PLANS FOR REDUCTION OF LENGTH OF REAR PROJECTION ON NORTHERN SIDE; SINGLE VEHICULAR ACCESS; CHANGE TO MATERIALS; AMENDMENTS TO ROOF LIGHTS), THE OWLS, LEGH ROAD, KNUTSFORD MR PETER HAWLEY**

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: Councillor Quentin Abel (Ward Councillor), Town Councillor James McCulloch (representing Knutsford Town Council), Felicity Wimbush (on behalf of objectors) and Melanie Whild (representing the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

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

1. Time - commencement of development within 3 years
2. Development to be carried out in accordance with approved (revised) plans
3. Removal of Class A –E permitted development rights
4. Proposed Levels to be submitted
5. Materials – details and samples of facing materials to be approved.
6. Rooflights to be flush with the roof slope
7. Rooflights obscurely glazed/ non opening (to North & South elevation facing out of the site)
8. Rainwater goods – metal, black or a colour agreed with the LPA.
9. Garage to be retained for parking of motor vehicles and cycles
10. Notwithstanding details on elevation - Garage doors to be timber, vertically boarded unless otherwise agreed with the LPA.
11. Boundary treatment details to be submitted
12. Landscape Plan to be submitted
13. Landscaping Plan Implementation
14. Trees to be retained as shown on approved do.
15. Scheme for Tree Protection to be submitted.
16. Updated bat survey if works commence after May 2020.
17. Method Statement / Construction Specification for alterations to the driveway within RPA of protected tree.
18. Electric Vehicle Infrastructure to be provided
19. Drainage- foul and surface water on separate systems
20. Pile Driving – method statement to be submitted.

10 18/6374C-PROPOSED SITE CLEARANCE AND CONSTRUCTION OF A FOUR/FIVE STOREY BUILDING FOR 44 APARTMENTS (USE CLASS C3) WITH UNDER CROFT CAR PARKING, ACCESS, SURFACE CAR PARKING, RETAINING WALLS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE, FORMER DANE BRIDGE MILL SITE, MILL STREET, CONGLETON FOR SUSAN ALEXANDER, SELYOR PROPERTIES LTD

Note: Having made a declaration at the beginning of the meeting, Councillor S Holland withdrew prior to the Committee's consideration of this item. Councillor Holland did not return to the meeting.

Note: Councillor Suzie Akers Smith (Ward Councillor) and Susan Alexander (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	30% (13 units) (65% (8 units) Affordable Rent / 35% (5 units) Intermediate)	No more than 80% open market occupied prior to affordable provision
Education	Primary £21,693 Secondary £32,685 Total education contribution: £54,378	50% Prior to first occupation 50% at occupation of 22nd dwelling
Health	£24,552 towards expansion or redevelopment of the Readesmoor and Meadowside surgeries	50% Prior to first occupation 50% at occupation of 22nd dwelling
Public Open Space	£4,920.19 and £13,064.75 towards enhancement and future maintenance (25 years) of Congleton Park Town Wood	On first occupation

and the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Landscaping scheme to be implemented in accordance with the submitted scheme
4. Development to be carried out in accordance with submitted Arboricultural Impact Assessment
5. Tree protection of retained trees / hedgerows
6. Protection for breeding birds during bird nesting season
7. Details of ground levels to be submitted, approved and implemented
8. Details of external facing materials to be submitted, approved and implemented
9. Details of boundary treatments to be submitted, approved and implemented
10. Development to be carried out in accordance with submitted noise survey and shall meet British Standards
11. Development to be carried out in accordance with submitted Flood Risk Assessment.
12. Foul and surface water drainage to be connected on separate systems

13. Scheme of surface water drainage to be submitted, approved and implemented
 14. Phase II contaminated land investigation to be submitted, approved and implemented. Remediation of contaminated land to be carried out
 15. Verification of remediated contaminated land to be submitted and approved
 16. Details of bin storage / waste strategy to be submitted
 17. Details of pile foundations / floor floating to be submitted, approved and implemented
 18. Electric Vehicle Infrastructure to be provided prior to first occupation (5 Mode 2 compliant charging points)
 19. Broadband connection / digital connections to be made prior to first occupation
 20. Submission, approval and implementation of Travel Information Pack
 21. Submission, approval and implementation of a scheme of archaeological mitigation
 22. Submission, approval and implementation of a Construction Environmental Management Plan
 23. Accordance with Ecological Assessment
 24. Nesting bird mitigation measures to be submitted, approved and implemented
 25. Details of external lighting and undercroft lighting to be submitted, approved and implemented
 26. Scheme for biodiversity enhancement to be to be submitted, approved and implemented
- (b) That, 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 Development Management be granted delegated authority to do so following consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

11 19/1926C-FRONT, SIDE AND REAR SINGLE STOREY EXTENSION TOGETHER WITH A SINGLE GARAGE CONVERSION, 70, VICARAGE LANE, SANDBACH FOR MR IAN BUNN

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement of development (3 years)
 2. Development in accord with approved plans

3. Materials to match existing
- (b) That, 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 Development Management be granted delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.00 am and concluded at 2.55 pm

Councillor C Browne (Chairman)

Application No: 19/1134M

Location: WHEATSHEAF FARM, BUXTON ROAD, NORTH RODE, CW12 2PH

Proposal: Proposed Residential Development of 17 dwellings (including 5 affordable homes) with New Access to A54 Buxton Road following demolition of existing buildings on site.

Applicant: Brighthouse Homes

Expiry Date: 12-Jul-2019

SUMMARY

The proposed development would bring with it some economic benefits both during the construction period and post construction, resulting in increased additional trade for local shops and business.

While the Council can now demonstrate a five year supply of land for housing, it is imperative that the Council maintains a rolling supply. The provision of 17 units would make some contribution towards this.

However, the proposal would result in substantial environmental harm, in terms of its severe impacts on the historic environment, local landscape and hedgerows. The development would also encroach into the open countryside and would be unacceptable in principle. The site is also considered to be in an unsustainable location, with any future occupiers likely to be highly reliant on private cars. Additionally insufficient information has been provided regarding the potential impacts of contamination and the possibility of mitigation. In terms of social sustainability, the affordable housing provision would not fully comply with the requirements of CELPS.

The modest benefits derived from the proposal would not outweigh the substantial harm identified. Accordingly the application is recommended for refusal.

SUMMARY RECOMMENDATION:

Refuse

REASON FOR REPORT

The proposal is for a residential development of more than 1 hectare and therefore requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site covers 1.4ha and lies within the countryside beyond the Green Belt as identified in the MBLP. The existing site comprises a number of sheds, cabins and containers, with a mixture of agricultural and commercial businesses taking place. There is an existing access to the site from Buxton Road, opposite Station Road.

The site runs parallel to the Macclesfield Canal and is within the Macclesfield Canal Conservation Area. Lock Numbers 5 and 6, as well as the canal bridge are all grade II listed and lie within the immediate vicinity of the site. There is also a Pill Box to the north of the site which is on the Council's list of buildings of local interest.

The canal tow path is a public right of way which runs the full length of the site (footpaths 6334 and 8050).

PROPOSAL

The proposal is for the demolition of all of the existing structures on the site and the construction of 17 houses including 5 affordable units. A new access and road would be created onto Buxton Road. All of the units would face onto the new access road.

RELEVANT PLANNING HISTORY

11/3124C – part approve/part refuse

Certificate of Lawfulness for a Change of Use of Agricultural Buildings as B8 Storage and Distribution and for Change of Use and Operational Development for the Construction of Hardstanding

10/3114M – refused - 04/11/2010

Demolition of workshop building and conversion of a barn to holiday accommodation with amendments at Wheatsheaf Farm (resubmission of previously approved scheme 04/0971P)

04/0971P – approved - 14/06/2004

Renewal of approval 99/1069P for the conversion and alterations to barn to form holiday accommodation with amendments to condition 4

99/1069P – approved – 30/06/1999

Conversion of redundant farm building to holiday accommodation and change of use of end bay of agricultural building from livestock rearing to implement store and workshop

98/1361P – refused – September 1998

Change of use of barn to dwelling with extensions. Extension of existing outbuilding; Demolition and replacement of existing outbuilding

96/1996P – approved – January 1997

Side extension to form livestock building

78018P - August 1994

Slurry store and lagoon (agricultural determination)

75126P – approved – October 1993

Steel framed agricultural building

40214P – approved – 4/04/1985

Installation of mobile home

259502PB – refused – 30/06/1982

3 bed bungalows for agricultural worker

27363P – approved - 16/09/1981

Temporary home

23957P – approved – 09/10/1980

Agricultural access

POLICY

Cheshire East Local Plan Strategy

MP1 – Presumption in Favour of Sustainable Development

PG 2 – Settlement Hierarchy

PG 6 – Open Countryside

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable Development Principles

IN 1 – Infrastructure

IN 2 – Developer Contributions

SE 1 – Design

SE 2 – Efficient Use of Land

SE 3 – Biodiversity and geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 12 – Pollution, Land Contamination and Land Instability

SE 13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

Appendix C – Adopted Parking Standards

Macclesfield Borough Local Plan

NE3 – Landscape Conservation

NE17 – Nature Conservation in Major Developments

BE6 – Macclesfield Canal Conservation Area

GC6 – Outside the Green Belt Areas of Special County Value and Jodrell Bank Zone
RT7 – Cycleways, Bridleways and Footpaths
RT10 – Canals and Water Recreation
DC3 – Design – Amenity
DC6 – Design – Circulation and Access
DC8 – Design – Landscaping
DC35 – Residential – Materials and Finishes
DC36 – Residential – Road Layouts and Circulation
DC37 – Residential – Landscaping
DC38 – Residential – Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework (NPPF 2019)

Cheshire East Council Design Guide

Landscape Character Area Appraisals

CONSULTATIONS

Canal and River Trust - Comments made regarding the landscape, setting, flood risk and impact on the canal. They have suggested conditions relating to landscaping, removal of permitted development rights for boundary treatments, risk assessment and method statement, revised flood risk assessment, contamination management plan, drainage details and access onto the towpath.

Historic England - Do not wish to offer any comments. Suggest seek the views of your specialist conservation and archaeological advisers.

Environment Agency – No comments received

United Utilities – Conditions should be imposed requiring a surface water drainage scheme to be submitted and requiring foul and surface water to be drained on separate systems. A management and maintenance plan should also be provided for the surface water drainage systems.

Flood Risk - applicant should ensure that the flood risk from the canal is considered within the Flood Risk Assessment. Conditions should be imposed requiring percolation test results, and a detailed strategy/design limiting surface water run-off.

