

Northern Planning Committee

Agenda

Date:	Wednesday, 11th March, 2020
Time:	10.00 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the Minutes of the meeting held on 12 February 2020 as a correct record.

4. Public Speaking

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

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

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

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

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

5. **WITHDRAWN BY OFFICERS FROM THE AGENDA-17/0499M-Conversion and alterations to form 30 No. 2 bed flats and new block to rear to form 4 No. 2 bed flats, Albion Mill, London Road, Macclesfield for Mr Z Rafiq (Pages 9 - 28)**

To consider the above application.

6. **WITHDRAWN BY OFFICERS FROM THE AGENDA-17/1431M-Listed Building Consent for conversion of former mill to provide 34 residential flats, including two storey rear extension and rear external staircase and walkways with associated infrastructure, Albion Mill, London Road, Macclesfield for Mr Rafiq (Pages 29 - 36)**

To consider the above application.

7. **19/4862M-Demolition of the existing nursing home and the construction of a new building providing 11 apartments, car parking, landscaping and associated facilities, Hillside, 21 Adlington Road, Wilmslow for Mirasa Wilmslow Ltd (Pages 37 - 52)**

To consider the above application.

8. **19/1395M-Construction of new detached dwelling, Oakhurst, Toft Road, Knutsford for Mr Richard & Henry Baxendell (Pages 53 - 66)**

Membership: Councillors L Braithwaite, C Browne (Chairman), T Dean (Vice-Chairman), JP Findlow, A Harewood, S Holland, I Macfarlane, N Mannion, B Murphy, J Nicholas, B Puddicombe and L Smetham

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 12th February, 2020 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

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

OFFICERS IN ATTENDANCE

Mrs S Baxter (Democratic Services Officer), Miss C Fenghour (Senior
Planning Officer), Mrs N Folan (Planning Solicitor), Mr N Hulland (Principal
Planning Officer), Mr N Jones (Principal Development Officer), Mr R Law
(Principal Planning Officer) and Mr T Poupard (Senior Planning Officer)

68 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Braithwaite, N Mannion
and B Murphy.

69 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 19/5765C, Councillor L Smetham declared that she had
seen the application at the outline stage and then the withdrawn application and
as a result it had become clear she had predetermined the application. In
accordance with the Code of Conduct she would exercise her right to speak as
the Ward Councillor under the public speaking procedure and then leave the
room.

In the interest of openness in respect of application 19/5765C, Councillor S
Holland declared that she whilst she did not know the applicant well her children
had been taught by them at school some years ago.

In the interest of openness in respect of application 19/3774M, Councillor A
Gregory declared that he was a resident of Rainow and may well be a beneficiary
of the reservoir however he had not pre determined the application.

In the interest of openness in respect of application 19/2003M, Councillor C
Browne declared that he had been contacted when the application was first
submitted by a local resident who had registered to speak at the meeting. He
advised the resident that he could not speak to them but forwarded their email
onto Councillor C Leach who was the Ward Councillor. As she was a newly
elected Councillor he gave some advice on the call in procedure but did not
discuss the merits of the application and therefore had retained an open mind.

In respect of application 19/2200M, Councillor C Browne declared that in his role as Deputy Leader of the Council he sat on the Board of Alderley Park Limited and although there was no pecuniary interest to him, Alderley Park potentially stood to benefit from the application and therefore he would be withdrawing from the meeting when the application was to be considered.

In the interest of openness in respect of application 19/3774M, Councillor T Dean declared that he used to be the Regional Director of the Environment Agency during the time when the Agency was involved closely with United Utilities in preparation of their asset management plans, however he had not been involved with this project.

In the interest of openness in respect of application 19/5765C, Councillor A Harewood declared that she had been on a previous Planning Committee when the application was discussed but had not discussed this application nor had she a pecuniary interest in it or pre determined it.

70 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 15 January 2020 be approved as a correct record and signed by the Chairman.

71 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

72 19/2003M-CHANGE OF USE FROM DWELLING HOUSE WITH B1 BUSINESS TO C1 SPA HOTEL AND ASSOCIATED TWO STOREY REAR EXTENSION AND POOL TO ACCOMMODATE HIGH QUALITY GUEST FACILITIES, WARFORD HALL, WARFOLD HALL DRIVE, GREAT WARFORD, CHESHIRE FOR MR AND MRS WARD

Consideration was given to the above application.

(Parish Councillor Brian Thompson, representing Great Warford Parish Council, Donald Strathdee, the Chairman of Great Warford Residents Group and Ashley Ward, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

For the reasons set out in the report and in the written update to the Committee, the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Hours of Operation (Spa)
4. Submission of a Noise Management Plan

5. No speakers or other amplification equipment or live music to be located outside
6. Compliance with the submitted noise report
7. Odour Control
8. External Lighting
9. Hours of Construction
10. Use of Pile Foundations
11. Dust Management Plan
12. Floor floating
13. Detailed submission of samples of building materials
14. Separate Surface and Foul Drainage
15. Surface Water Strategy (Incorporation of Sustainable Drainage)
16. Proposed Swimming Pool and Approach to Emptying
17. Ecology Bat Mitigation (in accordance with latest report)
18. Ecology Lighting Strategy
19. Protection of Nesting Birds
20. Ecology Breeding Birds
21. Tree Protection
22. Service/Drainage layout
23. Submission of Landscape Scheme
24. Landscaping (Implementation)
25. Electric vehicle points
26. Detail of Covered and Secure Cycle Parking
27. The premises shall be used as Spa Hotel Retreat and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification.

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

(Prior to consideration of the following application, Councillor C Browne vacated the Chair in favour of the Vice-Chairman and withdrew from the meeting for the duration of the Committee's consideration of this item).

73 19/2200M-RESERVED MATTERS APPLICATION INCLUDING DETAILS OF ACCESS, LAYOUT, LANDSCAPING, APPEARANCE AND SCALE FOR A RESIDENTIAL DEVELOPMENT COMPRISING 12 NEW DWELLINGS, NEW INTERNAL ROADS, BOUNDARY TREATMENTS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE, ALDERLEY HOUSE AND CAR PARK SITES, ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY FOR MR ANDREW MCMURTRIE, PH ALDERLEY PARK (ALDERLEY HOUSE) LLP

Consideration was given to the above application.

(Peter De Figueiredo, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

1. The proposed development, by virtue of its form and design, has an unacceptable appearance on this important frontage site, and is harmful to the setting of the Tenants Hall a Grade II Listed Building, contrary to Criteria 5 of Policy LPS 61, SE1 (Design), SE7 (Historic Environment) of the Cheshire East Local Plan Strategy, and the approved Alderley Park Design Principles.

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

(Prior to the consideration of the following application the meeting was adjourned for a short break. Councillor C Browne retook the Chair for the rest of the meeting).

74 19/3774M-THE PROPOSED DEVELOPMENT INCLUDES A NEW SERVICE RESERVOIR, CONSTRUCTION COMPOUNDS AND CONNECTION PIPEWORK TO THE EXITING SERVICE RESERVOIR, LIDGETTS LANE, RAINOW FOR MR MICHAEL BARTON, UNITED UTILITIES PLC

Consideration was given to the above application.

(Michael Barton and Emma Mitchinson representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the following conditions:-

1. Time (3 years)
2. Plans
3. Materials as per application (except wall cladding)
4. Prior submission/approval of stone wall cladding details
5. Arboricultural Report and Tree Protection – Implementation
6. Landscape implementation (incl; BS soil testing, planting and replacement)
7. Adherence to recommendations within sections 4.1 and 4.2 of ecology survey (other protected species)
8. Adherence to recommendations within section 4.2 of ecology survey (hibernating herptiles)
9. Adherence to recommendations within section 4.2 of ecology survey (dry stone walls)
10. Adherence to the habitat proposals detailed in the Biodiversity Net Gain Report (Mott MacDonald, 23/01/2020)
11. Submission/approval of 25-year habitat management plan
12. Submission/approval of Nesting birds survey
13. Submission/approval of ecological enhancement strategy
14. Submission/approval of a soil verification report

15. Works to stop if contamination is identified

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

75 19/5765C-APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE APPROVAL 19/0739C - OUTLINE APPLICATION FOR AN AGRICULTURAL WORKERS DWELLING (PERMANENT), LAND TO THE WEST OF, PEXALL ROAD, NORTH RODE FOR MR & MRS PLATT

Consideration was given to the above application.

(Councillor L Smetham, the Ward Councillor and Ben Wharfe, the agent for the applicant attended the meeting and spoke in respect of the application. Councillor L Smetham left the meeting after she had spoken and did not return).

RESOLVED

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the following conditions:-

1. Time limit for implementation
2. Works to be carried out in accordance with the approved plans
3. Details of finished levels (prior to commencement)
4. Details of materials
5. Provision of parking area (prior to occupation)
6. Submission of landscaping scheme (prior to occupation)
7. Implementation of landscaping scheme
8. Provision of electric vehicle charging point

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

The meeting commenced at 10.00 am and concluded at 12.16 pm

Councillor C Browne (Chairman)

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Application No: 17/0499M

Location: ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Conversion and alterations to form 30 No. 2 bed flats and new block to rear to form 4 No. 2 bed flats

Applicant: Mr Z Rafiq

Expiry Date: 13-Mar-2020

SUMMARY:

This application seeks to convert and extend Albion Mill, a 5-storey, Grade II Listed former Mill building, to form 34 residential flats.

Albion Mill is well known 'landmark' building on a gateway route (the A523 London Road) into Macclesfield. Albion Mill has been vacant for a long period of time is in a very poor state of repair.

The principle of the development is accepted as an alternative use, other than employment, has been justified. Furthermore, it is considered that there is a real public benefit of facilitating the long term future of Albion Mill. This is given very substantial weight in support of the scheme.

The harm caused by failing to provide suitable mitigation for affordable housing, education and Open Space is also given substantial weight against the scheme. The lower parking provision is given some weight against the scheme, however the site is well served by public transport and additional mitigation is proposed.

It is considered that the very substantial benefit of bringing the listed 'landmark' building into use, (after such considerable amount of time) thereby helping to sustain its future, outweighs, on balance, any harm that would be caused by the lack of developer contributions and limited parking provision on this occasion.

For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved, subject to the receipt of comments from the Environment Agency, and conditions.

