

Northern Planning Committee

Agenda

Date: Wednesday, 23rd February, 2022
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

PLEASE NOTE –This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. It is advised that this only be removed when speaking at the meeting.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

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 at the top of each report.

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

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

1. Apologies for Absence

To receive any apologies for absence.

For requests for further information

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve the Minutes of the meeting held on 8 December 2021 as a correct record.

4. **Public Speaking**

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

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

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

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

5. **20/4737M - Demolition of existing buildings and erection of 10 dwellings with associated garages, parking, gardens, access and landscaping, Little Stanneylands, Stanneylands Road, Wilmslow, Cheshire, SK9 4ER for Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee** (Pages 9 - 32)

To consider the above application.

6. **21/3555M - Redevelopment to form 39 No. apartments for older people (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping (re-submission of 19/3218M,) Cypress House, South Acre Drive, Handforth, SK9 3HN, for Churchill Retirement Living** (Pages 33 - 54)

To consider the above application.

7. **21/2975M - Part demolition of existing buildings, conversion and alteration of retained buildings for residential use (Use Class C3) and erection of residential development (Use Class C3) with associated open space, landscaping, access, car parking and infrastructure, The Swan Hotel, Chester Road, Bucklow Hill, Cheshire, WA16 6RD for Mr Andrew McMurtrie, PH Property Holdings Limited and Premier Inn Hotels Ltd (Pages 55 - 84)**

To consider the above application.

Membership: Councillors L Braithwaite (Vice-Chair), T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, K Parkinson, L Smetham and J Smith

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 8th December, 2021 in the The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor J Nicholas (Chair)

Councillors A Critchley (Substitute), T Dean, JP Findlow, S Holland,
D Jefferay, I Macfarlane, K Parkinson, B Puddicombe (Substitute), L Smetham
and J Smith

OFFICERS IN ATTENDANCE

Mr N Jones (Principal Development Officer), Mr P Wakefield (Planning Team
Leader) and Mrs M Withington (Principal Lawyer)

44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Braithwaite, A
Harewood and N Mannion.

45 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that all Members had received substantial information in
respect of application 20/3260M.

In the interest of openness in respect of application 20/3260M, Councillor
L Smetham declared that she had been a Member of the Licensing Act
Sub Committee who had considered an application for a Premises Licence
by Daniel Morgan in respect of Lady Grey Farm, Lady Lane, Mobberley,
Knutsford on the 27 February 2020, however she confirmed she had not
fettered her discretion in respect of the planning application for the same
site.

In the interest of openness in respect of application 21/4426M, Councillor
B Puddicombe declared that he had spoken against the application at the
previous meeting and therefore would exercise his right to speak as the
neighbouring Ward Councillor under the public speaking procedure. In
accordance with the Code of Conduct he removed himself from the
Committee and sat in the public gallery prior to consideration of the
application.

46 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 3 November 2021 be approved as a correct record and signed by the Chair.

47 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

48 20/3260M-CHANGE OF USE OF THE EXISTING SHIPPON TO A WEDDING VENUE TOGETHER WITH ASSOCIATED WORKS INCLUDING A SMALL INFILL EXTENSION, PART REPLACEMENT ROOF, NEW BLACKENED VERTICAL TIMBER CLADDING, SEPTIC TANK, ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING WORKS (PART RETROSPECTIVE), LADY GREY FARM, LADY LANE, MOBBERLEY FOR MR DAN MORGAN

Consideration was given to the above application.

(Stuart Nixon, an objector, Bernadette Bailey, a supporter and Donna Barber, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor C Leach, the Ward Councillor).

RESOLVED

That the application be refused for the following reasons:-

1. Impact of noise and disturbance on living conditions of neighbours, contrary to policies DC3, DC13 and DC14 of the Macclesfield Borough Local Plan and policy SD2 of the Cheshire East Local Plan Strategy.
2. Inappropriate development in the Green Belt contrary to policy PG3 of the Cheshire East Local Plan Strategy.

(This decision was contrary to the officer's recommendation of approval. Prior to consideration of the following item, the meeting was adjourned for a short break).

49 21/4426M- TWO NEW SEMI-DETACHED DWELLINGS WITH OFF STREET PARKING, JOHN STREET CAR PARK, JOHN STREET, MACCLESFIELD, SK11 8BN FOR MR WARD

Consideration was given to the above application.

(Councillor A Farrall, the Ward Councillor, Councillor B Puddicombe, neighbouring Ward Councillor, Town Councillor F Wilson, representing Macclesfield Town Council and Ian Harrison, agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Head of Planning in consultation with the Chair of the Northern Planning Committee to approve subject to the receipt of any further representations not raising any new matters and subject to the following conditions:-

1. Commencement of development (*three years*);
2. Development in accordance with approved plans;
3. Removal of PD rights;
4. Finished levels (*pre-commencement*);
5. Materials as application;
6. Submission of a Contaminated Land Phase 1 Report (*pre-commencement*);
7. Submission of a Contaminated Land Verification Report (*pre-occupation*);
8. Importation of soil;
9. Unexpected contamination;
10. Provision of Electrical Vehicle Infrastructure (*pre-occupation*);
11. Use of ultra-low emission boilers (*pre-occupation*);
12. Ecological enhancements;
13. Submission of landscaping scheme;
14. Implementation of landscaping scheme;
15. Boundary treatments (*pre-occupation*); and
16. Provision of parking (*pre-occupation*);
17. Obscure glazing
18. Cycle storage

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

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor J Nicholas (Chair)

This page is intentionally left blank

Application No: 20/4737M

Location: LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER

Proposal: Demolition of existing buildings and erection of 10 dwellings with associated garages, parking, gardens, access and landscaping

Applicant: Mrs Kerren Phillips, Jones Homes (North West) Limited & Mr Francis Lee

Expiry Date: 12-Jan-2022

SUMMARY

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The application is considered to result in less than substantial harm to the listed buildings and their setting.

Nevertheless, the proposal would include a number of public benefits. On balance, the provision of new housing within a sustainable location on part of an allocated site, two of which would be affordable would outweigh the harm to the listed buildings. The application is recommended for approval.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to conditions and s106 contributions.

RECOMMENDATION: Approved subject to conditions and s106 contributions

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern edge of Wilmslow and is surrounded by new and existing residential development. The site was previously used as a horse training facility but is no longer in use as the associated paddocks have now been built on.

There are currently five existing buildings on site, comprising single storey stable buildings, a small stable block and a large two-storey barn with mezzanine floor which was used for storage.

The northern section of the site is allocated for residential development in the adopted Local Plan Strategy. The remainder of the allocated site is currently being developed by David Wilson Homes to create 174no. new homes. The southern section of the application site was removed from the Green Belt with the adoption of the Cheshire East Local Plan Strategy and currently has no allocation.

Historically, a former farm building sat in the south west corner of the site, thought to form part of the Little Stanneylands farm complex dating back to the 17th Century. This area of the site is predominantly laid to grass with established trees and flower beds around the edge. To the south of the site are three grade II listed buildings.

There are a number of existing mature trees on the site; all of which are protected by a Tree Preservation Order (TPO)

An existing watercourse is present on site, flowing in a westerly direction from the centre of the site. The stream is culverted under the eastern part of the site and is understood to be used for drainage of land to the east, eventually flowing into the River Dean to the west of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings and the erection of 10 dwellings with associated garages, parking, gardens, access and landscaping.

Amended plans have been received during the course of the application reducing the number of dwellings on site from 11 to 10.

RELEVANT HISTORY

There is no planning history on the application site of direct relevance to this application. Previous applications on the site relate to works to TPO trees and minor alterations to the existing buildings.

Full planning permission for the residential development of agricultural land to the north and west of the application site was approved by CEC in February 2018 (ref. 17/4521M).

That land was previously designated as 'Green Belt' but was allocated for residential development in the Cheshire East Local Plan Strategy (adopted July 2017) in order to help meet identified housing needs over the plan period to 2030.

The site is currently being developed by David Wilson Homes (DWH) for 174 homes and associated public open space including a pedestrian / cycle connection between Linneys Bridge and the River Dean and a new bridge crossing of the River Dean. As part of the approved works, a new roundabout onto Stanneylands Road has been constructed.

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017 (CELPS)

- 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
- 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
- SE7 The Historic Environment
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- 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 (MBLP)

- 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)
BE2 (Historic Fabric)

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

Wilmslow Neighbourhood Plan

LSP1: Sustainable Construction
LSP2: Sustainable Spaces
LSP3: Sustainable Transport
NE5: Biodiversity Conservation
NE6: Development in Gardens
H2: Residential Design
H3: Housing Mix
CR3: Local Green Spaces
CR4: Public Open Space
CR5: Health Centres
TA2: Congestion and Traffic Flow

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways) – the site will be served via a single access off Stanneylands Road. Adequate visibility at the access has been provided. The design and width of the access is acceptable and is suitable for adoption, each of the units have a minimum of two car parking spaces and meets current CEC parking requirements. To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site. The provision of 10 units is a low generation development and would not lead to traffic capacity problems on the local highway network. In summary, the application is an acceptable design in relation to highways and no objections are raised subject to conditions

Environmental Health – no objection subject to conditions relating to construction days / hours of operation, foundations, dust management, ultra-low emission boilers, electric vehicle infrastructure and contaminated land.

United Utilities – a public sewer crosses the site. An access strip will be required for maintenance or replacement. Conditions requested in relation to surface water, foul water and sustainable drainage.

Cadent Gas Ltd – recommend applicant be advised of infrastructure (low or medium pressure (below 2 bar) gas pipes and associated equipment) in the vicinity of the proposal with an informative of steps development must take as a result.

Strategic Housing Manager – the applicant has now provided evidence that supports the provision of 2 Affordable Dwellings due to vacant building credit. An Affordable Housing Statement has been provided and this shows 2 dwellings to be rented and intermediate respectively. Under the site circumstances this is acceptable.

Lead Local Flood Authority – the applicant should select an appropriate drainage strategy. It must ensure that flood risk is not increased on or off site as a result of the new development. For the surface water drainage methods, further infiltration testing should be carried out. It is worth noting that we are currently reviewing a Land Drainage Consent application for the culverted watercourse on site. However, we would ask that the applicant submits a detailed cross-sectional drawing of the culverted watercourse and its existing and proposed route within the site boundary at detailed design stage. Conditions and informative are included with the representation.

Environment Agency – the proposed development site and/ or its surroundings appears to have been the subject of past activity which poses a risk of pollution to controlled waters. Advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site. Recommend that you consult with your Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management. Informative on contaminated land and advice on matters including waste on site, waste to be taken off-site and dewatering / abstraction activity included in the representation.

Manchester Airport – no aerodrome safeguarding objections subject to conditions on the control of dust / smoke and lighting. There are also comments regarding reflective materials and no solar photovoltaics used without first consulting with the aerodrome safeguarding authority for Manchester Airport.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“recommend refusal of this planning application on the grounds of being out-of-keeping with the character of the Grade II Listed Building within its immediate vicinity. Furthermore, Wilmslow Town Council recommend refusal in accordance with Cheshire East Council’s Housing Officer’s view that the application fails to provide adequate affordable housing within the proposed scheme.”*

OTHER REPRESENTATIONS

Representations have been received from approximately 40 addresses, on the following grounds: -

- The 174 homes adjacent to the site has changed the nature of the area and the construction period has impacted negatively on residents.
- The development does not serve to meet housing needs, including affordable homes.
- Object to removal of trees, mature vegetation and hedgerows along Stanneylands road.
- Object to impact of development on protected trees.

- Negative impact on wildlife including badgers, bats, birds including owls.
- Bat survey is limited in scope
- Negative impact of development on 'wildlife corridor' created as part of the adjacent development. Wildlife corridor should be secured and widened.
- Ecological impact on the surrounding countryside
- Negative impact of development on local environment and facilities. Area has insufficient infrastructure, including school places
- The applicant should be made financially responsible to provide funds to correct negative impacts that occurs because of development.
- What about the people of Wilmslow who are proud of the village – now a town with overpriced, high rentals and rated shops.
- The previous moratorium on housing development in Cheshire should be re-instated.
- Stanneylands Road is not designed to take a further influx of vehicles
- Access road to the site is unsuitable, it is sited on a blind bend with poor visibility splays and near a pedestrian crossing.
- There are too many entrances onto Stanneylands Road in quick succession. There are safer alternative access options into the site
- Traffic impacts on Stanneylands Road is leading to increased pollution and on street parking. The adjacent development is not fully occupied so the full increase in growth of traffic is unknown.
- Lack of space on site for construction vehicles leading to parking in the surrounding area
- Drainage around Stanneylands Road is inadequate. Risk of surface water runoff and drainage concerns on the site and adjacent properties.
- Concerns over land levels, two storey homes opposite a row of single storey bungalows are not in keeping with surrounding street scene.
- Concerns over land levels leading to a loss of amenity / natural sunlight for adjacent properties and those opposite the proposed development. It will also lead to overlooking.
- The Council has a five-year supply of housing and a sufficient housing stock through to 2030.
- Proximity of the site to Listed Buildings, including Little Stanneylands and historic farmstead and impacts of development on properties of historic interest.
- Preparation works have already commenced on the site.
- There is already a proposal for significant development in Handforth, no need for this site.
- Design is not in keeping with surrounding development
- Object to the number and type of buildings proposed for the site
- Noise pollution
- Procedural issues – lack of publicity
- There are too many new builds in the local area
- The sustainability of the proposed development is undermined by several factors, including distance to local amenities
- The application represents over-development of a former Green Belt site. A reduction in the number of new dwellings may provide a better transition of design styles with adjacent uses. More consideration should be given to the historic and equestrian heritage of the site.
- The site fails to meet Wilmslow Neighbourhood Plan policy H3 (Housing Mix).

- Any approval should include a condition requiring a stone wall at the boundary of the development and the listed buildings, rather than timber fence.
- Housing development should be considered as part of LPS 56 (land at little Stanneylands, Wilmslow) for the purposes of housing mix and affordable housing. Application does not comply with Wilmslow Neighbourhood Plan policy NE5 (Biodiversity Conservation)

OFFICER APPRAISAL

Principle of Development

The application site consists of part of the LPS 56 allocation that was a site released from the Green Belt in order to assist the Council in achieving a five-year supply of housing, with the southern section of the site also being released from the Green Belt. Therefore, the principle of residential development is acceptable in this location and subject to all other matters being satisfied the application should be determined without delay.

In addition to around 200 dwellings the development is expected to deliver the following;

- Provision of a direct cycle and pedestrian link from the site to Manchester Road, linking the site to Handforth Railway Station and centre;
- Provision of a new pedestrian and cycle bridge across the River Dean and improvement of public access along the river valley to include a footpath link from Linneys Bridge to Manchester Road.
- Retention of trees and woodlands at the edges of the site, with new planting to re-enforce landscape features - to properly define a new Green Belt boundary and to maintain the setting of existing properties and protect the amenities of those occupiers.