Strategic Infrastructure Manager – No objection subject to conditions relating to the construction of the access and the provision of visibility splays.

Education – Comments not received at time of report preparation

Strategic Housing - Object to this application. Three units should be provided as Affordable rent and two units as Intermediate tenure. An Affordable Housing Statement is required. There needs to be a North Rode Rural Housing Need Survey provided to show the required

need in full. Also there is no full explanation of the mix on tenures for the 5 Affordable Housing

Countryside and Rights of Way - It appears unlikely that the proposal would affect the adjacent public right of way.

Bosley Parish Council - Proper consideration should be given to the development's suitability in a rural setting and any traffic implications regarding access to the A54.

North Rode Parish Council - As the site currently operates for commercial uses, the principle of development is acceptable. Concerns raised regarding the sustainability of the location and the spread and maintenance of affordable housing across the site. Conditions should also be imposed regarding electric vehicle charging points and Highways should consider a lower speed limit as the existing Station Road junction is dangerous when turning right.

REPRESENTATIONS

Representations have been received from six neighbours. The main points are summarised as follows:

- A54 adjacent to the site is risky for cyclists. It makes the applicant's case that the site is accessible to schools and shops a complete nonsense. The National Cycle Network (NCN) referred to is at least 2.4 miles away and would not help with people looking to get to schools or shops. If the developer wanted to improve sustainable transport links, they could supply funds to upgrade the canal towpath adjacent the site.
- There are no NCN routes in the vicinity and no footpaths and no street-lighting along the A54. The statement that the site is highly accessible on foot is misleading.
- The closest bus stops are not accessible from the proposed site. The statement that the site has limited accessibility by public transport, walking and cycling is false.
- Represents worse form of sporadic development in the countryside, away from services and not served by public transport.
- The accident review is flawed and based on inadequate information. At least two other accidents have taken place since the incident referred to in the report. The survey took place in the school holidays when the traffic is lower and not representative of routine traffic. Queries regarding the speed survey as it found 15% of vehicles to be breaking the speed limits.
- The applicant has constructed a new agricultural building on land adjacent to Station Road, indicating that the applicant is looking to relocate the site activities elsewhere.
- The proposal would not enhance the local area and would urbanise land within the open countryside
- Agree with comments made by landscape officer
- Would set a precedent, placing more pressure on the countryside
- Would not represent sustainable development
- Existing pressure on utilities – no mains drainage overhead electricity cables and old water supply pipes.
- Development would use more greenbelt development area than brownfield site

- It would not be sustainable development and would be based on the demolition of existing agricultural buildings, which are consistent with the rural character of the area.
- Unacceptable degree of urbanisation, detrimental to the character of the locality.
- No overriding need for residential development
- Affordable housing justification is spurious given that such provision should be well-related to centres where employment and services are available, without reliance on private car travel.

OFFICER APPRAISAL

Principle of Development

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*'. This is echoed within policy MP1 of the CELPS and paragraph 11 of the NPPF 2018 which also seeks that decisions should apply a presumption in favour of sustainable development should the development proposals accord with an up-to-date development plan without delay.

The site lies within the Open Countryside, where CELPS policy PG 6 applies. The justification confirms that the Cheshire countryside is highly valued by residents, visitors and businesses alike. It confirms that the key objective of this policy is the preservation of the countryside.

This policy sets out the types of development which may be acceptable within the Open Countryside. This includes the replacement of existing buildings by new buildings not materially larger than the buildings they replace. It does not specifically refer to the redevelopment of brownfield or previously developed sites.

Policy SD 1 lists the considerations which will apply in order to achieve sustainable development in Cheshire East. Point 15 states that it will include making efficient use of land, protecting the best and most versatile agricultural land and making best use of previously developed land where possible.

Policy SE 2 deals with the efficient use of land. It confirms that the Council will encourage the redevelopment/re-use of previously developed land and buildings. It confirms that all windfall development should: consider the landscape and townscape character of the surrounding area; build upon existing concentrations of activities and existing infrastructure; not require major investment in new infrastructure and consider the consequences for sustainable development.

Appendix 17 of the CELPS defines 'previously developed land that is or was occupied by a permanent structure and any associated fixed surface infrastructure.' It specifically excludes land occupied by agricultural buildings or structures.

Does the site comprise previously developed land?

In 2011 a certificate of lawful use was submitted for the site. This related to the four buildings to the north of the site (shown as building A on the existing site plan) and two areas of hardstanding to the south. The certificate alleged that the buildings had a lawful B8 use (Storage and Distribution) and also alleged that the area of hardstanding was lawful.

A certificate of lawful use was issued in respect of 3 of the 4 buildings, which form building A. The certificate of lawful use was refused insofar as it related to 1 of the buildings (marked as section 2 of building A on the existing plan), and the areas of hardstanding, as it had not been demonstrated that the use/operations had been ongoing for the requisite time to make them lawful.

The applicant advises that the use within the remaining building now also has a lawful commercial use, alleging that it has been used for car sales for a continuous period in excess of 10 years. However, no certificate of lawful use has been issued to confirm this. As such, it has not been shown that this section of building A is 'previously developed land' for the purposes of Policy SE2.

There is no planning history to suggest that buildings B, C and E have a lawful use other than agriculture. At the time of the site visit, building E was being used for lambing while there was what appeared to be agricultural storage within shed B. The supporting statement acknowledges that these structures are used at least in part for agricultural purposes. As a consequence, they do not meet the definition of previously developed land.

Similarly there is no planning history for the shipping containers or caravan on the site. There are debates within case law as to whether shipping containers constitute operational development or a use of the land. This will depend on their degree of permanence, the ease with which they could be removed and the means with which they have been anchored to the ground. The siting of a caravan is commonly accepted to be a use of the land and is not considered to be a building.

In this case, aerial photographs appear to indicate that the containers have been in situ for a number of years. However, as aerial photographs only show snapshots in time, it is not clear whether they have been moved around the site. Likewise, the means with which they are fixed to the ground or the ease with which they could be removed is not known. That being said, it is acknowledged that containers and other forms of outdoor storage do have some visual impact on the countryside.

Whilst some of the areas of hardstanding appeared to be being used for external storage, the area to the north of shed E was being used for the storage of bales, indicating an agricultural use.

Council records indicate that the cabin marked D has been there since at least 2010.

The proposed development shows the new dwellings to be constructed across the full width of the site, with houses along both sides of the newly installed road.

The site has a mixed commercial and agricultural use. Whilst the commercial uses would meet the definition of previously developed land; this is not the case for the agricultural uses.

The supporting information indicates that the existing buildings have a total volume of 1152.82 cubic metres. The total footprint is shown to be 2631sqm. Both of these figures include the containers, caravan and the sheds which are not demonstrated to be in a lawful commercial use.

Excluding these containers, sheds and the caravan on the basis that they do not comply with the definition of 'previously developed land', the total volume of buildings on the site would be 8535.12 cubic metres, with a footprint of around 943sqm (buildings A & D).

When the containers are included, the total volume on site would be 9134 cubic metres and the total footprint would be approximately 1621sqm.

The proposed plans show the new development to have a total volume of 9769.5 cubic metres and a footprint of 1637sqm. From these figures, it is clear that even when including the shipping containers, the proposed development would result in an increase in volume on the site.

The supporting statement also acknowledges that the proposed development would result in a 23% increase in floor area (even when including all of the buildings and structures, which do not meet the definition of previously developed land).

This is indicative of the greater spread of two storey development across the site. The proposed dwellings would spread out over a greater proportion of the site, with the built form and proposed garden areas extending into land which is currently undeveloped.

All of the proposed dwellings are shown to be two storey dwellings. The southern part of the site is currently dominated by low level structures and areas of undeveloped land. The spread of two storey form across this part of the site would have a greater impact on the countryside than the current development.

The proposed development would result in the spread of two storey built form across the site and would encroach into undeveloped countryside. It would appear significantly more intrusive within its setting than the existing development. It would fail to comply with the requirements of CELPS policies PG 6, SD 1 and SE 2. The principle of development for the quantum and spread of built form proposed is not considered to be acceptable.

Housing Land Supply

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

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

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

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

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

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

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Affordable Housing

CELPS Policy SC5 outlines that in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1000sqm) in Local Service Centres and all other locations, at least 30% of all units should be provided as affordable homes.

This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing. Therefore for this development of 17 units a provision of 5 affordable units is required.

Policy SC5 states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer.

The proposed plans indicate that five affordable housing units would be provided. However, no full details have been provided regarding the tenures of the proposed units.

As it stands the Council's Strategic Housing Team has objected to the proposal. They have advised that an Affordable Housing Statement would need to be produced and agreed with the Council, confirming:

- (a) The Agreed Mix;
- (b) The timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) Details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

In the absence of this information, the Council cannot be satisfied that the proposed development would meet the requirements of CELPS policy SC5.

In addition to the comments of the Strategic Housing Team, it is noted that the affordable housing units would be located at one end of the development adjacent to Buxton Road. The affordable housing would also be of a different design to the market value properties. This would be particularly noticeable given that the same the market properties would be of the same design, which is replicated throughout the site.

From the information provided, it would appear that the development would fail to comply with the criteria 4 and 5 of CELPS policy SC 5, as the affordable homes would not be dispersed through the site and would not be indistinguishable from the market housing. There do not appear to be any specific circumstances or benefits that would warrant a different approach.

In the event that the planning application is recommended for approval, or an appeal is made, the affordable housing provision would need to be secured by way of a Section 106 agreement. This would:

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

Rural Exception Housing

Additionally as the site lies within the Open Countryside, CELPS policy SC6 is also applicable. This states that Rural Exceptions affordable housing will be permitted as an exception to other policies concerning the countryside, to meet locally identified affordable housing need, subject to all listed criteria being met. The proposed development would not meet the following criteria of this policy:

1. The site does not adjoin a Local Service Centre/Other Settlement and it is not close to existing services and facilities or public transport.
2. The proposal is not for a small scheme as it would create in excess of 10 dwellings
3. A site options appraisal has not been submitted to demonstrate why the site is the most suitable one.
4. There is no up to date needs survey for North Rode and the applicant has not submitted one in support of their application.

The proposal does not comply with the requirements of CELPS policy SC6 and cannot be considered as Rural Exceptions affordable housing.

Education

Comments from Education regarding capacity in local schools is awaited and will be reported as an update.

Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

The justification to the policy explains that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites.

Some open space does appear to be proposed at the north west corner of the site, but the specific type of open space is not clear. Comments are also awaited from ANSA. Further details will be provided as an update.