RECOMMENDATION:

APPROVE subject to conditions

REASON FOR REFERRAL

The application relates to a '*residential developments of 20-199 dwellings*' and under the Council's '*Terms and References and Delegation of Function*' it is therefore required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Albion Mill is located 0.6 miles away from the town centre of Macclesfield on and adjacent to the A423 (London Road), within a defined existing employment area. The building is Grade II

Listed and was originally built as a Silk Mill in 1843. The building itself amounts to a total of 2,600 square metres of floor space over 5 floors.

The building has been vacant for some 18 years or more, and is in a very poor state of repair.

The rear portion of the site (excluding the mill) falls within a Flood Zone 2 and Flood Zone 3 and immediately forward of the principal elevation is an Air Quality Management Area that extends the full width of the A423 (London Road).

DETAILS OF PROPOSAL

Full planning permission is sought to convert the Mill into 34, 2-bed flats. The scheme also includes a 4-storey side extension at the rear to house 4 of the flats.

In order to maximise the number of flats, pedestrian access to each unit will be provided externally through the addition of external staircases and walkways provided at each level, but all to the rear of the building.

Few external alterations to the front and sides of the Mill are proposed, with all of the existing window and door openings remaining. Replacement aluminium window frames and doors are proposed. The scheme will result in the opening up of some of the rear windows to form doors and additionally, there are a number of new windows to be inserted at the rear of the mill.

Parking will be contained within the site, within the rear enclosure and within the basement area. A bin store and cycle storage area is proposed, located at the front access area. A total of 32 parking spaces are proposed.

RELEVANT HISTORY

Albion Mill was original built as a Silk Mill in 1843. Whilst that use is clearly historic, the mill has housed a variety of commercial enterprises, leasing floors or parts of the building in the more recent history. That being said, the building has been vacant for some 18 years or more.

Planning Permission was granted on the site in September 2004 for the change of use of the mill to form 16 large three-bedroomed flats with the ground floor retained as B1 office accommodation, and with 20 car parking spaces, under reference 03/3001P.

This application (*and accompanying Listed Building Consent 03/3002P*) included the demolition of rear outbuildings, side/rear outriggers and rear stair tower.

Following discharging of the relevant conditions, in 2008 work began on the mill to undertake demolition to the rear building and the outriggers and some work to the roof.

The work was halted in 2009 as that scheme was no longer viable.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS) and saved policies Macclesfield Borough Local Plan (MBLP).

Cheshire East Local Plan Strategy (CELPS)

CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:

MP 1	Presumption in favour of sustainable development;
PG 1	Overall Development Strategy;
SD 1	Sustainable Development in Cheshire East;
SD 2	Sustainable Development Principles;
IN 1	Infrastructure;
IN 2	Developer Contributions;
EG 3	Existing and Allocated employment Sites;
SC 5	Affordable Homes;
SE 1	Design;
SE 2	Efficient Use of Land;
SE 6	Green Infrastructure;
SE 7	The Historic Environment;
SE 12	Pollution, Land Contamination and Land Stability;
SE 13	Flood Risk and Water Management;
CO 1	Sustainable Travel and Transport;
CO 4	Travel Plans and Transport Assessments; and
Annex C	Parking Standards.

Macclesfield Borough Local Plan saved policies (MBLP):

Following the adoption of the Cheshire East Local Plan Strategy, a number of policies of the MBLP have been saved. The relevant saved policies are summarised below:

NE 9	Protection of River Corridors;
NE 10	Conservation of River Bollin;
NE 11	Nature Conservation;
BE 15	Repair or enhancement (listed buildings);
BE 17	Demolition of listed buildings;
BE 18	Alteration extensions and partial demolition (listed buildings);
BE 19	Change if use of buildings;
H 9	Occupation of Affordable Housing;
DC 2	Design and Amenity – Extensions and Alterations;
DC 3	Design and Amenity – Amenity;
DC 6	Design and Amenity – Circulation and Access;
DC 8	Design and Amenity – Landscaping;

DC 9 Design and Amenity – Tree Protection; and
DC 14 Design and Amenity – Noise

Other Material Considerations:

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

CONSULTATIONS (External to planning)

Environmental Health:

The Council's Environmental Health Section has raised no objections to the application subject to the imposition of conditions relating to;

- The provision of electric car charging points, provision of ultra emission boilers and a scheme for mechanical ventilation;
- The submission of a noise impact study, the submission of a dust management plan and the restrictions on the hours of construction; and
- The submission of a risk assessment and ground investigation survey, remediation report and conditions covering the importation of soil and if any unexpected contamination is found.

CE Strategic Infrastructure (Highways):

No Objections, subject to the implementation of travel plan measures.

Lead Local Flood Authority:

No comments received to date. If comments are received, these will be reported to members of the Northern Planning Committee in the form of written or verbal updates.

United Utilities:

No comments received to date. If comments are received, these will be reported to members of the Northern Planning Committee in the form of written or verbal updates.

Environment Agency:

Holding objection to scheme until the more updated Flood Risk Assessment is considered.

Comments on Flood Risk Assessment awaited.

CE Strategic Housing:

This is a proposed development of 34 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings.

CE Children's Services (Education):

This proposed development would require a total education contribution of £81,713.45 to offset the resultant anticipated impact upon local secondary schools.

CE Greenspace:

This proposed development would require a total greenspace contribution of £105,000 to account for the increased demand upon existing infrastructure.

Archaeology Planning Advisory Service:

No objections, subject to conditions.

Macclesfield Civic Trust:

Support the application. Macclesfield Civic Trust has confirmed they welcome this proposal to find a viable and sustainable use for this prominent (*indeed landmark*) building on the main approach to the town along the A523.

The Civic Trust states that there has been a commitment to a residential use for the site and the issue remains one of detailed design, heritage impact and traffic considerations.

In terms of design, The Civic Trust believe that the details will require careful assessment in view of the Grade II listing and no doubt the Conservation Officer will assess the impact of new and renovation works on the character and architectural integrity of the building and its setting. It is noted that matching brickwork and slate are to be used and the details of replacement windows are to be agreed.

In terms of traffic impact, The Civic Trust believes that parking spaces are to be provided on a one-to-one basis. The Civic Trust would recommend that any issue of shortfall in relation to parking standards be weighed against the importance of securing a viable use for this important building.

The Civic Trust also ascertain that the type of accommodation proposed would be a useful addition to smaller dwelling types in the town, something that accords with the objectives of the Local Plan.

Macclesfield Town Council:

No comments received to date. If comments are received, these will be reported to members of the Northern Planning Committee either as a written or verbal update.

OTHER REPRESENTATIONS

A site notice was erected, letters were sent to neighbouring units and the application was advertised in the local newspaper (Macclesfield Express). In response, no consultation responses were received.

OFFICER APPRAISAL

The Principle of the Development:

Policy EG3 of the CELPS sets out how existing employment sites should be protected for employment use. However, in certain circumstances, for example where the site is no longer viable for employment use and without potential for alternative employment use, alternative uses are allowable subject to meeting sustainable development objectives.

According to the Cheshire East Employment Land Review (2012), Albion Mill is included in the site referred to as 'ES-MA04 *'Gunco Lane Area'* which has been assessed in the land review as *'an outmoded site, with low values and lack of demand and not a good location for employment.'*

Given the above, the age and state of the building, it is considered appropriate to accept that Albion Mill is not viable for employment and meets the requirements of Policy EG3 of the CELPS. This assessment is consistent with the previous decision(s) the Local Planning Authority has made on the site in 2004 and more recently on the adjacent site in 2017, also called Albion Mill.

The principle of the development to convert the mill to residential use is therefore deemed to be acceptable.

Heritage:

Our historic environment is a finite resource and an integral part of the unique character and distinctiveness of Cheshire East. Key assets include Macclesfield's silk and industrial heritage.

Paragraph 183 of the National Planning Policy Framework (NPPF) states that heritage assets *'...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*

Consequently, it is important to the long term well-being of the borough that there is positive stewardship of its built heritage and that its conservation and management are key priorities in the future place-shaping in Cheshire East.

Albion Mill is a Grade II Listed Building. Original built as a Silk Mill for *Thomas Heapy*, it dates back from 1843, with later alterations. Listed Building Consent 17/1431M accompanies this application.

The Mill has previously received permission for residential conversion, albeit a smaller number of units. This application seeks to increase the number of units to make the scheme viable.

This is achieved by adding an extension and having pedestrian access to each flat located on the outside of the building. In addition, some of the rear windows will be opened up to form

doors, additionally there are a number of new windows to be inserted at the rear of the property.

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill and are not extensive. The Council's Conservation Officer has confirmed these represent less than substantial harm. There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill.

Paragraph 196 of the NPPF states that *'where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.'*

Overall, it is considered that this scheme is viewed in a very positive light, as it repairs and enhances a building of architectural and historic importance. Furthermore it is accepted that the proposed change of use would preserve Albion Mill, its character, and would not detract from the setting of the Mill.

Subject to conditions to ensure the details of the roof lights, new windows and doors, rainwater goods, brickwork and any external vents would further preserve the character of the building, it is deemed that this less than substantial harm is outweighed by the public benefits.

The scheme is therefore deemed to comply with Policies BE15, BE17, BE18 and BE19 of MBLP.

Amenity:

The location of Albion Mill is in close proximity to the A523 London Road which is a busy main road. At the rear of the Mill is a main railway line. The Mill is also adjacent to the London Road Air Quality Management Area (AQMA).

Air Quality:

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. In accordance with NPPF and the Government's Air Quality Strategy, the application proposals need assessing twofold against the following: -

1. The impact of a development on Local Air Quality; and
2. To ensure that future residents are not exposed to levels of air pollution which would have a detrimental impact on health, quality of life and amenity.

In relation to impact of a development on Local Air Quality, whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

In order to minimise the proposed development's impact on the surrounding air quality, conditions are suggested by the Council's Environmental Health Officer, requiring the use of ultra low emission boilers within the development. In addition, conditions are suggested to ensure the creation of infrastructure to allow home charging of electric vehicles within the basement car parking area.

As stated above, this proposed development is adjacent to the London Road AQMA where monitoring undertaken by the Council indicates that levels (although dropping) of air pollution are still above the National Health Based Limit Values for Nitrogen Dioxide.