Site Specific Principles of Development

- a. The development must be a high-quality design which reflects and respects the character of the area and the amenities of neighbouring properties.
- b. Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows where possible.
- c. Creation of a new vehicular access to Stanneylands Road, or as an alternative to Manchester Road.
- d. Improve the connectivity and accessibility into and out of the site to Handforth centre and the wider local area with the provision of cycle paths and pedestrian linkages.
- e. Provision must be made for public open space to the north and west of the site utilising the river valley. Any new development will be expected to make contributions to playing fields and children's play facilities where these cannot be provided on site.
- f. New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation.
- g. Provide contributions to health and education infrastructure.
- h. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- i. Provide for a long-term management strategy for land along the Dean Valley shown as Protected Open Space.
- j. Respect for the setting of listed buildings adjacent to the site.

k. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated.

As mentioned previously the site to the north, as part of allocation LPS 56, has had an application approved for the delivery of 174no. dwellings and is currently under construction. There are 7no. proposed dwellings located within the LPS 56 allocation.

The southern section of the site containing 3no. dwellings, as a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

In this case, the provision of 3no. additional windfall dwellings would be of an acceptable scale relative to Wilmslow and would deliver housing within a sustainable location. From here, there are good rail links (including to Manchester, London) and buses to other local / key service centres. There are local amenities nearby, and social infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and emerging neighbourhood policy.

The development would contribute to the Borough's housing requirements through the provision of 3no. additional market dwellings. In accordance with these policies, there is no objection in principle to new dwellings in this location, subject to compliance with the other relevant development plan policies

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.”* PNP policy HOU 6 repeats this aim with the additional statement that *“The provision of smaller units to meet local needs should be given priority subject to compliance with other housing policies”*. The mix of three, four bed and five bed dwellings located within a residential area would contribute to the mix of housing sizes and types and would complement the existing provision within the area.

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;

The CELP states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

This is a proposed development of 10 dwellings with a site area of 0.96 Hectares in a Key Service Centre, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 3 dwellings to be provided as affordable homes.

The applicant has now provided evidence that supports the provision of 2 Affordable Dwellings, when vacant building credit is taken into account. An Affordable Housing Statement has been provided and this shows the 2 dwellings will be provided as one rented and one intermediate. Under the site circumstances this is acceptable and the initial objection from the Council's Housing Officer is withdrawn.

Design and Impact on Character of the Area

NPPF Chapter 12 deals with achieving well-designed places. Paragraph 126 identifies good design as a key aspect of sustainable development.

Paragraph 130 states that *"planning policies and designs should ensure that, developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- a) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience"*

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

Wilmslow Neighbourhood Plan Policy NE6 outlines three criteria which applications are encouraged to meet:

- The built form and hard surface areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new planting.
- The landscape proposals developed must meet all 10 Green Biophillic Points set out within Wilmslow Neighbourhood plan policy SP2: Sustainable Spaces.

Wilmslow Neighbourhood Plan Policy H2 states that all new residential development should seek to deliver high quality design.

The Council's Design Officer has reviewed their proposal and has offered their support to the scheme.

The site is approximately 1 ha and is located on Stanneylands Road, between the settlements of Wilmslow, Handforth and Styal. It is bordered by a residential development currently under construction to the north and by a cluster of three Grade II listed buildings to the south. The site currently contains five existing buildings which comprising a mixture of pitch-roofed stable blocks with a Tudor-style cladding and flat roofed barns.

The proposed dwellings are all 2-storey with suitable variations in roof pitches and gables to provide interest and relieve monotony. In addition, the change in levels across the site is effective in providing a varied street scene. Overall, the scale and massing of the scheme presented provides no concern.

Resident parking provision is adequate in volume and well located predominantly to the front and side of the properties. Whilst there are no specific spaces for visitor parking, it is felt that the streets and driveways could cope with this adequately.

The design development work undertaken to the dwellings during the application process demonstrate a marked improvement on those more standardised and less coherent house-types submitted originally. The influence of local context (and the CEC Design Guide) is now more readily apparent, and these are now acceptable in design terms.

It is considered that the improvements satisfy the raised issues of elevational design and the referencing locally distinctive design and scale, and the proposal complies with the design policies listed above.

Heritage

The site is currently occupied by single storey equestrian buildings, of a simple style with "Tudor" timber decorative cladding. There are a number of established trees within the site and hedges which lie on the southern border adjacent to the Grade II listed C17th barn. The hedges screen a large area of grass covered garden. The northern part of the application site is within LPS56, where housing is currently under construction on the adjacent land, the southern part of the site is outside of LPS56. The open land currently provides a visual buffer between the listed houses and new housing development. The principles of development are quite clear within LPS 56 that any scheme needs to respect the setting of the listed buildings adjacent to the site.

The listed buildings are Little Stanneylands, the Barn 15m west of Little Stanneylands and Rose Cottage to the east, all designated at Grade II.

The timber framed, thatched buildings of Little Stanneylands a former farmhouse/stables and the barn date from the 17th century and are in use as dwellings. They have been altered and extended but are of both historical and architectural interest, providing good examples of Cheshire vernacular farmhouse and agricultural buildings. Rose cottage is early C18th century, although altered in the 20th, it is brick built with slate roof. It is also of architectural and historic interest and is a good example of a vernacular cottage.

The C17th barn, lies to the south of the site backing on to the road and is timber framed, painted noggin, with thatched roof on stone plinth. A modern extension has been added to the right of plan in a vernacular style, with large eye-brow dormer, the overall appearance is one of a small-scale timber framed, thatched farm building.

As well as being of interest in their own right, they hold value as a group, set around what remains of a part of a farm complex with central courtyard. There are views of the buildings from Stanneylands Road, with the former barn and its extension having most prominence as it sits at back of pavement, Rose Cottage is located within the plot. There are views through the garden to the north of the wider group.

Listed Buildings are designated heritage assets for the purposes of NPPF chapter 16 and CELPS policy SE 7. NPPF paragraph 189 confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 199 states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph NPPF 200 notes that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

In accordance with NPPF paragraph 202, *“where a development proposal 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 proposal including, where appropriate, securing its optimum viable use.”*

CELPS Policy SD 2 Sustainable Development Principles notes that all development will be expected to respect, and where possible enhance, the significance of heritage assets, including their wider settings.

Policy SE 7 notes 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. In the case of designated heritage assets, SE 7 notes that this will be done by:

- i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.*
- ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.*
- iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part, of a heritage asset is accepted.*

Additionally, in accordance with the Section 16 and 66 of the 1990 Act, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

The application is supported by a Heritage Statement which describes the significance of the heritage asset and assesses the impact of the proposals upon the significance.

The Conservation Officer assessed the proposals and raised concerns regarding the impact upon the listed buildings and their setting. Following on from these concerns the unit closest to the listed buildings was removed to create a larger gap between the listed buildings and the proposed built development allowing for more landscaping to create a buffer.

These amendments have not addressed the initial concerns raised by the Conservation Officer. Their latest comments are as follows:

“Houses 7,8 and 9 plus the access road lie outside of the boundary of LPS 56 which was carefully considered and designated in 2015. The area to the south of LPS56 was to allow for a buffer between LPS56 and the listed group in order to maintain their setting and significance. It was made clear at pre-application stage in 2019 that any development should respect this buffer and the boundary of LPS56 and that development within the buffer outside of the boundary would be unlikely to be viewed as acceptable.

Whilst plot 10 has been removed 9 and 8 are still in proximity to the 17th century barn and will still appear in views from inside and outside of the site, including long views from Stanneylands Road and Stanneylands Drive. The green buffer of open land, hedges and trees still be filled with new houses in close proximity to the historic buildings. The topography of the land adjacent to the barn currently occupied by a garden would give further prominence to the housing. The existing garden rises up from the level of the barns and courtyard space. The remains of the

former stream which lies between the gardens to Little Stanneylands, and the stables would now be filled.

Rose Cottage which is set back from Stanneylands Road will have a further group of houses set to its rear. Although set back from the cottage, they will appear in views of the listed cottage from within the site, altering the existing open backdrop.

The 2017 heritage statement which accompanied the David Wilson adjacent scheme, made it clear, that their proposals would not cause harm as the buildings were set at such a distance from the listed buildings that they would not alter their backdrop. This clearly would not be the case for the above scheme.

The garden area adjacent to the barn was once occupied by a farm building but this was lost prior to the mid 1930's. The setting of the listed buildings has been one of open gardens with fields and small-scale stable buildings/barns for a significant period of time. I remain unconvinced that the current stable complex provides a convincing justification for development in such close proximity to the assets. The existing gardens, established trees and shrubs and open aspect in my view greatly enhance the setting of the designated assets. On approaching the listed barn from the north, instead of the natural backdrop of a hedge, trees and open gardens, in which there are views of the listed group, there will now detached houses sitting in the view.

Conclusions

The proximity, location and height of the proposed housing development and its associated landscaping within the wider setting would cause harm to the significance of the group of listed buildings adjacent. The scheme therefore fails to meet the requirements of section 66 of the Act, the saved heritage policies of the MBLP BE2, BE15, Policy, SD2, SE 1 and SE 7 of the CELPS which in combination seek to secure appropriate design in a heritage context and also Section 16 of the NPPF in particular (but not exclusively) policy 189 and 200 requiring the provision of a clear and convincing justification in relation to harm.

This harm discussed in detail above would in my view be at the less than substantial end of the scale, but this does not mean that the harm would be minor or unimportant. The Framework states that heritage assets are an irreplaceable resource and emphasises the desirability of sustaining and enhancing their significance.

Part of the development also lies outside of the boundary of LPS56 and within a landscape buffer between LPS56 and the listed group, it therefore fails to address the requirements set out in LPS56 as far as they relate to impact upon the setting of adjacent heritage assets."

The conclusions of the Council's Conservation Officer in terms of the impact on the listed buildings and their setting are noted and agreed with. The development would be a prominent feature, highly visible in many of the public viewpoints from which the buildings are also experienced, although this is reduced with the removal of the closest dwelling. The cumulative impact of the three dwellings outside the allocation would detract from the relatively modestly proportioned listed buildings. It is agreed that the development would result in 'less than substantial harm' to these designated heritage assets.

As stated in paragraph 202 of the Framework, the harm needs to be weighed against the public benefits of the proposal including, where appropriated securing its optimum viable use.

The public benefits are set out later in this report.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly 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.

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

It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

The Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The separation distances between the existing properties on Carlton Avenue and those proposed is a minimum of 41 metres, with a minimum distance between the proposed dwellings and the recently approved dwellings of 25m and as such the proposals will not cause an unacceptable level of overlooking or have an unacceptable adverse impact on privacy. The vast majority of the trees along the site boundary with the existing properties are retained and they will effectively screen the development from neighbouring properties.

Highways

The site will be served via a single access off Stanneylands Road, the access road is a shared surface cul-de-sac with a turning head at the end. Adequate visibility at the access has been provided in accordance with the 30mph speed limit on Stanneylands Road.

The design and width of the access is acceptable and is suitable for adoption, each of the units have a minimum of two car parking spaces and meets current CEC parking requirements.

To provide site accessibility to pedestrians and cyclists a new shared pedestrian /cycle path will be provided on the site frontage that links to the existing toucan crossing that is located just north of the site.

The provision of 10 units is a low generation development and would not lead to traffic capacity problems on the local highway network.

In summary, the application is an acceptable design in relation to highways and no objections are raised by the Head of Strategic Transport, subject to conditions.

Arboriculture and Forestry

The application has been supported by an updated Arboricultural Statement by Cheshire Woodlands (CW/9340-AS-2) dated 12th May 2021.

Concerns were raised with regards the relationship of Oak (T27) and Plot 7. No additional changes have been proposed in terms of position of the plot although the submitted assessment has confirmed that the adequate daylight and sunlight levels have been achieved and are within the parameters of BRE 209. It is noted that new hard standing is now proposed although engineer designed hard surfacing has been indicated to accord with best practice recommendations.

Plots 8 and 9 are located to the north west of group G5 which comprises of closely spaced trees of varying quality with two trees considered to be protected. The updated proposal has removed all trees from the rear garden of properties with planting indicated to the south east of these. Irrespective of the removal of the trees in favour of replacement planting, the shading and sunlight assessment has found that light levels do not meet the recommended minimum targets of BRE 209 Guidance.

Plot 3 has also been amended with this revised layout and is now shown as 2 semi-detached properties (plots 3 & 3A). While the side elevation of 3A is now shown to have increased separation from trees in G4, the rear elevation of the property is now closer to tree T6 and the shading assessment confirms that light levels to plot 3A also fail to meet the minimum requirements of the BRE Guidance.

This amended layout presents some improvements in terms of relationship with important trees on the site. The additional submitted information confirms that the majority of the properties will meet the requirements regards shading to amenity space and internal habitable rooms as stipulated in BRE 209.

Consultation comments remain largely unchanged in terms of the concerns expressed regards dominance and shading to some of the plots, although the layout has ensured all retained trees remain outside residential curtilage and within communal areas. Extensive planting of new, heavy standard trees is proposed in mitigation for tree losses in particular to the road frontage where the additional losses are indicated. The submission of a management plan provides some confidence that both existing and newly planted trees will ensure the sustainability of tree cover in the area in the longer term.

No significant objections are raised by the Council's Arboricultural Officer, subject to a condition to provide tree protection measures, tree retention, levels survey, service/drainage layout and a method statement.

Nature Conservation

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Policy NE5 of the WNP states that “Planning applications will be supported where it can be demonstrated that they will not adversely affect designated and non-designated wildlife habitats including Priority Habitats within Wilmslow.”

Bats

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

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

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

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

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 much need dwellings to the area.

Mitigation

To compensate for the loss of the existing roost The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the 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.

Woodland and bluebells

A small area of woodland is present on site associated with the ditch. The submitted ecological assessment advises that this woodland may support bluebells a priority species and hence a material consideration. A further survey of the bluebells on site has now been completed. The majority of bluebells on site are thought to be hybrids of no nature conservation importance. A smaller number of native bluebells were however recorded.

The woodland would be lost under the current proposals and bluebells would also be lost from the site. Due to the relatively limited extent of woodland on site the number of bluebell plants present this impact would be correspondingly small.

A strategy has been submitted for the planting of native bluebells on site to compensate for those lost to the development. This approach is acceptable and would be conditioned accordingly.

Nesting birds

A number of priority species have been recorded in the broad vicinity of the application site. The application site is likely to support nesting birds potentially including the more widespread priority species recorded in the wider area. The application site is however unlikely to be significantly important for birds.

If planning consent is granted standard conditions would be required to safeguard nesting birds.

Badgers

Evidence of badger activity was recorded on site. No setts are however present. The Council's Nature Conservation Officer advises that the proposed development will result in a minor adverse impact upon badgers as a result of the loss of an area of foraging habitat. The submitted badger report recommends that the 'Ecological buffer zone' shown on the submitted layout plan be fenced to retain an accessible corridor for the use of badgers. If planning consent is granted, conditions are required in respect to badgers.

Hedgehogs

This priority species is known to occur in the broad locality and may occur on the application site on at least a transitory basis. the proposed development would have a minor adverse impact upon this species. If planning consent is granted a condition would be required to safeguard hedgehogs.