Landscape

CELPS Policy SE 4 deals with the landscape. This states that all development should conserve the landscape character and quality and where possible enhance and effectively manage the historic, natural and manmade features that contribute to local distinctiveness of both rural and urban landscape.

CELPS policy SE 6 also deals with Green Infrastructure. This policy seeks to safeguard and retain the existing network of green infrastructure. It identifies the Macclesfield Canal as being a strategic infrastructure asset.

Within the Cheshire East Landscape Character Assessment, the site lies within area LCT 11 – Higher Wooded Farmland, which abuts the Peak District National Park Fringe. This identifies the area as having strong rural character and being relatively remote and tranquil. It

also highlights the pronounced rolling topography, which can offer extensive views to the Peak District hills which provide prominent and distinctive land marks. This appraisal makes specific reference to the Macclesfield Canal, which is seen to provide a glimpse of the industrial past.

The appraisal provides guidance for landscape management within the LCT. This includes retaining the rural character of the farmed landscape, protecting and enhancing the canals associated with the area's industrial past, avoiding the over-engineering of roads which could create an urbanising influence within the strongly rural landscape and maintaining the openness of characteristics view from this LCT across to the Peak District uplands.

The Council's Landscape Officer has objected to the proposal. They have advised that the proposed layout is suburban, with almost equidistant buildings strung along a sinuous cul-de-sac. They have advised that the layout is in contrast to rural buildings, which tend to be more reflective of topography and need, often grouped in small clusters or set around the perimeters of yards or greens. The detached double garages and separate parking bays are seen as adding to the urbanisation of the proposal.

The proposed landscaping would form an enclosure around the built development. This enclosure acknowledges the alien character of the development and seeks to screen it. In doing so, it adds to the development's separation. A development should be designed to integrate with its surroundings.

The proposal would represent a suburban form of development which would not be visually appropriate for this landscape character area. The permanent adverse impacts on the physical landscape have not been appropriately considered or mitigated against.

The proposed development would fail to conserve the landscape character and quality of this rural landscape. It would fail to comply with the requirements of CELPS policy SE 4.

Heritage Assets

The application site lies wholly with the Macclesfield Canal Conservation Area. Locks 5 and 6 and the Canal Bridge also lies within close proximity of the site and are grade II listed buildings. The pill box to the north of the site is included on the Council's list of buildings of local historic and architectural interest. The impact of the development on these designated and non-designated heritage assets needs to be fully considered.

CELPS policy SE 7 deals with the Historic Environment and aligns with the requirements set out within chapter 16 of the NPPF. This policy sets out the considerations in relation to both designated and non-designated heritage assets.

This requires development proposals which would cause harm to a designated heritage asset and its significance to provide a clear and convincing justification as to why that harm is considered to be acceptable. Where that case cannot be demonstrated, proposals will not be supported. The level of harm should be considered against the public benefits that may be gained by the proposal.

NPPF Paragraph 194 advises that substantial harm to or loss of grade II listed buildings should be exceptional. NPPF Paragraph 195 directs local planning authorities to refuse consent for proposed developments which would lead to substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or one of a list of exceptions apply.

The Macclesfield Canal Conservation Area was designated in 1975. The Conservation Area appraisal highlights the considerable architectural, historic and scenic interest of the Macclesfield Canal in the context of the North West.

The application site is adjacent to the stretch of twelve locks grouped together at Bosley. It is these locks that lift the canal by 118ft in just over one mile, making the Macclesfield Canal the second highest canal in the United Kingdom. The appraisal highlights the resultant number of bridges, aqueducts and embankments as being key features of this canal. The appraisal also notes how this gives the expansive views from the canal both to the east towards the Pennines and to the West over the Cheshire Plain and to the Clywdian Range in North Wales.

The site lies within Character Area 9 of the appraisal, which includes Bosley Locks. The appraisal highlights the importance of hedgerows along the full length and highlights that due to the shape of this section and the sudden drop in height a whole series of differing views is experienced of the surrounding countryside. One of the key characteristics is considered to be the outstanding views across the surrounding countryside as the locks descend. It concludes that *“there are no significant negative characteristics along this beautiful stretch.”*

Within the immediate vicinity of the site are locks 5 and 6 and the canal bridge all of which are grade II listed buildings. The impact on the setting of these assets also needs to be considered.

The proposed scheme would fundamentally alter the appearance the character and appearance of the site and the wider area. The existing character of development within the surrounding area takes the form of farms and open agricultural fields, with sporadic housing, both dotted along the roads and associated with farm units.

The existing site contains a number of large sheds. The fence along the boundary is a new feature, and appears to be unauthorised. Whilst the current arrangement is not attractive, it does not appear at odds with the rural character of the area, given the agricultural and functional appearance of the buildings. The site in its current form is consistent with the general views from the canal on both the approaches to and within the surrounding area. The existing views from locks 5 and 6 provide an agricultural viewpoint with the hills in the distance.

The proposed scheme, with the proposed dwellings centred along a new cul-de-sac would introduce an urban form of development into this overwhelmingly rural setting. It would pay scant regard to the sensitivity of the countryside setting, which is a key feature of this part of the Conservation Area and the setting of the locks and Canal Bridge. The scale of the development and the area covered mean that it would completely transform the character and appearance of this part of the conservation area and the setting of the listed buildings.

The existing agricultural viewpoints from locks 4, 5 and 6 would be adversely affected by the proposal. The rural backdrop, which is a key aspect of this part of this section of the Conservation Area and the setting of the listed buildings would be fundamentally altered by the proposal.

The Conservation Officer has advised that as a result the scheme would fly in the face of heritage policies to protect the setting of heritage assets and would result in substantial harm to the heritage assets and their setting.

In accordance with NPPF Paragraph 194, substantial harm to grade II listed buildings should be exceptional. NPPF Paragraph 195 is clear that developments which would lead to substantial harm to a designated heritage asset should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or one of a list of exceptions apply.

The proposal would result in substantial harm to designated heritage assets. There are no substantial public benefits, which would outweigh this harm. The proposed development would fail to comply with CELPS policy SE 7 and the aims of chapter 16 of the NPPF.

Character and Design

CELPS policy SE 1 deals with Design. It states that development proposals should make a positive contribution to their surroundings in terms of sense of place; managing design quality; Sustainable urban, architectural and landscape design; liveability/workability and designing in safety.

The Cheshire East Borough design guide is an adopted supplementary planning document (SDP), which seeks to improve the quality of new residential development in the Borough. It is a material consideration when determining planning applications. Building for Life 12, which is the industry standard for the design of new housing developments sets out 12 criteria to assess the proposed development.

The Council's Design Officer has reviewed the proposal against the adopted design guide and the Building for Life 12 (BfL12) assessment. They have acknowledged that the existing site is a detractor upon the canal and setting. However, it is not untypical in a rural context.

The proposed development would create a suburban housing estate within the middle of the countryside. It would be incongruous and uncharacteristic within the high quality rural setting, characterised by positive views from the canal to the surrounding landscape. It is considered that the development would totally alter impressions on approach to and through this sensitive stretch of canal.

The Design Officer concludes that the proposed development would be highly inappropriate given the context of the site.

They have advised that from a design perspective, this adverse impact in relation to the site's context would be a detracting factor in the BfL12 assessment. As a consequence, it would also perform badly against criteria 5 (character) and 6 (working with the site and its context) in

particular, having regard to the above. They have also advised that the proposal would fall short in relation to spatial and locational sustainability, namely criteria 1 (connections), 2 (facilities and services) and 3 (public transport).

Consequently, from both a built heritage and design perspective this would not comply with both national and local policy. Having regard to the statutory responsibility upon the authority to seek to preserve or enhance the character and appearance of the conservation area and have special regard to the preservation of listed buildings and their settings, then these proposals also fail to satisfy those legal imperatives.

The proposal would fail to comply with CELPS policy SE 1.

Parking and Highway Safety

Appendix C of the CELPS sets out the Council's adopted parking standards. This requires one space to be provided for one bedroom properties; two spaces for properties with two or three bedrooms and three spaces for houses with 4+ bedrooms. The proposed plans indicate that these standards would be met.

Concerns have been raised regarding the highways implications of the access. The Strategic Infrastructure Manager has been consulted on the proposal and has not raised any concerns in terms of highway safety, subject to conditions requiring the provision of the access and visibility splays. If the application had been recommended for approval, these would have been imposed by condition.

Sustainable transport and Facilities

Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, apart from in certain circumstances. None of which apply to the current proposal.

CELPS policy SD 1 states that in order to achieve sustainable development, developments should be located so that they are accessible by public transport, walking and cycling. CELPS policy SD 2 confirms that residential development will be expected to provide access to a range of forms of public transport, open space and key services and amenities. The justification includes a table to assess the distance to services and amenities, noting that consideration will also be given to the quality of the pedestrian, cycle or other transportation routes.

CELPS policy CO1 deals with sustainable travel and transport. It confirms that development will be expected to reduce the need to travel by guiding development to sustainable and accessible locations or locations that can be made sustainable and accessible.

The site lies on the (A54) Buxton Road, opposite the junction with Station Road, which has no pavements or streetlights. The speed limit along Buxton Road outside the application site is 50mph. The closest bus stop is approximately 1km from the site. The closest railway station is in Congleton, over 6km from the site.

To access the bus or railway network, future occupiers would have to walk along a 50mph road with no pavements or streetlights. Such an undertaking would be dangerous and unrealistic.

Concerns have also been raised about the quality of the cycle routes to and from the sites. Buxton Road has no provisions for cyclists and the closest National Cycle Network is over 2km from the site.

Whilst there is a public footpath along the canal, which could be used by residents, the distance from nearby settlements means that this would be unlikely to provide a viable option for future residents wishing to use it to get to work, school or access facilities.

There are no facilities within walking distance of the site. As opportunities to use public transport or other means of sustainable transport are limited, it is highly likely that future occupiers would be reliant on the use of private cars to access services, facilities, school and work.

The proposal would result in a car –orientated form of development. It would not provide access to a range of forms of public space, key services or amenities. It would fail to comply with requirements of CELPS policies SD 1, SD 2, SE 1, SE 2 and CO1. It would result in the creation of isolated dwellings in the countryside and would fail to comply with NPPF paragraph 79.

Flood Risk and surface water drainage

CELPS Policy SE 13 deals with Flood Risk and Water Management. It states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the Borough and provide opportunities to enhance biodiversity, health and recreation. This policy requires that all developments at risk of flooding are supported by an appropriate flood risk assessment and seek improvements to the current surface water drainage network.

The application site lies within Flood Zone 1, which has the lowest probability of flooding. However, it does lie immediately adjacent to the Macclesfield Canal.

