

# Northern Planning Committee

## Agenda

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

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**PLEASE NOTE** - This meeting is open to the public and anyone attending the meeting is advised to wear a face covering when not seated (unless exempt).

**Lateral Flow Testing:** Anyone attending the meeting is asked to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting and must follow the latest advice on self-isolation.

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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 live audio recorded and the recordings will be uploaded to the Council's website.

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

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

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For requests for further information

**Contact:** Sarah Baxter

**Tel:** 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies

To approve the minutes of the previous meeting held on 23 February 2022 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. **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 for Mr Andrew McMurtrie, PH Property Holdings Limited and Premier Inn Hotels Ltd (Pages 7 - 48)**

To consider the above application.

6. **21/3860M-Variation of Conditions 23 (approved uses) and 25 (hours of operation) relating to the enterprise hub on approval 11/2340M, Langley Business Park, Langley Road, Macclesfield for Seddon Homes Limited (Pages 49 - 66)**

To consider the above application.

7. **21/1496M-Demolition of existing building and structures and the erection of 2no. detached bungalows with associated access and landscaping, Land adjacent to Yew Tree Farm, Moor Lane, Wilmslow for YTF Developments Limited (Pages 67 - 84)**

To consider the above application.

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

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 23rd February, 2022 in the The Capesthorne Room -  
Town Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor J Nicholas (Chair)  
Councillor L Braithwaite (Vice-Chair)

Councillors T Dean, JP Findlow, A Harewood, S Holland, D Jefferay,  
I Macfarlane, N Mannion, K Parkinson, L Smetham and J Smith

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Lawyer), Mr N Jones (Principal Development Officer),  
Mr M Keen (Senior Planning Officer) and Mr R Law (Planning Team Leader)

### **50 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

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

In the interest of openness in respect of application 21/2975M, Councillor K Parkinson declared that she had previously worked at the public house when it was opened and had frequented it on occasion and knew the site well. She had avoided discussing the planning application and left any meetings of the local parish council when the matter had been discussed and therefore she had not fettered her discretion.

In the interest of openness in respect of application 20/4737M, Councillor T Dean declared that the applicant was known to him.

In respect of application 21/3555M, Councillor J Smith declared that she had pre-determined the application and in accordance with the Code of Conduct would exercise her right to speak under the Public Speaking Protocol as Ward Councillor. She then declared she would leave the room once she had spoken.

In the interest of openness in respect of application 20/4737M, Councillor D Jefferay declared that he knew one of the objectors, however he had not discussed the application with him and therefore not pre-determined the application.

It was noted that all Members had received either correspondence or telephone calls in respect of applications 20/4737M and 21/3555M. Councillor D Jefferay also declared he had received correspondence in respect of application 21/2975M.

**52 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the previous meeting held on ??be approved as a correct record and signed by the Chair.

**53 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**54 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**

Consideration was given to the above application.

(Councillor D Stockton, the Ward Councillor, Town Councillor J Newall, representing Wilmslow Town Council, Roger Bagguley, an objector and Lewis Evans, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

The proximity, location and height of three of the closest homes contained in 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 failed to meet the requirements of section 66 of the Act, the saved heritage policies of the Macclesfield Borough Local Plan BE2, BE15, Policy SD 2, SE 1 and SE 7 of the Cheshire East Local Plan Strategy, Policy TH3 of the Wilmslow Neighbourhood Plan which in combination sought to secure appropriate design in a heritage context and also Section 16 of the NPPF requiring the provision of a clear and convincing justification in relation to harm. The public benefit of the provision of three four to five bed houses outside of LPS56 did not outweigh identified harm to the heritage assets.

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.

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

**55 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**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Councillor J Smith, the Ward Councillor and Lisa Matthewson, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused 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.

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.

(Prior to consideration of the following item, the meeting was adjourned for a short break).

**56 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**

Consideration was given to the above application.