To ensure that the potential to expose future residents to detrimental levels of air pollution is minimised, the Council's Environmental Health Officer recommends that a scheme of mechanical ventilation to the properties closest to London Road in the event of approval. The mechanical ventilation will be designed to draw clean air from the rear of the building into those properties facing London Road so exposure to the pollution is limited.

Noise and Vibration:

Give the location of the Mill and in order to ensure that future occupants of the proposed flats do not suffer a substantial loss of amenity through noise and vibration, the Council's Environmental Health Officer recommends a condition, in the event of approval, requiring the submission of a Noise Impact Assessment (NIA). This will assess the impact of the noise and vibration from the nearby transportation sources on the proposed development and detail any mitigation required to reduce any impacts to an acceptable level. Normally a NIA would be included with a submission, but the applicant's have previously shown that noise mitigation can be achieved through discharging a similar condition attached to the 2003 Planning Permission without adversely affecting the Listed Building. Therefore Officers are comfortable this can be a pre-commencement condition on this occasions to facilitate the development.

Other existing residential dwellings are in close proximity to the application site, therefore, in order to minimise the impact of the construction works on the occupants of those dwellings, the Council's Environmental Health Officer recommends conditions to cover hours of construction and to minimise dust emissions arising during construction.

Privacy, overlooking and loss of light:

Policy DC3 of the MBLP states that new development should not significantly injure the amenities of adjoining or nearby residential dwellings through loss of privacy, overbearing, and loss of sunlight and daylight.

The building's relationship with the adjacent mill conversion (2015 smaller Albion Mill approval) has been considered carefully. It is considered that the nearby residential properties would not be significantly impacted by the proposed development through loss of privacy or overlooking.

It is not considered that the development, namely the proposed extension, would result in a loss of light to neighbouring mill conversion.

Future Occupants:

The level of amenity enjoyed within the proposed development in terms of the amount of living accommodation within each flat is considered acceptable and would meet the Nation Technical Housing Standards. It is also considered that the proposed flats would benefit from sufficient natural light.

The site has no formal garden area or communal area, but this is due to existing constraints. In addition, Windmill Park is only 0.3 miles (8 minutes walk) away and South Park is just 0.6 miles (12 minutes walk) away from the development.

There is sufficient storage for refuse bins and cycle storage.

Contamination:

The application area has a history of mill use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Therefore, the Council's Environmental Health Officer recommends conditions to ensure ground investigations are undertaken and any remediation is in place prior to occupation.

Highway Access and Parking:

It is accepted that the site is in a sustainable location, being in close proximity to Macclesfield Town centre and the shopping, commercial and employment opportunities located there. In addition, the application site is in walking distance of Macclesfield mainline train and bus station(s). London Road is a main bus route with regular services into the town centre, with the nearest bus stops being immediately adjacent to the site.

Vehicles will access the site via the existing entrance off London Road. The access is shared by two commercial units which have their own dedicated parking area to the south boundary. The access is 5 metres wide, sufficient to cater for two-way movements. Pedestrian access from London Road will be via the main site access and new pedestrian gates toward the northern end of the site. Cycles would also use the main site entrance and have access to a large secure store proposed beneath the building. Turning areas and space for vehicles to turn within is provided to ensure that vehicles can enter and leave the site in a forward gear.

The Council's Strategic Infrastructure Manager has no objection to the access arrangements and there are no traffic impact concerns regarding the proposed use of the site. Refuse collection arrangements are also satisfactory.

There are 34 flats proposed and these are all two-bedroom units. The number of car parking spaces proposed is 33. The adopted parking standards as shown in Annex C of CELPS, requires 2 spaces per two-bedroom flat, resulting in a requirement of 68 spaces. Therefore the current application shows a deficit of 35 spaces or only 48% of the parking requirement.

That being said, the amount of parking on site has been maximised and the applicant cannot physical provide any more spaces.

Further to the previous comments, the applicants have submitted a technical note on the car ownership and the parking demand that can be expected from a development of this nature and a town centre location. It is indicated that the level of parking demand is 31 spaces which slightly lower than the 33 proposed.

It is recognised that this site is in a sustainable location and that there are a number of bus services that run along the A523 that connects the site with the town centre. Whilst it is the case that the level of parking is below CEC standards, the number of spaces proposed to serve the flats is now considered to be acceptable by the Council's Highway's Officer, given the information submitted on car ownership levels. In addition, there are restrictions on parking fronting the building on the A523.

The applicant has indicated that all new occupiers will be offered a bus travel pass for six months on occupation of the units. In addition to this, all occupiers should be provided with a voucher to contribute to the purchase of a cycle. A Travel Plan is proposed by condition to secure the implementation of these measures in the event of approval.

Bearing all the above in mind, the Council's Strategic Infrastructure Manager has stated that as it is important as many trips as possible are able to be made to the site by sustainable modes, and subject to the measures indicated above there are no objections to application proposals and its proposed parking provision.

Flood Risk:

The rear part of the application site falls partially within a Flood Zone 2 (medium probability of flooding) and a Flood Zone 3 (high probability of flooding). The majority of the site and the mill building itself fall within Flood Zone 1 (low probability of flooding) a category that applies to all other areas of England.

The Environment Agency has raised an initial objection to the scheme. Although it is not considered that there is any risk to the proposed residential flats due to their elevation, it is possible that in extreme storm events, the basement car park could be flooded by a shallow level of water.

The National Planning Policy Guidance (DCLG, 2017) indicates that the 'sequential' and 'exception' tests are not required for change of use for the proposed development. This is subject to the applicant showing (in their Flood Risk Assessment) that future users of the development will not be placed in danger from flood hazards throughout its lifetime.

An updated Flood Risk Assessment is currently being considered by the EA.

Any updates will be reported to Members of Northern Planning Committee as will comments from the Council's Flood Risk Officer and United Utilities.

Ecology:

The application is supported by ecology surveys.

Bats:

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the former mill building. The Council's Nature Conservation Officer advises that the usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present.

The Officer advises that the loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The ecology report submitted to support the application recommends the installation of bat boxes 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.

*EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005*

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Bats

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for Bats would not be provided which would be of benefit to the species.

In this case, the Council's Nature Conservation Officer has advised that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

As such, in the event of approval, conditions are suggested to ensure that the proposed mitigation and compensation is sufficient to maintain the favourable conservation status of the species of bats concerned.

In addition, conditions are proposed to protect nesting birds and for the submission/approval of ecological improvement details by way of breeding swifts.

Subject to these conditions, the proposal is deemed to adhere with Policy SE3 of the CELPS and Policy NE.11 of the MBLP.

Archaeology:

For the previous application(s) a condition was imposed requiring a full photographic record of Albion Mill and its outbuildings shall be undertaken, submitted to, and approved in writing by the Local Planning Authority, prior to the commencement of development.

Given the deteriorating state of the building, the the Archaeology Planning Advisory Service would recommend that the above condition is amended to require the archaeological mitigation now be undertaken by a suitably qualified building archaeologist with knowledge of industrial archaeology. This work should be completed to a Level II standard as defined in English Heritage's Understanding historic buildings: a guide to good practice (2006). A report will be required and the proposed mitigation may be secured by means of a condition.

Affordable Housing:

Cheshire East's adopted policy on affordable housing is set out in CELPS Policy SC5 and in the Council's Interim Planning Statement: Affordable Housing (IPS).

The policies state that in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

The affordable housing requirements for new development which is triggered by the above will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013.

This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 34 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings. Of the 10 Affordable units, 7 units should be provided as Affordable Rent and 3 units as Intermediate Tenure.

No affordable housing is proposed as part of the application proposals. As such, the proposals are deemed contrary to Policy SC5 of the CELPS.

Education:

Cheshire East's adopted policy on education contributions is set out in CELPS Policy IN1 and IN2 and in the Council's Infrastructure Delivery Plan Update.

The development of 34 dwellings is expected to generate:

- 6 primary children (34 x 0.19)
- 5 secondary children (34 x 0.15)
- 0 SEN children (34 x 0.51 x 0.023%)

The Council's Children's Services Department have stated that the development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

To alleviate forecast pressures upon local secondary schools, an education contribution totalling £81,713.45 would be required (*The formula for this calculation is $5 \times £17,959 \times 0.91$*).

No Education contribution is being proposed as part of the application proposals. The proposals would also be contrary to Policy IN 2 in this regard.

Open Space:

General

The site is too constricted to allow the provision of on-site open space. In the absence of on-site provision, the development should contribute to off-site provision.

CELPS Policy SE6 and MBLP Policies RT5 and DC40 set out the Council's adopted standards for open space and play provision. The mechanisms for delivery are expanded

upon with the Supplementary Planning Guidance, which expects off-site provision to be funded by means of a planning obligation.

The key issue remains one of necessity to make proposed development acceptable in planning terms. The addition of 34 dwellings would clearly impose an additional demand for open space and play provision, the relevant amounts being quantified as follows: -

1. Public Open Space (POS) play and amenity contributions are required at a rate of £1,500 per bed space. This contribution would amount to £90,000. This contribution would be used for enhancements and improvements to the play and amenity facilities at Windmill Street open space.
2. Recreation Open Space (ROS) contributions are required at a rate of £500 per 2+ bed space apartment. This contribution would amount to £15,000. This contribution would be used for enhancements and improvements in line with the Playing Pitch Strategy at Windmill Street football pitch and /or Congleton Road Playing Fields.

No financial contribution towards Open Space is proposed by the applicant. The proposal is therefore deemed contrary to above-mentioned Open Space policies.

River Bollin Corridor

There is an opportunity to look at amenity improvements to the River Bollin corridor along its route directly adjacent to the site.

There are numerous policies (CELPS Policy SE6 and MBLP saved policies NE9, NE10 and MTC27) which seek to protect and enhance the River Bollin through Macclesfield Town.

A landscape condition is therefore suggested in the event of approval to provide detailed plans showing the interface with the river. This could show how future residents and visitors to the site will interact with the river as will there be views from the car park and any opportunities to incorporate viewing points. This could allow the edge of development to contribute to the enhancement of river corridor.

Viability:

Viability Assessments are a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

The application is supported by a viability appraisal. This concludes that the cost of the works required by the planning application compared to the predicted profits (albeit for an allowable small profit), mean that financially, there is no money left to provide affordable housing or the required financial contributions towards education or open space.

