

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 14th August, 2019  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 6)

To approve the Minutes of the meeting held on 10 July 2019 as a correct record.

4. **Public Speaking**

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**Please Contact:** Sarah Baxter 01270 686462

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

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

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

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

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

5. **18/6202M - Residential Development comprising 4, 2-storey dwellings with accommodation in roofspace, following demolition of the existing dwellinghouse, Blackford, Wilmslow Park North, Wilmslow, for Wilmslow Park (GB) Limited (Pages 7 - 20)**

To consider the above application.

6. **19/0399M - Development of a car park associated with the operation of Manchester Airport, demolition of 48 and 52 Moss Lane with associated outbuildings, provision of a new landscaping belt, footpath and ecological mitigation, Hollytree Cottage, 52 Moss Lane, Styal, for Mr Andrew Cowan, Manchester Airport plc (Pages 21 - 38)**

To consider the above application.

7. **19/2311C - Front extension over garage, rear single storey extension to rear, 10, Ascot Close, Congleton, for P Akers-Smith (Pages 39 - 44)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 10th July, 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

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mrs E Hood (Arboricultural Officer), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

### **12 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor L Roberts.

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

None.

### **14 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 5 June 2019 be approved as a correct record and signed by the Chairman.

### **15 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

### **16 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 BRIGHOUSE HOMES**

The application was withdrawn prior to the meeting.

**17 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**

Consideration was given to the above application.

(Councillor T Fox, the Ward Councillor and Daniel Grew, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the verbal update to the Committee the application be delegated to Head of Development Management in consultation with the Chairman, and Ward Member to approve, in accordance with the recommendation, subject to:

- Receipt of revised plan showing reduced lux levels
- Consideration of alternative options for lighting provision
- Confirmation of location of dustbins
- Confirmation of location of benches

And subject to the 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 implemented
6. Cycle parking details to be implemented
7. Nesting bird survey to be submitted
8. Implementation of approved landscaping plan

(The meeting adjourned for a short break).

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

Consideration was given to the above Order.

**RESOLVED**

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

The meeting commenced at 10.00 am and concluded at 11.28 am

Councillor C Browne (Chairman)

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Application No: 18/6202M

Location: BLACKFORD, WILMSLOW PARK NORTH, WILMSLOW, SK9 2BA

Proposal: Residential Development comprising 4, 2-storey dwellings with accommodation in roofspace following demolition of the existing dwellinghouse, Blackford.

Applicant: Wilmslow Park (GB) Limited

Expiry Date: 14-Mar-2019

### **SUMMARY**

It is considered that the proposal is environmentally, socially and economically sustainable and would accord with the Cheshire East Borough Design Guide, development plans and the Framework. The site is located in a relatively sustainable location within the settlement of Wilmslow and the proposal is considered to represent an efficient use of land.

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

It is considered that the impact on Wilmslow Park and other ecological interests has been assessed by the design officer and is acceptable. The proposal is considered to accord with the Wilmslow Parks SPD, The Cheshire East Borough Design Guide, relevant policies in the local plan and national guidance in the Framework. The proposals are considered to be acceptable in design and layout, visual, highway safety, amenity, arboriculture, and nature conservation terms.

**SUMMARY RECOMMENDATION: Approve subject to conditions**

### **REASON FOR REPORT**

The application has been called in by Councillor Fox for the following reason(S);

*“Plot 1. Insufficient parking - 2 space for a 4 bedroomed house. DC6. Circulation and Access. No swept path analysis for refuse vehicles. Insufficient daylight amenity within the site. Excessive loss of trees on site. Plots 3 & 4 with accommodation in the roof space close to neighbouring boundaries and impact on neighbours privacy. Impact on street scene from the protected Bollin Valley - street scene should be submitted. Cross sectional drawing demonstrating relationship with neighbouring properties; Oak House, Woodbank and Garth Heights should be submitted as they are significantly lower than the site. Distances from Plots 2 & 3 to Flats 7 & 14 of Garth Heights should be clarified. Similarly the distances between Plot 1 and Woodbank. Contrary to The 3 Wilmslow Parks SPD - out of character and appearance of the area. Height, mass, bulk and density would be an overly cramped, incongruous, discordant, alien feature in this location and be detrimental to the visual amenities and character of the area.”*

### **DESCRIPTION OF SITE AND CONTEXT**

The site is situated on Wilmslow Park North within the Wilmslow Park area of Wilmslow as designated by an adopted SPD. The site presently accommodates a single detached house constructed in the 1930's that is surrounded and framed by mature trees and vegetation in a topographically elevated position above the road. The site is approximately 0.46 hectares.

### **DETAILS OF PROPOSAL**

It is proposed to demolish the house and build four new detached houses of variable size. Plot one would be smaller than the other three as the first house on the approach into the site. The houses would take access from Wilmslow Park North as existing with a wider internal route leading to a central courtyard space. The houses would connect to the landscaped courtyard with the individual driveways.

### **RELEVANT HISTORY**

17/3115M - Residential development comprising 6 dwellings – *Not determined – Appeal Dismissed 27/02/18*

### **POLICIES**

#### **National Planning Policy**

National Planning Policy Framework

#### **Local Plan Policy**

### **CELPS**

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

SD2 (Sustainable Development Principles)

SE1 (Design)

SE2 (Efficient Use of Land)

SE3 (Biodiversity and Geodiversity)  
SE4 (The Landscape)  
SE5 (Trees, Hedgerows and Woodland)

### **MBLP**

DC3 (Amenity)  
DC6 (Circulation and Access)  
DC9 (Tree Protection)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)  
NE11 (Nature Conservation)

### **Other SPD and Material Considerations**

Cheshire East Borough Design Guide 2017

The Three Wilmslow Parks 2004

Wilmslow Neighbourhood Plan at Regulation 17 – Examination relevant emerging policies

SP1 Sustainable Construction  
SP2 Sustainable Spaces  
TH4 The Three Wilmslow Parks  
TA1 Residential Parking Standards  
H2 Residential Design  
H3 Housing Mix

### **CONSULTATIONS RECEIVED**

Strategic Highways Manager – No objections

Environmental Protection – Request pre- commencement condition in respect of a construction management plan and other conditions regarding sustainability matters and contamination

Manchester Airport - The proposed development has been examined against aerodrome safeguarding measures; it does not conflict with safeguarding criteria so have no objections, but it is advised that the applicant follows guidance for tall equipment permits.

United Utilities – Request condition

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

Wilmslow Town Council's Planning Committee recommend refusal on the grounds of overdevelopment of the site in terms of the proposed scale and height and therefore overbearing on neighbouring properties. The proposed development is out of character with

the area and contrary to the Wilmslow Three Parks Planning Guidance document. The scale of the proposed loss of trees would also have a detrimental impact on the character of the area.

### **OTHER REPRESENTATIONS**

Over 90 individual letters of objection from neighbouring properties and the local area have been received including others from the local MP, Garth Heights Residents Association and Wilmslow Park Road Users Association. The points raised can be summarised as follows:-

- Alien, out of character and not compliant with SPD and the street scene
- Mass of built development
- Out of keeping
- Adverse affects amenity, overlooking and privacy
- Parking on road would result and road damage
- Road inadequate due to blind bend
- Contrary to draft neighbourhood plan
- Contrary to Inspectors findings and original objections still apply
- Too many for the plot that can only fit 2 houses
- Overdevelopment/cramped
- No need for more houses in the area
- Adverse impact of landscaping, wildlife and trees
- Loss of trees
- Sets dangerous precedent
- Affect views from Bollin Valley
- Affect on drainage

*The full contents can be viewed on the CEC website*

### **ISSUES**

#### **Principle of Development**

The site is within a settlement and therefore the principle of infill redevelopment of the site is acceptable. However, any redevelopment must conform to extant and relevant National and Local Planning Policy. The main policy tests in this case would be compliance with SD2, SE, SE2 and SE5 of the Cheshire East Local Plan Strategy; saved policies DC3, DC6, DC9, DC38 and DC41 of the Macclesfield Local Plan and the overarching umbrella of the Wilmslow Parks SPD and the Cheshire East Borough Design Guide. That was not the case with the appeal scheme (6 units) as but it is now considered that, on balance, the new application (4 units) addresses the issues.