(Councillor C Leach, the Ward Councillor, Rob Pattinson representing a number of objectors, Linda Reynolds, an objector, Richard Finch, an objector and Jon Suckley, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be deferred in order to allow further consideration of the submitted marketing information by the applicant.

(During consideration of the application, the meeting was adjourned in order for officers to seek further legal advice on the reason for the motion to defer as put forward by Councillor N Mannion).

The meeting commenced at 10.00 am and concluded at 2.10 pm

Councillor J Nicholas (Chair)

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

### REASON FOR DEFERRAL

At the Cheshire East Council Northern Planning Committee held on the 22<sup>nd</sup> February 2022, the committee resolved to defer this application for the following reasons:

- *to allow further consideration of the submitted marketing information.*

In addition, it has been identified in the intervening period that there was an error in the Vacant Building Credit calculations originally presented meaning that now, an affordable housing contribution is required in the event of approval. However, the final figure is yet to be agreed.

For completeness this update report sets out that updated comments have been received from United Utilities in response to the revised plans. In addition, the late representations received on behalf of an objector just prior to the previous committee (reported to committee by way of a verbal update), are now also set out.

### CONSULTATIONS (External to Planning)

**United Utilities** – No objections, subject to the following conditions including: the implementation of the drainage principles within the submitted Flood Risk Assessment and the submission/approval of a sustainable management and maintenance plan

### REPRESENTATIONS

Just prior to the previous Northern Planning Committee, a further objection from one of the original objectors was received in response to the content of the committee report. The main issues raised were as follows:

- Loss of Public House / community asset
  - There is interest to take the buildings on to run as a pub / restaurant
  - The interested party includes a design proposal for their intentions

- The interested party contacted the marketing company (via phone) in September 2020, but had an offer immediately rejected
- Whilst this offer was after closing date for 'best and final offers', contrary to Officer's committee report that set out that no approaches have been made from pub or hotel operators or persons looking to continue the use. Misleading to report that there has been no interest
- Interested party also contacted landowners directly (writing and phone) demonstrating intentions to acquire
- Not clear why site was not marketed in specialist publications
- Marketing was clearly an exercise to sell the site for residential use
- Proposal represents a breach of local and national policies which seek to protect community facilities

### **OFFICER APPRAISAL**

#### **Loss of Public House**

##### **Policy context**

Planning Law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

##### **Development plan**

There are no adopted or saved Cheshire East Council development plan policies that prohibit or restrict the loss of a public house (or a community facility). Whilst Policy EG2 of the CELPS refers to instances where planning would support the retention of community facilities such as public houses, this is in the context of application proposals that propose to retain such facilities, not those that propose their loss.

As such, attention then turns to other relevant material policy considerations.

##### **Other material policy considerations**

In this instance, this includes any reference to community facilities within the National Planning Policy Framework (NPPF) and draft policy within the Cheshire East emerging Site Allocations Development Plan Document (SADPD).

Paragraph 93 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.

Reference has been drawn to one of the draft policies within the SADPD, draft Policy REC5. The crux of draft Policy REC5 is 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. In addition, it sets out that any such facility which makes a positive contribution should be retained unless an alternative provision is made. Finally, it sets out that proposals for new community facilities will be supported. This final point is not relevant to the application proposals.



## Assessment

### National Planning Policy Framework (NPPF)

In order to assess the acceptability of the loss of the public house in line with paragraph 93 of the NPPF consideration needs to be given to whether the facility to be lost is valued and its loss would reduce the community's ability to meet its day-to-day needs on one hand. On the other hand consideration needs to be given to whether the loss of the facility is unnecessary.

#### *Whether The Swan is a 'valued' community facility*

The vast majority of the representations received from 24 separate addresses refer 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 public house's importance, it has been repeatedly commented upon that The Swan was an important facility in the community for social interaction.