The submitted Viability Assessment has been independently assessed by Keppie Massie (*independent surveyors and property consultants*) and they have reviewed the submitted key viability inputs and their reasonableness. Keppie Massie agree that the application proposals could not sustain development contributions or on-site affordable housing provision. It needs to realise its full market value in providing 34 flats in order to financially justify the works. Any token financial offer by the applicant would reduce their 20% profit margin (which is reasonable) and make the building works unattractive to the construction market.

As such, this needs to be considered as part of the planning balance.

Other Material Considerations:

Economic Benefits:

The benefits of the scheme also include investment in the local economy and the creation of jobs during the construction phase, increased support for local shops and businesses by the future occupants of the development and the provision of inexpensive market houses in a sustainable location. The scheme would generate Council Tax income, which could provide a source of revenue funding for the local authority in delivering services as well as investing in the locality.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The process of ‘weighing up’ the relevant factors is often described as the ‘planning balance’.

A planning authority must exercise its judgement and consider conflicting issues to decide whether planning permission should be granted. This will mean examining the development plan and taking material considerations which apply to the proposal into account. These things must be properly considered otherwise the decision of whether or not to grant permission may be unlawful.

Albion Mill is well known ‘landmark’ Grade II Listed Building on a gateway route (the A523 London Road) into Macclesfield. Albion Mill has been vacant for a long period of time is in a very poor state of repair.

The principle of the development is accepted as an alternative use other than employment has been justified. Furthermore, it is considered that there is a real public benefit of facilitating the long term future of Albion Mill. This is given very substantial weight in support of the scheme.

The harm caused by failing to provide suitable mitigation for affordable housing, education and Open Space is also given substantial weight against the scheme. The lower parking provision is given some weight against the scheme, however the site is well served by public transport and additional mitigation is proposed.

It is considered that the very substantial benefit of bringing the listed ‘landmark’ building into use, (after such considerable amount of time) thereby helping to sustain its future, outweighs, on balance, any harm that would be caused by the lack of developer contributions and limited parking provision on this occasion.

For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved, subject to the receipt of comments from the Environment Agency and conditions.

RECOMMENDATION:

APPROVE subject to following conditions;

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Provision of 32 Car Parking Spaces (pre-occupation)
4. Provision of Bin and Bicycle Storage (pre-commencement)
5. Submission of a Resident's Travel Information Pack (pre-occupation)
6. Submission of Landscaping Scheme (pre-occupation)
7. Landscaping (implementation and protection)
8. Details of new materials (extension) to be submitted
9. Materials to match existing (Mill conversion)
10. Rainwater goods (cast iron)
11. Specification of window and door design / style (@1:20)
12. Roof lights set flush
13. Submission of the details (@1:20) of the external access arrangements (staircase and walkways)
14. Protection of features (no new vents in external faces)
15. Submission of a scheme of Mechanical Ventilation (pre-commencement)
16. Provision of Electric Vehicle Charging Point (pre-occupation)
17. Installation of Ultra Low Emission Boilers (pre-occupation)
18. Submission of a noise impact assessment (pre-commencement)
19. Limit to Construction Hours
20. Submission of a Dust Management plan (pre-commencement)
21. Decontamination of Land (pre-commencement)
22. Imported Soil
23. Unexpected Contamination (if found)
24. Proceed in Accordance with Ecology Survey
25. External Lighting Scheme (pre-commencement)
26. Bird Nesting Season
27. Breeding Birds (improvement measures)

28. Implementation of a Programme of Archaeological Work

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



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Application No: 17/1431M

Location: ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Listed Building Consent for conversion of former mill to provide 34 residential flats, including two storey rear extension and rear external staircase and walkways with associated infrastructure.

Applicant: Mr Rafiq

Expiry Date: 13-Mar-2020

SUMMARY:

This Listed Building Consent seeks approval to convert and extend Albion Mill, a 5-storey, Grade II Listed former Mill building, to form 34 residential flats.

Our historic environment is a finite resource and an integral part of the unique character and distinctiveness of Cheshire East. Key assets include Macclesfield's silk and industrial heritage.

To aid viability of the scheme, this consent includes an extension and pedestrian access to each flat located on the outside to the rear of the building. In addition, some of the rear windows will be opened up to form doors, additionally there are a number of new windows to be inserted at the rear of the property

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill and are not extensive. The Council's Conservation Officer has confirmed these represent less than substantial harm. There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill.

Overall, it is considered that this scheme is viewed in a very positive light, as it repairs and enhances a building of architectural and historic importance. Furthermore it is accepted that the proposed change of use would preserve Albion Mill, its character, and would not detract from the setting of the Mill.

RECOMMENDATION:

APPROVE subject to conditions

REASON FOR REPORT

The application relates to a '*residential developments of 20-199 dwellings*' and under the Council's '*Terms and References and Delegation of Function*' it is therefore required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The building is Grade II Listed and was originally built as a Silk Mill in 1843.

Albion Mill is constructed with red brick on rubble stone basement with sandstone dressings and slate roof. The mill is four storeys on a basement.

The mill has 15 bays, the central 5 bays slightly advanced, with giant pilasters mark the angles. The basement has fifteen C20 windows in original openings with timber lintels. Above, each floor has 15 four-pane metal windows in original openings with stone sills and lintels. The Mill has timber eaves brackets, with a hipped roof. The stone parapet to central bays with raised pointed panel inscribed 'Albion Mill 1843'.

The rear elevation had projecting stair towers at each end, and central projecting privy tower, with three similar bays to south elevation, with 6-storey, 4-bay wing to east. This wing has similar, slightly smaller windows to each floor and segmental voussoired archway through the building to lower right. Stair tower forms end of small cross wing beyond, with stone architrave to entrance at base of stairs. The internal structure has cast-iron columns carrying timber beams, with timber roof.

The building has been vacant for some 18 years or more, and is in a very poor state of repair.

DETAILS OF PROPOSAL

Listed Building Consent (LBC) is sought to convert the Mill into 34, 2-bed flats. The scheme also includes a 4-storey side extension at the rear to house 4 of the flats.

In order to maximise the number of flats, pedestrian access to each unit will be provided externally through the addition of external staircases and walkways provided at each level, but all to the rear of the building.

Few external alterations to the front and sides of the Mill are proposed, with all of the existing window and door openings remaining. Replacement aluminium window frames and doors are proposed. The scheme will result in the opening up of some of the rear windows to form doors and additionally, there are a number of new windows to be inserted at the rear of the mill.

Parking will be contained within the site, within the rear enclosure and within the basement area. A bin store and cycle storage area is proposed, located at the front access area. A total of 32 parking spaces are proposed.

RELEVANT HISTORY

Listed Building Consent was granted on the site in September 2004 for the change of use of the mill to form 16 large three-bedroomed flats with the ground floor retained as B1 office accommodation, and with 20 car parking spaces, under reference 03/3002P.

Following discharging of the relevant conditions, in 2008 work began on the mill to undertake demolition to the rear building and the outriggers and some work to the roof.

The work was halted in 2009 as that scheme was no longer viable.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS) and saved policies Macclesfield Borough Local Plan (MBLP).

Cheshire East Local Plan Strategy (CELPS)

CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:

SE7 The Historic Environment.

Macclesfield Borough Local Plan saved policies (MBLP):

Following the adoption of the Cheshire East Local Plan Strategy, a number of policies of the MBLP have been saved. The relevant saved policies are summarised below:

- | | |
|-------|--|
| BE 15 | Repair or enhancement (listed buildings); |
| BE 17 | Demolition of listed buildings; |
| BE 18 | Alteration extensions and partial demolition (listed buildings); |
| BE 19 | Change if use of buildings; |

Other Material Considerations:

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

CONSULTATIONS

Macclesfield Civic Trust:

Support the application. Macclesfield Civic Trust has confirmed they welcome this proposal to find a viable and sustainable use for this prominent (*indeed landmark*) building on the main approach to the town along the A523.

Macclesfield Town Council:

No comments received.

OFFICER APPRAISAL

Determination Framework:

This application seeks determination of whether works to a Listed Building would be acceptable. The principle of the proposed development is considered under the corresponding full planning application.

The property is Grade II and as such in considering whether to grant listed building consent for any works the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses as per the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy Framework:

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal. A vital part of this assessment is considering the level of harm in relation to the public benefits that may be gained by the proposal.

Saved Policy BE15 states that the repair and enhancement of buildings of architectural and historic importance (listed buildings) will be encouraged. Development in accordance with the development plan which secures such improvements will normally be permitted.

Saved Policy BE19 states that the change of use of buildings of special architectural or historic interest (listed buildings) may be permitted providing the following criteria are met:

1. The buildings would be preserved;
2. The proposed change of use and conversion work would preserve the character of the building;
3. The proposed use would not detract from the setting of the building; The proposed development complies with the terms of other local plan policies; and
4. The use would not lead to a demand for large scale extensions or for additional buildings in the grounds.

Impact upon the Grade II Listed Building and its setting:

Our historic environment is a finite resource and an integral part of the unique character and distinctiveness of Cheshire East. Key assets include Macclesfield's silk and industrial heritage.

Paragraph 183 of the National Planning Policy Framework (NPPF) states that heritage assets '*...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*'

Consequently, it is important to the long term well-being of the borough that there is positive stewardship of its built heritage and that its conservation and management are key priorities in the future place-shaping in Cheshire East.

Albion Mill is a Grade II Listed Building. Original built as a Silk Mill for *Thomas Heapy*, it dates back from 1843, with later alterations. Listed Building Consent 17/1431M accompanies this application.

The Mill has previously received permission for residential conversion, albeit a smaller number of units. This application seeks to increase the number of units to make the scheme viable.

This is achieved by adding an extension and having pedestrian access to each flat located on the outside of the building. In addition, some of the rear windows will be opened up to form doors, additionally there are a number of new windows to be inserted at the rear of the property.

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill and are not extensive. The Council's Conservation Officer has confirmed these represent less than substantial harm. There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill.

Paragraph 196 of the NPPF states that '*where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.*'

Overall, it is considered that this scheme is viewed in a very positive light, as it repairs and enhances a building of architectural and historic importance. Furthermore it is accepted that the proposed change of use would preserve Albion Mill, its character, and would not detract from the setting of the Mill.