Invertebrates

A number of priority moth and butterfly species have been recorded in the broad locality of the application site. The proposed development would result in the loss of suitable habitat for these species which would result in a localised adverse impact.

In order to ensure that the potential impacts of the proposed development upon these species is adequately addressed it must be ensured that the development delivers a net gain for biodiversity as discussed below.

Reptiles

The submitted ecological assessment has identified habitat on site that is suitable for slow worms. There are no records for this species within 1km of the proposed site and the species is very scarce in Cheshire. It is therefore considered that this species is not reasonably likely to be present or affected by the proposed development.

Non-native invasive plant species

Two non-native invasive plant species were recorded on site. These species would likely be removed during site clearance in the event that planning consent was granted.

Biodiversity net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the losses/gains for biodiversity resulting from the proposed development the applicant has undertaken an assessment of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

The metric shows that the proposed development would deliver a net gain for hedgerows. But result in the loss of 0.79 biodiversity units for other habitats.

To compensate for this loss of biodiversity and deliver a net gain of 10% an additional 1.13 biodiversity units would be required. The Council may consider accepting a commuted sum to ensure that suitable habitats could be created at an offsite location.

Using figures from the CEC Draft Biodiversity SPD this would be costed as £10,035 per unit and £1,200 admin fee per unit. Total £11,235.00 per unit. Therefore, a commuted sum would be calculated as below:

$1.13 \times £11,235 \text{ (cost per unit and admin fee)} = £12,695.55.$

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The application is supported by an ecological enhancement strategy which proposes the incorporation of features to enhance the biodiversity value of the completed development. If planning consent is granted an appropriate condition is required to secure the implementation of these proposals.

Landscape management Plan

The application is supported by a Landscape Management Plan (TEP Version 9.0). If planning consent is granted condition should be attached to secure its implementation for a thirty-year period.

Subject to the proposed contributions and conditions, the proposal will comply with the requirements of policy SE 3 of the CELPS.

Landscape

CELPS policy SE 4 relates to Landscape. Amongst other matters, all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness in both rural and urban landscapes.

Soft landscape

The landscape proposals for site frontage were originally ornamental and have been amended to be more in keeping with the leafy, semi-rural character of Stanneylands Road. It is recommended a mixed native hedgerow with large native trees along the site frontage.

Cross sections will help to determine the position of the native hedgerows – which must be located behind visibility splays and be set back a sufficient distance to allow the hedges to mature without encroaching into sight lines. Grass verges with bulbs would be appropriate in front of the hedges.

It should be noted that the approved landscape proposals for the adjacent David Wilson (DW) site frontage comprises a broad, mixed native hedgerow and large species native trees. Unfortunately, DW have inadvertently planted the wrong hedgerow species - these hedges will be replanted to the correct specification.

Close board garden fences are not normally approved in prominent positions but are appropriate here due to the mature trees and RPAs. The proposed close board fencing on plot 10 will be screened with a hedge or climbers (depending on the position of the roadside hedge).

Native hedgerows (Holly in shady areas) should be planted along the rear and side boundaries of plots 3 & 4 and 8, 9 & 10, the southern site boundary and the boundary of the ecology buffer at the side of plot 7 – to screen fencing, enhance the site and to mitigate for tree losses.

Ecology Buffer

On the adjacent DW site the ecology buffer will be maintained in perpetuity by the site management company. It would seem appropriate to adopt the same approach to the buffer management on this site - rather than passing the responsibility to individual property owners. This would ensure a consistent approach to the management of the buffer. It is suggested that the proposed knee rail on the rear and side garden boundaries should be replaced with 1.2m high post and rail fencing with wire mesh to allow views from gardens but prevent access. A track from the road to the double access gates should also be provided (using no-dig construction where necessary). The proposed Management Plan has been updated accordingly and will be conditioned with any approval.

Hard landscape

Proposed materials for the access road, footpaths, shared and private drives and plot paving must be submitted and must be in accordance with the CEC Design Guide. This can be dealt with by condition.

Flood Risk

CELPS policy SE 13 deals with Flood Risk and Water Management. It requires all development to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

The Environment Agency has been consulted on the scheme but have not commented.

The Council's Flood Risk Officer has advised that the principle of the development is acceptable, but that approval should be subject to conditions requiring:

- Implementation in accordance with details of surface water storage/disposal in the Flood Risk Assessment submitted with the application.
- Submission and approval of a detailed surface water drainage design/strategy.

The Flood Risk Officer also advised that advisory notes on the surface water drainage hierarchy, and on the need for consent for any alterations to ordinary watercourses, should be added to any approval.

It has been confirmed by the Council's Flood Risk Officer that the information has received is sufficient to avoid prior to commencement conditions and Their formal response will follow.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The new housing would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

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.

In lieu of onsite provision of POS, a com sum for offsite provision will be required at a rate of £3,000 per dwelling. It is not yet clear where the provision will be used as comments from Ansa Greenspace have not been received and will be provided with an update. An ROS contribution of £1000 per two + bed plus dwelling to be used in line with the Council's playing pitch strategy.

The required contributions sought for two x three-bed, four x four-bed and four x five-bed dwellings would therefore be as follows:

- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

HEADS OF TERMS

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

- Biodiversity compensation = £12,695.55
- Affordable Housing - plots 3 and 3A to comply with affordable housing policy.
- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

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 affordable housing, biodiversity compensation and POS and ROS is necessary, fair and reasonable to provide a sustainable form of development, 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 type of the development

Planning Balance - including heritage balance

The proposal would result in less than substantial harm to the listed building. Paragraph 202 of the NPPF states that “*where a development proposal 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 proposal*”.

The proposal would contribute to the Borough's housing requirements with the addition of 7no. new dwellings within the Council's allocation LPS56 with a further 3no. new windfall dwellings. The inclusion of 2no. affordable dwellings on site in a sustainable location, in line with policy, would carry significant weight. The proposal would complete the development of the housing allocation.

There would be a creation and ongoing management of ecological areas. The removal of the invasive species and non-native bluebells that cross pollinate with native bluebells which leads to native bluebell populations diminishing, together with the compensation payment which help to achieve a biodiversity net gain of 10%. These factors would carry modest weight in favour of the development, as a public benefit.

The removal of the dwelling furthest to the south of the site during the application process has retained a buffer between the heritage assets and the proposed development, and while the development would be visible from the listed buildings the distance along with appropriate landscaping would reduce the impact. While there is a degree of harm to the designated heritage assets, there are also compelling public benefits, which outweigh this harm.

On balance, the public benefits attributed, resulting from the provision of housing within an existing allocation with the inclusion of two affordable units, together with the biodiversity gains, outweigh the harm to the listed buildings.

Therefore, the application is recommended for approval subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

- Biodiversity compensation = £12,695.55
- Affordable Housing - plots 3 and 3A to comply with affordable housing policy.
- Public Open space contribution of £30,000
- Recreation & outdoor sports contributions of £10,000

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning 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

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

1. Commencement of development (3 years)
1. Development in accord with approved plans
2. Submission of samples of building materials
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Landscaping to include details of boundary treatment
6. Nesting bird survey to be submitted
7. Foul and surface water shall be drained on separate systems.
8. Surface water drainage details to be submitted
9. Ground protection (trees)
10. Electric vehicle infrastructure to be provided
11. Contaminated land - verification report to be submitted
12. Ecological Enhancement details to be submitted
13. Imported soil to be tested
14. Steps to be taken in event of unidentified contamination
15. Car parking spaces to be provided and retained at all times thereafter
16. Details of proposed finished floor levels and land levels to be submitted
17. Development carried out in accordance with Flood Risk Assessment
18. No dig specification
19. Shared pedestrian/cycleway to be constructed
20. Construction management plan to be submitted
21. Implementation of bat mitigation.
22. Implementation of bluebell mitigation.
23. Safeguarding nesting birds

- 24. Updated badger survey
- 25. Proposals are to be submitted for the retention and fencing off of the "Ecological Buffer Zone".
- 26. Implementation of hedgehog mitigation.
- 27. Implementation of landscape master plan.
- 28. Implementation of Landscape management plan for a thirty-year period.
- 29. Phase II investigation required (contamination)
- 30. Tree Protection and Implementation Measures
- 31. Tree Retention
- 32. Levels Survey
- 33. Service/Drainage Layout



Application 21/3555M

Location: CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH, SK9 3HN

Proposal: Redevelopment to form 39 No. apartments for older people (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping (re-submission of 19/3218M)

Applicant: Churchill Retirement Living

Expiry Date: 01-Oct-2021

SUMMARY

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 39 dwellings for older persons and would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution in lieu of the on-site provision of affordable housing is acceptable in this case. However due to the viability issues surrounding the redevelopment of the site, which have been independently appraised by a consultant acting on behalf of the Council, only £152,454 is available for planning obligations.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

However, the comments from the previous Inspector in relation to the impact on the street scene, particularly along South Acre Drive have not been adequately addressed. The proposal introduces a large three storey building almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area.

The application is therefore recommended for refusal.

RECOMMENDATION: Refuse

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is located off Wilmslow Road, Handforth; the site currently comprises a former care home, which provided 31 bedrooms and has been vacant since 2006.

The site is located within a Predominantly Residential Area, as defined in the Local Plan. There are some existing trees, mainly along the western boundary of the site. A public house and hotel are situated to the south of the site (with associated car parking area), a three-storey apartment block and single-storey community hall to the east of the site and two-storey residential properties to the north and west of the site (mainly terraced and semi-detached).

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of a redundant Nursing Home known as "Cypress House" and the erection of a replacement building comprising 39no. apartments of retirement living housing (use class C3), with associated landscaping and car parking.

RELEVANT HISTORY

- | | |
|----------|--|
| 19/3218M | Proposed 45 no. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping
Refused 11 September 2020 – appeal dismissed 28 April 2021 |
| 16/2614M | Demolition of the existing building and construction of new apartment block.
Withdrawn |
| 15/1581M | Demolition of redundant Nursing Home known as "Cypress House" and erection of 13No. 2 bedroom houses and associated highway and landscaping works
Withdrawn |

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 |
| SC3 | Health and Well-Being |
| 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
- CO4 Travel Plans and Transport Assessments

Appendix C – Parking Standards

Saved Macclesfield Borough Local Plan Policies

- NE11 (Nature conservation interests)
- RT5 (Open Space Standards)
- RT6 (Recreation/Open Space Provision)
- H9 (Occupation of Affordable Housing)
- 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)

Handforth Neighbourhood Plan

- H1 New housing in Handforth
- H2 Providing Appropriate House Types, Tenures and Sizes to meet Local Needs
- H8 Landscape and Biodiversity
- H9 Trees and Hedgerows
- H11 Encouraging High Quality Design
- H12 Surface water management
- H16 Congestion and Highway Safety
- H18 Promoting sustainable transport

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure - No objections subject to conditions relating to the retention of parking spaces, the new access and a construction traffic management plan

Environmental Health - No objections subject to conditions and informatives relating to electric vehicle infrastructure, travel planning, noise mitigation, use of low emission boilers, construction environmental management plan, dust control and contaminated land.

United Utilities - No objections, subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme and a sustainable drainage management plan.

Strategic Housing Manager - No objection subject to the contribution for affordable housing

Education - No contributions required

Lead Local Flood Authority - No objections subject to condition

ANSA - A contribution would be required for Public Open Space and for Recreation and Outdoor Sport.

Environment Agency - No objection subject to a condition relating to foul and surface water drainage

Manchester Airport – No objections

NHS East Cheshire CCG – No comments received

Handforth Town Council: Recommend refusal on the following grounds:

- No significant change or reduction in the number of apartments to improve the parking provision in the area around South Acre Drive. In the application the applicant notes that a nearby car park can be used – this is a CEC owned car park and finds itself at capacity on most days, a car parking assessment for Handforth support this fact
- Application does little to address the requirement for increased amenity space for residents of the proposed development as referred to in the Appeal Decision, and would conflict with CELPS Policy SD2 and HNP Policy H11 which requires appropriate amounts of open space and amenity space.
- Out of character – does not address Inspector's comments – *“Proposal would be three storeys and there would be a greater length of building close to the back of the pavement along South Acre Drive than currently exists. Furthermore, the building would continue around the*

corner of the junction with Wilmslow Road and would introduce a substantial built form on a currently spacious corner. This existing space is a visually valuable part of the street scene and is reflected by the lawn and trees on the opposite corner of South Acre Drive/Wilmslow Road. I note the appellant's comments about the scale and massing not being part of the Council's reason for refusal, but these matters are intrinsically linked to the provision of, and need for, landscaping."

For the above reasons, the lack of space available for landscaping would create an unbalanced appearance at the junction of South Acre Drive/Wilmslow Road and would lead to the proposed building uncharacteristically dominating the street-scene. The proposed planting could not mitigate the physical presence of the building and the lack of space around it.

Proposal would harm the character and appearance of the area and would conflict with CELP Policies SD2 and SE4; and HNP Policies H8 and H11 which, in combination, seek to protect character and appearance and to create or reinforce local distinctiveness. This includes seeking to ensure a balance between built form and green spaces and the incorporation of appropriate landscaping."

OTHER REPRESENTATIONS

Representations have been received from seven addresses, including the local MP, on the following grounds:

- The building is still sited to the front of the site and would be visually dominant and out of character with the surrounding area.
- Residents are likely to own a car and with poor public transport links and visitors and staff are likely to use cars. The parking provision is inadequate and the congestion along South Acre Drive will worsen.
- At 3 floors it is too high.
- Lack of landscaping space – the landscaping should face South Acre Drive.
- The colour of the rendering resembles beach huts.
- The concerns of the previous Inspector have not been overcome.
- The surrounding areas are not practical for residents with reduced mobility.
- Would lead to a lack of privacy and loss of light to the existing dwellings nearby.
- The site
- S106 contributions should incorporate the entire amount required.
- The vacant buildings credit should not be used as the existing building has been vacant and neglected for so long and should be classed as abandoned.

OFFICER APPRAISAL

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”. The National Planning Policy Framework reinforces a ‘presumption in favour of sustainable development’ and states that decisions that accord with an up-to-date development plan should be approved without delay.

Handforth is identified as one of the ‘Key Service Centres’ in Cheshire East where CELPS Policy PG 2 states that *“development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.”*

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

In this case, the provision of 39 no. C3 units would be of an acceptable scale relative to the key service centre of Handforth and would deliver accommodation within a highly sustainable location close to the centre of Handforth with excellent transport links. The site is brownfield in nature and therefore its redevelopment to provide residential units in such a highly sustainable location aligns with the general principles of national and local policy.

Having regard to the above, the general principle of the development is found to be acceptable.

The Council can now demonstrate a 5 year housing land supply and therefore the relevant policies concerning the supply of housing should be considered up-to-date and consequently the ‘tilted balance’ at paragraph 11 of the NPPF is not engaged. It is important to note that this site will deliver 39 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5-year housing land supply and preventing inappropriate unplanned development elsewhere.

Affordable Housing

The Cheshire East Local Plan (CELP) states in settlements with a population of 3,000 or more, the Council 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 such sites will be a minimum of 30%. 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.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole Borough of Cheshire East. HNP policy H2 also states that Developments of 15 or more dwellings will be required to provide at least 30%.