#### **Character**

This area was historically characterised by private parkland with a select number of large Victorian residences set in generous grounds on the edge of the Bollin Valley. In more recent times those plots have been re-developed with more intensive forms of housing development, including some cul-de-sacs. There is a variation in density across the wider area, in relation to

the appeal site and the area around it, but generally with generous plots and substantial properties. The Design Guide for Wilmslow Park SPD states in terms of general character that *“Wilmslow Park is a heavily wooded area that is purely residential. It has a mixture of developments from several periods of the 19th and 20th centuries. Most dwellings are medium to large detached houses on plots of varying sizes...”* Further it states that *“the density of landscaping within each development varies enormously, but the overall character is of being surrounded by mature, dense greenery.”*

The proposed dwellings are relatively large, but it is considered they would be situated on plots that would be commensurate to the dwelling size, and overall would be in the context of the wider Wilmslow Park Area. Clearly the development will result in a higher density of development that currently exists on the site, but the proposal represents a development density of 8.7 dwellings per hectare. It is considered that this new proposal is at ease with the lower density character of the Wilmslow Park area and addresses the issues identified by the Inspector on the dismissed scheme. The Design Officer has also been involved in advising on the proposals throughout.

The NPPF para advises at paragraph 60 that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

Paragraph 61 reinforces this by explaining that good design goes beyond aesthetic considerations and *“should address the connections between people and places and the integration of new development into the natural, built and historic environment.”* Paragraph 64 goes on to stress that poor design that fails to take opportunities to improve the character and quality of an area should be refused.

Policy SD2 of the Cheshire East Local Plan, reflecting the NPPF, requires that new developments *“contribute to an areas character and identity, creating or reinforcing local distinctiveness in terms of a. of height, scale form and grouping.....”*

Policy SE1 of the Cheshire East Local Plan, reflecting the NPPF, requires that new development achieve a high quality of design and that development proposals make a positive contribution to their surroundings, identifying achieving sense of place as one of the principal objectives, in particular criterion I *“...by protecting and enhancing the quality, distinctiveness and character of settlements”*

The Cheshire East Residential Design Guide SPD Vol 2 ii/55-59 identifies that the density of new development should relate to the character of the area and the position of the site within a settlement, emphasising that residential areas adjacent to open space or the countryside would have a reduced density and less formal character.

Although the design of a unique house type is encouraged within the Design Guide, reference to the local vernacular and architectural details is sought together with the use of the existing topography to ensure a diverse roofscape. This is addressed by the scheme as the houses

are of an individual design and would utilise the leafy raised character of the site and create an interesting layout.

The Wilmslow Park SPD in considering future development states in its general considerations that *“Any development should reflect the characteristics of the specific area...This applies to every aspect from the density of building on a particular site to the type and pitch of the roofing material.”* (p 24) This site relates directly to open space and countryside, formed by the Bollin Valley, defining the character and setting of Wilmslow Park and creating a green finger of countryside linking the town to surrounding countryside. This sylvan, countryside edge character is a major contributor to Wilmslow’s landscape character and a distinct component of the area’s local distinctiveness. It is considered that this new application observes these parameters and is within character to the wider setting. The proposals show the development in context with regard to densities, and show the height in relation to the existing adjacent built structures, and also the proposed buildings in relation to one another within the site (in addition to the site plan). The Inspector found fault in the 6 unit appeal scheme in that it would *“introduce a mass of built development which would be clearly at odds with the prevailing street scene and detract from its spacious and rural qualities”*. This scheme reduces the density of development and very clear breaks to the frontage of the site and it would face the road as prescribed by the Inspector. It no longer would present a *“consolidated bulk”* as was identified by the Inspector on the appeal scheme. This is vital factor in rendering the proposed scheme as acceptable as this more spacious approach is considered to be achieved in the street scene as now only 2 detached dwellings would be visible creating a better rhythm than the appeal scheme. Thus, this application is now considered to comply with the SPD and emerging policies TH4 and H2 of the Wilmslow Neighbourhood Plan.

### **Design, Scale and Massing**

The proposed houses would be two storeys with front gable features. It is considered that the scale and massing is in keeping with the surrounding area which is mainly two storey residential dwellings of substantial size. The initial plot is smaller than the other three to replicate a gate house feature as advised by the Design Officer. The proposed submission materials are a combination of facing brickwork in a red tone of Cheshire Brick, natural slate roofing, leadwork facing and flashing, natural stone detailing, timber doors and facia, and aluminium coated windows so ensuring that the ultimate palette of materials that is used is now sympathetic to the area and has the support of the Design Officer. The proposal conforms to the Design Guide requirement of new dwellings which: *‘must respond to the existing massing and built form in the area to ensure the development is not incongruous and jarring with its context’*

### **Infill Housing Development**

It is considered that the scheme would be compliant with all criteria of saved policy DC41 of the MBLP in that it is situated in an area that enjoys higher, space, light and privacy standards than the minimum prescribed. It is considered that the plots proposed in the scheme reflect the character within the area and the scheme now crucially addresses with a front facing an outlook toward a highway (Wilmslow Park North) from two elevations of plot one and plot two and thus complies with the recommendations of the previous Inspector. The proposals would not result in undue overlooking of private gardens by way of the proposed offset positioning of

the houses nor would it directly overshadow any existing habitable rooms nearby. It is considered the garden sizes are commensurate with the majority of plots as shown by the plan showing the houses within the context of the wider area within Wilmslow Park. The net increase of three houses would not lead to excessive amounts of new traffic in a quiet area and the submission demonstrates that the any increase in movements would not be at all significant. The proposal as described earlier would result in two houses enjoying an open outlook and plots 3 and 4 would not be directly tandem or backland as part of this overall redevelopment of the site. The proposed car parking provision would comply with the adopted standards in CELPS and it is considered that vehicular and pedestrian access would be safe as confirmed by the response of the Highways officer. In order to maintain the space light and privacy standards in perpetuity it is considered that permitted development rights should be removed by condition to maintain control over any future proposals to extend the houses.

### **Residential Amenity**

It is important to consider the impact of the proposals on the amenity of the existing occupiers of residential property that surround the application site as well as the amenity for future occupiers of the proposed development. In both respects that proposal is considered to allow for an acceptable standard of amenity that one would expect in a residential area, with appropriate interfaces internally within the proposed development and externally to adjoining residential properties.

It is considered that the scheme would be compliant with saved policy DC38 of the MBLP in all respects apart from the proposed distance between proposed plots 1 to 2; between a blank gable and habitable rooms that is shown at 12 metres when set against the DC38 guideline of 14 metres.. In this scheme the windows in the front elevation of unit 1 would face south towards the rear elevation of plot 2 that contains no habitable room windows but would have full aspect to the rear and would not be overbearing. The result is an acceptable standard of space, light and privacy between the dwellings.

It is noted that the internal interface standards in this proposal are improved from the previous appeal decision and that the Inspector considered that aspect of the proposal to be acceptable. The Inspector concluded on the previous appeal scheme, whereby a more clear transgression involving habitable facing windows would have occurred, that this type of juxtaposition would be acceptable stating that *“the explanatory notes (of DC38) make it clear that the distances outlined are for guidance only and can be varied should the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of privacy/light between buildings”*.....and *“in these circumstances I am satisfied that there would be adequate space between the buildings to secure privacy for future occupiers. Furthermore, future occupiers would have a choice over their proposed living conditions.”*

There are level changes around the site that need to be taken into account when considering the impact on surrounding properties. The drop in land level would be approximately 2.5 metres to Oak House to the rear. The relationship of plot 3 to Oak House would be at an offset angle (not directly facing) variable between 22m to a blank gable in Oak House and to 25m to windows in Oak House. A non habitable kitchen side window in the annexe of Oak House would again be at an offset angle and approximately 15 metres from windows in plot 3. All these distances are considered to comply with guidelines contained within policy DC38.

The separation distances to Garth Heights are from secondary windows in plots 3 and 2. Again these are at an offset angle and range between over approximately 30 metres to 19 metres and are in compliance with the guidelines set out in DC38. There are no examples of directly facing principal windows with any of the neighbouring properties and all the relationships are negated further by the oblique angles. It is considered that the relationships to Woodbank are acceptable and no undue overlooking or overbearing effect would result thus complying with DC3.

Plots 1 and 2 would be set back varying between 28 to 22 metres with Wilmslow Park South which is in character and commensurate with the area. The neighbouring houses would vary between approximately 25 to 22 metres thus very similar in relationship to Wilmslow Park South. Garth Heights is much closer to Wilmslow Park North.

In response to the issues raised in the call in to committee the applicants have produced drawings and sectional evidence that all other external distances to neighbouring properties would observe and be in excess of those prescribed by DC38. It is considered that the scheme is now acceptable in residential amenity terms and would not be overbearing or compromise issues of privacy and overlooking. Accordingly it is considered to comply with policies SD2, DC3 and DC38.

### **Access and Parking**

The four houses would be served by a private drive access from Wilmslow Park North and each house would have a policy compliant 3 parking spaces accommodated in a combination of garage and in curtilage spaces off the private drive.