The submitted Flood Risk Assessment does not assess the potential for flooding from the Canal.

Both the Council's Flood Risk Team and the Canals and Rivers Trust have noted that the submitted flood risk assessment does not consider the flood risk from the canal. Neither has recommended that this forms a reason for refusal. In the event that planning permission had been granted a condition would have been imposed requiring a revised flood risk assessment, which fully considers the potential flood risk from the canal.

A surface water drainage scheme has also been submitted. The Council's Flood Risk Team has advised that in the event that planning permission is granted conditions should be imposed requiring the submission of percolation tests and a detailed strategy to limit surface water runoff, with associated management/maintenance plan. It is essential that any surface water run-off does not run off into the canal. This too could have been dealt with by way of

condition. The impact on surface water drainage and flood risk would be acceptable subject to these conditions.

Contaminated Land

The applicant has submitted a Phase I Preliminary Risk Assessment in support of the planning application. This identifies that a landfill is present on the south east of the site. No further information (including the Envirocheck Report) or assessment has been provided within the report.

The Council does not hold any records of this landfill. The potential contaminant linkages associated with the potential source should have been assessed further in accordance with Environmental Health's Developer's Guide.

As the potential risks from the former landfill to the proposed development have not been suitably assessed, there is insufficient information to ascertain whether the site could be suitably developed for a residential use.

In the absence of this information the Council cannot be satisfied that the development would comply with policy SE 12. This is because it has not been demonstrated that any contamination could be appropriately mitigated against and remediated if necessary.

Ecology and forestry

CELPS policy SE 3 seeks to protect and enhance areas of high biodiversity and geodiversity value. This policy confirms that developments likely to have a significant adverse impact on priority habitats and species will not be permitted, except where the reasons or benefits of the proposed development outweigh the impact.

A day time survey for bats was carried out on the site. This concluded that the site was not currently suitable for bats. If the application had been recommended for approval conditions could have been imposed to protect breeding birds and secure ecological enhancements.

There are a number of hedgerows along the boundaries of the site. Hedgerows are a priority habitat and as such as material planning consideration in accordance with CELPS policy SE 3.

CELPS policy SE 5 deals with Trees, Hedgerows and Woodland. This states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of hedgerows that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting

The Council's Forestry officer has advised that there are lengths of established agricultural hedgerow on the site, which would appear to be impacted by the development.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would be normally required under the Hedgerow Regulations 1997.

Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application.

The Forestry officer has advised that a full hedgerow assessment is required as part of the submission in order to determine the full impact of the proposals in terms of the hedgerow, whether the hedgerow is ecologically or historically important, and what mitigation would be required in order to demonstrate a net environmental gain. In the absence of this information, the proposal would fail to comply with CELPS policy SE 5.

If the application had been recommended for approval, a condition would also have been imposed requiring a method statement to prevent any contamination of the Macclesfield Canal during construction works.

PLANNING BALANCE AND CONCLUSIONS

The proposed development would bring with it some economic benefits both during the construction period and post construction, resulting in increased additional trade for local shops and business.

While the Council can now demonstrate a five year supply of land for housing, it is imperative that the Council maintains a rolling supply. The provision of 17 units would make some contribution towards this.

However, the proposal would result in substantial environmental harm, in terms of its severe impacts on the historic environment, local landscape and hedgerows. The development would also encroach into the open countryside and would be unacceptable in principle. The site is also considered to be in an unsustainable location, with any future occupiers likely to be highly reliant on private cars. Additionally insufficient information has been provided regarding the potential impacts of contamination and the possibility of mitigation. In terms of social sustainability, the affordable housing provision would not fully comply with the requirements of CELPS.

The modest benefits derived from the proposal would not outweigh the substantial harm identified. Accordingly the application is recommended for refusal for the following reasons:

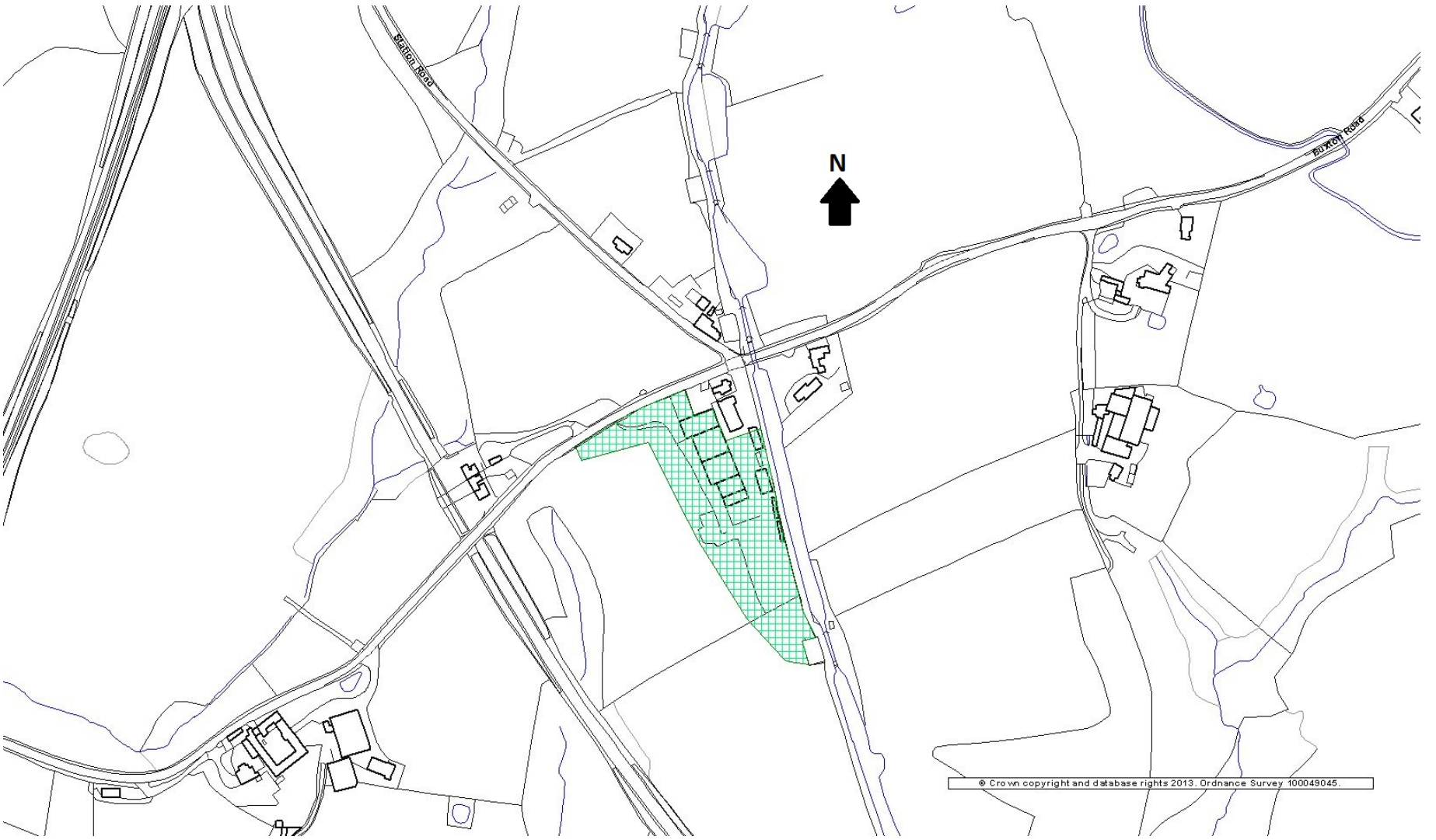
- 1. The proposed development would result in the spread of two storey built form across the site and would encroach into undeveloped countryside. It would**

appear significantly more intrusive within its setting than the existing development. It would fail to comply with the requirements of CELPS policies PG 6, SD 1 and SE 2. The principle of development for the quantum and spread of built form proposed is not acceptable.

2. Insufficient information has been provided to demonstrate that the proposed affordable housing would comply with the requirements of CELPS policy SC5, notably in terms of the agreed mix, the timing, location and distribution of affordable housing and its design and construction.
3. The proposal would represent a suburban form of development which would not be visually appropriate for within the surrounding landscape. The permanent adverse impacts on the physical landscape have not been appropriately considered or mitigated. The proposed development would fail to conserve the landscape character and quality of this rural landscape. It would fail to comply with the requirements of CELPS policy SE 4.
4. The scale of the development and the area covered mean that it would completely transform the character and appearance of this part of the conservation area and the setting of the listed buildings. The existing agricultural viewpoints from locks 4, 5 and 6 would be adversely affected by the proposal. The rural backdrop, which is a key aspect of this part of this section of the Conservation Area and the setting of the listed buildings, would be fundamentally altered by the proposal. The proposal would result in substantial harm to designated heritage assets. There are no substantial public benefits, which would outweigh this harm. The proposed development would fail to comply with CELPS policy SE 7 and the aims of chapter 16 of the NPPF.
5. The proposed development would create a suburban housing estate within the middle of the countryside. It would be incongruous and uncharacteristic within the high quality rural setting, characterised by positive views from the canal to the surrounding landscape. It is considered that the development would totally alter impressions on approach to and through this sensitive stretch of canal. It would fail to comply with CELPS policy SE 1.
6. The proposal would result in a car-orientated form of development. It would not provide access to a range of forms of public space, key services or amenities. It would fail to comply with requirements of CELPS policies SD 1, SD 2, SE 1, SE 2 and CO1. It would result in the creation of isolated dwellings in the countryside and would fail to comply with NPPF paragraph 79.
7. Insufficient information has been provided regarding the landfill identified within the submitted Phase I report. In the absence of this information the Council cannot be satisfied that the development would comply with CELPS policy SE 12. This is because it has not been demonstrated that any contamination could be appropriately mitigated against and remediated if necessary.
8. A full hedgerow assessment is required as part of the submission. In the absence of this information, the council cannot be satisfied that the works could

be carried out without resulting in harm to a priority habitat or historic hedgerow. Furthermore it is not known whether any loss can be mitigated or compensated for. In the absence of this information, the proposal would fail to comply with CELPS policy SE 5.

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.



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Application No: 18/6189M

Location: LAND AT, BROWNS LANE, WILMSLOW

Proposal: Improve facilities including provision of a path network with one section of adoptable shared use path with lighting, new play area, new drainage system, multi-use games area and a pitch for kick-about football

Applicant: Ms Ruth Morgan, Ansa Environmental Services Ltd

Expiry Date: 07-Jun-2019

SUMMARY

The application seeks a number of improvements to this area of existing open space. The improvements to provide increased opportunities for recreation meet important strategic planning objectives to improve health and well-being through sustainable development. The development is acceptable in principle and the key issue is whether there are any adverse site planning impacts from the proposed development that would have a significant impact on the amenity of local residents. The report identifies that there are impacts from the development, but, subject to conditions, these are considered to be within acceptable limits.