This is a proposed development of a total of 39 units for Retirement Living Housing (Use Class C3), which is market housing and would trigger the requirement for affordable housing as well as other infrastructure requirements. In order to meet the Council's Policy on Affordable Housing, there would normally be a requirement for 12 of the dwellings to be provided as affordable dwellings. This would comprise of 8 as rented units and 4 as intermediate tenure.

However, the NPPG provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1,754sqm and the proposed floorspace is 3,336sqm, an increase of 1,612sqm or 48% of the total proposed floorspace. To put that as numbers of dwellings - 48% of 39 dwellings is 19 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 19 dwellings. 30% of 19 is 6 dwellings, which would be the requirement for this site. This equates to 15.4% of the total number of dwellings.

The vacant building credit applies where the building has not been abandoned. It is not considered that the building has been abandoned. Abandonment is a legal concept which has been used by the courts to describe circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that particular use. Abandonment may occur where a use has ceased due to leaving premises vacant for a considerable period or by allowing the building on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding. The walls and roof of the building appear to be in reasonable condition.

The courts have held that there are four factors to be taken into account when considering whether abandonment has occurred. These relate to the period of

non-use, the physical condition of the property, any intervening use, and the owner's intention. These matters are considered below;

Test 1: Physical condition of property – No structural survey has been provided, however as mentioned above the building appears to be generally in a good condition.

Test 2: Period of non-use – The planning agent has advised that the site has been vacant since 2006. Within this time period a number of applications have been submitted.

Test 3: Intervening use? – There is no planning history to suggest that there has been any intervening use. The planning agent has confirmed this.

Test 4: Owner's intention – Various applicants have submitted planning applications with the apparent intention to replacement accommodation on this site.

Given these circumstances it is not considered that abandonment applies in this case.

The most recent figures received from Affordable Housing Officers for the current number of those on the Cheshire Homechoice waiting list with Handforth as their first choice is 267. This can be broken down to 129 x 1 bedroom, 81 x 2 bedroom, 34 x 3 bedroom, 12 x 4 bedroom and 11 x 5 bedroom dwellings.

The waiting list also shows a requirement for 21 x 1 bedroom and 3 x 2 bedroom Older Person dwellings. These dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes.

Policy SC5 of the CELPS requires affordable housing to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

Given the characteristics and nature of sheltered retirement housing the applicant has stated that it is not practical or feasible to include an element of on-site affordable housing within the proposed development. This view is shared by officers due to the communal nature of the shared facilities within the development together with the management arrangement for providing a concierge/house manager, careline and services covering regular maintenance of the building, access, parking and communal landscaped gardens, Registered Housing Providers are generally unable or unwilling to meet these charges.

A mixed tenure development cannot accommodate, either physically or economically, facilities such as separate entrances, parking, facilities, amenity areas and staffing and management regimes in a single development; unless

the site is sufficiently large and suitably configured. This site extends to just 0.3 hectares and as such it is considered that it is not possible to facilitate on site provision while ensuring separate management regimes.

Therefore, given that the applicant has no further land interests within the Council's administrative area and is therefore not in a position to offer units in lieu of on-site provision on an alternative site, it is proposed to secure a financial contribution towards affordable housing in lieu of on-site provision.

CELPS Policy SC 5 also recognises that some developments may not be able to afford the full cost of affordable provision and in that regard the applicant has submitted a viability assessment to demonstrate that the development has a finite sum that can go towards s106 planning obligations including affordable housing.

Viability

The submitted viability appraisal states that the development would be unviable insofar as it would not yield a sufficient gross development value (GDV) attractive enough for a developer to bring the site forward. This has been independently appraised by a consultant instructed by the Council. The applicant states that the site is subject to abnormal costs and is therefore supported by a financial viability appraisal. The abnormal costs have been listed as follows:

- The proposal is for specialist retirement accommodation which is in a single phase - no ability to phase or stop/start – once started each flatted development has to be completed before occupation by the older person's community.
- Significant capital outlay: land purchase; planning permission; construction of the entire development before revenue receipt / any return on investment.
- Added to significant capital outlay is the period of time the capital is employed, i.e. longer cash-flow profile over the land purchase, planning permission, construction and sales period than general market housing.
- Premium sales values are expected above the general needs housing market thus adding risk because of the requirement to accommodate:
- Added specification for specialist form of housing
- Added levels of building and site security, including intruder alarm systems and emergency assistance alarm/help-line available to each unit.
- Restricted Market – over 55's age as opposed to general needs market housing available to all-comers.
- No Help-to-Buy, i.e. No financial market support/intervention
- Retirement Housing Sector Developers and their Shareholders & Lenders require adequate financial returns to carry the typical higher capital outlay and timing risks associated with specialist retirement housing.

In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. 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, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability; ensuring realistic decisions are made to support development.

The Council's independent advisor has concluded that the scheme will not be able to deliver the full affordable housing and / or other commuted sum payments whilst remaining a viable development opportunity.

The Gross Development Value ("GDV") of the overall scheme is in the region of £11 million. National Planning Practice Guidance advises that a minimum profit level of between 15-20% of GDV is the industry accepted standard which reflects the minimum enhancement a developer would reasonably expect to achieve in order to bring a site forward for this type of development. In this case, the developer is assuming 20% of GDV. This is at the upper end of the range and given the high level of demand for such accommodation it could be argued that the associated level of risk to the developer could justify a reduced rate. However, the Council's independent advisor has concluded 20% level is reasonable in the current climate of market instability and noting the large initial financial outlay that this project involves before receiving any income from sales.

It has been calculated that the development would generate no surplus toward planning obligations. However, following discussions an agreed figure of £152,454 has been offered towards planning contributions. This figure was calculated by the independent advisor as being an acceptable figure based on their calculations. Based on the viability assessment undertaken it is considered that is acceptable in principle and there could be no basis for seeking any further contributions. Officers are seeking to negotiate an overage clause to enable a clawback of contributions should the scheme prove to be more viable than currently projected.

In this case, owing to the nature of the accommodation for older persons, any affordable housing would be secured by way of commuted sum rather than delivered on site. The Council's Housing Strategy & Needs Manager considers the proposed contribution to be acceptable. It is considered that

the available funds for planning obligations outlined above should be put towards affordable housing provision.

Residential Mix

Local Plan Policy SC 4 identifies the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation. This scheme primarily offers accommodation for the elderly in the form of the 39no. retirement living one and two bed apartments, which would contribute towards creating a mixed, balanced and inclusive community. HNP policy H2 states that schemes are strongly encouraged to include a suitable proportion of affordable housing, housing designed for the ageing population. The proposal is fully in line with objectives of the policy to meet the needs arising from the increasing longevity of the Borough's older residents. The proposal is therefore considered to comply with Local Plan Policy SC 4.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The retirement living housing element of the scheme would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would normally be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision.

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.

In lieu of onsite provision of POS, a com sum for offsite provision will be required at a rate of £1,500 per bed space. This would be used to make POS improvements, additions and enhancements at Meriton Road Park, the town centre park in Handforth 580m away from the site, and at Arthur Boon open space on the corner of Dean Drive and Wilmslow Road 500m away from the site. Both are easily accessible. An ROS contribution of £500 per two + bed plus apartment to be used in line with the Council's playing pitch strategy.

The required contributions sought for 25 one bed apartments and 14 two bed apartments would therefore be as follows:

- Public Open space contribution of £79,500
- Recreation & outdoor sports contributions of £7,000

As noted above, officers recommend that the money available for planning obligations is put towards affordable housing, which means due to the viability of the scheme, these open space contributions cannot be secured. However,

Members may choose to take a different view on where the available money is used.

Education

The retirement living housing would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. maximum of 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

Design and Impact on Character of the Area

Between them, the NPPF and Local Plan Policies SD1, SD2, SE1 and SE4 from the CELPS and H8 and H11 of the HNP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas.

An earlier application 19/3218M was refused permission, a decision that was subsequently upheld at appeal (APP/ R0660/W/20/3262327). With the appeal, the Inspector cited a number of urban design concerns. The design response to these concerns, over external amenity space and the impact on the character of the area, will be considered in this report but the application will of course be viewed on its own merits.

Paragraphs 15, 16 and 17 of the appeal decision referred to the impact of the proposal on the street scene, particularly with regard to South Acre Drive. The following conclusions were made by the Inspector:

"15. Furthermore, South Acre Drive is characterised by modest two storey dwellings set back from the road by lawns. The community centre next to the site is single storey and is also set back from the road by lawn. The existing building is uncharacteristic of its general surroundings as it is very close to the pavement but it is of a two storey appearance and extends for a shorter distance along the road boundaries than would the proposed building.

16. The proposal would be three storeys and there would be a greater length of building close to the back of the pavement along South Acre Drive than currently exists. Furthermore, the building would continue around the corner of the junction with Wilmslow Road and would introduce a substantial built form on a currently spacious corner. This existing space is a visually valuable part of the street scene and is reflected by the lawn and trees on the opposite corner of South Acre Drive/Wilmslow Road. I note the appellant's comments about the scale and massing not being part of the Council's reason for refusal, but these matters are intrinsically linked to the provision of, and need for, landscaping.

17. For the above reasons, the lack of space available for landscaping would create an unbalanced appearance at the junction of South Acre Drive/Wilmslow Road and would lead to the proposed building uncharacteristically dominating the street-scene. The proposed planting could

not mitigate the physical presence of the building and the lack of space around it.”

The block still sits almost back of pavement serving South Acre Drive. While the proposed building has been reduced by approx. 5m away from the junction with Wilmslow Road the proposed building is still substantial at three storeys and would still span almost the whole length of the site dominating the street scene. It is felt that the above reasons have not been overcome with the latest proposals.

These proposals have both increased the volume of the external amenity space and reduced the number of potential users (by reducing the number of apartments from 45 to 39). The amount of available amenity space has therefore increased since the previous appeal. However, the communal patio area remains very small, almost identical in size to that proposed under the previous application (approximately 20sqm), which is a size that would suit a single domestic dwelling rather than a block of 39 apartments. However, increasing the size of the communal sitting out area could be dealt with by condition. Having regard to this, the relocation of the internal communal spaces (the owners lounge and coffee bar) which now allows direct access to the external seating areas, and the increased amount of external amenity space, it is, on balance, considered to be acceptable.

As with the previous application, the building is well articulated into a series of linked domestic scale blocks which create the impression of a series of detached and semi-detached homes. This impression is further enhanced with a varied roofline incorporating a series of front-facing gables that also help to provide depth to the elevations. This broken up, varied roof design also has the impact of reducing the apparent ‘weight’ of the roof, which is often a problem with deep plan buildings such as this.

The breaking down of what could be a monolithic block into a series of more domestic-scale units is further enhanced by using a number of front-facing gables and this too is welcomed. Furthermore, the proposed palette of materials is broadly appropriate and responds well to the location.

Nevertheless, it is still considered that the scale and positioning of the proposed building along South Acre Drive, together with the building being situated on higher land levels relative to the road, would result in a dominant building that would be out of keeping with the existing spacious character of the surrounding area. It is felt the proposal has not overcome the reasons for refusal included in the Inspector’s decision. Therefore, there is still conflict with CELPS Policies SD2 and SE4; and HNP Policies H8 and H11.

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 relating to the impact upon the living conditions of neighbours have been carefully considered. Numbers 1-4 South Acre Drive are positioned to the north of the development and are positioned at a higher level than the application site. The proposed development along South Acre Drive would roughly follow the building line of the existing care home which is positioned approximately 23m from the front elevations of 1-4 South Acre Drive. Policy DC38 states that buildings should provide a distance of 21m front to front for two storey developments and 28m for three storey developments.

The existing building has windows facing South Acre Drive, and the proposed corner apartment facing onto number 1 South Acre Drive contains a secondary window at 2nd floor serving a living room. If this window was obscurely glazed, it is considered that the impact on this property would be within acceptable limits. This could be dealt with by condition.

Number 37 Wilmslow Road would be positioned over 20m from the nearest point of the proposed building and would be offset to the south. With this in mind the impact of the proposal on this property is considered to be acceptable.

To the rear the distance between the 3-storey apartment block and the nearest point of the proposed building would measure approx. 18m. The habitable rooms would be offset from the habitable rooms on the existing development and so the impact on this building is considered to be acceptable.

Residential amenity was not included in the previous reasons for refusal with the last application and the current application provides a slight improvement over that scheme.

Accordingly, the proposal is not considered to result in any significant harm to the living conditions of neighbouring properties, in accordance with policy DC3 of the MBLP.

Noise

In support of the application, the applicant has submitted an acoustic design statement by Clarke Saunders Acoustics, 16 July 2019, AS11139.190607.ra (Stage 2). It is stated that this is a stage 1 Risk Assessment, identifying the development area as low to high risk in terms of noise impact. Noise mitigation measures have been identified in this statement and in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise (particularly transport related noise) a condition is recommended for the recommendations of this report to be implemented.

Highways

The existing site is currently occupied by Cypress House (a former nursing home), which is no longer in use but benefits from existing vehicular accesses

onto South Acre Drive. South Acre Drive is a lower order road, no through road, generally 5m wide with approx.2.0m wide footways on each side. The site is bound to the east by Honford Hall Community Centre, to the west by Wilmslow Road/Manchester Road, to the north by South Acre Drive and to the south by a Premier Inn and associated public house.

The revised application is to redevelop the site from a nursing home to a retirement home (small level of resident support) consisting of 39 no. apartments accessed by way of a new vehicular access from South Acre Drive. The existing access points are to be stopped up. It is noted that on street parking currently takes place along South Acre Drive.

Footways and nearby crossing facilities are present which link the site with nearby bus and rail services. In addition, Handforth local centre is within close proximity benefiting from shops and amenities.

The proposed access onto South Acre Drive will benefit from sufficient geometry to adequately serve the site. The configuration of the existing junction at South Acre Drive and Wilmslow Road is suitable to accommodate the predicted level of traffic accessing the site.

The previous application (ref: 19/3218M) proposed a parking level of 23 parking spaces (inc. 2 visitor spaces) to serve 45 no. apartments which, albeit still below CEC parking standards, was acceptable given the sustainable location and additional supporting information provided by the applicant.

The current application envisages 20 parking spaces to serve 39 apartments hence the ratio is similar to that accepted on the previous application.

In previously accepting this shortfall, priority has been given in ensuring sufficient parking is provided within the site and to negate overspill from occurring. In making this assessment it was important to compare likely demand against active developments; the best way being to compare current Churchill development parking ratios at other, geographically similar, locations.

Consequently, other approved Churchill developments in Bridgnorth, Shropshire and Ashbourne, Derbyshire were analysed, and it was noted the parking provision was less generous than being proposed at this location being approx. 0.35 spaces per apartment against 0.5 spaces at the Handforth site, hence, was deemed to be acceptable.

The current proposal is a slightly reduced scale version of the previous submission with similar access and parking arrangements which were hitherto deemed to be acceptable.

Accordingly, given this information, the proposed level of parking is considered sufficient to serve this development and unlikely to cause a detrimental impact on the surrounding highway network.