As a result of the initial comments of the Strategic Infrastructure Manager the applicants submitted drawings that show the Plot 1 driveway widened to 5m and to allow 2 cars to be parked in front of the garage. Plot 1 now has 3 parking spaces to accord with the Council's parking standards.

The proposal is for 4no dwellings and includes a bin collection point located at the entrance to the site and it is envisaged therefore that the refuse vehicle would stop on street to collect the bins, empty them and return them to the bin store. As such there is no requirement for the refuse vehicle to enter the site and therefore there should be no requirement to undertake any swept path assessment. The width of the access road has been adjusted to 4.8m in order to ensure two cars are able to pass side by side on the private access road. The gate width has also been enlarged in line with the widened driveway width. The access road is designed as a private driveway however there are rumble strips placed in two locations along the drive which would help to reduce vehicle speed. The driveway is 40m long (from the gates to the square) and therefore speeds are anticipated to be low.

The Strategic Infrastructure Manager now has stated that further information has been provided in response to the previous comments submitted.

The access road has been widened to accommodate two way flow and refuse vehicles will not now enter the site with collections taking place from a bin store. Parking for the plots has been provided in accordance with CEC standards.

The visibility splays have been checked to ensure that they can be achieved, especially in the leading direction where there is banking.

Therefore, the highway issues have been resolved and the application is considered acceptable in that it accords with policy DC6 of the MBLP and SE1 and Appendix C (Parking standards) of CELPS.

### **Trees and landscape**

Trees within the site are protected by the Macclesfield Borough Council (Wilmslow - Blackford, Wilmslow Park) Tree Preservation Order 1991 and The Wilmslow Urban District Council (Wilmslow Park) Tree Preservation Order 1965. The application is supported by an Arboricultural Report (Murray Tree Consultancy Ref PM/FUL/04/12/18 dated December 2018), which includes an 'Implications Assessment' outlining proposed tree losses, impact on Root Protection Areas (RPA) of trees and trees for retention.

A separate shadow assessment has been provided Barnes Walker Dwg M2808.10C dated 09/17 Revision C and Barnes Walker (Dwg M2808.05E Tree Constraints and Woodland Management Plan Revision E)

The issue of shading is raised in BS5837:2012 Section 5.3.4 and is a key factor to be factored into the design to reduce the risk of requests for felling and / or sever pruning by future occupiers. Such applications are difficult to defend at appeal should they be refused when trees are retained in such close proximity as to cause shading to a large part of the plot. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in; government circulars; Chartered Institute of Building Services Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development

The submitted shadow assessment illustrates two scenarios, an average extent of shadow from trees based upon the 45 degree rule in BS5837 (Note 1 para 5.2.2) and canopy shadow based upon calculations at mid summer day (1pm) when the sun is at its maximum angle (shortest shadow).

On the basis of average shadow length (45 degree rule) the section A-A through Plot 2 shows the majority of the rear garden in shade, with the shadow extending to within 2.7 metres of the rear elevation. At mid summer, the shadow from trees decreases with a maximum shadow extending to 7.3 metres of the rear elevation of plot 2.

The Inspectors comments on the 2018 Appeal makes similar reservations regarding the amount of shading that would occur within the rear gardens of Plots, although the Inspector commented that this was not a determinative factor and was satisfied that the proposed development, including mitigation with replacement planting and a woodland management plan would not have a significantly harmful effect on protected trees and the overall landscape character of the area would not be diminished. The footprint of Plots 1 and 2 fronting

Wilmslow Park North, appear not to be substantially closer to the group of protected trees than on the previously submitted scheme, and with regard to Plot 1 is angled in such a way as to provide a slightly improved relationship.

The application will require the removal of some 31 individual trees and four groups for development of which 23 individual trees and three groups are internal within the site and are not protected by the TPO. Of the 8 individual trees and 1 group protected by the TPO, two individual trees are Moderate (B) category specimens, with the remainder low (C) category trees. The largest protected tree identified for removal is an early mature Horse Chestnut (T39) located adjacent to the interface between the access driveway and Wilmslow Park Road North. The tree displays several included unions and there is evidence of Horse Chestnut Bleeding Canker and consequently has reduced future life expectancy.

The Assessment also identifies a further six trees, three of which are within the TPO which will require removal irrespective of development due to their poor condition. Proposed tree losses both by virtue of development and condition are similar to the previously submitted scheme and are considered acceptable.

The application is supported by a Woodland Management Plan which includes provision for the planting of Beech trees, 2 Oak either side of the proposed entrance to mitigate the loss of the Horse Chestnut and understorey of Holly and Yew and native woodland flora. A 2 metre beech hedge is proposed to be planted at the top of the slope as a boundary to the gardens of Plots 1 and 2.

The indicative woodland management plan proposes that the wooded area be maintained as woodland in the long term. . Whilst the proposed woodland management was welcomed, the separation between domestic garden and managed woodland required clarification in planning terms. This Has been addressed by the applicants and the Forestry Officer has now confirmed the woodland management plan would be acceptable.

The Forestry Officer has also now confirmed that the revised AIA (PM/FUL/11/06/19 dated June 2019) now shows the retention of Trees T11 and T12 which are located offsite to the north within Oak House. There is some minor intrusion into the Root Protection Area (RPA) of tree T12 for a proposed patio, however I am satisfied that any impact on tree roots can be dealt with by a condition requiring a construction specification/method statement.

The Forestry Officer has requested four conditions be attached to cover these issues.

### **Nature Conservation**

Appropriate ecological surveys have been undertaken. Notably the surveys conclude that the site is not suitable for roosting bats.

The Nature Conservation Officer is satisfied with the information submitted and has requested conditions in respect of breeding birds and hedgerow retention/enhancement. There is no conflict with policy SE3 of the CELPS or NE11 of the MBLP.

### **Air Quality**

On the recommendation of Environmental Protection Officer a condition is attached requiring the provision of vehicle charging points in order to contribute to improvements in air quality and sustainability within the area and comply with policy SE12.

### **Contamination**

The Environmental Protection Officer has requested a condition for testing for contamination and although unlikely in such an area the condition is attached for completeness to comply with the NPPF.

### **Other matters**

The comments of Environmental Protection are noted and the applicants have agreed to the imposition of a pre-commencement condition that would require the submission and approval of such a plan prior to any development commencing including demolition.

### **COMMENTS ON REPRESENTATIONS**

The key points of objection that have been received on planning grounds have been noted and addressed in the main body of the report. It is considered that the scheme respects the Inspector's findings and is a windfall site that does not set any future precedent for Wilmslow Park as all sites are judged on the individual merits. It is not considered that the development would be unduly prominent or harmful in views from the Bollin Valley. As stated in the SPD *"The relationship between the natural and manmade landscape is very important. The landscaping blocks out the view of the surrounding dwellings from the river valley. This encourages an atmosphere of seclusion when in the Bolin Valley,"*

Although, of yet, limited weight, it is considered that the scheme would comply with the emerging policies of the Neighbourhood Plan and particularly policy TH4 that describes Wilmslow Park as consisting *"medium to large detached houses, semi-detached Victorian 3.5 storey houses, detached bungalows and purpose built apartment blocks"*

It is also considered that the level of information submitted is now acceptable and addresses the information issues raised in by the call in to Committee. An acceptable woodland management plan has been received and a drainage plan is anticipated prior to the date of Committee.

### **CONCLUSION**

The issues raised in representation have been duly considered however the proposals are considered to comply with National and Local Policy. The application is considered to address the issues raised in the Inspectors decision and crucially the visual relationship to Wilmslow Park North. It is considered to comply with policies SD2, SE1, SE2, SE3 and SE5 of the Cheshire East Local Plan Strategy; saved policies NE11, DC3, DC6, DC9, and DC41, of the Macclesfield Local Plan and the overarching umbrella of the Wilmslow Parks SPD and the Cheshire East Borough Design Guide. The very minor shortfall in respect of DC38 and the

internal spacing within the scheme is acknowledged but a good standard of amenity for existing and future occupiers will be achieved.