The concerns raised in the letters of representation and by Environmental Health are acknowledged however having regard to the established use of the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties, the proposal is not considered to have a significant impact upon the living conditions of neighbours. Similarly the visual impact of the proposal is considered to be acceptable in its context and the retention of existing trees and additional planting will help to soften its visual impact. The proposed facilities provide a variety of play and recreational opportunities for use all year round for a range of ages and abilities, and the shared footway / cycleway increases the accessibility between the Adlington Road area and the Dean Row area by means other than the private car. No car parking is provided as this is a local facility serving the adjacent residential areas, but a condition requiring the provision of cycle parking is recommended. Additional information is awaited regarding the lighting scheme and its impact upon bat habitat, and subject to the receipt of this information, the proposal will accord with the development plan and represent a sustainable form of development. Accordingly a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application relates to a site exceeding 2 hectares and therefore requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT

The application site is a 2.9 hectare greenfield site lying to the north east of Wilmslow. There is a play area to the northern corner and protected trees along some of the site boundaries. The site is located on the southern side of Browns Lane. Residential properties border the site to the south, east and west. The majority of the site is allocated as Existing Open Space in the Macclesfield Borough Local Plan. The southern extent of the site formed the open space associated with the residential development that is nearing completion off Adlington Road to the south.

DETAILS OF PROPOSAL

This application proposes to improve the facilities on this site to make it more accessible and provide more opportunities for play and recreation. In this regard the application seeks full planning permission for the provision of a path network including one section of adoptable shared use path with lighting, a new play area, a new drainage system, a multi-use games area (MUGA) and a pitch for kick-about football.

RELEVANT HISTORY

14/0007M - Erection of 204 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure – Approved 09.10.2014

There have been a number of amendments to the above permission, but these did not materially impact upon the current application site area.

POLICIES

Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport

Macclesfield Borough Local Plan saved policies

NE11 Nature conservation
RT5 Open space standards
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC63 Contaminated land

Other Material Considerations

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

Wilmslow Neighbourhood Plan

Wilmslow Neighbourhood Plan - Regulation 17 stage reached (Examination of the plan), therefore whilst the plan is at a relatively advanced stage only limited weight can be attached to the following relevant policies:

SP1 Sustainable Construction
SP2 Sustainable Spaces
SP3 Sustainable Transport
NE5 Biodiversity Conservation
TA5 Cycling in Wilmslow
CR1 Community Facilities
CR3 Local Green Spaces

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to drainage conditions

Flood Risk Manager – No objections subject to drainage condition

Environmental Health – Suggest a noise management plan is submitted

Head of Strategic Infrastructure – Parking provision needs to be considered

ANSA – No comments received

Wilmslow Town Council – No objection, but note that it would be helpful for a project plan to be made available to the wider public.

OTHER REPRESENTATIONS

13 letters of representation have been received. 10 of these letters object to the development on the following grounds:

- Site has received very little maintenance in recent years
- Proposed drainage scheme may risk Browns Lane section flooding further
- Trees on northern boundary and all the margins are important habitat for bats and reptiles
- Inconsistencies in plans – location of MUGA
- 3m high fence 38m in length will be an eyesore
- Hard surface of MUGA goes against character of green space
- 3m wide surfaces do not take account of root protection areas of trees
- Introduction of road light is inappropriate and will cast light into bedrooms
- Low level lighting could be used
- Benches will encourage noisy teenagers gathering
- MUGA will lead to increased anti social behaviour (as was case with MUGA in Handforth)
- MUGA will lead to loss of public visual amenity due to position, size and materials
- MUGA is overbearing on neighbouring properties on the western and eastern sides
- MUGA will lead to a loss of privacy and increase overlooking
- MUGA represents an overdevelopment of the site, removing green open space replaced with tarmac and fencing
- Does not comply with Fields in Trust Policy to protect open spaces or planning and design guidelines
- Impact could be reduced by rotating MUGA by 90 degrees and positioning at Browns Lane
- Install trees and bunding
- Reduce lights to lower level
- Can a fence be erected to increase security to care home
- Benches should not be sited near lights as will encourage antisocial behaviour at night. Police also do not encourage benches directly behind residences
- Dog mess is a common problem that needs to be addressed
- Provision for car parking?
- No evidence of need for MUGA
- Light impact assessment should be provided to ensure no adverse impact on neighbouring properties
- Timing of work will mean park will be closed in summer

2 letters make the following general observations:

- Hoped that site does not become focus for anti social behaviour (as was case with MUGA in Handforth)
- Concern that others along Pinewood Road and other routes of access have not been consulted

1 letter supports the proposal noting:

- Improved drainage and equipment will be great
- Significantly improve access and safety
- Can pedestrian access be retained during works?

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

Policy SC1 of the CELPS states that the Council will support and promote the provision of better leisure, community and recreation facilities where there is a need for such facilities, the proposed facilities are of a type and scale appropriate to the size of the settlement, are accessible and support the objectives of the Local Plan Strategy.

As acknowledged in a number of the letters of representation, the existing area of open space is in need of enhancement, and this need is reinforced by the addition of over 200 new homes on the Adlington Road development to the south of the site. As part of this proposal significant financial contributions were secured towards public open space and recreation and outdoor sports provision in the local area to mitigate for the additional impact upon existing facilities arising from the new residential development. The primary focus for the spend of the s106 funds was identified to be Browns Lane open space area - the current application site.

The proposed facilities including MUGA, new play area, pitch for kick about football, shared use path with lighting and new drainage system are considered to be of a type and scale appropriate to the local area. The play area will provide enhanced facilities for the increased local community, the MUGA, kick about pitch and drainage system will provide sports facilities that will allow children (and even adults) the space and opportunity to be active throughout the year, and the shared use path with lighting will improve accessibility for pedestrians and cyclists between the Adlington Road and Dean Row / Summerfields areas. The site is accessible from all surrounding areas, and the development is considered to support the objectives of the local plan strategy, particularly with regard to the creation stronger communities. As noted on p106 of the CELPS, *“Leisure opportunities bring together members of a community who work, live and play within an area. Leisure and sports facilities and green spaces such as parks and allotments can help enhance everyone’s life. Such provision is important for residents’ social, mental and physical health and well-being and to the achievement of sustainable communities”*.

For these reasons, the proposal is considered to comply with the requirements of policy SC1 of the CELPS and the principle of the development is therefore acceptable.

It should be noted that a lot of the proposed facilities do not require planning permission. Part 12 of the General Permitted Development Order relates to development by local authorities, and it identifies the following as permitted development:

“A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

Notwithstanding this, as a responsible landowner, the applicant has sought to address concerns where possible, even where those works do not necessarily require planning permission.

RESIDENTIAL AMENITY

The objectives of policy SE12 of the CELPS include seeking to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon noise or light pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Policy SD2 of the CELPS expects all development to use appropriate design, construction, insulation, layout and orientation to create developments that discourage crime and anti-social behaviour.

Policy DC3 of the MBLP seeks to protect the amenities of adjoining or nearby residential properties, and policy DC13 of the MBLP states that noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.

Environmental Health has commented on the proposal and noted that noise will be heard from the new playground area, the kick-about football pitch and the MUGA - mainly from voices. Environmental Health has therefore suggested that a noise management plan is submitted and they would like to see controls to manage and restrict the use of the facilities. As the MUGA is a fenced area, the noise management plan could include the days / times that the MUGA can be used and how this will be managed. It will be difficult to apply similar controls to the kick about football use as this is an open area.

The proposed facilities are specifically aimed at attracting children, as individuals or in groups. It will be inevitable therefore that groups of children will gather in the area, and this will result in some noise. However, the same can be said of the existing site. There is an existing play area in the north west corner of the site immediately adjacent to the boundary shared with residential properties, and whilst there are goal posts located centrally within the existing site, any part of the site could be used as a kick about area. It is therefore considered that the play area and kick about area would not result in a significantly worse impact upon neighbouring properties than the existing facilities.

The proposed MUGA is located 34 metres from the boundary of the nearest residential property on Browns Lane. This is one of the new properties erected as part of the recent Adlington Road residential development. There will be 72 metres between the rear garden boundaries of the properties on Walnut Close to the west of the application site and the proposed MUGA.

Fields in Trust is the operating name of the National Playing Fields Association (NPFA) and has been protecting outdoor space for sport and recreation since 1926. As part of their work they provide guidance for practitioners on open space provision and design, and within this guidance they provide recommended buffer zone distances to ensure appropriate relationships with residential properties. Their recommended buffer for a MUGA is a 30 metre

separation distance between the activity zone and the boundary of dwellings to ensure that the facilities do not enable users to overlook neighbouring properties and reduce the potential of conflict between local residents and those at play.

In this case, the proposed separation distances exceed those recommended by Fields in Trust guidance and are considered to be acceptable. The MUGA has been deliberately located away from the lighting along the western side of the site to discourage use after dark to reduce any potential anti social behaviour issues.

In terms of a noise management plan suggested by Environmental Health, the applicant has confirmed that the facilities will be open at all times, and that they will not have staff on site every day, and certainly not twice a day, to open and lock the MUGA. Volunteers cannot be relied upon as despite their best intentions, with holidays and other commitments, it is inevitable that it will be left open or locked on occasion. The volunteer may also need to empty the MUGA of occupants before locking it, which might not always be a straightforward task.

However, ultimately the management of the site rests with the Council, or ANSA, and as a responsible landowner, should any anti-social behaviour result from the proposal, the Council will be able to consider what options are available to them to prevent it at that time. It should also be noted that the MUGA will not be illuminated, which will serve to restrict its use during unsociable hours.

Concern has also been raised in the letters of representation regarding the provision of lighting columns along the proposed shared footway / cycleway and the potential for light spillage into residential gardens. A lighting plan has been provided that demonstrates the 1 lux light level (which is equivalent to twilight) is outside of the nearest residential gardens. Accordingly residential properties are not considered to be significantly affected by light intrusion. It should also be noted that the lighting will be on a timer and will not be on all through the night.

Further objections to the proposal have been raised by local residents regarding the positioning of two benches close to lighting columns along the length of the shared footway / cycleway, suggesting that this could lead to unacceptable levels of noise at night and anti social behaviour. The presence of a bench close to a light does not automatically lead to anti-social behaviour, and given that lighting and seating are items covered under permitted development allowances this is not considered to be a reason to refuse planning permission. As noted above as the site owner the Council will be able to consider options to address anti social behaviour should it arise.