Arboriculture and Forestry

Updated comments from the Council's Arboricultural Officer are required and will be reported as an update, together with the wider arboricultural impacts of the proposal.

Nature Conservation

Policy SE3 of the CELPS and H8 of the HNP require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the main building as part of a survey carried out in September 2019. The usage of the building by bats was likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there was no evidence to suggest a significant maternity roost was present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact on bats at the local level and a low impact upon the conservation status of the species as a whole.

It should be noted that there is the possibility of change in a building's condition and therefore the way in which bats may use it. This varies from building to building and survey data can be relied upon from 1 to 2 years or in cases longer depending on the building.

Given that the building for this application was found to contain a small bat roost in the 2019 surveys the nature conservation officer advises that data from a 2019 survey could not be relied upon should works be delayed past the beginning of this year's bat season (May 1st).

If works have not commenced by then, it is recommended that the continued absence of bats should be confirmed by way of an update bat assessment prior to commencement.

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.

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 much need dwellings for an ageing population to the area.

Mitigation

To compensate for the loss of the existing roost the submitted report recommends the installation of bat access tiles on the completed building as a means of compensating for the loss of the roost. 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.

Breeding birds

If planning consent is granted a condition will be required to safeguard breeding birds.

Subject to the conditions recommended above, the proposal will comply with policy SE 3 of the CELPS and H8 of the HNP.

Flood Risk and Drainage

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. Policy H12 of the HNP is also relevant to surface water management.

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Subject to conditions (including a surface water drainage strategy), the proposal would not give rise to flooding or drainage

issues based on the Council's own flood risk advice. Therefore the development is considered to comply with policy SE 13 of the CELPS and H12 of the HNP.

Contaminated Land

Policy DC63 of the MBLP and policy SE12 of the CELPS seek to ensure that development for new housing or other environmentally sensitive development is not located on areas of contaminated land.

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. No information relating to land contamination has been submitted in support of the planning application. The plans for the site show areas of landscaped garden for the residents to use, in particular a garden area proposed to be used for seating. Should soils be imported to site to create these areas of landscaping, they should be demonstrated to be suitable for their proposed use.

The Council's Environmental Protection Unit has raised no objection subject to appropriate conditions. Consequently, subject to these conditions the proposal will comply with policy DC63 of the MBLP and CELPS Policy SE12.

PLANNING BALANCE & CONCLUSIONS

Handforth is identified as one of the 'Key Service Centres' in Cheshire East where national and local plan policies support sustainable development. The proposal provides 39 dwellings for older persons would deliver housing within a highly sustainable location near to the village centre.

The site is brownfield and therefore its redevelopment to provide retirement accommodation in such a highly sustainable location aligns with the general principles of national and local policy. The proposals would provide much needed accommodation and correspondingly, a diverse community taken with surrounding uses. There are benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Handforth.

The viability of the scheme has been independently assessed and the contribution in lieu of the on-site provision of affordable housing is acceptable in this case. However due to the viability issues surrounding the redevelopment of the site, which have been independently appraised by a consultant acting on behalf of the Council, only £152,454 is available for planning obligations.

The impact on highway safety is considered to be acceptable and the proposal would not materially harm neighbouring residential amenity.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

However, the comments from the previous Inspector in relation to the impact on the street scene, particularly along South Acre Drive have not been adequately addressed. The proposal introduces a large three storey building almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area. The proposal would therefore conflict with CELP Policies SD2 and SE4; and HNP Policies H8 and H11.

The application is therefore recommended for refusal for the following reason:

- 1. The reasons for appeal reference APP/R0660/W/20/3262327 being dismissed in terms of the impact of the development on the street scene and character of the area have not been adequately addressed within the proposed development. The proposal introduces a large three storey building occupying almost the entire length of the site with minimal space to the pavement resulting in a dominant building that would be out of keeping with the existing spacious character of the surrounding area and therefore would conflict with CELPS Policies SD2 and SE4; and HNP Policies H8 and H11.**

HEADS OF TERMS

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

- Age restriction of occupation of flats (55 years plus or spouse thereof)
- Overage Clause from additional value generated from the Site
- Affordable housing contribution of £152,454

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:

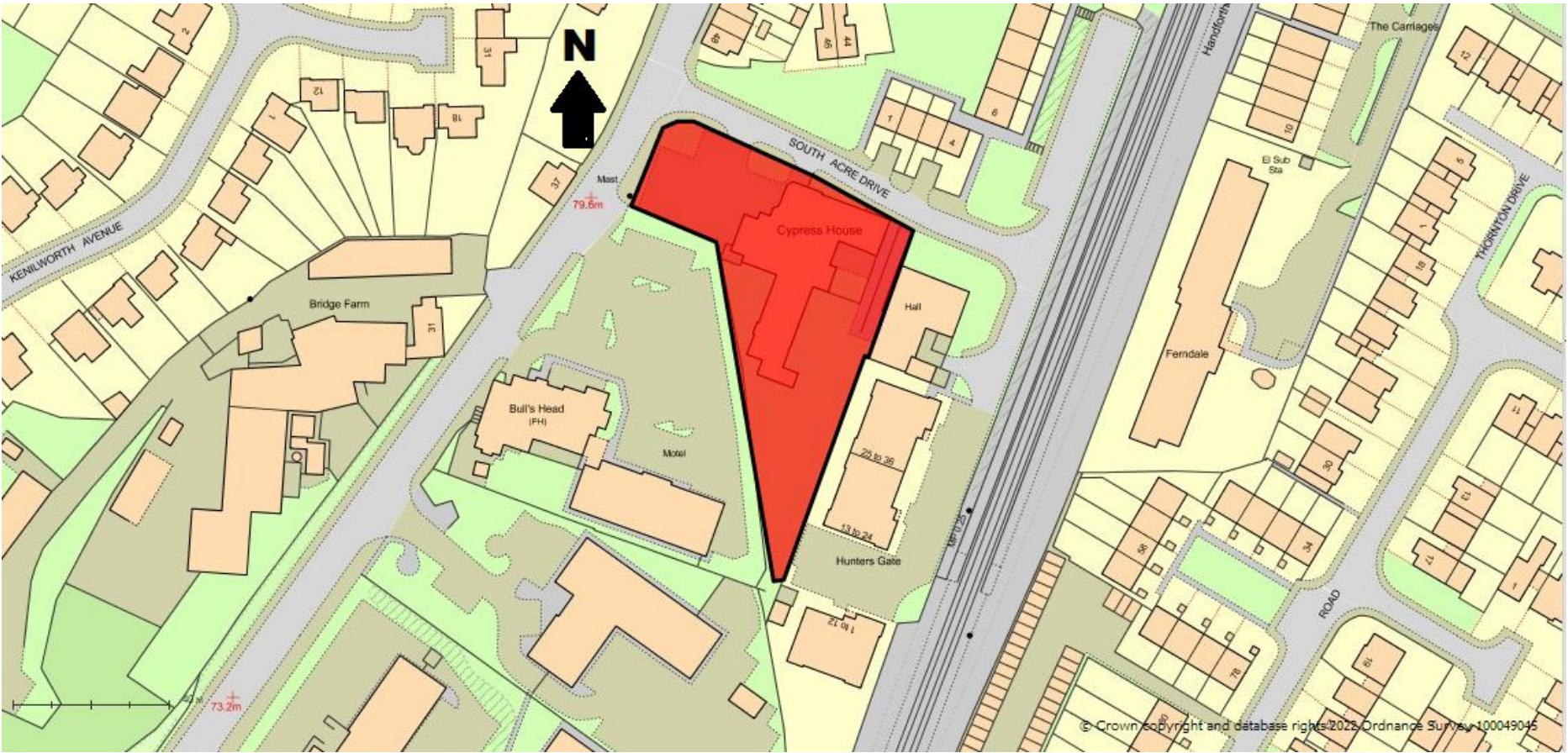
- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing 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.

In the absence of sufficient commuted sums/obligations an Overage/Clawback clause is required to cover any uplift in value on the development during its completion to consider any connected raise in commuted sum amounts as appropriate. This would allow any increase in profits above those cited and assessed to be directed towards commuted sum payments that are sought but aren't able to be paid owing to the viability of the scheme.

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

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 No: 21/2975M

Location: The Swan Hotel, CHESTER ROAD, BUCKLOW HILL, CHESHIRE, WA16 6RD

Proposal: Part demolition of existing buildings, conversion and alteration of retained buildings for residential use (Use Class C3) and erection of residential development (Use Class C3) with associated open space, landscaping, access, car parking and infrastructure

Applicant: Mr Andrew McMurtrie, PH Property Holdings Limited and Premier Inn Hotels Ltd

Expiry Date: 27-Aug-2021

SUMMARY

The proposed development is deemed to fall within and adhere with the requirements of Green Belt policy exceptions, specifically, the re-use of buildings and the re-development of previously developed land. As such, the proposals are deemed to represent appropriate development in the Green Belt.

The loss of the public house as a community facility is a material consideration. The applicant has submitted financial and marketing information to the Council which is deemed to effectively validate the reasons why the now former public house closed (2020) and demonstrates that the business was marketed for a sufficient period of time (2 ½ years) without any formal offers for the continuation of the use being received. As such, whilst the loss is regrettable, the weight afforded to its loss is limited at best.

Although the location of the site is relatively isolated from larger communities and their associated public facilities, making it highly likely that the future occupiers would rely heavily of the use of private motor vehicles to travel to and from the site, this has historically been the case on this site given that the previous use was that of a public house and a hotel.

Planning benefits are derived from the re-use of two of the three most historical buildings on site. These are not formal heritage assets but have been identified as 'non-designated heritage assets' during the application process and as such, the retention of these, as well as the on-site milepost, as part of the development is welcomed.

No issues are deemed to be created by the application proposals with regards to design, amenity, highway safety, landscape, trees, ecology or flood risk and drainage, subject to a S106 Agreement to secure the management of the landscaping outside of the curtilages on site and conditions, where deemed necessary.

The application proposals will provide a commuted sum towards off-site Open Space in line with policy. This is proposed to be secured via S106 Agreement in the event of approval. No affordable housing is required as part of the development proposals when Vacant Building

Credit is applied. The development does not trigger the requirement to provide health of education contributions due to the number of dwellings sought.

Subject to a S106 Agreement to ensure an on-site management company is provided to manage landscaping outside of curtilages in addition to securing the required commuted sums towards off-site open space improvements, along with planning conditions, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure:

- **£68,000 towards off-site Open Space additions, improvements and amendments to nearby facilities identified for such works**
- **Requirement to provide a Management Company to manage on-site incidental landscaping and conditions**

REASON FOR REFERRAL

This application is referred to Cheshire East Council's Northern Planning Committee because it's for a residential development between 1ha and 4ha (1.29ha).

DESCRIPTION OF SITE AND CONTEXT

This application relates to the vacant Swan public house and hotel located on a corner plot between the B5569 to the west and the A5034 and Ciceley Mill Lane, both to the south. The application site covers an area extending 1.286 hectares.

The site lies entirely within the Green Belt and a Designated Local Landscape (Former ASCV).

DETAILS OF PROPOSAL

Full planning permission is sought for the part demolition of existing buildings, conversion and alteration of retained buildings for residential use (Use Class C3) and erection of residential development (Use Class C3).

In total, 17 dwellings are proposed. The housing schedule of the development sought comprises of:

- Partially converted pub (Swan) – 5-bed detached (Plot 1)
- House type A (New build) – 4-bed detached (Plot 2)
- House type B (New build) – 5-bed detached (Plot 3)
- House type C (New build) – 5-bed detached (Plots 4 & 5)
- House type D1 (New build) – 5-bed detached (Plots 6 & 8)
- House type D2 (New build) – 4-bed detached (Plot 9)
- House type E (New build) – 4-bed detached (Plots 7 & 10)

- House type F (New build) – 4-bed detached (Plots 11 & 12)
- House type G (New build) – 5-bed detached (Plots 13 & 14)
- Converted 'Building 3' – x3 dwellings – 3-bed mews (Plots 15, 16 & 17)

Revised plans were received during the course of the application making the following main changes:

- Change in scope of the application so it now includes the retention and conversion of the older part of the Swan and the adjacent building to the north to residential use, in response to heritage concerns
- Reduction in the number of dwellings from 19 to 17 to account for the retention of the above buildings
- Removal of the originally proposed on-site Public Open Space (POS) due to ANSA Open Space Officer concerns. Off-site POS contribution proposed instead.

RELEVANT HISTORY

07/2691P (Premier Inn) - Enclosure of ground and first floor walkways to existing bedrooms and formation of ground floor access ramps – Approved 28th December 2007

06/2844P (Swan Hotel) - Raised decking area within existing courtyard providing improved disabled access – Approved 20th February 2007

06/1060P (Premier Lodge) - 1no. Internally illuminated projecting sign (resubmission of 06/0147p) – Refused 26th June 2006

06/0812P (Swan Hotel) - 1no. Externally Illuminated Double Sided Freestanding Sign – Refused 1st June 2006

06/0147P (Premier Lodge) - 1no. Internally Illuminated Projecting Sign – Refused 13th April 2006

04/2915P (Premier Travel Inn) - Retention Of 2no. Non-Illuminated Fascia Signs, 1no. Externally Illuminated Fascia Sign And 1no. Internally Illuminated Fascia Sign. And 1no. Internally Illuminated Post Mounted Sign – Approved 14th January 2005

04/2119P (The Swan) - Installation of 1no. Externally illuminated fascia sign and 2no. Totem signs, 1no. Internally illuminated menu case, various directional signs and wall-mounted plaques (advertisement consent) – Approved 7th October 2004

03/0675P (Swan Hotel) - Installation of rising stop barrier to car park entrance – Refused 27th May 2003

01/0644P (Swan Hotel) - Externally Illuminated Fascia Signs and Free-Standing Signs – 4th May 2001

99/2268P (Swan Inn) - Extensions and Alterations to Provide 51 Bedrooms. Additional Car Parking – Refused 10th April 2000

98/0559P (Swan Inn) - Restaurant Extension and Alterations to Access – Approved May 1998

97/2285P (Swan Inn) - Restaurant Extension and Alterations to Access – Withdrawn 27th January 1998

97/1622P (Swan Inn) - Single-Storey Front Extension, Additional Car Parking and Alterations – Refused 16th October 1997

77714P (Swan Inn) - Externally-illuminated signs and non-illuminated fascia – Approved 15th June 1994

76461P (Swan Hotel) - Boundary wall on Chester Road frontage – Approved 1st February 1994

20315P (Swan Inn) - Erection of bulk gas storage tank and compound – Approved 21st November 1979

14985P (Swan Hotel) - Managers Bungalow and Bungalows to Form Staff Block – Approved 31st July 1978

14984PB (Swan Hotel) - Alterations & Extensions to Form New Bedroom Accommodation And Enlarged Dining Room (Listed Building) – Approved 31st July 1978

14922P (Swan Hotel) - Erection of Two Illuminated Signs – Approved 24th May 1978

12400P (Swan Inn) - Alterations & Extension to Kitchens – Approved 21st November 1977

10823P (Swan Hotel) - Provision of Car Parking Area and Landscaping – Approved 6th July 1977

ADOPTED PLANNING POLICIES

The relevant aspects of the Cheshire East Council Development Plan subject to this application are: the Cheshire East Local Plan Strategy and the Macclesfield Borough Local Plan. The relevant policies within these include:

Cheshire East Local Plan Strategy (CELPS)

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG3 – Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE7 – This Historic Environment, SE9 - Energy Efficient Development, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC5 - Affordable Homes, IN1 - Infrastructure, IN2 - Developer Contributions, CO1 – Sustainable Travel and Transport

Macclesfield Borough Local Plan (MBLP)

NE1 – Areas of Special County Value, NE11 - Nature Conservation, Policy GC1 - Green belt (new buildings), GC8 – Reuse of Rural Buildings – Employment and Tourism, GC9 – Reuse of Rural

Buildings – Residential, H9 – Occupation of Affordable Housing, DC3 - Protection of the amenities of nearby residential properties, Policy DC6 - Circulation and Access, Policy - DC8 – Landscaping, Policy DC9 - Tree Protection, Policy DC38 - Guidelines for space, light and privacy for housing development and Policy

Other Material planning policy considerations

National Planning Policy Framework (NPPF) 2021

National Planning Policy Guidance (NPPG)

- Planning Obligations

There is no Neighbourhood Plan for the area.