Policy MP1 of the CELPS states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”*

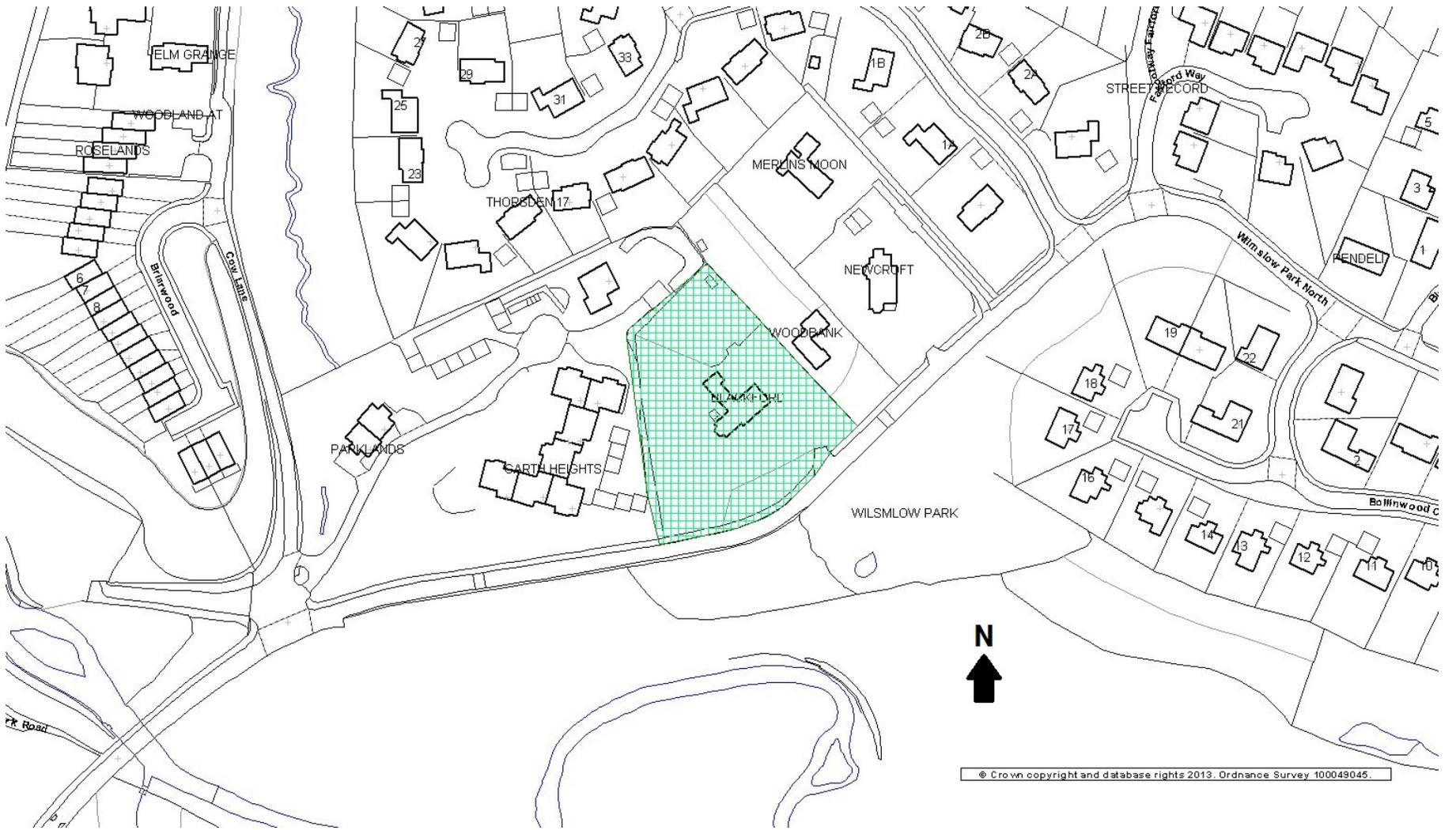
Accordingly the application is recommended for approval subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. PD removed
5. Electric Vehicle Charging Point
6. Drainage
7. Construction Management Plan
8. Survey for nesting birds
9. Breeding Birds
10. In accordance with arboricultural report
11. Arboricultural clerk of works
12. Tree Protection
13. CEMP for bin store and patio
14. Contamination



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Application No: 19/0399M

Location: Hollytree Cottage, 52 Moss Lane, Styal, SK9 4LG

Proposal: Development of a car park associated with the operation of Manchester Airport, demolition of 48 and 52 Moss Lane with associated outbuildings, provision of a new landscaping belt, footpath and ecological mitigation

Applicant: Mr Andrew Cowan, Manchester Airport plc

Expiry Date: 12-Jul-2019

### **SUMMARY**

The proposal is considered to be an inappropriate form of development in the Green Belt, which reduces openness, encroaches into the countryside, and contributes to the unrestricted sprawl of large built up areas.

The considerations in favour of the proposal, including the applicant's strategy to reduce the amount of kiss and fly / taxi journeys to the airport, the limitations of the existing public transport services, the operation of existing on site car parking facilities at capacity during the summer months, and the reduction of third party off site car parking options over recent years are considered to demonstrate that the car park is necessary for the operational efficiency and amenity of the airport in accordance with policy T23 of the MBLP. Compliance with this policy is considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt.

The visual amenity of the Green Belt will be adequately maintained, and the proposal will not result in any significant injury to the amenity of nearby residential properties. The impacts on ecology have been satisfactorily addressed, and in some cases enhanced. The proposal is not considered to generate any adverse traffic or highway safety issues. The visual and landscape impacts of the development are acceptable. No significant environmental effects have been identified.

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

Consequently, for the reasons outlined above, there are not considered to be any significant adverse impacts that would outweigh the presumption in favour of sustainable development in this case. Therefore, the application is recommended for approval subject to the satisfactory receipt of outstanding consultee responses, consultation with the Secretary of State (due to the scale of the proposal in the Green Belt), and conditions.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

## **REASON FOR REPORT**

The application has been referred to Committee because the site area exceeds 2 hectares and under the Council's Constitution such an application is required to be determined by Planning Committee.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises two residential properties, one of which is vacant, and a paddock with stable building, all located to the south of the site. To the centre and north, the site is relatively open with some overgrown coniferous plantation former nursery stock present. The site is bordered to the north and west by existing surface parking serving the airport, and Moss Lane to the south. The application site extends to 2.9 hectares in area and is located within the Operational Area of Manchester Airport and the Green Belt as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish 48 and 52 Moss Lane and their associated outbuildings, and construct an extension to an existing surface car park comprising 800 spaces associated with the operation of Manchester Airport with a new landscaping belt, footpath and ecological mitigation. The car park will operate 24 hours a day, and customers will self-park and then board buses to access the terminals.

## **RELEVANT HISTORY**

05/2968P - DEVELOPMENT OF NEW SURFACE CAR PARK AND ASSOCIATED LANDSCAPE WORKS – Refused 27.02.2006, Appeal dismissed 04.07.2007

18/3657M - Prior notification of a proposed demolition of a dwelling unit named Holly Cottage – Prior approval not required 29.08.2018

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

Relevant policies of the CELPS include:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

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  
CO3 Digital connections  
CO4 Travel plans and transport assessments

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

NE11 Nature conservation  
NE17 Nature conservation in major developments  
GC1 Green Belt  
T20 Impact of Airport on Green Belt  
T21 Airport related development  
T23 Airport Operational Area  
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

### Styal Neighbourhood Plan

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

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

Manchester Airport (safeguarding) – No objection subject to conditions relating to bird hazard management plan, lighting and glint and glare assessment.

Environment Agency – No objection

United Utilities – No objection subject to development being carried out in accordance with the submitted drainage design drawing.

Health & Safety Executive – No comments received

Cheshire Constabulary – No comments received

Manchester City Council – No comments received

Environmental Health – No objection subject to condition relating to contaminated land

Flood Risk Manager – Comments awaited

Strategic Infrastructure Manager – No objection

Public Rights of Way - It appears unlikely that the proposal would affect the public right of way

Styal Parish Council – No comments received

## **REPRESENTATIONS**

None received

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 146 of the Framework and policy PG3 of the CELPS identify engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location as forms of development that are not inappropriate development in the Green Belt, subject to them preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

Saved policy T20 of the MBLP relates specifically to airport related development in the Green Belt and states that *“the Borough Council will seek to minimise the impact of the airport within the Green Belt and development will not be permitted, except in very special circumstances, in accordance with the Borough Council's policies”*.

Further to this, saved policy T21 of the MBLP states that *“Airport-related development other than that referred to in policy T20 will not be permitted. The Borough Council will encourage development to be located within the airport operational area or within nearby urban areas where this is compatible with other local plan policies”*.

The car park would provide 800 new parking spaces and the hard surfacing would cover an area of approximately 2 hectares. Whilst the existing buildings on the site would be demolished, these only occupy a very small part of the existing site, with the majority currently undeveloped. Such a scale of development within this context would significantly reduce the openness of the Green Belt, and would conflict with two of the purposes of Green Belts, namely safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas. The proposal is therefore considered to be inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has put forward a number of material considerations in favour of the proposal, which they consider do amount to the required very special circumstances to outweigh the identified harm. These are explored in detail later in this report.