Subject to conditions to ensure the details of the roof lights, new windows and doors, rainwater goods, brickwork and any external vents would further preserve the character of the building, it is deemed that this less than substantial harm is outweighed by the public benefits.

The scheme is therefore deemed to comply with Policies BE15, BE17, BE18 and BE19 of MBLP

CONCLUSIONS AND REASON(S) FOR THE DECISION

For these reasons, the proposals are considered to accord with the relevant requirements of local and national planning policy, and the application is therefore recommended for approval, subject to conditions.

RECOMMENDATION:

APPROVE subject to following conditions;

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of new materials (extension) to be submitted
4. Materials to match existing (Mill conversion)
5. Rainwater goods (cast iron)
6. Specification of window and door design / style (@1:20)
7. Roof lights set flush
8. Submission of the details (@1:20) of the external access arrangements (staircase and walkways)
9. Protection of features (no new vents in external faces)
10. Submission of a scheme of Mechanical Ventilation (pre-commencement)

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



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Application No: 19/4862M

Location: HILLSIDE, 21, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of the existing nursing home and the construction of a new building providing 11 apartments, car parking, landscaping and associated facilities.

Applicant: Mirasa Wilmslow Ltd

Expiry Date: 17-Jan-2020

SUMMARY

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. The comments from the neighbours and town council are noted; however the site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. The development would make effective use of a previously developed site.

The proposal also raises no significant design, amenity or highway safety issues.

The application is therefore recommended for approval subject to highways and education comments, conditions and s106 contributions.

RECOMMENDATION: Approved subject to conditions and s106 contributions

REASON FOR REPORT

The application was called in by the Local Ward Councillor, Councillor Fox for the following reasons:

“No provision for visitor parking. The applicant acknowledges there is no facility for on street parking in this location.

No information submitted on amenity distances with neighbouring properties.

Replacement of a 2 storey dwelling house in the main with a 2.5 storey apartment block out of keeping with this residential area.

Poor design quality that does not reflect the local character and detailing that is found in neighbouring properties.

Proposal for 6 eurobins to be collected from kerbside on Adlington Road rather than from within the site."

DESCRIPTION OF SITE AND CONTEXT

The application site lies in a predominantly residential area to the west of Wilmslow Town Centre. It is currently occupied by a two storey detached building used as a care home known as Hillside, along with an outbuilding to the rear. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings on site and the erection of a replacement building comprising 11no. apartments.

RELEVANT HISTORY

16/6225M Demolition of existing building and erection of a new building comprising 14 no. apartments
Refused 16 March 2018

Reasons for refusal:

- 1. The proposed development by virtue of its size and siting would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.*
- 2. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.*
- 3. The proposed three storey structure represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties. The scale of the development is such that it fails to recognise the character of the wider area by not providing sufficient amenity space, which is exacerbated by the extensive areas of car parking. The proposal would be contrary to policies SE1 and SD2 of the Cheshire East Local Plan and The Three Wilmslow Parks SPG.*
- 4. The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property contrary to saved*

07/1809P SINGLE STOREY REAR EXTENSION
Approved with conditions 05 September 2007

07/0532P SINGLE STOREY REAR EXTENSION
Refused 11 May 2007

99/2076P TWO-STOREY REAR EXTENSION AND SIDE CONSERVATORY
Approved with conditions 08 December 1999

99/2075P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES
Approved with conditions 08 December 1999

52972P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES
Approved 22 June 1988

48321P EXTENSION TO REST HOME TO IMPROVE STAFF FACILITIES AND TO
PROVIDE A TOTAL OF 17 BED SPACES
Refused 23 March 1987

34092P PROPOSED USE OF EXISTING HOUSE AS REST HOME FOR UP TO 12
RESIDENTS
Approved 05 August 1983

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Boundaries
PG7 Spatial distribution of development
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
IN1 Infrastructure
IN2 Developer Contributions
SC1 Leisure and Recreation
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE8 Renewable and Low Carbon Energy
SE9 Energy Efficient Development
SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management
CO1 Sustainable travel and transport

Appendix C – Parking Standards

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

Saved Macclesfield Borough Local Plan Policies

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

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

Wilmslow Neighbourhood Plan

LSP2 Sustainable Spaces
LSP3 Sustainable Transport
NE5 Biodiversity Conservation
TH4 The Three Wilmslow Parks
TA1 Residential Parking Standards
TA2 Congestion and Traffic Flow
TA5 Cycling in Wilmslow
H2 Residential Design

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Three Wilmslow Parks SPG (2004)
The Cheshire East Borough Design Guide (2017)
Cheshire East Parking Standards - Guidance Note

National Policy:

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

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

CONSULTATIONS (External to Planning)

Highways: Formal comments awaited

Environmental Health: no objections subject to conditions

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

Housing: no requirement for affordable housing on this site

Education: Formal comments awaited.

Flood risk: no objections subject to condition

Open Space: a contribution of £33,000 would be required for Public Open Space and £5,500 for Recreation and Outdoor Sport.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“At its meeting on Monday Wilmslow Town Council's Planning Committee objected to this application on the grounds of it being overbearing on neighbouring properties and its construction being out-of-keeping with properties in Wilmslow Park, contrary to Policy TH4 of Wilmslow's Neighbourhood Plan. In addition, the Town Council's Planning Committee expressed concerns regarding how refuse collections would be undertaken.”*

Following re-consultation of the amended plans the town council repeated the above comments.

OTHER REPRESENTATIONS

Amended plans were received during the application period. 22no. objections were received prior to the amendments with a further 8no. objections received following, with all of these commenters having already commented earlier. Below is a summary of the main issues:

Principle of development

- An apartment block is not in keeping with the area.
- The application does not address the reasons for refusal from the earlier Jones Homes application.

Design

- The site is overdeveloped.
- Design of the building is not in keeping with the character of the area and particularly the requirements of the SPG and TH4 of the Wilmslow Neighbourhood Plan.
- The building is on a larger footprint and comes forward of the current line.
- Inappropriate location of the bin store and cycle store which will be visible from public vantage points.

Residential Amenity

- The proposed development is overbearing and will result in the loss of amenity to the occupiers of Blackcomb and is no better than the previous scheme.
- The building has been reoriented to reduce the potential for overlooking but now includes a blank gable end facing 13 Overhill that has no merit.
- The development is not in accordance with policies DC3 and DC38 of the Macclesfield Local Plan.

Highways & Parking

- Inadequate parking without the provision of specific visitor parking will lead to parking on Wilmslow Park Road/Adlington Road. Meeting the car parking standards is not a sufficient level of provision.
- Storage of bins in the bell mouth will cause a traffic hazard.
- No electric charging point provision.
- The widening of the access is not necessary and would encroach onto land outside of the applicant's control.
- Access onto Wilmslow Park North was originally agreed by the previous owners of East Lodge and owners of Hillside to allow for emergency access only. It was subsequently blocked when the agreement broke down.
- Access to the site is located on a bend and has poor visibility which is a threat to highway safety.

Ecology

- No provision of a bat loft which was included in the Jones Homes proposals.

Landscaping

- The widening of the access road and realignment of the footpath access onto Wilmslow Park North will have an adverse impact on the trees / vegetation.
- Adverse impact on the Leylandii hedge on the boundary with Blackcomb.
- Consultation with occupiers of Blackcomb regarding proposed works to trees included within G4.

Land Ownership

- The boundary to the site is incorrectly shown.

Following the re-consultation the comments listed below were received:

- Still out of character – low quality design.
- The overall footprint remains the same and no additional garden space has been created.
- Future pressures on the protected trees which will overhang car parking spaces.
- Parking provision remains inadequate.
- The new proposed position of the refuse collection could lead to safety issues along Wilmslow Park North.

OFFICER APPRAISAL

Key Issues

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

Principle of Development

The site is located within a predominantly residential area, as allocated within the Macclesfield Borough Local Plan. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

Residential Mix

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”* The mix of one and two bedroom apartments located within a residential area would contribute to the mix of housing sizes and would complement the existing provision within the area and would meet other objectives identified in the policies including the provision of accommodation for those wishing to downsize and meeting the needs of the borough’s older population.

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

This is a proposed development of 11 dwellings with a site size of 0.2 hectares, therefore no Affordable Housing provision is required.

Design and Impact on Character of the Area

Policies SE1, SD1 and SD2 encourage high quality design in all developments.

The site lies within the boundary of the Wilmslow Park SPG. The SPG states: *‘Any proposed development should reflect the characteristics of the specific area, and, in the case of an extension, to the specific building. This applies to every aspect from the density of building on a particular site to the type and pitch of the roofing material.’*

Policy H2 of the WNP states that where appropriate, all new residential development should seek to deliver high quality design and should demonstrate consideration of the Cheshire East Design Guide and compliance with Policies SP1 Sustainable Construction, SP2 Sustainable Spaces and SP3 Sustainable Transport of the WNP.

Policy TH4 of the Wilmslow Neighbourhood Plan refers to the Three Wilmslow Parks with a specific reference to Wilmslow Park stating that *“new residential development should respect the existing built form of Wilmslow Park which consists of medium to large detached houses on plots of varying sizes, terraced town houses, semi-detached Victorian 3.5 storey houses, detached bungalows and purpose built apartment blocks.”*

“All new development must demonstrate how it has contributed positively towards the heavy semi-wooded landscape character of Wilmslow Park.”

The site is predominantly shielded by a mature green boundary which buffers the existing care home from the road. This would be strengthened by additional planting and the breaking up of the parking area to the front of the building.

Following discussions during the application process minor amendments have been made to the proposed design of the building since the submission of the application to reflect the comments made by the design officer. For example, the side elevations of the building have been broken up with the inclusion of variances in the roof and the façade to provide relief to the elevations, additional landscaping and enhancements to the amenity space has been included.

The required analysis and reference to local scale, materials, and architectural detailing has been illustrated and incorporated into the design to provide a modern but locally distinctive design.

The previously refused building displayed a three storey building. Officers have been working with the designer to achieve a much more sympathetic design that responds to the context of the site, breaking down the height of the building closest to the dwellings to the north (15 Overhill and 23 Adlington), and adding in local detailing to break down the massing of the proposal.