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections

Environmental Protection (CEC) – No objections, subject to a number of conditions including the implementation of electric vehicle charging infrastructure details, the submission/approval an updated Conceptual Model (contaminated land), the submission/approval of a verification report (contaminated land); the submission/approval of a soil verification report and; works should stop in the event that contamination is identified. A number of infomatives are also proposed.

Flood Risk Manager (CEC) – No objections, subject to the following conditions: Implementation in accordance with submitted Flood Risk Assessment and the Submission/approval of an overall drainage strategy and associated management and maintenance plan.

Housing Officer (CEC) – No objections. Although proposals would normally trigger an on-site affordable housing requirement, the policy need to provide this is negated when nationally prescribed Vacant Building Credit is applied.

Education Officer (CEC) – No claim for education contributions.

ANSA Greenspace (CEC) – Commuted sum of £51,000 towards off-site improvements and amendments to the play and amenity facilities within High Leigh. Commuted sum of £17,000 towards Recreation and Outdoor Sport which would be used to make additions, improvements and amendments within the Council's Playing Pitch Strategy in the Knutsford analysis area. Total sum: £68,000.

NHS CCG – No comments received at time of report.

Note: The proposed number of units fall short of triggering a Health contribution

Natural England – No objections, subject to the inclusion of a Construction Environmental Management Plan (CEMP) condition

United Utilities – No comments received in relation to the revised proposals

Comments in response to the original scheme: No objections, subject to a number of conditions including: the implementation of the submitted surface water drainage strategy and the submission/approval of a sustainable management and maintenance plan

Cadent Gas Ltd – No comments received in relation to the revised proposals

Comments in response to the original scheme: Note that Cadent Gas apparatus is within the vicinity of the application site that maybe affected by the proposals.

Rostherne Parish Council (*within which the Majority of the site falls*) – No comments received in relation to the revised proposals

Comments in response to the original scheme: Wish to make a number of observations which are summarised below:

- *That part of the Swan Hotel has heritage value and this should be taken into consideration. Strongly recommend that the existing building be kept and refurbished*
- *Would like to see the retention of the existing 'Milestone'*
- *Suggests that the plans are reviewed to ensure that the houses that back on to Cicely Mill Lane have their rear gardens fully bordering the road*
- *Seek clarification as to who will be responsible for the maintenance of the land adjacent to Cicely Mill Lane*
- *Highways – concerned about traffic volume on Cicely Mill Lane and that the proposed junction would not be safe. As such, proposed it be re-sited*
- *Concern about the lack of affordable housing provision*
- *Request the provision of electric charging points*
- *Ask that the developer consider a play area and help to campaign to restore bus frequency and a new bus shelter as there are currently no provisions for public transport*
- *Landscaping – request native planting and that the white posts on Cicely Mill Lane be extended*

Mere Parish Council (*within which the Minority of the site falls*) – Concerned about the loss of the public house and support alternative proposals for its re-use

REPRESENTATIONS

In response to the re-consultation exercise, at the time of writing this committee report, letters of representation have been received from 24 address, 23 of which raise the following objections:

- Loss of Public House / community asset
 - Principle of the loss of the Public House as a community facility
 - Associated impact upon mental health
 - The Swan is the focal point for 3 parish councils (Millington, Rostherne & Mere), all of which oppose the application
 - Contrary to emerging SADPD policy REC5 & paragraph 92 of NPPF, & EG2 of CELPS

- At no point was the Public House marketed publicly as a public house/restaurant. Advise that the marketing specifically referred to the site as being potentially re-developed for 'housing, care or retirement living'
- Local parishes or residents not approached for their views on the loss of the Public House
- Loss has not been justified nor have alternative options been thoroughly considered
- Its not whether the current owner is able to viably operate the site as a Public House, but whether the premises themselves are no longer able to support a viable business. There are other successful gastropubs in remote locations that are thriving
- Adjacent BP garage also impacted by change in road, but still operating, why is the Public House any different
- Do not accept that there is no 'footfall' past the site, there is still passing traffic
- Applicant uninterested in selling to local who wants to run as a gastro-pub (which would also offer numerous community facilities)
- No attempts have been made to provide a community facility elsewhere
- No need for additional housing
- Heritage
 - Loss of heritage asset as part of the community heritage
- Locational sustainability
 - Site is not located close to community facilities to support the proposed housing
 - Lack of access to public transport
- Highways
 - Resultant increase in traffic

Of the 24 comments received, 1 was received in support of the application proposals.

In response to the original consultation exercise, representations were received from 6 residences, a neighbouring Parish Council (Millington) and the Campaign for Real Ale (CAMRA). All of these consultation responses raised objections or concerns for the following reasons:

- Loss of Public House / community asset
 - No apparent attempt to assess its viability - Should be marketed for a period of at least 12 months before an alternative use is considered (CAMRA)
 - Only community facility in the Mere/Rostherne/Millington area. Has operated as such for more that 170 years. Important facility in the community for social interaction
- Locational sustainability
 - Rural hamlet with few facilities for its community. Other areas that need housing that will result in less of an impact upon the environment
 - Lack of public transport in area

- Procedural
 - Suggestion that paragraph 17 of the application is incorrect as the floorspace added is on the same line as the floorspace eliminated for Class C3 Hotels whereas the floorspace added should be a separate line under Class C3(a) dwellinghouses
 - Did not receive notice of the application (The Moorings)
- Heritage
 - Proposal has not sufficiently considered/accounted for the historical or archaeological value of The Swan
 - Existing 'Milestone' should be retained
 - Small part of the ancient building should be preserved
 - Is the building listed?
- Design
 - Suggests that the plans are reviewed to ensure that the houses that back on to Cicely Mill Lane have their rear gardens fully bordering the road
 - Suggest the erection of a red brick wall along Cicely Mill Lane perimeter to provide security and a boundary that is aesthetically pleasing
- Amenity
 - Dwellings proposed backing onto Chester Road are too close to the road (creation of privacy and noise concerns)
 - Concerns about construction phase such as noise and air pollution & where the site compound will be located and general nuisance from construction
 - Overlooking concerns due to building orientation
 - Distance from existing buildings to prevent nuisance
 - Request the provision of electric charging points
- Contributions – Developer should be requested to make a contribution towards public art possibly from CIL contributions
- Highways
 - Unclear what the traffic, parking and junction arrangements will be
 - Proposals will result in a considerable increase in traffic
 - Suggest that a better line of sight is achieved for the Cicely Mill Lane access
- Affordable housing – concerned about the lack of
- Landscaping – Lack of information about what is proposed
- Ecology – Impact of development upon rural wildlife
- Other

- Suggest site could be a park or the public house retained
- Query why a large portion of the land is not being incorporated into the development (Plot 8)

OFFICER APPRAISAL

Principle of development

Whether or not Inappropriate development in the Green Belt

The site lies entirely within the Cheshire Green Belt.

Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy.

These purposes include; buildings for agriculture or forestry, appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; extensions or alterations to buildings provided that it does not result in a disproportionate additions over and above the size of the original dwelling; replacement buildings provided that the replacement is within the same use and not materially larger; limited infilling in villages, and limited affordable housing; limited infilling or the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness; mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings provided that are permanent and substantial and development brought forward under a Community Right to Build Order.

The revised application proposals would fall into two separate categories within PG3 of the CELPS:

- The re-use of buildings provided that they are of permanent and substantial construction (Plots 1 & 15-17)
- Re-development of previously developed sites which would not have a greater impact upon openness of the Green Belt and the purpose of including land within it than the existing development (Remainder of plots)

Re-use of buildings

The dwellings proposed on Plots 1, 15, 16 and 17 involve the re-use of existing buildings (Buildings 1 and 3). As stated above, the principle of the conversion of existing buildings in the Green Belt is acceptable, subject to the buildings being permanent and substantial.

Although no structural surveys accompany the submission, from a visual inspection only, the buildings appeared to be of a solid construction, suitable for conversion.

This Green Belt exception also includes a pre-cursor that any such development should also preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

As part of the proposed conversions, additional development is proposed to buildings 1 and 3. However, it is deemed that this is balanced out / more than compensated for by the associated

proposed demolition to the buildings. As such for this element of the proposal, it is considered that the openness of the Green Belt would be preserved, and the proposals would not conflict with the purposes of including land within the Green Belt. Therefore, this element of the application proposals is deemed acceptable in principle.

Previously Developed Land (PDL)

The first consideration of this exception is whether the remainder of the site sought for development qualifies as 'previously developed land' (or PLD or brownfield land).

PDL is defined within the glossary of the NPPF as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

The buildings sought for demolition, the adjacent highways maintenance depot and the associated land within the red edge of this application are deemed to fall within this exception.

The second part of the Green Belt assessment is therefore whether the development sought would have a greater impact on the openness of the Green Belt than the existing development.

Paragraph 001 (2019) of the Green Belt NPPG sets out what factors can be taken into account in the assessment of openness. Three factors are listed and include-

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

To assist in assessing openness in visual and spatial terms a comparison exercise between the existing and proposed development is required. The agent has provided some figures within their submission and the Officer undertaken measurements. A summary of these is set-out below:

	Footprint (m2)	Floorspace (m2)	Building Height range (m)	Volume (m3)
Existing buildings (Excluding retained parts of B1 and B3)	2101 (agent - 2132)	3013	5.11-10.37	11,376
Proposed buildings (Excluding retained parts of B1 and B3)	2151 (agent - 2111)	3116 (agent - 3051)	4.7-8.48	12,532 (agent - 12,709)
Percentage difference	2% increase (agent - 1% decrease)	3% increase (agent - 1% increase)	General reduction	10% increase (agent - 12% increase)

This shows that there is not a large variation between the Agent's and the Officer's calculated figures between the existing and proposed built form.

In general terms, it is deemed that the proposed development would comprise of a similar footprint and floor space to the development being replaced and would amount to only a 10-12% increase in volume, a figure not deemed significant.

None of the built form proposed would be taller than that being replaced. Indeed, the maximum height of the buildings proposed would be almost 2 metres lower than the tallest existing buildings. As such, the proposed development in terms of its height is not deemed to result in a greater impact upon openness to the Green Belt compared to the existing development.

Consideration also needs to be given to the spread of the proposed development on the site compared to the spread of the existing built form. This assists in assessing the impact of openness with regards to its spatial context. The existing built form is largely located to the north and west of the site. The layout of the proposed development is largely reflective of this arrangement albeit extending built form further to the south. However, to counterbalance this impact, built form is not proposed to extent as far to the east as the existing built form. As such, it is not deemed that the proposed development would result in a greater impact upon openness in terms of the proposed spread of built form.

In consideration of the final aspect of openness, degree of activity, the proposed use is not deemed to result in any notable greater degree of activity than the existing use.

For the above reasons, it is not deemed that the development would have a greater impact upon the openness of the Green Belt than the existing development. The proposals are therefore deemed to represent appropriate development in the Green Belt and would adhere with the Green Belt policies of the development plan.

Other Development Plan considerations

Loss of Public House

Paragraph 84 of the NPPF refers to a prosperous rural economy. It states that planning policies and decisions should enable *'d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Paragraph 93 c) of the NPPF advises planning policies and decisions should '*guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.*'

Draft Policy REC5 from the emerging Cheshire East Site Allocations and Development Plan Document (SADPD) specifically relates to Community Facilities.

This draft policy sets-out that development proposals should seek to retain, enhance and maintain community facilities that make a positive contribution to the social or cultural life of a community. The second criterion of the policy is that any community facility that makes a positive contribution to the social or cultural life of a community should be retained unless suitable alternative provision is made.

As the SADPD is yet to be adopted, the Council's Spatial Planning Team have advised that any policies within this document can only be afforded moderate weight at most at this moment in time. This is despite the interim findings of the Inspector not questioning any aspects of this particular draft policy.

It is therefore for the Local Planning Authority to firstly consider whether the loss of this facility is a material planning consideration and if so, how much weight to attach to it in the decision-making process.

The vast majority of the objections received to the planning application relate to the loss of the public house and the role it plays in the community. More specifically, amongst various reasons put forward by objectors as to the site's importance, it has been repeatedly commented upon that the Swan was an important facility in the community for social interaction. As such, it is deemed that the loss of the public house use, due to the role it has played in the local community, is a material consideration in this case. Subsequently, thought needs to be given to the weight to afford to the loss of the public house use as part of the planning balance. To do this, further understanding of the business, the reasons for its closure and an understanding of any attempts for possible continued use under a new owner/operator are considered.

The application sets out that the business formally closed on the 4th August 2020.

The agent for the application advises that the location of the Swan and Premier Inn meant much of its business resulted from its strategic location on the highway network, which provided a link between the West Midlands and Manchester, and Manchester Airport. It is advised that a significant part of The Swan's business was overnight stays and parking for travellers using Manchester Airport. It is stated that the opening of the new A556 bypass in 2017 dramatically reduced passing traffic and changed the location of the pub and hotel from that of a strategic location, to a local B-road. Competition from more modern airport and city hotels was also impacting business.

In a subsequent letter received from the owners, financial details have been provided showing a steady decline in profits of the business from 2014 through to the 2019/2020 financial year when a loss was recorded. The profits appeared relatively healthy for the 2014/15, 2015/16 and 2016/17 financial years, but took a notable drop-off in the 2017/18 financial year and showed little sign of improvement after resulted in a loss in 2019/20. This would appear to substantiate the applicant's reasoning as to why the business closed.

The agent advises that these factors meant there was no business case to support Whitbread's continued presence at the site, or future investment - estimated in excess of £500k to bring the building up to a reasonable state. Despite various objectors suggesting otherwise, the reasons behind the closure of the public house are considered to have been substantiated.