### **Landscape / character**

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 landscapes. Policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, and reinforce local distinctiveness.

The existing site comprises two residential properties, one of which is vacant, and a paddock with stable building, all located to the south of the site. To the centre and north, the site is relatively open with some overgrown coniferous plantation former nursery stock present. Airport operations are evident to the north and west of the site due to the presence of the existing Jet Parks 3 car park serving the airport.

The proposed development comprises loose bound granular material for parking areas with tarmac running lanes to match the adjoining car park and paladin fencing to the car park boundaries, also to match the existing. The northern and western boundaries will border the existing car park, and a landscaped buffer ranging from 13m to 34m in depth is proposed along the southern and eastern boundaries, providing a softer edge to the wider Green Belt.

The application includes a Landscape and Visual Impact Appraisal (LVIA) carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment third edition. The appraisal considers eight photo viewpoints within the zone of theoretical visibility which show that the site is generally well screened by vegetation within the wider landscape and along its southern and eastern boundaries.

The appraisal does not include a viewpoint from Moss Lane directly in front of the proposed development, however visualisations of the existing view, at year 1, at year 7 and at year 15 have been provided, which illustrate that views of the development from Moss Lane would be largely screened or filtered after 15 years.

The LVIA concludes that:

*“Important landscape and visual effects of the proposed development are much localised and are during construction and year one. No important effects remain by year fifteen. It is considered that due to the appropriate screening and sympathetic retention of existing vegetation along the southern and eastern boundaries as part of the landscape and ecology mitigation plan, the proposed development would result in acceptable changes in landscape character and visual amenity”.*

Whilst there will be a significant change to the character of the application site, the proposal is an extension to a substantial car park, which borders the site to the north and west. The most sensitive views of the site will be from the south and east, and the conclusions of the LVIA are broadly accepted. However, whilst the landscape proposals are generally acceptable, landscape conditions are recommended to secure amendments to the landscaping to include the filling of gaps along the Moss Lane frontage with hedging (such as Holly) and some standard trees - to improve screening from the outset. Minor amendments to the proposed native hedgerow mix are also required and further details should be submitted for the proposed pond, fencing planting, footpath, bridge, benches etc. Subject to these conditions, the proposal is considered to comply with policies SE4 and SD2 of the CELPS.

## **Living conditions**

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 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.

## Air Quality

In terms of air quality, the site is located in an area that is dominated by the airport and associated operations, including car parking, all of which will have an impact upon air quality by their very nature. An air quality assessment has been submitted with the application, which identifies that both the construction and operation phases of the development will have a negligible impact upon local air quality. The proposed car park is a relatively modest extension to an existing facility and is not considered to result in any significant impact upon air quality. Environmental Health has also raised no objections in terms of air quality, noting that the proposal is also not suitable for electric vehicle charging due to its use as a long stay car park, and as such so cars will not be able to be left charging for that length of time.

## Noise

The nearest residential properties are located on Moss Lane. Number 46 lies immediately adjacent to the south east boundary of the application site, and is the nearest receptor to any noise arising from the car park. The proposed layout plans show a 13m wide landscape buffer to the eastern boundary and therefore any car parking will be over 13m from this neighbour's boundary. It is also important to note that there will not be any access to the proposed car park from Moss Lane. All vehicles accessing the site will use the existing access from Hollin Lane, which serves the wider car park, and therefore vehicles will approach the site from the north, away from the nearest residential properties. Consequently, whilst there will be some noise associated with the comings and goings within the car park, potentially 24 hours a day, it is considered that the extent to which it will impact upon the living conditions of 46 Moss Lane, will be limited given the long stay nature of the car park and the distance to this property. A submitted noise assessment also confirms that there will be no significant impact upon this neighbour.

The properties at 66-88 Moss Lane, lie further to the south of the site and the proposed development comes no closer to these dwellings than the existing car park. As such there should be no greater impact upon these properties.

## Lighting

Lighting is proposed to the car park area, and a condition is recommended requiring the submission of the lighting detail to ensure the proposed lighting has an acceptable impact upon neighbouring properties.

## Living conditions conclusions

Subject to the condition relating to lighting above, the proposal will not have a significant impact upon the living conditions of neighbouring properties. The development therefore complies with policy SE12 of the CELPS, and policies DC3 and DC13 of the MBLP.

### **Ecology**

Policy SE3 of the CELPS and policy NE11 of the MBLP seek to protect and enhance areas of biodiversity and geodiversity. A number of ecological surveys and reports have been submitted with the application, and the following matters are relevant to the proposal. It should also be noted that on and off site mitigation proposals are put forward. The offsite mitigation relates to an area of airport owned land to the south of the application site, to the west of Wilkins Lane, between Holly Lane and Moss Lane, and includes proposals for hedgerow and tree planting, wildflower meadow, earth mounds, and ponds and habitats for newts.

### Bats

A bat roost was recorded at one of the existing dwellings on site (Hollytree Cottage, 52 Moss Lane) during the bat activity surveys. An internal inspection of the building has also now been completed; however this was constrained by health and safety issues.

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

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

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

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

### *Alternatives*

Due to the necessity for the car parking to be relatively proximate to the airport, and the planning constraints of surrounding land, there are no known alternatives.

### *Overriding public interest*

The proposed development will meet an identified need for car parking serving the airport within the operational area of the airport. The provision of car parking within the operational area is linked to broader objectives of promoting sustainable methods of transport to the site. The actual or perceived lack of capacity within the operational area is a material consideration often put forward by unauthorised operators. Increasing this capacity will be in the wider public interest by helping to undermine this argument.

### *Mitigation*

The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned, and a condition is recommended to ensure that the development is carried out in accordance with the submitted bat mitigation and compensation measures. The requirements of the Habitats Regulations are therefore met.

Light spill resulting from the lighting of the car park is likely to reduce the suitability of the application site and the proposed landscape ecological buffer for foraging and commuting bats. This effect is unlikely to be significant enough to result in an offence under the habitat regulations. This effect would be compensated for through the creation of the proposed offsite habitat creation area.

### Lighting

The lighting of the proposed car park has the potential to have a significant adverse impact on protected species, such as bats, badger and great crested newts and biodiversity in general around the site. The revised lux plan shows a general reduction in the light spill onto the adjacent landscape/ecological mitigation buffer area, however light levels are still high enough over part of the buffer to reduce its suitability for wildlife. Effects on the retained badger sett and biodiversity in general are discussed further below.

### Great Crested Newts

A medium population sized of great crested newts has been identified breeding at a pond located approximately 60m from the boundary of the proposed development. In the absence of mitigation and compensation the proposed development would have a Low - Medium scale adverse impact on this species as a result of the loss of suitable terrestrial habitat and the risk of newts being killed or injured during the construction process.

Once again, given that a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained.

### *Alternatives*

Due to the necessity for the car parking to be relatively proximate to the airport, and the planning constraints of surrounding land, there are no known alternatives.

### *Overriding public interest*

The proposed development will meet an identified need for car parking serving the airport within the operational area of the airport. The provision of car parking within the operational area is linked to broader objectives of promoting sustainable methods of transport to the site. The actual or perceived lack of capacity within the operational area is a material consideration often put forward by unauthorised operators. Increasing this capacity will be in the wider public interest by helping to undermine this argument.

### *Mitigation*

The submitted ecological assessment provides only limited details of the impacts of the proposed development in terms of the extent of higher and lower quality great crested newt terrestrial habitat lost as a result of the proposed development and the extent and nature of compensatory habitat provided. Much of the proposed on site ecological mitigation area consists of existing habitats and so would not deliver an overall net gain in habitat for great crested newts. The submitted mitigation strategy for on site habitats therefore appears more to retain existing habitats with the addition of features such as additional hibernacula rather than deliver the creation of additional compensatory great crested newt terrestrial habitat.

The submitted layout plan shows a 'proposed pond' within the mitigation area. The submitted ecological assessment however states that one of the existing ponds on site would be retained and enhanced as part of the proposed development. This pond is located immediately adjacent to a proposed footpath and so would be subject to an increased risk of non-native invasive species and fish being introduced to the pond which would be to the detriment of great crested newts.

In order to provide sufficient compensation for great crested newts the applicant has now submitted proposals for the creation of habitat at an offsite location on land within control of the airport. The nature conservation officer advises that the delivery of the on and offsite mitigation and compensation would be sufficient to maintain the favourable conservation status of great crested newts. The requirements of the Habitats Regulations are therefore met.

### Ponds

Higher quality ponds are a national and local priority habitat and hence a material consideration. Two ponds are present on site, which will be lost as a result of the development. One of these was dry during the submitted surveys and has remained dry during follow up surveys and the second is an artificial, lined pond.