The revised design incorporates elements of communal amenity space with improved landscape and private amenity space with the addition of Juliette balcony doors to enable access to the benefits of the outdoors. This solution presents minimal impact avoiding an increased footprint/ overlooking of adjacent properties.

Saved Macclesfield Local Plan policy DC41, relating to infill housing states:

‘The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose’.

The building is largely contained within the footprint of the existing building and has a plot ratio consistent with adjoining development. The previous scheme extended the footprint over the site and created parking areas close to the boundary with adjoining properties.

Unlike the refused scheme, the submitted proposals includes amenity space around the development with all existing trees retained which would provide an attractive setting for the building and space for the occupiers of the apartments to enjoy.

It is considered that the improvements satisfy the raised issues of massing, elevational design and the referencing locally distinctive design and scale.

Amenity

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

The objections have been carefully considered. Cherry Lawns is located due east of the proposed development and contains a bedroom window at first floor and a kitchen diner window at ground floor looking onto the site. The existing building contains a separation between the buildings of approx. 20m and at an angle which would be reduced to approx. 14m at its closest point; however it would be approx. 20m at the point directly opposite. Saved policy DC38 states that a distance of 21m should be retained between habitable windows and 14m if the elevation is blank. This rises to 28m for 3 storey properties. The Cheshire East Design Guide (2017) includes guidance for distances between buildings which is slightly lower than the guidance in policy DC38 with a distance of 12m between a habitable window and blank elevation and 18m between two habitable windows. The distance between the two buildings is over 21m, and while this is below the recommended distance in policy DC38 of the MBLP, the height and position of the proposed second floor window is commensurate to the existing side facing window at first floor so the impact would not be significantly worse than the existing situation. There is also extensive screening with the protected trees positioned between the two properties.

To the north-east of the application site lies Blackcomb (shown as Lindfield on site plan) which sits to the rear of its plot. This means that the majority of the garden area of this property is to the front of the dwelling, alongside the new building.

There is currently good screening between the two properties which is proposed to be retained. The proposed building has been pulled away from the boundary with Blackcomb, confines the windows to broadly the same location as the existing windows, although the proposed is three storey as opposed to the existing two storey building, ensures there are no direct views from habitable windows to habitable windows and as a result will not have an adverse impact on the residential amenity of the occupiers of Blackcomb in terms of increase in massing and overlooking unlike the refused scheme.

To the north-west the re-orientation of the proposed building compared to existing means that the windows would be at a more oblique angle than existing in relation to number 13 Overhill Lane. The overall height of the building is no higher than the existing building, and although the position is slightly closer to the boundaries between the two the re-orientation of the building and removal of rear windows overlooking number 23 ensures that the relationship between the two properties would not be significantly worse than the existing situation.

Highways

The site extends to approximately 0.2 hectares in area and is located approximately 1.5 kilometres to the east of the centre of Wilmslow. Access to the site is taken from Adlington Road.

This is a full planning application for the development of 10no. two bedroom apartments and 1no. one bedroom apartment. Proposed off-street parking of 21 spaces is in accordance with Cheshire East Council parking standards. It is noted that reference has been made to the lack of visitor parking. While the guidance note referred to in appendix C of the CELPS states; *“(For flats: visitor parking required at 1 space per 5 units where local parking congested)”* it would be difficult to make a case to suggest that the local area is congested. The proposed parking provision is therefore considered to be acceptable.

All dwellings will be served from the existing point of access to Adlington Road, which will be widened to allow two-way traffic movement and designed to allow a refuse vehicle to enter and exit the site in a forward gear.

A cycle store is proposed to the south west of the building and will be a secure enclosure built in brickwork to match the main building. The facility will be sufficiently sized to accommodate 12no. cycles.

The refuse collection would be made from the pedestrian entrance onto Wilmslow Park North. This is located approx. 28m from the junction with Adlington Road. This distance when considered alongside the nature of Wilmslow Park North, a relatively lightly trafficked road, should be sufficient.

The Transport Note sets out that there would be a marginal reduction in movement to and from the site with the proposed apartment development when compared with a former nursing home.

While no comments have yet been received from the Strategic Infrastructure Manager it is considered that the proposal would comply with the adopted car parking standards with the CELPS. It is also noted that there were no highway objections in respect of the previously refused scheme which was for 14 apartments, also with no visitor parking. Comments from the Strategic Infrastructure Manager will be reported as an update.

Arboriculture and Forestry

Policy SE5 of the CELPS states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The application site benefits from mature and established tree cover, both internally and to the perimeter boundary which are afforded protection by area A1 of the Macclesfield Borough

Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The submitted Arboricultural Impact Assessment by Ascerta Ref: P.1230.19 August 2019, Rev C has identified that the proposed development will not require the removal of any of the existing tree cover and has made provision for tree protection measures throughout any demolition and construction period.

The proposal as indicated will result in an improved relationship with some trees to that which presently exists. Some minor incursion of the new building is indicated to affect T7 but this can be carried out under arboricultural supervision. The rooting area of trees T7 and T10 stands to be improved in the longer term where existing hard surfaces are shown to be broken out and returned to amenity areas.

The submitted Arboricultural Method Statement (AMS) gives consideration of below and above ground constraints and has provided a pruning specification to achieve the necessary clearances of proposed structures and access routes. A specification for an engineered designed surface and the areas in which this is to be implemented has been included within the AMS.

Following concerns from the Council's Arboricultural Officer regarding the lower quality and vitality of trees to the southern boundary of the site which provide screening between the adjacent property and the proposal, a more detailed landscaping scheme has been submitted. The scheme which makes provision for additional tree planting along this boundary ensuring the long term continuity of the existing screening given the extent of new surfacing which is proposed in this area.

In the light of the above, the proposal is considered to comply with policy SE5 of the CELPS and the Council's Forestry Officer also raises no objections.

Nature Conservation

Bats

Bat surveys carried out in 2019 found evidence of bat activity in the form of a minor common pipistrelle bat roost within the building. Surveys in previous years identified a locally important brown long-eared bat (BLE) maternity roost within the roof of the building, and DNA testing of droppings retrieved from the loft in 2019 confirmed that they were BLE droppings. The loss of the buildings on this site in the absence of mitigation is likely to have a high impact on bats at the local level and a medium 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 favorable 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.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional dwellings to the area.

Mitigation

To compensate for the loss of the existing roost the submitted report recommends the installation of bat boxes as a means of compensating for the loss of the pipistrelle roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Hedgehog and nesting birds

If planning consent is granted a condition will be required to safeguard nesting birds and hedgehogs.

Education

Comments from the Education department in relation to the amount of any required contributions towards Education are yet to be received and will be confirmed in an update.

Public Open Space and Recreation

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

Based on 10no. dwellings of two or more bedrooms the required contribution would equate to £33,000 for POS and £5,500 for ROS. The POS commuted sum would be required and would be used to make additions, enhancements and improvements to the play [including teenage play and recreation] and amenity facilities at Browns Lane [play] and Wilmslow Park [amenity].

The ROS com would be required on commencement of development and would be for use in line with CELPS SC1 and the councils Playing Pitch Strategy.

HEADS OF TERMS

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

- Public Open space contribution of £33,000
- Recreation & outdoor sports contributions of £5,500

Community Infrastructure Levy (CIL) Regulations

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

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

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

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

PLANNING BALANCE

The comments from the neighbours and town council are noted, however the site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. The development would make effective use of a previously developed site.

The proposal also raises no significant design, amenity or highway safety issues.

The application is therefore recommended for approval subject to highways and education comments, conditions and s106 contributions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving details to be submitted
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Tree protection measures to be implemented
9. Nesting bird survey to be submitted
10. Incorporation of features for Breeding birds
11. Actions in the event of unforeseen contamination
12. Foul and surface water shall be drained on separate systems.
13. Travel information pack to be submitted
14. Surface water drainage details to be submitted
15. Travel information pack to be submitted
16. Electric vehicle infrastructure to be provided
17. Contaminated Land - phase II investigation to be submitted
18. Contaminated land - verification report to be submitted
19. Ecological Enhancement details to be submitted
20. Imported soil to be tested
21. Contaminated Land
22. Plans to show drainage relationship with trees to be submitted

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Application No: 19/1395M
Location: OAKHURST, TOFT ROAD, KNUTSFORD, WA16 9ED
Proposal: Construction of new detached dwelling
Applicant: Mr Richard & Henry Baxendell
Expiry Date: 13-Mar-2020

SUMMARY:

The proposal is for the construction of a new dwelling in the rear garden of Oakhurst. The scheme has been revised and reduced during the lifetime of the application, and is now for a single dwelling.

Oakhurst is a non-designated heritage asset within the Legh Road Conservation Area. The proposal would not result in harm to the significance of either of these heritage assets

The proposed dwelling would reflect the character, appearance and urban grain of the surrounding area.

The Highway Authority has not raised any objections to the proposal.

Subject to conditions, there would not be any adverse impact on trees, ecology on landscaping.

SUMMARY RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The application has been called to Committee by the Local Ward Councillor, Councillor Gardiner for the following reasons:

"It represents overdevelopment, is detrimental to the character of the Conservation Area and fails to comply with the Knutsford Neighbourhood Plan policy HE3 and H2 in that development will result in the loss of mature trees particularly T1 which has a visually prominent position on the boundary of the property, the removal of which will adversely affect the streetscene."

- *It fails to comply with the KNP Design Guide which does not support gated-community developments (7.10) nor has demonstrated 'exceptional circumstances' as required under 7.18 for developments in gardens.*
- *It fails to recognise the impact on a building of Townscape Merit, failing to preserve its setting in the design proposal (contrary to Policy SE7).*
- *The proposed properties result in increased levels of overlooking, not currently afforded to residents of Grassfield Way, Oakhurst Cottage and Granary Cottage thus having a negative impact on the amenity of neighbouring properties, contrary to policies DC3, 38, 41 and 42 of the Macclesfield Borough Plan and 7.13 and 7.19 of the KNP Design Guide."*

DESCRIPTION OF SITE AND CONTEXT

Oakhurst is a semi-detached dwellinghouse within a spacious plot on Toft Road, Knutsford. The area around the application site is predominantly residential.

The existing dwelling is in the Arts and Crafts style and is a non-designated Heritage Asset. It lies within the Legh Road Conservation Area.