Therefore, there is some evidence that The Swan had some value as a community facility and therefore its loss is a material consideration in this case. However, it is not known how representative of the local community as whole the views expressed in the letters from the 24 addresses are. Furthermore, it is questionable whether its loss, given that it has been vacant for a number of years and the nature of how it served the community, particularly reduces the community's ability to meet its day-to-day needs.

It should be noted that the Swan is not currently listed by Cheshire East Council as an Asset of Community Value (ACV). In addition, it is understood that there are currently no applications that have been submitted to the Council to list the public house as an ACV. Having AVC status effectively pauses to sale process for six months, so it allows community groups the opportunity to make an expression of interest to make a bid.

However, it should be noted that even if an application to list the public house as an ACV was submitted and approved by Cheshire East Council, this status only allows time for the community to put a bid together. After that window closes, it is entirely up to the landowner to sell to whoever they choose. There is no scope for a community group to purchase at a 'reduced rate' but simply gives them a little extra time to perhaps pull on resources to make a bid.

#### *Is the loss of the public house 'unnecessary'?*

A further understanding of the business, the reasons for its closure and an understanding of any attempts made for possible continued use as a public house / hotel under a new owner/operator are considered to be relevant factors in the consideration as to whether the loss of the public house should be deemed 'unnecessary'.

#### Reason for closure of The Swan:

The application sets out that the business formally closed on the 4<sup>th</sup> 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.

Viability:

In a 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 the landowner'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.

Likelihood of continued use (Marketing):

If weight is to be given to the retention of the existing use, there has to 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 which have been supplemented during the application process by the agent for the application:

- Gerald Eve were instructed to market the freehold for the site in January 2019
- A six-page marketing brochure was produced, along with a dedicated data room of further detailed information of the site
- The opening page of the marketing brochure (seen by the Council) identified the site as *'Freehold hotel, restaurant and public house with potential for a number of alternative uses including residential, care or retirement living'*
- Under *'The opportunity'* section of the brochure, it is stated that *'The Site offers the potential for redevelopment for alternative uses including residential, care or retirement living'*. Whilst re-use of the existing use is not expressly listed, it did not preclude interest from the continued use of the site for public house and hotel uses. Under the *'method of sale'* within the marketing brochure, it is stated that *'Offers are invited for the freehold interest via informal tender process on an unconditional or conditional (subject to planning basis)'*
- 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.
- The story of the sale was also covered locally in an article on the Knutsford Guardian's website dated 8<sup>th</sup> 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 4<sup>th</sup> December 2019. The applicant (PH Property) was chosen as the preferred purchaser in March 2020
- Gerald Eve conclude that the marketing exercise has demonstrated that there are no viable offers for 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 evidence of offers coming forward to take the site on for its existing use which includes the public house.

It is acknowledged that the marketing brochure did not specifically advertise the continued use of the site as a public house and hotel, but it did also not exclude it as an option either. It simply suggested what alternative uses were possible. In addition, the front page of the brochure advertised the description of the site as *'Freehold hotel, restaurant and public house with potential for a number of alternative uses including residential, care or retirement living'*. As such, any interested party could see what the existing use was if an interest in continuing that use was held.

Following the receipt of further information from an objector, it is now apparent that interest in the application site was expressed from a party looking to purchase the site to continue a community use. Based on the evidence submitted within this further late objection (reported verbally to committee), it is now apparent to the Council that an interested party contacted the landowners to express an interest in the site on two occasions, September 2021, and January 2022. It should also be highlighted that a brochure produced by the interested party demonstrating what they intend to do with the premises if they did acquire the site was also received alongside their earlier objections.

Although a representative of the interested party claims they contacted the marketing company in September 2020, (after 'best and final offers') and *'had an offer for the pub immediately rejected'*, it remains that case that there is still no hard evidence before the Council that an actual offer from this interested party has ever been made to the applicant or Gerald Eve by the said interested party, nor to the applicant of the current planning application (PH Property), according to the planning agent for the application.