The submitted ecological assessment states that the ponds on site are not of priority habitat quality, however insufficient survey effort has been undertaken to justify this conclusion. The conclusion of the ecological assessment also conflicts with the preliminary ecological appraisal which states that the ponds are of Local BAP priority habitat quality. Notwithstanding this issue, a new pond is proposed on site and two new ponds proposed at the off site habitat creation location, which is an adequate level of compensation for that lost.

### Badgers

A number of badger setts are present on site. Based on the current layout it appears feasible for the existing main sett to be retained as part of the proposed development. This sett may

however potentially be affected by the lighting of the proposed car park. In order to reduce light spill onto the land in the vicinity of the sett, it is recommended that a tall close boarded fence be erected around the boundary of the car park in the vicinity of the retained sett.

It is likely that the other badgers setts present on site would be lost as a result of the proposed development. The applicant is proposing that these setts would be closed under the terms of a Natural England license. The submitted badger survey does however advise that 2.9ha of foraging habitat would be lost as a result of the proposed development. The nature conservation officer advises that this loss of foraging habitat is not considered to be significant, but some compensation should be provided through the provision of fruit trees around the periphery of the site. However, due to the proximity of the runway, fruit trees cannot be included as they may serve to attract birds, which would raise safeguarding issues for aircraft.

The precise nature of the impacts of the proposed development on badgers will depend on the levels of badger activity on site when works commence. A condition is therefore recommended requiring the submission of an updated badger survey prior to the commencement of development.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted ecological assessment states that lengths of hedgerow would be lost as a result of the proposed development and states that losses will be compensated for on a 2:1 basis. No information has been provided in the ecological assessment on the extent of hedgerows, however, extensive hedgerow creation is proposed at the offsite location and the applicant has confirmed that this is on the required 2:1 replacement ratio.

### Semi-improved grassland

An area of semi-improved grassland was recorded in the south western corner of the site. Habitats of this type can have significant nature conservation value. This habitat was not however surveyed in detail due to safety concerns. Despite the lack of a detailed survey of this habitat, paragraph 5.2 of the ecological assessment states that this habitat is of moderate value and should be retained or replaced as part of the proposed development. This area of grassland would be lost as a result of the proposed development.

### Hedgehog and common toad

No surveys have been completed for these two priority species. It is possible that these species could occur on site on at least an occasional basis. The development of a suitable great crested newt compensation strategy and the provision of replacement ponds on site would significantly reduce the severity of the impacts of the proposed development on toads, if present. The provision of features suitable for hedgehogs such as brush piles and replacement hedgerows would provide some compensation for the potential loss of habitat for hedgehog.

The ecological assessment also proposes that areas are hand searched for common toad and hedgehog prior to vegetation removal. This measure would reduce the risk of common toad and hedgehog being harmed during site clearance works. It is recommended that this is secured by condition.

## Breeding Birds

A number of bird species were recorded on site during the ecological surveys that have been undertaken to date. This included a small number of species which are regarded as priority species which are a material consideration for planning. Breeding bird activity on site was mostly associated with the existing hedgerows and boundary trees. Therefore, in order to avoid a loss of habitat for these species an adequate level of new hedgerow and scrub planting must be provided on or off site, which is now the case with the off site mitigation area. A condition is also recommended to safeguard nesting birds.

## Biodiversity Net Gain

CELPS policy SE3 (5) requires all development proposals to aim to deliver an overall benefit for biodiversity. In this case, given that the proposed development will result in the loss of the existing semi-improved grassland on site and areas of recent tree planting, in the absence of compensation it is likely that the proposed development would result in an overall loss of biodiversity.

In order to assess the residual ecological impacts of the proposed development the applicant has undertaken and submitted an assessment using the Defra biodiversity offsetting 'metric' methodology. This assessment shows that the proposed development, including on and offsite habitat creation proposals would deliver an overall gain for biodiversity.

## Management Plan

If planning consent is granted a condition is recommended which requires the submission of a 25 year habitat management plan. The management plan should include detailed proposals for the management of non-native invasive plant species and cover both on and off site habitat creation areas.

## Conclusion on ecological matters

The proposal will have an acceptable impact upon protected species, and through a combination of on and off site mitigation measures, the proposal will lead to an overall enhancement for biodiversity. It is therefore considered that the proposal is in accordance with policy SE3 of the CELPS and NE11 of the MBLP.

## **Trees**

An Arboricultural Impact Assessment has been submitted with the application, which identifies 103 tree features within the site, 4 of which are High (A) category mature Oak which are proposed for retention. The extent of tree cover does make a significant contribution to the amenity and landscape character of the area.

Six individual trees and one group of trees assessed as Moderate (B) category, and 10 individual trees, 17 groups of trees, two hedges and part of one hedge categorised as Low (C) category all require removal to accommodate the proposed extension to the car park. The majority of the trees to be removed are located in the central and western sections of the site. The trees along the northern, eastern and southern boundaries are largely retained and will provide the green buffer to the site.

One individual tree (T23) and a group of trees (G22) will potentially be affected by the removal of hard surfacing and a dwelling which are situated within the Root Protection Areas

(RPA) of these features. The Assessment provides measures as part of a submitted Tree Protection Scheme on how this will be carried out without damage to root protection areas, which is broadly in compliance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

Policy SE5 of the CELPS states that the loss of trees that make a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. In this case there is not considered to be any suitable alternatives either outside of the Green Belt or within the operational area of the airport, as is explained further below.

Where such impacts are unavoidable, policy SE5 maintains that development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

The Assessment indicates that tree removals will be mitigated with a high quality scheme of new planting as part of a detailed landscaping scheme although as part of the Civil Aviation design principles this excludes block planting, trees with potential to exceed 20 metres in height, the reduction of certain berry producing trees and Oak, Elm and Hawthorn species. A Landscape Proposal Plan is included with the AIA which shows planting of 15 standard trees (2.5-3 metres in height) and a woodland mix (comprising of transplants) to the north west of the site. This replacement planting on its own is considered to be insufficient to result in a net environmental as required by policy SE5. However, as part of the offsite ecological mitigation proposals a significant amount of Oak tree and native hedgerow planting is proposed, which is considered to result in an overall net gain, including a net gain in tree cover.

The arboricultural officer has confirmed the drainage / services layout is acceptable in terms of their relationship to retained trees. The proposal is therefore considered to comply with policy SE5 of the CELPS.

### **Highways**

The proposed development will form an extension to the existing Jet Parks 3 car park, which serves Manchester Airport. It is proposed to extend the current car park from 5,200 spaces to 6,000 spaces. The application site is located immediately adjacent to the existing Jet Parks 3 car park and the access to the existing and proposed car park is from Hollin Lane. No access will be taken from Moss Lane.

The impact of the additional car parking spaces has been modelled by the applicant using a Vissim model of the local road network. The result of the modelling is that whilst the network is congested at peak times the proposed increase in car parking spaces has little impact to journey times and delay. The main reason for this minor impact is that the car park provides long term parking, and as such trips associated with it are spread out, resulting in a much lower impact during the peak hours.

The Head of Strategic Infrastructure has confirmed that the proposed car park extension does not have a material impact on the road network. Accordingly no further highways issues are raised.

### **Public Right of Way**

The application site is adjacent to public footpath Wilmslow No. 6, which runs from Moss Lane in a northerly direction to the south west of the application site, and then continues on between two existing car parks until it terminates at the northern boundary of the Borough immediately adjacent to the airfield. As such it appears that this route does not connect onto other footpath routes to the north. It is understood that the footpath may be used by plane enthusiasts as it provides good views of the runway. The PROW officer initially reported that the proposal did not appear to affect the public footpath, but it has since been confirmed that the applicant is seeking to divert the footpath along the route shown by the purple dashed line on the Outline Design plan, through the landscaped buffer to the south and east of the site. Given the lack of any connectivity to the north, in planning terms the diversion is considered to be acceptable. Confirmation is awaited from the PROW officer on whether they have any objection to the proposed diversion. Further details will be provided as an update.

### **Flood Risk**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, and avoid an adverse impact on water quality and quantity within the Borough.

Drainage of the site will be to controlled waters via the Manchester Airport drainage system at a rate equivalent to the greenfield run off rate. The car park surface will be constructed to slope towards the existing drains, and water will pass through a hydrobrake and then existing oil interceptors. Further information was requested by the LLFA, which has now been received and further comments will be reported as an update.

### **Contaminated land**

Policy SE12 seeks to ensure that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

The application site has a history of agricultural use and therefore the land may be contaminated. No pre-commencement work is required relating to contaminated land, however conditions are recommended to required actions in the event of any unidentified contamination being found, and the testing of imported soil. Subject to these conditions the proposal will comply with policy SE12 of the CELPS.