The concerns of neighbouring properties regarding noise and ant-social behaviour are acknowledged, however, having regard to the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties the proposal is not considered to have a significant impact upon the living conditions of neighbours and accords with the relevant aspects of policies SD2 and SE12 of the CELPS and DC3 and DC13 of the MBLP.

Environmental Health has suggested conditions relating to a dust management plan during construction and working hours for noise generating activities during construction. Having

regard to the scale and nature of the development proposed, these conditions are not considered to be necessary or reasonable.

HIGHWAYS

No significant highway issues are raised with regard to the proposed facilities. The Strategic Infrastructure Manager has raised the question of car parking as no dedicated car parking spaces have been provided to serve the improved open space. The applicant maintains that the facility will be a local development intended to increase capacity for the new and existing local residents following the increased local population arising from recently approved housing development. The area will be accessible to pedestrians and cyclists. It is considered that the facility will primarily serve the local population and as such pedestrian and cycle access is likely to be the preferred transport option. Therefore for this reason, and having regard to the nature of the proposed facilities and those that currently exist, dedicated car parking is not considered to be necessary. However a condition requiring the provision of cycle parking is recommended.

The proposed shared footway / cycleway will improve pedestrian and cycle linkages between the Adlington Road area and the Dean Row / Summerfields area by connecting with the existing footway/cycleway network on Dean Row Road (via Browns lane or Pinewood Road) which leads all the way to the Summerfields Local Centre, and links onto the route which runs alongside MacClean Way, which leads to Wilmslow.

TREES

Policies DC9 of the MBLP and SE5 of the CELPS seek to ensure that development does not a significant adverse impact upon trees of amenity value.

The position of the Play Area / MUGA has no impact upon existing trees. The submitted Tree Report provides details of a method statement for hand digging for the 150mm outfall carrier drain to the north of the site within the root protection area of a protected Sycamore tree (T6), the details of which are considered satisfactory. Some thinning and pruning is recommended in the submitted tree report to maintain trees in a healthy condition, but this is not as a consequence of the proposed development, and will be carried out over time under the applicant's management programme it has in place for all its sites. Details of tree protection measures will need to be provided to ensure contractors vehicles/machinery for drainage and installation work are kept outside of root protection areas to avoid compaction, which can be dealt with by condition. Subject to this condition the proposal will comply with policies SE5 of the CELPS and DC9 of the MBLP.

LANDSCAPE AND DESIGN

CELPS policy SE4 states that all development should conserve the landscape character and quality and where possible enhance and effectively manage the historic, natural and manmade features that contribute to local distinctiveness of both rural and urban landscape.

Policy SD2 of the CELPS expects all development to use appropriate design, construction, insulation, layout and orientation to create developments that discourage crime and anti-social behaviour. As noted in the amenity section of this report, the proposal is considered to achieve this objective. This policy also expects

A number of concerns were raised by the Council's landscape officer to the proposed development relating to:

- Layout of the different elements of the proposed scheme.
- Lighting - recommend programmable, directional lighting to reduce light-pollution into neighbouring properties. Also recommend considering relocation of the MUGA to link it to the proposed lit route, thereby clustering light-demanding activities and reducing the spread of their adverse visual effects.
- Outdoor Experience - recommend the layout is adjusted to reflect children's habits of running directly from one piece of equipment to the next
- Soils and Surfaces - A soils management plan required detailing reservation, storage and re-use of excavated soils. Recommend more sympathetic wearing courses be specified for the path network, such as bound gravel or a sandstone finish, to better reflect the semi-natural character of the site.
- Vegetation - parkland site would be appropriately enhanced by some specimen trees which could provide evergreen or other year-round interest.
- Entrance Features and Boundary Treatments – A length of barbed-wire on the south-west boundary: this should be replaced with a more appropriate option, such as post-and-rail.

The applicant has provided a detailed response to each of these comments, which is summarised below:

Layout

The layout of the open space has largely been dictated by the constraints of the drainage scheme. Drainage has been a growing issue on this site for many years and increasingly the site is becoming land locked by surrounding housing developments which have both exacerbated the problem and limited the options for a solution. A SUDS drainage solution has been chosen in line with CELPS policy SE13. The proposal utilises the natural lie of the land and develops a former pond area as a surface water attenuation pond. The pond then drains into a field ditch system at a controlled rate to reduce water logging on site. The pond, as part of the drainage solution to efficiently drain the site, provides an attractive amenity feature and an opportunity to increase landscape interest and ecological value on site.

Lighting

The lighting system is on a timer and (as noted above) does not have any significant adverse impact upon neighbouring properties. The illuminated path was a principle established at the time the residential development was approved to increase accessibility. The MUGA has expressly been located away from the lighting to discourage use after dark to reduce anti social behaviour issues. It has also been moved away from the neighbouring residential properties that include an elderly persons residential care home.

Outdoor Experience

The play area design offers a fully accessible site in all seasons with a variety of play opportunities for a range of ages and abilities. A grass, dog free, free-play area is essential

where children can be free to explore and families can picnic. The applicant states that they have selected equipment that will be robust, challenging and inclusive. Specific requirements within the community were highlighted through consultation and inclusivity has been a core aspiration for this play area.

Soils and surfaces

All soils will be retained on site and used to create bunding for the pond area, level the northern entrance and provide low mounds around the MUGA and play area to further reduce their impact on the landscape. Soil movement will take place during the driest periods and vehicular access on site will be managed to avoid unnecessary disturbance and compaction. Any storage of soil will be kept for as short a period as possible. Imported soil will be from a reputable supplier. Additional details are required relating to specific land level changes arising from the soil management plan, which can be dealt with by condition.

The paths surfacing have been chosen for their accessibility, affordability and hard wearing qualities. ANSA has a responsibility to provide hardwearing, durable, sustainable surfaces that provide good quality access for prams and wheelchairs, bikes and walkers with a range of abilities. ANSA aims to encourage and enable people of all abilities and levels of physical fitness by providing accessible paths.

Vegetation

With the exception of essential tree works and some thinning, all vegetation will be retained on site. The tree palette reflects the conditions on site. They are water tolerant because this is a wet site and whilst improved drainage will make a large portion of the site drier and more useable, some of the site will remain relatively wet where other species would at best tolerate and at worst fail. The selection also increases the number of high canopy trees to the site for a greater positive impact for birds and bats and to reinforce semi-natural character of the site.

Some concern has been raised by in the letters of representation regarding the visual impact of the 3m high fence surrounding the MUGA. The MUGA will inevitably have some visual impact, however the fencing is wire mesh which has a relatively lightweight appearance, and the MUGA will be an open space facility in an established area for recreation and play, now surrounded on three sides by residential properties, and as such it will not be a discordant feature in its setting.

Having regard to the details set out above, the proposal is considered to provide appropriate open space facilities within an allocated area of open space. Additional tree planting is also proposed as part of the development which will help to soften the visual impact of the facilities. Overall the proposal is considered to comply with policy SE4 of the CELPS.

ECOLOGY

Policy SE3 of the CELPS and policy NE11 of the MBLP seek to protect and enhance areas of biodiversity and geodiversity. An ecology report has been submitted with the application, and the following matters are relevant to the proposal:

Bats

None of the mature trees on the site will be affected by the works, which will prevent any impacts upon trees with roost potential for bats.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The nature conservation officer has recommended a condition to retain and enhance existing hedgerows. However, the proposals will not have any significant impact on hedgerows and therefore such a condition is unnecessary.

Lighting

The proposed lighting scheme should include some dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) and achieve a maximum of 1lux light spill on those features. The submitted lighting plan shows a lux spill of greater than 1 lux on the boundary vegetation which has the potential to negatively impact upon wildlife. A revised plan has therefore been requested to address this and reduce the maximum light spill on boundary vegetation to a maximum of 1 lux. Further details will be provided as an update.

Breeding Birds

If planning consent is granted, a condition is recommended to safeguard breeding birds and provide enhancement.

Ecology conclusion

Subject to the satisfactory receipt of the outstanding information and conditions the proposal will comply with policy SE3 of the CELPS and NE11 of the MBLP. Further details will be provided as an update.

FLOOD RISK

The site is located within flood zone 1 however, as noted above, drainage and waterlogging has been an issue on this site for some time. The proposed drainage works are intended to make more of the site drier and more useable.

The Flood Risk Manager raises no objections to the proposal providing that the development can demonstrate surface water to be drained within site boundary and appropriately discharged. A condition requiring the submission of a detailed drainage strategy / design limiting the surface water runoff generated by the proposed development is recommended. Subject to this condition the proposal will comply with policy SE13 of the CELPS.