### Conclusions:

It is clear from the objections received that the public house on this site did have some value as a community facility. However, it is deemed that the reason for the closure of the business has been substantiated. In addition, the business has been marketed for a significant period of time and there is no evidence that an offer has been made by an individual or group looking to continue the existing use. For these reasons combined, is it not deemed that the loss of this facility for an alternative use, whilst regrettable, is 'unnecessary'.

### Draft Policy REC5

Before addressing the specifics of this draft policy, it is deemed important to set-out the current stage of the draft Cheshire East Site Allocations Development Plan Policy (SADPD) because this determines the weight afforded to policies that fall within it.

The Site Allocations and Development Policies Document (SADPD) is the second part of the council's Local Plan. The purpose of the SADPD is to provide further, non-strategic planning policies and land allocations, in line with the overall strategy set out in the CELPS. It has been prepared to support the policies and proposals of the CELPS by providing additional policy detail.

The next stage in the SADPD examination will be for the Council to publish Main Modifications for a minimum 6-week period of public consultation. The timing of this is in the hands of the Inspector but is expected in late spring 2022. Subject to the consideration of any representations received, the Inspector's conclusions will then be set out in his final report accompanied by a final set of Main Modifications. The SADPD, incorporating these Main Modifications, will then need be considered for adoption at a Full Council meeting.

Although at a relatively advanced stage, the draft SADPD is still in draft format and as such, so are its policies. At this stage, it is considered that any weight afforded to these policies is moderate at best.

Draft Policy REC5 includes two parts relevant to the application proposals. The first sets out that development 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 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.

It is considered that the crux of this first part of this draft policy is similar to that assessed as part of the NPPF above; that valued community facilities should be retained. As such, the conclusions for the assessment of this part of the draft policy are the same as NPPF conclusions above. Whereas the NPPF sets out that planning should guard against the unnecessary loss of valued community facilities, draft Policy REC5 sets out that planning should seek to retain facilities that make a positive contribution to the social or cultural life of a community (valued facilities).

However, as set-out, the weight afforded to this draft policy is moderate at best for the reasons set-out.

In consideration of the requirement to provide a replacement facility under draft Policy REC5, for the reasons that the loss of the public house has been accepted in conjunction with the status of the draft policy, it is not deemed reasonable to insist that a replacement facility should be provided in this instance.

### Loss of public house conclusions

Whilst the loss of the Swan as community facility is regrettable, the weight afforded to its loss as a valued community facility is limited at best, for various reasons. These include: that the site has been vacant for almost 2 years, because the site had been marketed for over 2 ½ years without any evidence that a single formal offer has been received for its continued existing use, the submitted evidence that the business was increasingly unviable in its current guise due to factors largely outside of the control of the owner and the amount of investment identified as being required for continued use and

For the above reasons, the loss of the public house is accepted.

### **Flooding and Drainage**

In consideration of matters of drainage, United Utilities have raised no objections, subject to the following conditions: implementation of the drainage principles within the submitted Flood Risk Assessment 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, along with those suggested by the Council's Flood Risk Officer previously reported upon, 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 proposed development (3751m<sup>2</sup>) compared to the floor space that is either being demolished or reused (3712m<sup>2</sup>) is marginally greater, 39m<sup>2</sup>.

## The Vacant Building Credit Calculation

- Proposed development of 3,751 sqm results in 17 homes
- Policy SC5 (affordable homes) of the CELPS requires 30% affordable homes
- 30% of 17 homes = 5.1 (rounded up to 6 homes)
- There is an existing vacant building on site with a floorspace of 3,712 sqm
- The difference between the gross floorspace of the existing vacant building and the proposed new build floorspace is 39 sqm
- Therefore, the affordable housing requirement for this site is  $(39/3751) \times 6 = \mathbf{0.062}$ .