### **Considerations in favour of the development**

The proposal has been identified as an inappropriate form of development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will

not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, whilst the site lies within the Green Belt, the site is also located within the Airport Operational Area. Policy T23 of the MBLP refers to the Airport Operational Area, and this states that:

*“development and uses which will be permitted within this area are those which can be demonstrated to the satisfaction of the local planning authority to be necessary for the operational efficiency and amenity of the airport. These shall include airfield operational facilities, airport ancillary facilities, transportation infrastructure and landscaping.”*

At the time of the appeal in 2006, the Inspector and the Secretary of State (SoS) considered that such a policy could amount to a very special circumstance in its own right. However satisfaction of the criteria of the policy is not necessarily conclusive as to the acceptability of the development. The harm to other policies of the development also has to be taken into the balance.

The planning statement accompanying the application identifies a hierarchy of transport modes for passengers travelling to the airport, which are:

1. Public and sustainable transport modes
2. Parking on site
3. Kiss & fly (drop off) / taxi

Kiss and fly / taxi trips generate twice the number of road trips than parking on site, and a key focus of the Airport is to reduce the number of Kiss & fly / taxi trips. Their target is to reduce these from the current 52% of overall trips to the airport to 30% by the time they reach their planned growth to 45 million passengers per annum (mppa) (currently 29 million). This strategy requires improvements in public transport and improvements to the on site parking offer to make it as convenient and competitive as taxis.

In terms of public transport, the Airport is reliant on third parties to provide services, and they continue to work closely to secure improvements. Currently, train services run between the airport and Manchester city centre and the Metrolink is really only a viable option for those travelling from the north. Potential public transport users are therefore reliant on connecting services, and operation of services 24 hours a day, where it is currently limited. The applicant reports that these third party transport providers are constrained by funding and have a shared exasperation with the airport at some of the centrally made decisions. For example, train operating companies bidding for franchises have sought to improve services to the airport through extended operating hours and/or extending their reach into other franchise areas only to have those aspects of their bids ruled out by the Treasury. Notwithstanding this, major capital investment is committed to improving surface access including £60m on the Metrolink and the Ground Transport Interchange. Consequently, given that there are deficiencies in the public transport options available for passengers, in terms of operating hours and availability of services; car parking on site is the next best option.

Within their planning statement, the applicant has pointed to a range of factors to demonstrate that there is a need for the proposed car park extension. These include:

- During the summer months the site is operating at capacity in terms of parking numbers.

- The off-site, third party operated sites have declined significantly over recent years as a result of sites being redeveloped for other uses, operators failing, and successful enforcement of unauthorised activity by Local Planning Authorities.
- Provision of on-site parking is one string of the Airport's Surface Access Strategy aimed at reducing the most inefficient means of access (kiss-and-fly / taxi) in terms of impact on the road network.

In sustainability terms, the use of public transport would clearly be the preferred option for passengers travelling to the airport, however, as noted above there are deficiencies in this service. Whilst, public transport is a genuine option for some passengers it is not universally available or convenient. There are also no other known alternative sites for the proposed car park. Taken together with the factors referred to above, this lends support for the provision of on site car parking, as proposed, as an alternative to the least sustainable option of kiss & fly / taxi in terms of it being necessary for the operational efficiency and amenity of the airport, as required by policy T23 of the MBLP.

### Very special circumstances

The proposal is inappropriate development in the Green Belt. Substantial weight is attributed to this harm. In addition, the proposal will result in a loss of openness (both spatially and visually) and encroaches into the countryside. Substantial weight is attributed to this harm. No additional harm has been identified beyond the harm to the Green Belt. Impacts on amenity, ecology, landscape, environmental health, highways and PROW are considered to be neutral in the planning balance. Very special circumstances will not exist unless the harm identified is clearly outweighed by other considerations.

The availability of other transport options has been considered above, and there are no known alternative sites for the proposed car park. It is therefore concluded that, on balance, the proposed car park extension is necessary for the operational efficiency and amenity of the airport, in accordance with policy T23 of the MBLP.

All of the Operational Area of the Airport identified in the MBLP lies within the Green Belt, and the application site is the last remaining part of the defined Operational Area within the MBLP that does not comprise airport related development.

Overall, it is considered that compliance with policy T23 of the MBLP does amount to the required very special circumstances to clearly outweigh the identified harm to the Green Belt, by reason of inappropriateness, loss of openness, encroachment into the countryside, and contributing to the unrestricted sprawl of large built up areas. The proposal is therefore in accordance with policy PG 3 of the CELPS and paragraph 146 of the Framework.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

The proposal is considered to be an inappropriate form of development in the Green Belt, which reduce openness, encroaches into the countryside, and contributes to the unrestricted sprawl of large built up areas.

The considerations in favour of the proposal, including the applicant's strategy to reduce the amount of kiss and fly / taxi journeys to the airport, the limitations of the existing public transport services, the operation of existing on site car parking facilities at capacity during the summer months, and the reduction of third party off site car parking options over recent years are considered to demonstrate that the car park is necessary for the operational efficiency and amenity of the airport in accordance with policy T23 of the MBLP. Compliance with this policy is considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt.

The visual amenity of the Green Belt will be adequately maintained, and the proposal will not result in any significant injury to the amenity of nearby residential properties. The impacts on ecology have been satisfactorily addressed, and in some cases enhanced. The proposal is not considered to generate any adverse traffic or highway safety issues. The visual and landscape impacts of the development are acceptable. No significant environmental effects have been identified.

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

Consequently, for the reasons outlined above, there are not considered to be any significant adverse impacts that would outweigh the presumption in favour of sustainable development in this case. Therefore, the application is recommended for approval subject to the satisfactory receipt of outstanding consultee responses, consultation with the Secretary of State (due to the scale of the proposal in the Green Belt), and conditions.

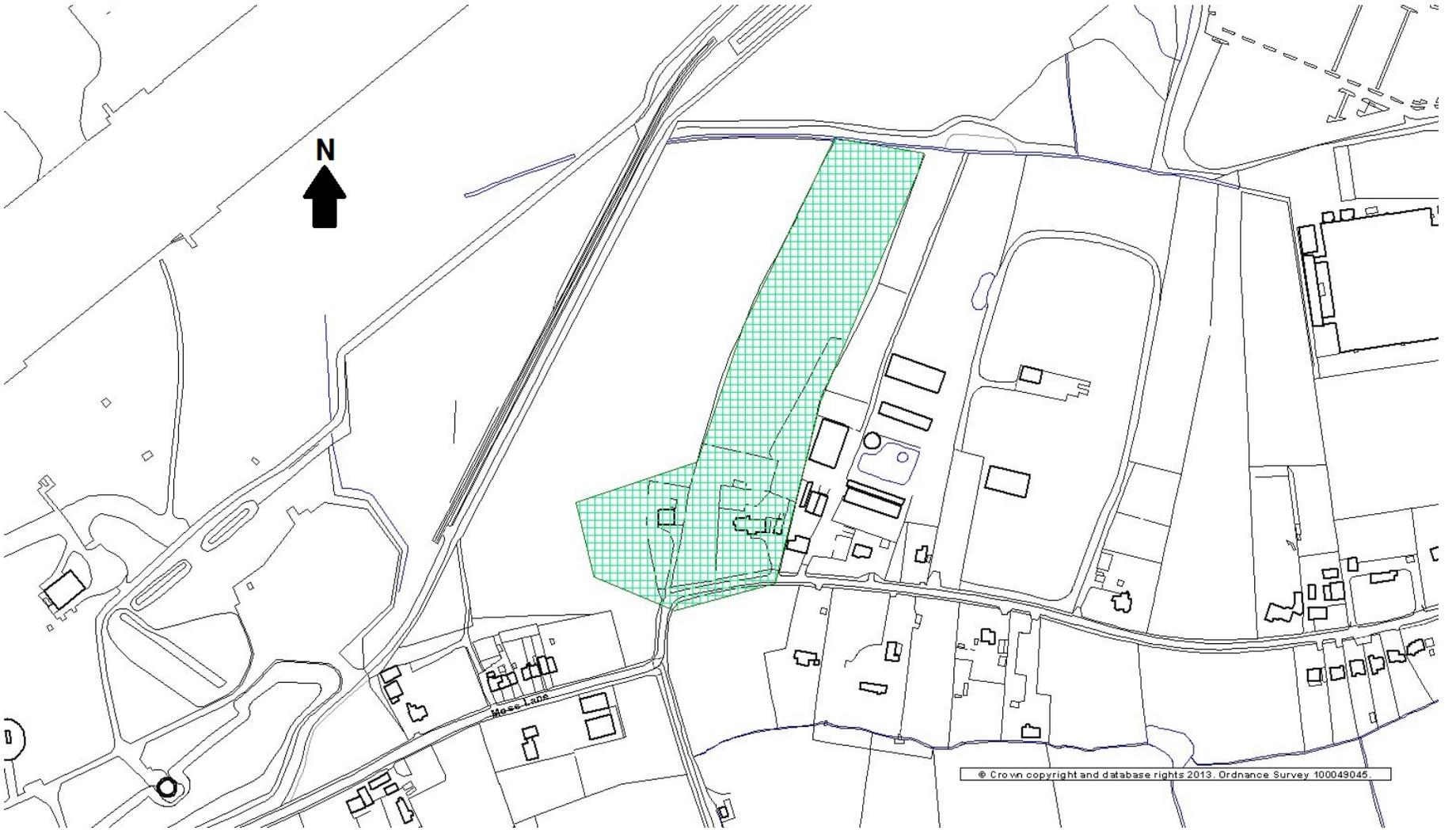
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Submission of landscape management plan