CONCLUSION

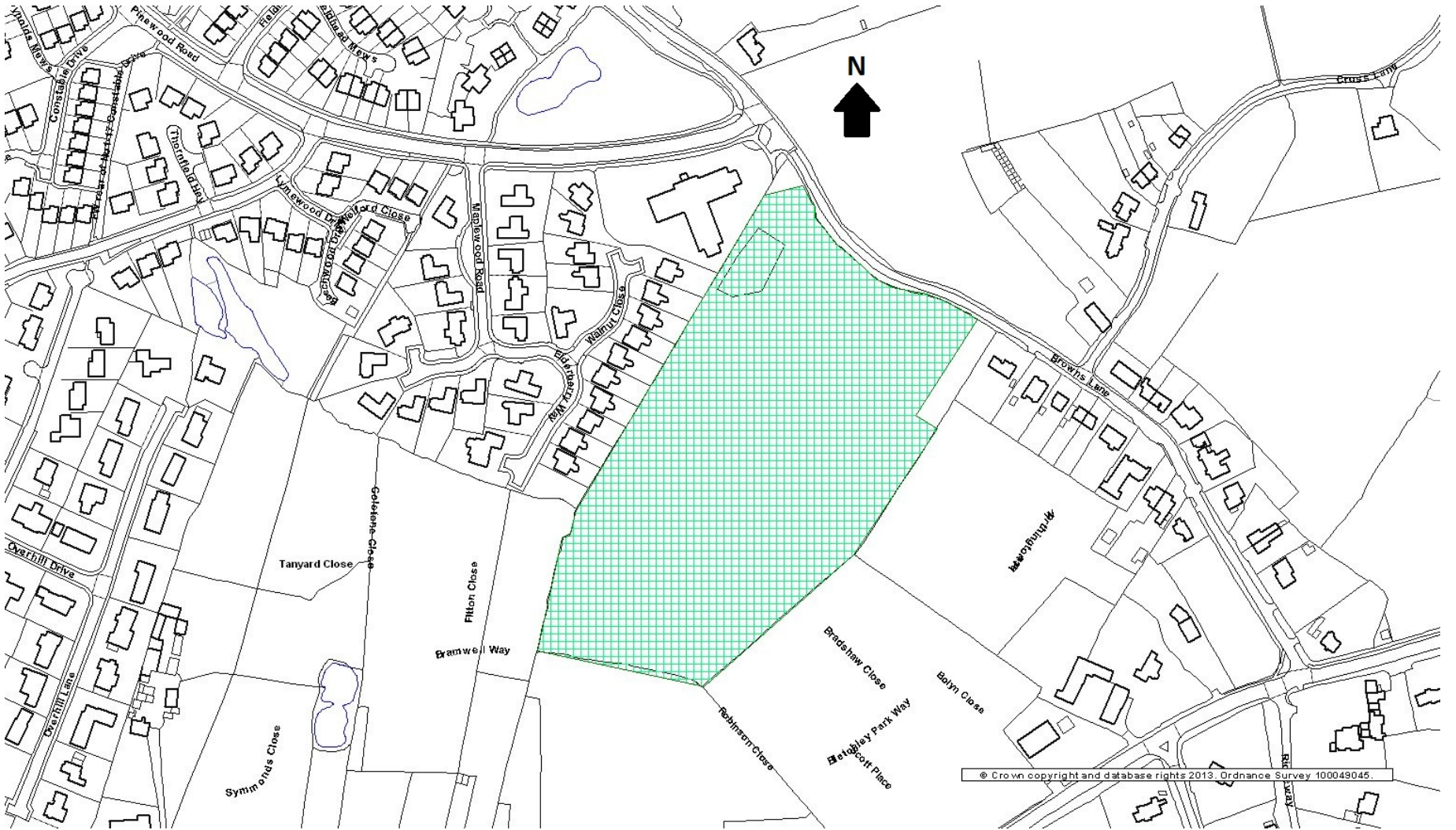
The concerns raised in the letters of representation and by Environmental Health are acknowledged however having regard to the established use of the existing site, which could just as easily attract noisy users during unsociable hours as the proposed development and the distance of the unlit MUGA to residential properties, the proposal is not considered to have a significant impact upon the living conditions of neighbours. Similarly the visual impact of the proposal is considered to be acceptable in its context and the retention of existing trees and additional planting will help to soften its visual impact. The proposed facilities provide a

variety of play and recreational opportunities for use all year round for a range of ages and abilities, and the shared footway / cycleway increases the accessibility between the Adlington Road area and the Dean Row area by means other than the private car. No car parking is provided as this is a local facility serving the adjacent residential areas, but a condition requiring the provision of cycle parking is recommended. Additional information is awaited regarding the lighting scheme and its impact upon bat habitat, and subject to the receipt of this information, the proposal will accord with the development plan and represent a sustainable form of development. Accordingly a recommendation of approval is made.

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. Tree protection
5. Detailed strategy / design limiting the surface water runoff to be submitted
6. Cycle parking details to be submitted
7. Nesting bird survey to be submitted
8. Features for use by breeding birds to be submitted
9. Proposed land levels to be submitted
10. Implementation of approved landscaping plan



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Cheshire East Council**Northern Planning Committee****Date of meeting: 10th July 2019****Report of Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Macclesfield – Land to the east of 80 Birtles Road) Tree Preservation Order 2019****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 12th February 2019 at land to the east of 80 Birtles Road; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

SUMMARY RECOMMENDATION:

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at land to the east of 80 Birtles Road with no modifications.

WARD AFFECTED

Broken Cross and Upton

POLICIES

Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

CIRCUMSTANCES

The circumstances are that full planning application 17/6346m was submitted seeking planning full permission for the erection of 10 semi-detached affordable dwellings off Birtles Road, this was withdrawn in October 2018 and has since been resubmitted under application 18/6230M. At the time of making the Order, no arboricultural information had been submitted which evaluated the mature high amenity road side trees and their relationship with the proposal. A preliminary tree report was submitted after the TPO was served.

The proposed development site comprises of a rectangular shaped and level area of land which is designated as open countryside which fronts Birtles Road. A linear group of four mature trees are located to the road side boundary and stand to be impacted upon by the proposal.

An amenity evaluation of the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 12th February 2019.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 12th February 2019. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order and Ward Members.

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received.

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from Jay Ashall Partnership on behalf of their client. The objector objects to the Order and its implementation for the reasons detailed below, and was accompanied by their arboricultural consultants report:

Whilst there are a number of B2 classified trees on the site, there are only 4no. trees that are proposed to be protected which are in the location of the proposed access to the site as detailed in planning application ref. 18/6230M

It would therefore appear that the only reason to implement this tree preservation order is to prevent development which is contrary to the purpose of a tree preservation order.

For these reasons, our client's strongly objects to the order and requests that the tree preservation order is not implemented

APPRAISAL AND CONSIDERATION OF THE OBJECTION

Objection by Jay Ashall Partnership

The decision to afford long term protection of the trees on the site was made further to consideration of information submitted with application 18/6230M, namely the proposed layout and the impact of this on high amenity trees. At the time of making the Order no supporting arboricultural information had been submitted despite requests for additional information from the Senior Arboricultural Officer in relation to application 18/6230M and withdrawn application 17/6346M.

Both applications had failed to make any reference to the presence of the trees in question, irrespective of them being a prominent feature of the southern boundary of the site and a material consideration in the context of the planning application. The submitted Preliminary Tree Report PM/BS/16/01/19 by Murray Tree Consultancy dated January 2019 submitted with the objection, has assessed the trees on the site and established root protection areas and tree constraints. The intention of this type of survey is that it informs design and site layout in accordance with BS5837:2012 Trees in relation to design, demolition and Construction.

The submission of a planning application in an area of open countryside where impacts on trees have been identified is one which would trigger an assessment for considering formal protection. The process is in accordance with the requirements of the Town and Country Planning Act and Planning Policy Guidance.

The TPO serves only to afford long term protection of trees with amenity value which contribute to the landscape character of an area where it is found to be expedient to do so, and is not a barrier to development and will not prevent development from taking place. The Order serves only to protect trees which make an important contribution to the amenity of the area and to focus consideration on the design layout of any future proposals.




RECOMMENDATION

That the Cheshire East Borough Council (Macclesfield – Land to the east of 80 Birtles Road) Tree Preservation Order 2019 is confirmed without modification.

AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	22-129
SITE NAME:	Land off Birtles Road, Macclesfield
DATE OF VISIT:	23 rd January 2019
COMPLETED BY:	Emma Hood
NOTE:	
TREES PROPOSED FOR FORMAL PROTECTION:	A linear group of trees which have not been considered in relation to a submitted planning application comprising of 2 Horse Chestnut and 2 Sycamore

PICTURE DESCRIPTION	PICTURE
Looking west along Birtles Road towards trees	
Looking east along Birtles Road towards trees	
Looking south from open countryside towards tree line proposed for protection	

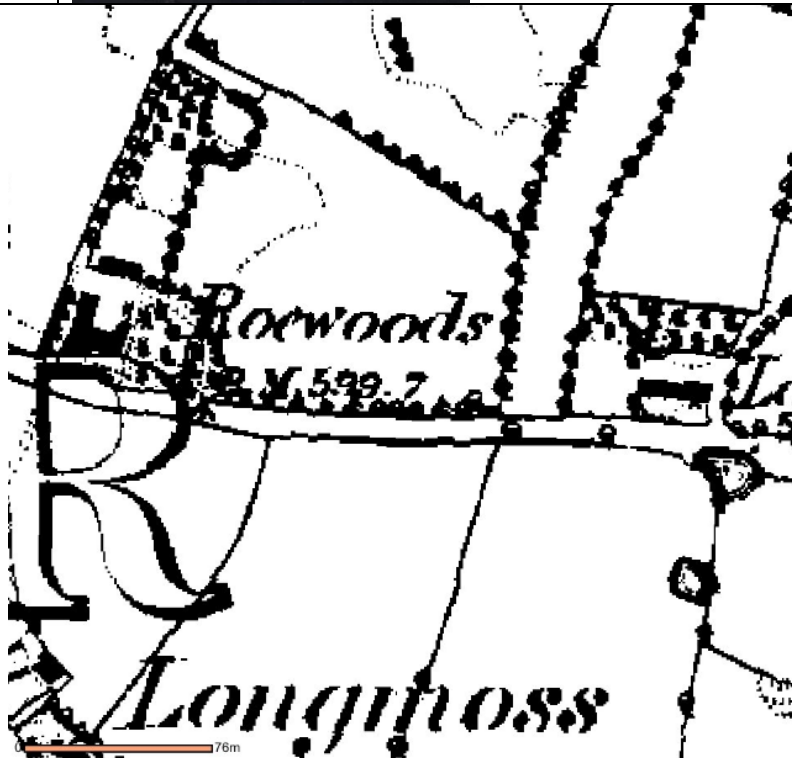
Horse Chestnut to eastern most edge of the group



Looking west along Birtles Road



1875 Ordnance Survey map view showing a line of trees along the Birtles Road boundary and in the position of trees proposed for formal protection



Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status:

Reference

Attachments [AEC - LANDSCAPE APPRAISAL - Birtles Road.pdf](#)

Address

Town

Postcode

Ward:

1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land?

Is the site within a conservation area?

Is the conservation area designated partly because of the importance of trees?

Is the site adjacent to a Conservation Area?

Are there any Listed Buildings on or adjacent to the site?

Local Plan land-use designation

Are there currently and designated nature conservation interests on or adjacent to the site?

Relevant site planning history (incl. current applications)

STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

Does the Forestry Commission currently have

an interest in the land?

Grant scheme

☐

Forestry Dedication Covenant

☐

Extant Felling Licence

☐

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

2. MOTIVATION

Development Control

☒

- Application Ref

18/6230M

- Committee deadline

- Development Control Office comments

Forestry - In keeping with the previous submission (17/6346M) the application form section 15 has been incorrectly completed, there are a significant number of trees associated with this site, which are clearly a material consideration (to date no arboricultural information has been submitted)

Conservation Area Notification

☐

Application ref

Date of registration

Expiry date

Emergency action
(immediate threat to the trees)

☐

Strategic inspection

☐

Change to Local Plan land-use

☐

Change in TPO legislation

☐

Sale of Council owned land

☐

Reviewing existing TPO

☐

Hedgerow Regulations 1997

☐

3. SOURCE

Source

Tree officer

4. LANDSCAPE APPRAISAL

Site visit date

23/01/2019

Inspecting Officer

E Hood

Site description

The site is located to the eastern edge of Macclesfield and comprises of a rectangular shaped parcel of land located to the north side of Birtles Road. The site benefits from a linear group of mature trees to the western end of the southern road side boundary and which make an important contribution to the landscape character and sylvan setting of the area.