As such, the most appropriate way to secure this would be through a financial contribution towards off-site provision. Although the proposed development is in Bucklow Hill, there is insufficient sales data for this area due to its rural location to assist in determining average house prices. Therefore, average sales figures for Knutsford were considered.

Recent sales figures in Knutsford for comparable smaller units of which there is an identified need, range from a 2-bedroom flat sold for £213,000 to a 3-bedroomed terraced house valued as £385,000

Even when multiplied by the 0.062 affordable housing requirement, these sales figures generate a healthy commuted sum which can be invested by the local authority into affordable housing. Therefore, Council's Housing Officer seeks a financial contribution based on local property values.

The calculation to determine the commuted sum would be (values to be confirmed)

- Property OMV - £300,000
- RP offer (typically around 70% of OMV) - £210,000
- Difference between offer and OMV - £90,000
- £90,000 x AH requirement of 0.062 = **£5,580**

To confirm the final sum, the Council's Housing Officer requests the applicant provide the team with a range (between 3 – 5 examples) of smaller 2 or 3 bed properties which have sold within the Knutsford area within recent months. Then, between the Council and the applicant, we can then agree a general Open Market Value (OMV) for what should be the affordable housing.

Subject to this contribution, the specific figure to be agreed and secured via a S106 in the event of approval, the development is deemed to adhere with the affordable housing policy of the development plan.

## Heads of Terms

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

- Contribution of £5,580 (TBC) towards off-site affordable housing provision

- 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.

A contribution of £5,580 (or the final figure to be agreed) is deemed necessary to ensure the required policy provision of affordable housing is provided in accordance with policy.

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. It also demonstrates

that the business was marketed for a sufficient period of time (2 ½ years) and there is no evidence that any formal offers for the continuation of the use have been 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 and affordable housing, in line with policy. This is proposed to be secured via S106 Agreement in the event of approval. 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 and off-site affordable housing, along with planning conditions, the application is recommended for approval.

However, until the final affordable housing commuted sum figure is agreed, the recommendation is that authority be delegated to the Head of Planning in consultation with the Chairman of the Northern Planning Committee (or in their absence the Vice Chair), to APPROVE the application for the reasons set out in the report, subject to the finalised affordable housing commuted sum, the commuted sum towards off-site public open space provision, the requirement to provide an on-site management company, and conditions.

## RECOMMENDATIONS

**That authority be DELEGATED to the Head of Planning, in consultation with the Chairman of Northern Planning Committee (or in their absence the Vice Chair), to APPROVE the application for the reasons set out in the report, subject to;**

S106	Amount	Trigger
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Affordable Housing – Commuted Sum	£5,580 (TBC)	Prior to occupation
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**

## 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:**

## **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 28<sup>th</sup> December 2007

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

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

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

**06/0147P** (Premier Lodge) - 1no. Internally Illuminated Projecting Sign – Refused 13<sup>th</sup> 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 14<sup>th</sup> 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 7<sup>th</sup> October 2004

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

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

**99/2268P** (Swan Inn) - Extensions and Alterations to Provide 51 Bedrooms. Additional Car Parking – Refused 10<sup>th</sup> 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 27<sup>th</sup> January 1998

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

**77714P** (Swan Inn) - Externally-illuminated signs and non-illuminated fascia – Approved 15<sup>th</sup> June 1994

**76461P** (Swan Hotel) - Boundary wall on Chester Road frontage – Approved 1<sup>st</sup> February 1994

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

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

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

**14922P** (Swan Hotel) - Erection of Two Illuminated Signs – Approved 24<sup>th</sup> May 1978

**12400P** (Swan Inn) - Alterations & Extension to Kitchens – Approved 21<sup>st</sup> November 1977

**10823P** (Swan Hotel) - Provision of Car Parking Area and Landscaping – Approved 6<sup>th</sup> 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
  - It is 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 than 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 4<sup>th</sup> 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 travelers 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 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 8<sup>th</sup> 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 4<sup>th</sup> 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 a building's 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 2<sup>nd</sup> 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:

3. That the buildings on site must be vacant for at least 6 months; and
4. 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:

3. That the buildings have been vacant since February 2020, a period in excess of 12 months; and



4. 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.