There are protected trees along the boundaries of the site (18-006 and 18-074 refer).

The host dwelling has its existing access onto Toft Road. There is an access track which leads to the northern boundary of the application site. This existing access serves five houses, excluding the application site.

The application site lies within the impact zone of Midland Meres & Mosses Phase 1 Ramsar site, and Tatton Meres Site of Special Scientific Interest (SSSI)

DETAILS OF PROPOSAL

The proposal is for a single dwelling within the garden area of Oakhurst. The existing plot would be subdivided with the new dwelling located in the western portion of the site. The existing dwelling would take its access from Toft Road with access to the new house from the access road to the rear.

RELEVANT PLANNING HISTORY

18/5026M – withdrawn – December 2018
Construction of 4 detached dwellings with new access road

05/1528P – refused – 2 August 2005
Detached bungalow (outline)

"Reason:

The proposal would lead to an oversupply of housing land in the borough, in conflict with Cheshire Replacement Structure Plan policy HOU1, Macclesfield Borough Local Plan H1 and the Supplementary Planning Guidance 'Restricting the Supply of New Housing'."

00/0812P – approved – May 2000
Detached bungalow (outline application)

70801P – approved – June 1992
Erection of detached bungalow

58233P – approved - June 1989
Erection of detached bungalow

39996P – approved – April 1985
Erection of a detached bungalow

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 Presumption in Favour of Sustainable Development
PG 2 – Settlement Hierarchy
SD 1 – Sustainable Development in Cheshire East
SD 2 – Sustainable Development Principles
SE 1 – Design
SE 3 – Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 7 – The Historic Environment
SE 12 – Pollution, land contamination and land instability
SE 13 – Flood Risk and Water Management
CO 1 – Sustainable Travel and Transport
Appendix C – Adopted Parking Standards

Macclesfield Borough Local Plan (MBLP)

NE12 – SSSIs, SBIs and Nature Reserves
DC3 – Amenity
DC6 – Circulation and Access
DC9 – Tree Protection
DC10 – Landscaping and Tree Protection
DC38 – Residential – Space, light and privacy
BE13 – Legh Road Conservation Area
DC63 – Contaminated land

Knutsford Neighbourhood Plan (KNP)

D1 – Knutsford Design Guide
D2 – Local Distinctiveness
D3 – Landscape in New Development
D4 – Sustainable Residential Design
E3 – Habitat Protection and Biodiversity
HE2 – Heritage Assets
HE3 – Conservation Areas
H2 – Previously Developed and Infill Development

T4 – Parking

OTHER MATERIAL POLICY CONSIDERATIONS

- National Planning Policy Framework (NPPF 2019)
- Knutsford Legh Road Conservation Area Appraisal (May 2005)
- Knutsford Design Guide
- Cheshire East Design Guide Supplementary Planning Document (SPD)

CONSULTATIONS EXTERNAL TO PLANNING

Knutsford Town Council

Initial objection to the proposal for two dwellings for the following reasons:

- Overdevelopment, detrimental to the character of the Conservation Area. It would fail to comply with Knutsford Neighbourhood Plan policies HE3 and H2. The development would result in the loss of mature trees, which would adversely affect the streetscene.
- The proposal would conflict with KNP Design Guide, which does not support gated communities. It has not demonstrated the exception circumstances, required for developments in gardens.
- Development would fail to preserve the setting of a building of Townscape Merit
- The development would increase the levels of overlooking of neighbouring properties.

Following the submission of revised plans for a single dwelling, the Council sustained their objection on the following grounds:

- The application has not demonstrated an appropriate access to the site. The proposed access would be detrimental to highway and pedestrian safety, by virtue of making a private drive the access for six properties and being of an insufficient width.
- The development is detrimental to the character of the Legh Road Conservation Area by virtue of its negative impact on a building of townscape merit.
- Query regarding the validity of the application, as it is outside the applicant's ownership and notice has not been served on those who do own the access.

Following on from these comments, the red line has been amended to include the existing access road. The applicant has also provided a revised ownership certificate, which confirms notice to have been served on those with an interest in the land.

Flood Risk

No objections

Environmental Health

No objections subject to conditions relating to the provision of electric charging points, low emission boilers, and contaminated land.

Highways

No objections

United Utilities

No objections

Manchester Airport

No aerodrome safeguarding objections

Natural England

Made comments in relation to potential impact upon SSSI

OTHER REPRESENTATIONS

In April 2019, three representations were received to the initial scheme for two houses. Three objections were made jointly by a number of local residents. The main points are summarised below:

- Harmful impact on neighbour amenity – it would appear overbearing and result in overshadowing and overlooking of neighbouring properties and disturbance from noise and traffic
- Inaccuracies with the plans and supporting information
- Development would result in harm to Oakhurst, which is a building of Townscape Merit, with no public benefit
- Development would fail to reflect the character of the surrounding area, including plot densities. It would be harmful to the character and appearance of the Conservation Area
- Concerns regarding the use of the rear access during building works and post occupation – access not able to take additional traffic and would increase risk to highway safety
- No scheme for surface water drainage
- Landscaping proposal does not mitigate opportunistic site clearance
- Development within SSSI impact Zone – Habitat Regulations Assessment required

In September 2019, revised plans were submitted, for a single dwelling, with access to the site from the private access road to the rear of the properties. Three objections were received, made jointly by a number of local residents. The main points raised are summarised below:

- No exceptional circumstances to justify development in garden – contrary to Knutsford Design Guide
- The use of the existing access road by an additional dwelling would make it contrary to the requirements of the Cheshire East Design Guide. Development would adversely affect highway safety
- Technical reports have not been updated to address the revisions
- No landscape proposals put forward
- Revised scheme does not address fundamental concerns
- Development would result in less than substantial harm to the non-designated and designated heritage assets. There are no public benefits to outweigh this harm

- Overlooking from proposed balcony
- Access is single track and does not provide opportunities for vehicles to pass.
- Applicant has no right to use this access

In January 2020, a final round of consultation was carried out, following the inclusion of the access within the site area. A further six representations were received. These reiterate the comments made previously and state that Oakhurst does not have a right of access over the access track.

OFFICER APPRAISAL

Principle of development

The application site lies within a predominately residential area in Knutsford. CELPS policy PG 2 identifies as a Key Service Centre. In Key Service Centres, this policy supports development of a scale, location and nature that recognises and reinforces the distinctiveness of the individual towns.

The principle of a new dwelling in locational terms is therefore accepted, subject to compliance with other relevant development plan policies.

Development in Gardens / character and appearance

Concerns have been raised regarding the principle of siting the new dwelling within the garden of Oakhurst.

KNP policy D1 requires new developments to be of a high design quality and complement their surrounds. All planning applications should demonstrate how schemes comply with the Design Guide or justify why they do not.

Paragraph 7.18 of the Design Guide states that 'in order to protect the verdant nature of private spaces throughout the town, development in gardens will only be permitted, where exceptional circumstances have been demonstrated.

The area around the application site has a mixed character and urban grain. There are other examples of backland development, with properties not fronting onto the public highway.

The proposed dwelling would satisfactorily complement the character of the area and the spacious character of plots. The density of the existing and proposed sites would not appear dissimilar to the surrounding properties accessed off Toft Road. The proposed dwelling would not appear at odds with the existing urban grain.

Outline planning permission has been granted for a new dwelling on the site four times previously, most recently in 2000. In 2005, outline planning permission was refused; however this was on the basis of an oversupply of housing land. This reason for refusal is no longer relevant. These previous decisions have limited weight, given that they were made under a different policy context. However, when assessed alongside the site context and the surrounding development within gardens, it is considered that there are exceptional circumstances in this case for garden development, as required by the design guide.

In accordance with paragraph 7.19 of the Knutsford Design Guide, where exceptional circumstances are demonstrated, garden development will only be permitted where the following criteria are met:

- Conserves and, where possible enhances the environmental assets and biodiversity of the site; *Complies, see ecology section*
- Does not damage gardens that contribute strongly to the streetscene and townscape, for example developments associated with the gardens of large Victorian villas; *Complies, see character, appearance and heritage assets section*
- Exemplifies high standards of architectural and urban design; *Complies, see character, appearance and heritage assets section*
- Does not harm the character of the area, damage the setting or interfere with views within, into or out of the area; *Complies, see character, appearance and heritage assets section*
- Conserves and enhances the built environment, particularly in conservation areas, by its respect for existing buildings in the area, their form and spacing, and the materials used; *Complies, see character, appearance and heritage assets section*
- Makes effective use of the land to minimise water run-off, pollution and noise, particularly from additional traffic; *Complies, see ecology, neighbour amenity, air pollution and contamination*
- Does not change the housing density to the detriment of the character of the area; *Complies, see character, appearance and heritage assets*
- Does not degrade the amenity of existing or new occupiers or their neighbours in the locality with overbearing structures that are too large or too close, that overlook or shade, or create cramped plots, awkward access or provide too little amenity space. *Complies, see neighbour amenity, highways safety, character, appearance and heritage assets.*

These criteria are considered further in the relevant sections of the report below.

Character, appearance and heritage assets

CELPs policy SE 7 deals with the historic environment. This policy supports development proposals, which do not cause harm to, or which better reveal the significance of heritage assets. Where a scheme would result in harm to a designated heritage asset and its significance, clear justification will be required and the level of harm will be assessed against any public benefits. Where it cannot be shown that the harm is acceptable proposals will not be supported. For non-designated heritage assets, there should be a balanced consideration, having regard to the scale of any loss and the benefits of the proposal.

KNP policy HE 2 also deals with Heritage Assets. It states that planning application, which result in the loss of, cause unacceptable harm to, or negatively impact on, the significance of heritage assets (designated or non-designated) will be resisted.

KNP policy HE 3 relates to the Conservation Areas within Knutsford. It requires planning applications to demonstrate that they protect and enhance the defining characteristics of the area.

Saved MBLP policy BE 13 relates to the Legh Road Conservation Area. The reason states that the Legh Road area is characterised by large houses or interesting and individual design set in spacious grounds with mature planting. This policy seeks to preserve and enhance these features. It does not set any minimum sizes for plots,

The Legh Road Conservation Area is a designated heritage asset. Oakhurst is identified within the Conservation Area Appraisal as a building of townscape merit. The house, garage and surrounding garden all make a positive contribution to the Legh Road Conservation Area. Oakhurst is a non-designated heritage asset. The house has an arts and crafts character and is set within informally landscaped gardens.