If weight is to be given to the retention of the existing use, there has to be a reasonable chance of that use continuing should permission be refused. A Marketing Statement was provided during the application process to address this point. It sets out the following key points:

- Gerald Eve were instructed to market for the site in January 2019
- The site was marketed for a continuous period of approximately 2 ½ years between March 2019 and September 2021 on the Estates Gazette website (within no minimum asking price) and Gerald Eve's website. A 6-page brochure was produced
- The story of the sale was also covered locally in an article on the Knutsford Guardian's website dated the 8th January 2019
- The initial results of the marketing generated approximately 100 initial enquiries and 56 requests for access to the specific marketing data
- Following an initial call for bids in July 2019, offers from 15 separate parties were received. The majority of these were from developers looking to redevelop the site for residential use
- Note: It has been advised that no offers were received from either pub or hotel operators or persons looking to continue the use within the 2 ½ year period
- 5 shortlisted parties were then invited to submit a best and final offer on the 4th December 2019. The applicant was chosen as the preferred purchaser in March 2020
- Following this selection, Gerald Eve continued to monitor interest in the site and whilst there have been at least 13 additional approaches, it has been advised that none of these have been either from pub or hotel operators or persons looking to continue the use
- Gerald Eve conclude that the marketing exercise has demonstrated that there is no viable interest in the site from either pub or restaurant operators despite it being marketed for approximately 2.5 years

This report demonstrates that marketing was undertaken for a considerable length of time with no offers coming forward to take the site on for its existing use which includes the public house. In addition, it has been demonstrated that the public house became unviable largely as a result of circumstances outside of the applicant's control, the creation of a new road which took away passing trade. The public house is not a designated or a nominated Asset of Community Value (ACV).

For these reasons, whilst the loss of this former community facility is regrettable, the weight afforded to its loss is limited at best. It is not the purpose of the planning system to perpetuate the continuation of a non-viable use in order to meet social objectives. It is also not the role of this application to consider alternative proposals for the site when no such proposals have been submitted for consideration/assessment.

Locational Sustainability

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities. In order to assess this in more detail, a table is provided within the subtext of the policy

which outlines recommended distances from application sites to amenities. An assessment of the scheme undertaken by the applicant using this table, is set out below.

It should be noted that the figures below are based on walking distances (not as the crow flies) but on real life distances.

- Amenity open space (500m) – 100m (Fields off Chester Road)

The accessibility of the site shows that following services and amenities meet the minimum standard:

- Post Box (500m) – 350m (Chapel Lane/Crescent Rd Junction)
- Convenience Store (500m) – 250m (Hursts at BP Petrol Station)
- Bank or Cash Machine (1km) – 240m (BP Petrol Station)

The following amenities/facilities are all over the distances suggested:

- Bus stop (500m) – 1.9km (Chester Rd bus stop)
- Public right of way (500m) – 570m (Mere Footpath 6)
- Railway station (2km where possible) – 5.7km (Ashley Station)
- Children's Playground (500m) – 4.5km (Tatton Park Playground)
- Outdoor Sports (500m) – 1.7km (Rostherne Cricket Club)
- Supermarket (1km) – 5.3km (Co-Op, Knutsford)
- Pharmacy (1km) – 5.2km (Cohen's Chemist, Knutsford)
- Primary School (1km) – 4.3km (High Legh Primary School)
- Secondary School (1km) – 5.6km (Knutsford Academy)
- Medical Centre (1km) – 5km (Manchester Rd Medical Centre)
- Leisure Facilities (1km) – 5.3km (Knutsford Leisure Centre)
- Public house (1km) – 2.4km (Kilton Inn)
- Child-care facility (nursery or creche) (1km) – 2km (The Mere Day Nursery)
- Post Office (1km) – 2.3km (Mere Post Office)
- Local meeting place/Community Centre (1km) – 6.9km The Jubilee Centre, Bowden
- Public Park or Village Green (1km) – 2.4km (Tatton Park)

To summarise the above, the scheme is within just 3 of the recommended distances of the public services listed. These findings suggest that the application site is locationally unsustainable meaning that the future occupiers of the site would be reliant on the use of a car to satisfy most of their day-to-day needs. Although this is indeed likely to be the case given the site's most recent use as a public house and hotel, it is not deemed that this harm would be any greater than the previous use.

Heritage

Policy SE7 of the CELPS refers to the Historic Environment. The crux of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment.

There are no designated heritage assets on or within close proximity to the site. However, a number of local residents / interested parties have emphasised the age of part of the Swan Hotel

building and the Milestone adjacent. Indeed, accompanying one of the objections is a commissioned short heritage assessment of the site.

This assessment concludes that the main part of the Swan itself, is of historic and architectural interest and should be classified and assessed as a 'non-designated heritage asset'. As part of the original application proposals, it was proposed that this building be demolished in its entirety along with its associated outbuildings. The Council's Heritage Officer went a step further, advising that they considered that a range of the buildings on-site (referred to as buildings 1, 2 and 3 within the submission) represented 'non-designated heritage assets'. The applicant's Heritage consultant disagreed with this conclusion, setting out within their submitted Heritage Statement that they consider only Buildings 1 and 2 should be regarded as 'non-designated heritage assets'. The old Milestone on site was agreed by all as having historical value.

Despite the conflicting opinions, the applicant, following negotiations with the Council's Heritage Officer, agreed to the retention and conversion of Building 1 and Building 3 and subsequently, revised plans were submitted.

Paragraph 203 of the NPPF sets-out that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's Heritage Officer, in response to the revisions, has advised that the repair of the Inn and conversion back to a dwelling with attention to repairing the historic fabric and improving the vernacular character would create a positive impact. In terms of the retention and conversion of Building 3, the Council's Heritage Officer has advised that this is also welcomed. Due to the extent of alterations to Building 2 its loss, whilst regrettable, is accepted when considered in conjunction with the heritage benefits now achieved with the retention of buildings 1 and 3.

The Council's Heritage Officer subsequently withdraws their original objection, subject to a number of conditions in the event of approval. These include: the retention of Milestone, the submission/approval of any new or replacement facing or roofing materials, the submission/approval of new or replacement window and door details to buildings 1 and 3, that any fenestration should include reveals to match and the withdrawal of Permitted Development Rights for buildings 1 and 3.

Subject to these conditions, the application is deemed to now adhere with the requirements of Policy SE7 of the CELPS and the NPPF.

Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and: wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and streetscene. These policies are supported by the Cheshire East Design Guide SPD.

Context

The site is located towards the centre of the village of Bucklow Hill on the corner of the A5034 Chester Road and Cicely Mill Lane. It currently contains the Swan Hotel, which fronts Chester Road with a 70-bed Premier Inn Hotel to the rear of this. The two-storey Swan Hotel building shows signs of heavy modification and is of no particular architectural merit. The linear hotel wings are unattractive and sit in large areas of hard surfacing. There are also some single storey staff accommodation blocks to the eastern end of the site.

Layout

The original layout resulted in two initial design concerns. Firstly, the inward facing nature of the design and secondly, that the rear boundaries of the properties to the south of the site would back-on to the highway, potentially causing concerns in relation to fences, garden sheds etc being erected and therefore becoming visible within the streetscene.

In response, this was a matter originally discussed with the agent for the application at pre-application stage. As a result of those discussions, the scheme was revised so the most visible parts of the site within the streetscene, the area on the Chester Road / Mereside Road junction would be designed so they would indeed, be outward facing. This has now been achieved. The concept regarding the remainder of the site was around the creation of a central courtyard/farmyard design which responds to historic farmstead principles seen at the outer edges of Bucklow Hill. It provides a sense of enclosure, natural surveillance and encourages social interaction. In addition, the provision of gardens to the rear helps soften the edge of the site where it transitions into open fields. Following further correspondence with the Council's Urban Design Officer, the Officer is now supportive of the current layout.

The Council's Urban Design Officer has also advised that the former problematic issue of the southern boundary to Cicely Mill Lane has been resolved with the retention of a landscape buffer on the boundary with Mereside Road that would fall outside of these curtilages. A Management Plan has also been submitted which highlights the extent of the land (outside of the curtilages) that would be subject to being managed by a private management company. An updated Landscaping plan would be conditioned to ensure the detail of this landscaping is acceptable.

In the event of approval, it is proposed that the requirement to provide a private Management Company to ensure this landscaping is maintained outside of residential curtilages in perpetuity is secured via a S106 Agreement.

Scale and Massing

The new build elements of the scheme are all two-storeys and this is considered appropriate and presents a varied roofline with the presence of garages. As a result, the scale and massing of these proposals gives rise to no concern.

Parking

Parking levels are considered to be appropriate for this location and the spaces are located in-curtilage in the main, or within a parking court (north-west corner), all being close to the associated dwellings. It is felt that cars would not dominate the street scene. The parking court is small, utilises

an appropriate material palette and is well-integrated with landscape elements reducing the impact of the parked cars to the street.

Mix

Policy SC4 of the CELPS sets out that new residential development should provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The Policy also sets out how development should be able to meet and adapt to the long-term needs of the boroughs older residents.

The application proposes a mix of 3 to 5-bed properties and a mixture of detached and mews/terraced properties. It is considered that there is a sufficient mix and variation to create a mixed, balanced and inclusive community.

In response to how the development would be able to meet and adapt for the long-term needs of the borough's older residents, the agent has advised that this mix will offer something to older residents by comprising a mix to meet needs for larger properties or for those wanting to downsize. The mix of family homes will also free up smaller properties that may be suited to older people elsewhere. There is also scope for future adaptations if required.

Appearance

The architecture is essentially traditional in both style and detail and it clearly draws from the local vernacular without resorting to pastiche. A suitably limited materials palette is suggested. However, to ensure that quality materials are used in the event of approval it is recommended a condition be imposed requiring the prior submission/approval of the specific detail of all facing, roofing and external hard surfacing materials.

Summary

The previous urban design concerns have been addressed and the revised proposals are now supported. As such, it is considered that the proposal would respect the local rural character and adhere to Policies SE1 and SD2 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations): loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy DC38 of the MBLP provides minimum separation distances.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring residential properties to the application site are the occupiers of Holly Tree Cottage to the north, Whitehouse Farm to the north-east, Aldrin and Willowdale to the south and Brook Lodge to the south-east.

Given how far away all of these residential properties are to the site, in excess of 65 metres, it is not deemed that the development would result in any unacceptable neighbouring impacts in terms of loss of privacy, light or an overbearing impact.

In relation to environmental matters, the Council's Environmental Protection Officer has reviewed the application proposals and advised that they have no objections, subject to a number of conditions including the implementation of electric vehicle charging infrastructure details, the submission/approval an updated Conceptual Model (contaminated land), the submission/approval of a verification report (contaminated land); the submission/approval of a soil verification report and; works should stop in the event that contamination is identified. A number of infomatives are also proposed including that the team would expect future reporting in relation to contaminated land to reflect the revised proposals.

Having regard to the future occupiers of the proposals themselves, subject to a number of openings being conditioned to be obscurely glazed to prevent loss of privacy, it is not deemed that the future occupiers of the proposed development's amenities would be harmful as a result of the layout and arrangement of the development proposed. Sufficient private amenity space for the future occupiers is being proposed.

As such, subject to the above conditions and informatives, it is considered that the development would adhere to Policies DC3 and DC38 of the MBLP and the amenity aspect of Policy SE1 of the CELPS.

Highways

Policy CO1 of the CELPS and saved Policy DC6 of the MBLP consider matters of highway safety.

The application is supported by an updated Transport Statement in conjunction with the revised layout, which has considered the following matters: Accessibility, trip generation and sustainable travel plan measures.

Traffic Impact

The Council's Highway's Officer has advised that given the previous use of the site, the proposed 17 residential units represents a significant reduction in traffic generation compared to the previous use of the site and is a highway benefit of the scheme.

Access and Visibility

The existing access is to be used to serve the main part of the development. The carriageway width is 4.8 metres with a 2-metre footway on the western side and 1.5 metre on the eastern side. The rear of the site is a shared surface arrangement serving four dwellings. This main access provides 2.4 metre x 43 metre splays which is deemed acceptable.

No access or visibility concerns are raised in relation to the 2nd access proposed onto Chester Road to serve plots 15-17.

Parking/Cycle parking

The level of parking for each unit is in compliance with CEC parking standards. In the event of approval, a condition requiring the submission/approval of cycle parking and storage within the curtilage of the dwellings is proposed.

Summary

This is a previously developed site being re-used for private residential use with the access arrangements largely remaining the same. The Council's Highway's Officer advises that the internal road layout is an acceptable standard to serve the units proposed and provides a sufficient level of parking. As such, no highway objections are raised

The proposals are therefore deemed to adhere with Policy DC6 of the MBLP.

Landscape

The crux of Policy SE4 (Landscape) of the CELPS is to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The submission includes a Visual Impact and Settlement Character Appraisal Document and a Landscape and Visual Appraisal. This identifies that the application site lies within the boundary of a designated landscape the 'Rostherne/Tatton Local Landscape Designation Area' and offers baseline information on the application site and surrounding area, which is located within the area identified in the Cheshire East Landscape Character Assessment as LCT 5: Wooded Estates and Meres and specifically LCA 5d: Tatton and Rostherne and the wider landscape on the western side of the Chester Road falls within the LCT 7: Lower Wooded Farmland area and specifically LCA 7a: Arley.

The Visual Appraisal identifies a number of receptors, identifies as those using Public Rights of Way on Footpaths FP1 Rostherne, FP6 Mere and FP3 Mere, and Road Users on Cicely Lane, Mereside Road/Chester Road and Bucklowhill Lane/Chapel Lane. These indicate that there will be partial and oblique views that reduce as landscape proposals mature, as will the visual effects for road users. The Landscape Appraisal indicates that the proposals will, in the longer term, result in minor beneficial effects, although in the shorter term they can be expected to generate neutral landscape and visual effects. The Council's Landscape Officer broadly agrees with the appraisal.

The Council's Landscape Officer does not consider that the proposals will result in any significant landscape or visual impacts. Should this application be recommended for approval, the Officer recommends a condition requiring the submission/approval of a landscaping scheme for the site and an associated landscaping implementation condition. Subject to these conditions, it is considered that the proposals would adhere with Policy SE4 of the CELPS.

Trees & Hedgerows

Policy SE5 of the CELPS relates to trees, hedgerows and woodland. The crux of the policy is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The application site boundary includes the former Swan Hotel which comprises of occasional established trees with groups of closely spaced semi-mature and early mature planting of lower

quality trees. The site is not within a Conservation Area and no statutory protection applies to any of the tree cover on the site.

The application has been supported by an Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS). The survey has identified 6 individual trees, 7 groups of trees and 3 hedgerows on the site comprising of 1 individual and 2 groups of moderate quality B Category trees, five individual and 4 groups of low-quality C Category trees and 1 poor quality U Category group unsuitable for retention irrespective of development. Of these, 4 individual (T2, T3, T5 & T6) and 4 groups (G1, G3, G5, G6) of low-quality trees and a small section of moderate quality group G7 will be removed for the access and a substation, all of Hedgerow H2 and part of H3 are proposed for removal to accommodate the proposal. The Council's Tree Officer has advised that none of the individual or groups of trees shown for removal are of any arboricultural significance which renders them worthy of formal protection.