Description of surrounding landscape character

The site abutts Birtles Road along its southern boundary and faces existing residential development to the south of this. A residential property and associated gardens abut the western boundary with gricultural land/open countryside to the north and east

Statement of where the trees are visible from

The trees are visible from Birtles Road, the junction of St Austell Avenue with Birtles Road. Filtered views are possible from Treen Close, Lanreath Close and Fowey Close

annotate map

Photograph the trees, the site and surroundings



No picture inserted

annotate map

Landscape function

- ☒ Skyline
- ☒ Road frontage (classified)
- ☒ Backdrop
- ☒ Glimpses between properties or through gateways
- ☒ Filtered views
- ☒ Screening/buffering

Visual prominence

- ☒ Conurbation
- ☒ Neighbourhood, estate, locale
- ☒ Site and immediate surroundings

Species suitability for the site

Particularly suitable

Condition

Fair

Past work consistent with prudent arboricultural management?

Yes

Are past works likely to have compromised long term retention?

No

Will past work necessitate any particular future management requirements?

Removal of dead wood, the closely spaced nature of the group has resulted in a supressed form in particular to the Sycamore, notwithstanding this the trees have collective value as a group

Tree size (at maturity)

Large (more than 15m)

Presence of other trees

High percentage tree cover

Define visual area/reference points

BENEFITS

Are the benefits current?

Yes

Assessment of future benefits
(future growth potential;
continuity/sustainability of tree cover;
development)

The trees represent both current and future growth potential and can be managed in their present condition.

Assessment of importance as a wildlife habitat

The trees have the potential to support nesting birds

Additional factors

- ☒ Screening/buffering (visual/noise)
- ☒ Historical associations

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

No

Are there any statutory obligations which might apply?
(consider: Highways Act 1980, Electricity Act 1989, Civil Aviation Act 1982)

Yes

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to land in which the Environment Agency has an

No

interest?

7. COMPENSATION:

Do any of trees currently show any obvious signs of causing damage? ☐

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable? ☐

If yes provide details

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

If yes provide details

8. HEDGEROW TREES:

Individual standard trees within a hedge

An old hedge which has become a line of trees of reasonable height

Are the "trees" subject to hedgerow management?

Assessment of past hedgerow management

Assessment of future management requirements

9. MANAGEMENT:

Are the trees currently under good arboricultural or silvicultural management?

Is an order justified?

Justification (if required)

To provide protection to ensure the long term retention and management of trees of high amenity value in accordance with best practice recommendations, and in the absence of any recognition of the importance of the trees in terms of amenity value and position within the context of the development proposal, formal protection is appropriate

10. DESIGNATIONS:

a. Individual

Do the trees merit protection as individual specimens in their own right?

b. Group

Does the overall impact and quality of the trees merit a group designation?

Would the trees reasonably be managed in the future as a group?

c. Area

Area

d. Woodland

Woodland

11. MAP INFORMATION:

Identify the parcel of land on which the trees are situated.

☐

(Outline in **red** on the attached location plan)

Identify all parcels of land which have a common boundary with the parcel concerned
(Outline in **green** on the attached plan)

☐

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime
(Cross hatch on the plan)

☐
12. LAND OWNERSHIP:

Land ownership details (if known)

Please see list of persons served

Land Registry search required?

☒
13. SUPPLEMENTARY INFORMATION:

Has a detailed on-site inspection been carried out?

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

Provide details of trees to be excluded

Additional publicity required?

☐

Relevant Local Plan policies

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the trees stand, in that they are considered to be a long term amenity feature

Such amenities are enjoyed by the public at large and without the protection that the Order affords there is a risk of the amenity being lost

The trees have been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient in the interests of amenity to make provision for their long term retention

The trees are of historic interest in that tree cover in their position can be identified on former tree lined boundaries as recorded on the 1875 Ordnance Survey Map of the area

14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

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Jay Ashall Partnership
Chartered Architects

Emma Hood
Environmental Planning
Cheshire East Council
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

JW/HMC/1157G
15th March 2019

Dear Sir/Madam,

Re: Tree Preservation Order – Birtles Road, Macclesfield

On behalf of our clients, we formally object to the tree preservation order placed upon Birtles Road, Macclesfield.

Please find enclosed a copy of our client's arboricultural consultant report.

Whilst there are a number of B2 classified trees on the site, there are only 4no. trees that are proposed to be protected which are in the location of the proposed access to the site as detailed in planning application ref. 18/6230M.

It would therefore appear that the only reason to implement this tree preservation order is to prevent development which is contrary to the purpose of a tree preservation order.

For these reasons, our client's strongly objects to the order and requests that the tree preservation order is not implemented.

Yours faithfully,

JAMES WEBSTER
JAY ASHALL PARTNERSHIP

Enc. Arboricultural Report

RIBA 
Chartered Practice

108 London Road Holmes Chapel Cheshire CW4 7BD

Tel 01477 534897

Email: enquiries@jayashall.co.uk web: www.jayashall.co.uk

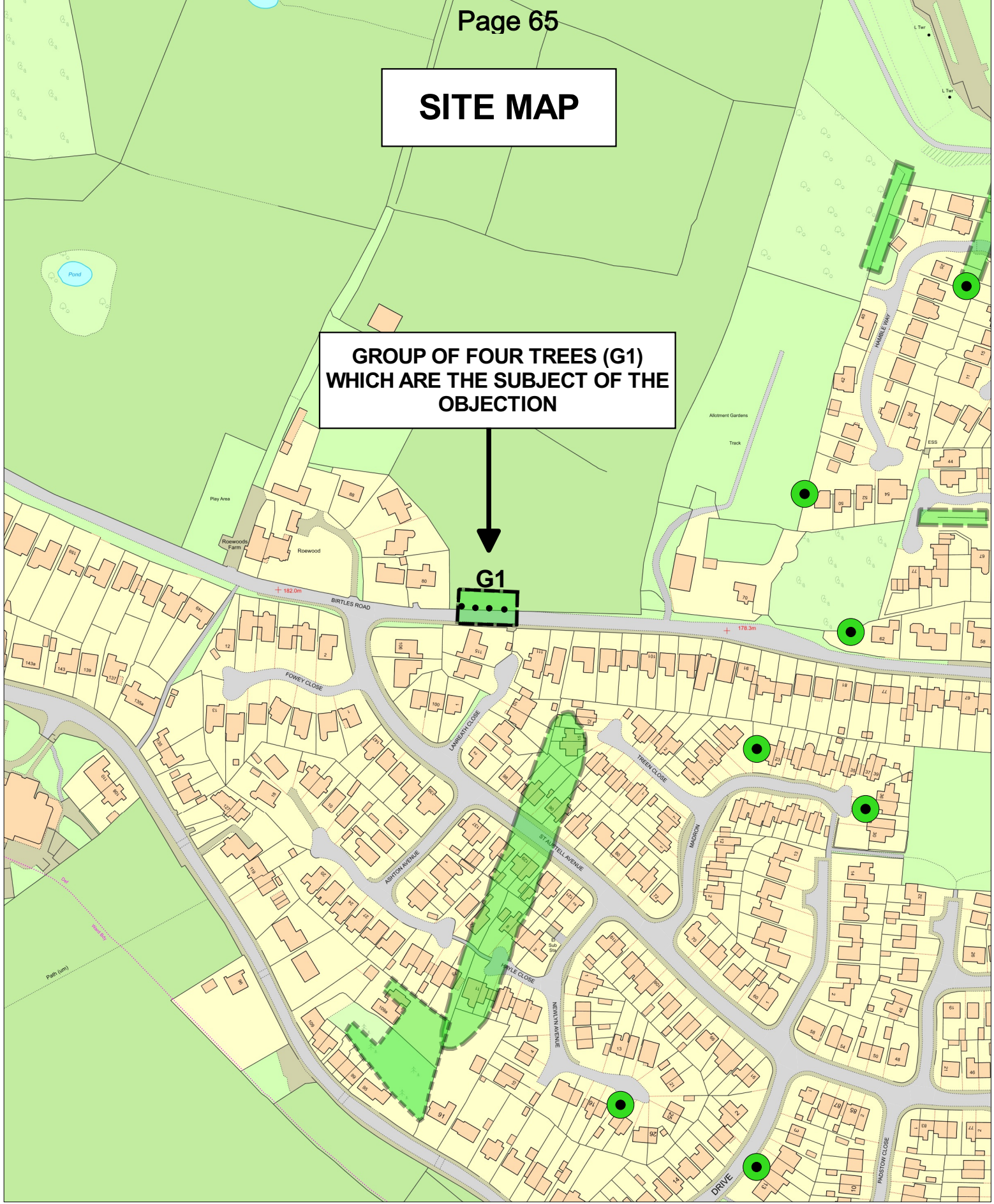
Partners: I. Pleasant, Bsc, BACh, RIBA, J.K Ashall, BACh, PGDip. RIBA. Consultant: J. H Ashall, Dip.Arch. RIBA. Associate: J.O Webster, BA, PGDip. RIBA.

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SITE MAP

**GROUP OF FOUR TREES (G1)
WHICH ARE THE SUBJECT OF THE
OBJECTION**

G1



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Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(MACCLESFIELD – LAND TO THE EAST OF 80 BIRTLES ROAD)
TREE PRESERVATION ORDER 2019

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (MACCLESFIELD – LAND TO THE EAST OF 80 BIRTLES ROAD) TREE PRESERVATION ORDER 2019**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

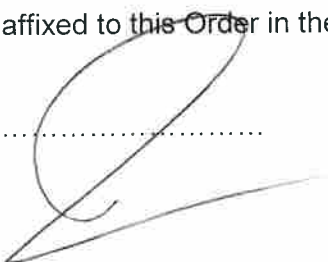
Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 12th day of February 2019

The Common Seal of Cheshire East Borough Council

was affixed to this Order in the presence of—

.....




(1139 (1))

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE
Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
G1	2 Horse Chestnut & 2 Sycamore	Standing to the north side of Birtles Road Grid Ref: 388,808– 374,250

Groups of trees

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

CHESHIRE EAST BOROUGH COUNCIL
(MACCLESFIELD - LAND TO THE EAST
OF 80 BIRTLES ROAD)
TREE PRESERVATION ORDER 2019