7. Landscaping to include details of boundary treatment
8. Bird hazard management plan to be submitted
9. Lighting details to be submitted
10. Glint and glare assessment to be submitted
11. Development to be carried out in accordance with submitted Arboricultural Impact Assessment
12. Imported soil to be tested for contamination
13. Measures in the event of any unidentified contamination being found
14. Development to be carried out in accordance with bat mitigation and compensation measures detailed in the submitted Ecological Appraisal Report. Details of the proposed bat boxes to be submitted.
15. Updated badger survey to be submitted
16. Implementation of mitigation measures for common toad and hedgehog as described in the submitted ecological assessment
17. Nesting bird survey to be submitted
18. Detailed design and habitat creation method statement to be submitted for on and off site habitat mitigation areas. Approved details to be implemented, and habitat management plan to be submitted



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Application No: 19/2311C  
Location: 10, ASCOT CLOSE, CONGLETON, CHESHIRE, CW12 1LL  
Proposal: Front extension over garage, rear single storey extension to rear.  
Applicant: P Akers-Smith  
Expiry Date: 08-Jul-2019

**SUMMARY**

Householder planning application for a first floor extension over an existing garage, and a single storey rear extension. The site is located in a residential area, within the settlement zone of Congleton.

It is considered that the proposals is acceptable in terms of design and relationship to the wider area, would not lead to any significant loss of amenity to residential neighbours, and would present no highways issues. Therefore for the reasons mentioned above the application is recommended for approval.

**RECOMMENDATION: Approve, subject to conditions**

**REASON FOR REPORT**

The application is to be presented at Northern Planning Committee as the applicant is an elected Cheshire East Councillor and representative on the Southern Planning committee, and therefore has to be considered by Northern Area Planning Committee under the terms of the Council's Constitution.

**SITE DESCRIPTION**

The application site lies in a predominantly residential area within the settlement zone boundary of Congleton. The application site consists of a detached dwelling, which is part of a group of houses on Ascot Close, a development which was completed in the 1990s.

The site contains a front garage, with a driveway for the parking of two vehicles, and an open frontage. There is a rear garden with a timber panel fence to the rear and sides, and some tree coverage to the rear boundary.

**DETAILS OF PROPOSAL**

The application is a householder planning application for the construction of a first floor extension over the existing garage, and a single storey extension to the rear.

### **APPLICANTS SUBMISSION**

The applicant's submission included;

Location Plan

Existing and Proposed Site Plan, Floor Plans and Elevations

### **RELEVANT PLANNING HISTORY**

No relevant history

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

Congleton Town Council – No Objection

### **Neighbouring properties**

2 general observations were received from nearby properties, whose comments are summarised below:

- For the Planning Officer to consider if the extension would change the general look of Ascot Close
- That the proposed development is in keeping with the current appearance of Ascot Close
- That there are no clear glass windows at first floor level or above which might overlook 12 Ascot Close
- That adequate arrangements are put in place to maintain satisfactory car parking places within Ascot Close
- That the current boundary fence position separating 10 and 12 Ascot Close is maintained and not damaged during the works
- That the works are limited to reasonable social hours
- The ground floor is no longer a double garage, which affects the parking arrangements for the property.

### **POLICIES**

Cheshire East Local Plan Strategy – Adopted July 2017

Policy MP1 - Presumption in favour of Sustainable development

Policy PG1- Overall development hierarchy

Policy PG2 - Settlement hierarchy  
Policy SD1 - Sustainable development in Cheshire East  
Policy SD2 - Sustainable development principles  
Policy SE1 - Design  
Appendix C: Parking Standards

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

Congleton Borough Local Plan - saved policies

Policy PS4 – Towns  
Policy GR6 – Amenity and Health  
Policy GR10 – Accessibility, Servicing and Parking Provision

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

### **OFFICER APPRAISAL**

#### **Principle of development**

The application site is within the town of Congleton, which is identified in the Congleton Borough Local Plan as a settlement zone. Policy PS4 states that within the settlement zone lines of these towns, there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

The proposals to extend the residential dwelling are therefore acceptable in principle, subject to other policy considerations.

#### **Design and Character**

Policy SD2 of the Cheshire East Local Plan states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, and external design features.

Development will also be assessed in terms of its relationship to neighbouring properties, the street scene and wider neighbourhood.

10 Ascot Close is part of a development which was constructed in the late 1980s/early 1990s. The buildings are generally of similar designs and architectural styles, but with variations in house types and some being extended previously. In considering the street scene, there is a staggered building line on both sides of the street.

In terms of the proposed rear extension, this would demolish an existing rear conservatory, and construct an extension along the width of the rear elevation, with a lean to roof. The rear extension would be of an appropriate scale, and use external design features and materials to be in keeping with the existing building. It would also be to the rear of the property, and would not impact on the street scene.

The main element of the proposals is the first floor extension above the front garage. The plans were amended during the course of the application, to include a first floor with a gable end, and a small canopy in front of the garage at ground floor level. Firstly 10 Ascot Close is set back from the adjoining property, which would reduce the prominence of the extension, and its impact on the street scene. There are a number of examples in the close which have more prominent front gable features, and so the introduction of a projecting front gable at 10 Ascot Close would not be considered out of character for the area. The amendments to the scheme, including additional timber detailing to the gable end would make the use of materials match with both the existing building and the design of other houses in Ascot Close.

The design of the proposals would be considered acceptable in design terms, and would comply with Policies SD2 and SE1 of the Cheshire East Local Plan Strategy.

### **Amenity**

Saved Policy GR6 of the Congleton Borough Local Plan states that planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to:

- Loss of privacy
- Loss of sunlight and daylight
- Visual intrusion
- Environmental disturbance or pollution
- Traffic generation, access and parking.

In terms of the first floor front extension over the garage, the proposals would not extend further forward than the current building line. In relation to Number 8 to the west side, the extension would be further back than their front elevation, and so would not have a greater impact on any habitable windows to the front. In relation to Number 12 to the east side, the proposed first floor would be on the far side of the house to this neighbour, and would not have a detrimental impact on their amenity in terms of any loss of light to habitable windows. There are no additional windows proposed on the side elevations of the first floor which would have the potential to impact on privacy.

In terms of the single storey rear extension, the proposals would be of a modest size, projecting approximately 3m from the rear elevation, with a lean to pitched roof. The guideline for measuring the impact on light is if the proposed development would enter a 45 degree angle as measured from the centre of the nearest habitable window. As such the proposed single storey rear extension would not be considered to lead to a significantly detrimental impact on light entering the rear habitable windows of the two adjoining neighbours. The proposed rear extension is also modest in size, and is close to that which could be built under permitted development

The proposals are considered to be acceptable in terms of impact on residential amenity and would not be contrary to Policy GR6 of the Congleton Borough Local Plan.

### **Parking and Access**

The access to the residential dwelling would remain unchanged as a result of the proposals.

The required number of in-curtilage parking spaces for a dwelling with 3+ bedrooms in town of Congleton is two spaces. The proposals would retain two parking spaces on the front drive as well as showing a double garage. This would therefore comply with Appendix C: Parking Standards as stated in the Cheshire East Local Plan Strategy.

### **Other Considerations**

The comment regarding the boundary fence is noted, but this is not a material planning consideration in determining the application.

The comment regarding noise during the construction phase is noted, however, as a relatively modest household extension it would not be typical or reasonable to apply conditions restricting the hours of construction.

### **CONCLUSION**

It is considered that the proposals are acceptable in terms of design and its relationship to the wider area, would not lead to any significant loss of amenity to residential neighbours, and would present no highways issues. The application is therefore recommended for approval subject to conditions.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application