The retention of moderate quality trees, boundary screening along Cicely Mill Lane and a wooded area to the eastern corner of the site will serve to maintain some of the existing screening which these trees collectively provide the site from the south and east. However, the Council's Tree Officer advises that opportunities exist to further strengthen boundary planting around the site.

The submitted AIA and AMS have appraised a layout which has now been superseded by a revised layout as indicated on the Landscape Proposals (M3113-PA-01-V6). The revised layout shows alterations in terms of position of plots to offsite tree T4. However, the Council's Tree Officer has advised that this can be addressed in an updated AIA and AMS should this application be approved.

The Council's Tree Officer advises that the revised layout does not appear to present any significant additional impacts in terms of further tree removals although the amendments to the layout and position of garden boundaries to plots 3-8 appear to have arisen in a reduction in the extent of the indicative new planting originally proposed on Landscape Proposal Plans (M3113-PA-01-V4).

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience, and support biodiversity. Given the extent of tree removals proposed it is considered this planning application provides an opportunity to incorporate new planting in accordance with this policy which demonstrates adequate mitigation has been provided, and a commitment to strengthening and enhancing the existing boundary screening. It is recommended that if planning permission is granted a condition should be attached which requires the submission of a landscape scheme which addresses the requirements of this policy.

As such, subject to policies to conditions to ensure; remaining tree retention, the submission/approval of a tree protection plan, the submission/approval of an updated AMS and the submission/approval of a service/drainage layout, the proposal is deemed to adhere with Policy SE5 of the CELPS.

Nature Conservation

The application is supported by various ecology surveys. The key ecology considerations are broken down below.

Rostherne Mere SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. Natural England ask that for proposed developments in this location they are consulted on the potential risk from 'Any residential developments with a total net gain in residential units'.

Due to the site's proximity to a RAMSAR site (Rostherne Mere), the Council's Nature Conservation Officer undertook an Assessment of Likely Effects (ALSE) as part of the Habitat Regulations Assessment process which the Council's Officer does to assess the anticipated impact of the development upon a European designated site. The conclusion of the ALSE was that due to a risk of aquatic pollution, a significant effect is likely as a result of the proposals.

The next stage of the HRA process was to complete an *Appropriate Assessment* (AA), which can take into consideration proposals made in the submitted *Ecological Statement* (Rachel Hacking Ecology, 20/09/2021). The conclusion of the AA was that provided the mitigation measures were adhered to, a significant effect on the RAMSAR is not likely to occur.

As such, in the event of approval, the Council's Nature Conservation Officer recommends a condition be imposed requiring adherence to the mitigation measures proposed in the Ecological Statement.

Natural England have requested that the HRA is re-run following the submission of a Construction Environmental Management Plan (CEMP). In the event of approval, the requirement to provide a CEMP is required and a requirement that it should include the ecology elements included within the submitted Ecological Statement.

Bats

A daytime inspection and activity surveys were carried out late in the 2020 bat season. Some evidence of bats was recorded during the daytime survey. Due to this and the suitability of the building for roosting bats, the ecologist who undertook the survey has recommended that further bat activity surveys are undertaken in order to gather sufficient data to make a confident assessment of the likely presence of legally protected roosts on site.

The required surveys were carried out in optimum conditions during the 2021 bat season. No legally protected roosts were identified. The Council's Nature Conservation Officer advises that no further survey effort is required for bats for this application provided works commence before May 2022. Should the start of works be delayed beyond that date an update assessment may be required. A condition to this effect is proposed in the event of approval.

Breeding Birds

If planning consent is granted, a condition is requested to protect nesting/breeding birds.

Schedule 9 Species

Japanese knotweed is present on the proposed development site.

If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

An informative to this effect will be put on the decision notice in the event of approval.

Ecological Enhancement

Policy SE3(5) of the CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Council's Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Subject to the above conditions, it is considered that the proposal adheres with Policy SE3 of the CELPS and Policy NE11 of the MBLP.

Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3, but within Flood Risk Zone 1 – the lowest flood risk category which covers all of England. However, due to the size of the application site, the application is required to be supported by a Flood Risk Assessment (FRA). This has been provided, as have various other drainage documentation, updated to reflect the current layout iteration.

The Council's Flood Risk Officer has reviewed the proposals and advised that they have no objections in principle, subject to a condition that the development be carried out in accordance with the submitted Flood Risk Assessment and a condition requiring the submission/approval of an overall detailed drainage strategy (which restricts the maximum discharge rate for this development) and associated management and maintenance plan.

In consideration of matters of drainage, United Utilities have not commented on the revised proposals. However, in response to the original layout, they raised no objections, subject to the following conditions: implementation of the submitted surface water drainage strategy and the submission/approval of a sustainable management and maintenance plan. It is considered that these are still relevant given that the drainage strategy has not significantly altered.

Subject to the suggested conditions, the application is considered to adhere with Policy SE13 of the CELPS.

Affordable Housing

Policy SC5 of the CELPS refers to Affordable Housing. It states that in residential developments, 30% affordable housing will be provided in developments of 15 or more dwellings (or 0.4 hectares) in Principal Towns and Key Service Centres or in developments of 11 dwellings or more (or that

have a combined gross floorspace of more than 1000sqm) in Local Service Centres and all other locations.

The applicant has not proposed any affordable housing as part of the proposals. They advise that this is because the site qualifies for the Government's Vacant Building Credit which incentivises brownfield redevelopment and regeneration by reducing affordable housing requirements on qualifying sites.

Government guidance on this incentive is provided within the Planning Obligations NPPG. To be applicable, there are qualifying criteria. These are:

1. That the buildings on site must be vacant for at least 6 months; and
2. The buildings need to have been vacant for reasons other than the redevelopment of the site

The applicant has set out why they consider the proposals adhere with these requirements. More specifically:

1. That the buildings have been vacant since February 2020, a period in excess of 12 months; and
2. The reason for them becoming vacant was the impact upon trade of the opening of the new A556 link road between the M6 and M56

Where a vacant building is either demolished to be replaced by a new building or re-used, the developer is offered a financial credit equivalent to the existing gross floorspace of the relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

It has been calculated that the floorspace of the existing buildings sought to either be re-used or demolished is greater than the floorspace of the development proposed. As such, there is no affordable housing requirement. This conclusion is accepted by the Council's Affordable Housing Officer.

Education

The Council's Education Officer has advised that it is not necessary for the proposals to provide a financial contribution to either primary, secondary or special education needs at this time.

NHS

The proposals will not trigger the provision of a contribution towards health.

Public Open Space (POS) & Recreation and Outdoor Sport

Policy SE6 of the CELPS requires all developments to protect and enhance existing open spaces and recreation facilities, encourage improvements in their quality and provide adequate open space (to name a few). In order to assess the adequacy of the open space, a table (13.1) is provided within the subtext of Policy SE6 which sets out open space standards.

Being a major development, the provision of Public Open Space [play and amenity] and Recreation and Outdoor Sport is required in line with Policy SE6 of CELPS.

The Council's ANSA Green Space Officer advises that as this is not being provided on-site, a commuted sum in lieu of on-site provision will be required, for the provision of those facilities off site.

The POS commuted sum required will be £3,000 per family dwelling, a total of £51,000 and which will be used to make additions, improvements and amendments to the play and amenity facilities within High Legh. The commuted sum will be required on commencement of development and there will be a 15 year spend. The council regularly works with the local community of High Legh on improving these facilities, for which there is high demand.

The commuted sum for Recreation and Outdoor Sports will be £1,000 per family dwelling, a total of £17,000 and which will be used to make additions improvements and amendments in line with the Council's adopted Playing Pitch Strategy in the Knutsford analysis area, in which the application site sits. Again, the commuted sum will be required on commencement of development and will have a 15 year spend period.

This would be secured via a Section 106 Agreement in the event of approval and the applicant has agreed to the requirements.

Other matters

In response to points raised by objectors which have not already been addressed:

Criterion 6 from CELPS policy EG2 (Rural Economy) sets out that within locations such as the application proposals, developments that support the retention and delivery of community facilities such as shops and public houses, and villages will be supported, where they further adhere with various other requirements. Objectors have advised that the application proposals are contrary to this policy.

In response, Policy EG2 is silent on the loss of community services and does not provide any criteria against which to address a loss.

It is recognised that draft policy REC5 from the draft SADPD sets out that any community facility that makes a positive contribution to the social or cultural life of a community should be retained 'unless suitable alternative provision is made'. In response, the public house has been closed for almost 2 years so does not currently provide a positive contribution. Although the former public house appeared to be highly valued by the local community, the public house is not a formal Asset of Community Value. In addition, only moderate weight at most is to be afforded to emerging policies in the SADPD at this time. When this is considered in conjunction with the fact that the applicant has marketed the facility for 2 ½ years with no offers being received from any party who wishes to continue the use, it is not deemed necessary to insist that a replacement facility should be provided in this instance.

An objector has suggested that at no point was the public house was marketed publicly as a public house/restaurant. The objector has advised that the marketing specifically referred to the site as being potentially re-developed for 'housing, care or retirement living'. In response, the agent for the applicant has advised that the site was marketed with no minimum asking price and on

conditional and unconditional basis, therefore operators interested in a continued public house/restaurant use would not be deterred from making an offer. 'Housing, care and retirement' were suggested as potentials to widen the marketing search, which the agent for the application sets out was clearly needed as no pub or hotel operator or other persons interested in continuing the existing use made an offer.

An objector has suggested that other rural public houses are thriving in Cheshire East therefore suggesting that it's difficult to believe that the use as a public house is not viable. In response, the applicant has provided financial justification to demonstrate the year-on-year decline of the business and has marketed the site for a lengthy period without another group or persons putting in an offer to continue the use. In such circumstances, it is deemed reasonable to consider alternative uses.

Heads of Terms

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Contribution of £68,000 towards off-site Public Open Space (POS), Recreation and Outdoor Sports improvements (£51,000 towards off-site POS improvements & £17,000 towards off-site Recreation & Outdoor Sport improvements)
- Requirement to provide a private management plan to manage landscaping outside of domestic curtilages

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 total financial contribution of £68,000 is deemed necessary to ensure that the impact of the development upon nearby Public Open Space and Recreation and Outdoor Sports is mitigated.

The requirement to establish/hire a Management Company to manage the landscaping of the site outside of residential curtilages is required to ensure the development remains well screened from the most public vantage points in perpetuity.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The site lies entirely within the Cheshire Green Belt. Planning policy seeks to control new development within the Green Belt and does not support the construction of new buildings or uses within it, unless it is for one of the purposes set out in the policy. Those purposes include: the re-

use of buildings provided they are permanent and substantial, and the development preserves the openness of the Green Belt and purposes of including land within it. In addition, it includes the re-development of previously developed land so long as the development does not have a greater impact on the openness of the Green Belt than the existing development.

The proposed development is deemed to fall within and adhere with the requirements of these Green Belt policy exceptions. As such, the proposals are deemed to represent appropriate development in the Green Belt.

Although the built form of the most historic elements of the on-site public house (The Swan) are to be retained as part of the development (as a conversion), the loss of the public house as a community facility is a material consideration. The applicant has submitted financial and marketing information to the Council which is deemed to effectively validate the reasons why the now former public house closed and demonstrates that the business was marketed for a sufficient period of time (2 ½ years) without any formal offers for the continuation of the use being received. As such, whilst the loss is regrettable, the weight afforded to its loss is limited at best. It is not the purpose of the planning system to perpetuate the continuation of a non-viable use in order to meet social objectives. It is also not the role of this application to consider alternative proposals for the site when no such proposals have been submitted for consideration/assessment at this time.

Although the location of the site is relatively isolated from larger communities and their associated public facilities, making it highly likely that the future occupiers would rely heavily of the use of private motor vehicles to travel to and from the site, this has historically been the case on this site given that the previous use was that of a public house and a hotel.

Planning benefits are derived from the re-use of two of the three most historical buildings on site. These are not formal heritage assets but have been identified as 'non-designated heritage assets' during the application process and as such, the retention of these, as well as the on-site milepost, as part of the development is welcomed.

No issues are deemed to be created by the application proposals with regards to design, amenity, highway safety, landscape, trees, ecology or flood risk and drainage, subject to a S106 Agreement to secure the management of the landscaping outside of the curtilages on site and conditions, where deemed necessary.

The application proposals will provide a commuted sum towards off-site Open Space in line with policy. This is proposed to be secured via S106 Agreement in the event of approval. No affordable housing is required as part of the development proposals when Vacant Building Credit is applied. The development does not trigger the requirement to provide health of education contributions due to the number of dwellings sought.

Subject to a S106 Agreement to ensure an on-site management company is provided to manage landscaping outside of curtilages in addition to securing the required commuted sums towards off-site open space improvements, along with planning conditions, the application is recommended for approval.

RECOMMENDATIONS

APPROVE subject to a S106 Agreement to secure:

S106	Amount	Trigger
Public Open Space & Recreation and Outdoor Sports – Commuted Sum	£51,000 towards off-site POS improvements £17,000 towards off-site Recreation & Outdoor Sport improvements	Prior to commencement
Requirement to provide an on-site Management Company	Secure requirement to provide on-site Management Company to manage out of curtilage landscaping	Prior to occupation of any of the development

And the following conditions:

- 1. Time (3 years)**
- 2. Plans**
- 3. Submission/approval of facing, roofing and external hard surfacing materials**
- 4. Retention of Milestone**
- 5. Submission/approval of new or replacement window and door details to (Buildings 1 and 3)**
- 6. Any new or replacement fenestration to Buildings 1 and 3 should include reveals to match**
- 7. Removal of Permitted Development Rights (Part 1, Classes A-E and Part 2 Class A)**
- 8. Obscure Glazing provision** (*Plot 11 & 12 – First-floor side bathroom window, Plot 13 & 14– Both first-floor, side bathroom windows and Plot 15 – First-floor en-suite window on southern elevation*)
- 9. Implementation of electric vehicle charging infrastructure details**
- 10. Submission/approval an updated Conceptual Model (contaminated land)**
- 11. Submission/approval of a verification report (contaminated land)**
- 12. Submission/approval of a soil verification report**
- 13. Works should stop in the event that contamination is identified**
- 14. Submission/approval of cycle storage details**
- 15. Submission/approval of updated Landscaping scheme (incl boundary treatment)**
- 16. Landscaping – Implementation**
- 17. Submission/approval of levels details**
- 18. Tree retention**
- 19. Submission/approval of a Tree Protection Plan**
- 20. Submission/approval of an updated Arboricultural Method Statement**
- 21. Submission/approval of a service/drainage layout (trees)**
- 22. Ecological Mitigation - Implementation**
- 23. Submission/approval of a Construction Environmental Management Plan (CMP)**
- 24. Further Bat survey required if works do not start by May 2022**
- 25. Nesting/breeding birds**
- 26. Submission/approval of Ecological Enhancement Strategy**
- 27. Implementation of FRA**

28. Submission/approval of detailed overall drainage strategy

29. Submission/approval of a drainage management and maintenance plan

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



This page is intentionally left blank