The Conservation Area Appraisal identifies a significant part of the character to the Legh Road Conservation Area is substantial houses set within spacious grounds.

The original scheme for two large additional dwellings would have significantly reduced the space around Oakhurst, as a result of the increase in built form. The size of the proposed dwellings would also have detracted from Oakhurst as the principle dwelling on the plot. As a result this original scheme would have been harmful to the spacious setting of Oakhurst.

The Council's Conservation and Design team objected to this original proposal, as the scheme would have been detrimental to the setting of Oakhurst and would also have detracted from the contribution of the building and garden to the Conservation Area.

It was considered that the original scheme would have resulted in less than significant harm to the significance of the Legh Road Conservation Area, contrary to CELPS policy SE 7, saved MBLP policy BE13 of the Macclesfield Local Plan, KNP policies H2 and H3 and the aims of NPPF chapter 16.

The proposals have now been revised to address the objections to the original submission. The main consideration is whether the proposals now result in any harm to the significance of the Conservation Area and whether it would adversely impact the significance of Oakhurst, as a non-designated heritage asset.

The amended scheme now proposes a single house, which has been considerably reduced in scale, within a large section of the garden to the south west of the main house. The house has been designed to reflect the Arts and Crafts character of Oakhurst. It has a bespoke design, which complements that of the host property and does not detract from its character and spacious setting.

Both dwellings would have spacious plots, which are reflective of other houses in the surrounding area.

The revised scheme has been reviewed by the Council's Conservation and Design Team.

They have advised that the design of the new dwelling has been simplified so that it is sympathetic to the character of Oakhurst. The amended location, design and massing for the proposed building has resulted in a structure, which is considered to be both visually subservient and sympathetic. The scheme would leave a significant amount of the gardens undeveloped and provide a visual breathing space between Oakhurst and the new dwelling.

They have advised that there is no objection in conservation terms to the relocation of the entrance to site to the north and no longer from Toft Road.

However, details of any new entrance gates and boundary treatments would be required by condition. In order to ensure acceptable detailing and maintain the spacious character of the area, conditions are also required removing permitted development rights for extensions and outbuildings, and requiring details of materials and finishes.

The Conservation Officer has advised that the revised scheme would conserve the character and appearance of the Legh Road Conservation Area. It would not result in harm to the significance of the Conservation Area. It would not adversely affect the setting or significance of the non-designated heritage asset, Oakhurst.

The proposal would comply with CELPS policy SE 7, saved MBLP policy BE13, NPPF Chapter 16 and KNP policies HE 2 and HE 3.

Neighbour amenity

The proposed dwelling would sit in the centre of the plot, away from the boundaries of neighbouring properties. At the closest point, it would be approximately 14.5 metres from the boundary with Whitegates, approximately 28 metres from the boundary with Oakhurst Cottage and approximately 15.5m metres from the boundaries with the houses along Grassfield Way.

These distances would be sufficient to protect the existing privacy, outlook and light received by these neighbours. A single additional dwelling would be unlikely to result in a level of activity or vehicle movements, resulting in disturbance to neighbouring properties.

It is considered that the development would have an acceptable relationship with neighbouring properties. A construction management plan will be required by condition, to ensure minimal disruption to local residents during construction.

Trees

CELPS policy SE 5 deals with Trees, Hedgerows and Woodland. The Local Planning Authority will not normally support developments, which result in the loss of or threat to the continued life expectancy of trees which are of significant amenity value.

KNP policy D3 states that planning applications should retain all mature landscaping features within their site, including trees, hedgerows and woodlands.

There are two protected trees adjacent to the access to the site, along with groups of protected trees along the parallel to the access road and to the east of the site. The remaining trees on the site are protected due to their location within the Conservation Area.

The updated proposal would require the removal of 1 dead Birch in group G4, which is located on the road frontage and 2 C category trees (T8 & T10) which are located within the

site, in the southwestern corner. A pruning specification has been provided for trees T18 Oak, T19 Ash and T20 Pine, which are adjacent to the access road.

The Council's Forestry Officer has reviewed the proposal. They have raised no objection to the proposed removal of the trees listed above. They have also confirmed that the pruning specification would comprise minor works, which accord with best practice.

The proposed access would pass within the RPA of protected tree T20 Pine. The information and proposed special measures suggest that this can be accommodated without significant impacts to the tree. They have advised that in the event the application is approved, conditions should be imposed requiring tree protection and details of service/drainage layouts. Subject to these conditions, the proposal would comply with CELPS policy SE 5 and KNP policy D3.

Ecology and Impact on SSSI

The application site is in close proximity to the Midland Meres and Mosses Phase 1 Ramsar site and Tatton Meres Site of Special Scientific Interest (SSSI),

Following consultation, due to the site's proximity to a RAMSAR and SSSI site, Natural England requested that a Habitat Regulations Assessment (HRA), initially in the form of an Assessment of Likely Effects be undertaken prior to determination, which is a document within the application file.

In accordance with the Habitat Regulations 2017, the Local Planning Authority has carried out an 'Appropriate Assessment of Effects on a European Site'. At the scoping stage, this identified a likely significant effect.

The subsequent risk assessment concluded that the submitted foul and surface water drainage proposals would mitigate the potential pollution risks. Through compliance with the measures detailed, which include silt traps to catch any pollutants, significant effect is unlikely to occur. Subject to a condition enforcing these measures, the proposal would not adversely affect the integrity of the RAMSAR or SSSI site and permission may be granted.

The Council's ecology officer has advised that two of the Oak trees shown to be retained offer some potential to support roosting bats. As these are to be retained, no surveys are required. Subject to a condition requiring ecological enhancements, the proposal would comply with the requirements of CELPS policy SE 3 and KNP policy E3.

Landscaping

CELPS policy SE 4 relates to the landscape. It states that development will be expected to:

- i. Incorporate appropriate landscaping which reflects the character of the area through appropriate design and management;
- ii. Where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas;
- iii. Preserve and promote local distinctiveness and diversity;
- iv. Avoid the loss of habitats of significant landscape importance;
- v. Protect and / or conserve the historical and ecological qualities of an area;

The Landscaping Officer initially raised an objection to the scheme for two dwellings, raising concerns about the lack of information provided with regards to the visual and physical impacts of the development. They have been re-consulted on the revised scheme for a single, smaller dwelling and have removed their objections. They have advised that subject to conditions relating to landscaping, the proposal would not result in adverse landscape effects. It would comply with the requirements of CELPS policy SE 4.

Parking and Highway Safety

Saved MBLP policy DC6 relates to circulation and access. It states that vehicular and pedestrian access for new developments should be safe, convenient and provide adequate visibility splays. Provisions should also be made for manoeuvring vehicles, for loading on site, for vehicles to enter and leave the site in a forward gear and for access for service and emergency vehicles.

Chapter 3 of the Cheshire East Design Guide (Volume 2) relates to streets, which is based on the Manual for Streets. This states that 'the shared drive serves a maximum of five properties and takes on the character of a narrow track.' The Design Guide is an adopted SPD and forms part of the development plan when determining applications. However, it relates primarily for new developments, where shared drives are proposed, rather than to established situations with private drives.

Many of the objections raise concerns relating to the use of the existing access by another dwelling. The concerns refer to the narrowness of the drive, the lack of availability for passing and the safety of the access onto Toft Road. These objections also make reference to the previous approval for a dwelling on the site (00/0812P), where a condition sought to prevent this access being used in the interests of highway safety.

The scheme and the access onto Toft Road have been reviewed by the Highways Officer. They have not raised any concerns relating to the access onto Toft Road, noting that the proposal is only for a single additional dwelling.

During a site visit in November, it was observed that Oakhurst has an existing vehicular five bar gate leading onto the access road. Within Oakhurst, there is no hardstanding adjacent to the access road to accommodate vehicles. However, there would be nothing in planning terms to prevent this property from using the existing access.

The proposal would see the plot subdivided into two, with Oakhurst using the existing access onto Toft Road and the new dwelling using the access road to the rear.

The Highways Officer has not raised any objections to the proposal on safety grounds. There would be sufficient space within the site to accommodate turning and parking in accordance with CELPS appendix C.

On this basis, it is considered that a refusal on highways safety grounds could not be substantiated.

Air quality and contamination

CELPS policy SE 12 deals with pollution, land contamination and land instability. These matters have been considered by the Council's Environmental Health Team. They have advised that subject to conditions including electric vehicle charging and contamination, the proposal would be acceptable in terms of its impact on air quality. Environmental Health also requested a condition relating to the provision of ultra-low emission boilers. However, this is not considered to be either reasonable or enforceable and as such has not been included within the suggested conditions.

Other matters

Concerns have been raised that the applicants do not have a right of access along the access track. This is not a planning matter and has not been considered as part of this application.

CONCLUSIONS

The proposal is for the construction of a new dwelling in the rear garden of Oakhurst. The scheme has been revised and reduced during the lifetime of the application, and is now for a single dwelling.

Oakhurst is a non-designated heritage asset within the Legh Road Conservation Area. The proposal would not result in harm to the significance of these heritage assets

The proposed dwelling would reflect the character, appearance and urban grain of the surrounding area

The Highway Authority has not raised any objections to the proposal.

Subject to conditions, there would not be any adverse impact on trees, ecology on landscaping.

The application is recommended for approval subject to the following conditions:

1. Three year time limit
2. In accordance with the approved plans
3. Material Samples to be submitted
4. Large scale details of fenestration, verges, eaves, doors etc. to be submitted
5. Metal rainwater goods to be provided
6. Finished levels to be submitted
7. Landscaping details to be submitted
8. Landscaping implementation
9. Boundary treatments to be submitted
10. Provision of parking and turning areas
11. Construction management plan to be submitted
12. Implementation of drainage scheme – including silt traps
13. Biodiversity enhancements to be submitted
14. Electric vehicle charging point to be provided
15. Tree protection measures to be submitted
16. Service runs and drainage layout – trees to be submitted

- 17. Contamination testing for soil brought on site
- 18. Actions in event of discovery of contamination
- 19. Removal of permitted development rights – extensions and outbuildings

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