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
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:**

**30. Time (3 years)**

31. Plans
32. Submission/approval of facing, roofing and external hard surfacing materials
33. Retention of Milestone
34. Submission/approval of new or replacement window and door details to (Buildings 1 and 3)
35. Any new or replacement fenestration to Buildings 1 and 3 should include reveals to match
36. Removal of Permitted Development Rights (Part 1, Classes A-E and Part 2 Class A)
37. 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*)
38. Implementation of electric vehicle charging infrastructure details
39. Submission/approval an updated Conceptual Model (contaminated land)
40. Submission/approval of a verification report (contaminated land)
41. Submission/approval of a soil verification report
42. Works should stop in the event that contamination is identified
43. Submission/approval of cycle storage details
44. Submission/approval of updated Landscaping scheme (incl boundary treatment)
45. Landscaping – Implementation
46. Submission/approval of levels details
47. Tree retention
48. Submission/approval of a Tree Protection Plan
49. Submission/approval of an updated Arboricultural Method Statement
50. Submission/approval of a service/drainage layout (trees)
51. Ecological Mitigation - Implementation
52. Submission/approval of a Construction Environmental Management Plan (CMP)
53. Further Bat survey required if works do not start by May 2022
54. Nesting/breeding birds
55. Submission/approval of Ecological Enhancement Strategy
56. Implementation of FRA
57. Submission/approval of detailed overall drainage strategy
58. 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*





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Application No: 21/3860M

Location: Langley Business Park, Langley Road, Macclesfield SK11 0DG

Proposal: Variation of Conditions 23 (approved uses) and 25 (hours of operation) relating to the enterprise hub on approval 11/2340M

Applicant: Seddon Homes Limited

Expiry Date: 31-Mar-2022

### **SUMMARY**

This application seeks consent to vary two conditions attached to the Outline Permission in 2011 for the mixed-use development (77 units) at the former Langley Business Park, in Langley. The Outline consent included nine Class B1 office/light industrial units. The application relates solely to the approved industrial units. No changes to the residential developments are proposed.

The current approval restricts the units to Class B1 '*Business*' use only and the hours of operation are limited to 8am to 6pm Monday to Friday and 9am to 2pm on Saturdays only. The applicants have stated that these conditions are too restrictive, businesses have change since 2011 and the units would be hard to let or sell in the current market.

Originally the application sought an open Class E '*Commercial, Business and Service*' use for the Rural Enterprise Hub and for it to be allowed to be operated 24 hours a day. Following discussions with Officers' scheme has formally been amended and readvertised.

The application now seeks permission for the rural enterprise hub to be used for Class E (g) (i) and (iii) and B8 uses only. The application now also seeks permission for the hours of operation of the rural enterprise hub to be limited to 7am to 11pm Monday to Sunday and including public holidays.

The development is now considered to comply with the relevant Local Plan Policies, the NPPF and is recommended for approval.

### **SUMMARY RECOMMENDATION**

Approve the variation of conditions 23 and 25 on 11/2340M.

### **REASON FOR REPORT**

Application 21/3860M was referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (Sutton Ward) for the following reason: -

1. *“The approval for this site was given over three years ago for mainly housing with a small number of light industrial units. It is not accepted that there are any policy grounds which would permit a change in the hours provided for in the original decision. There has been no material change in the needs of businesses during the past 3 years;*
2. *The restrictions on the hours should stay as they are. The site is in a rural setting, with residential properties nearby. By increasing the hours and days of working, there is bound to be an increase in noise and the traffic that would occur as a result of unsocial hours leading to a loss of amenity for all;*
3. *The business hours were set to ensure a balance between the needs of the businesses and the needs of the residents on the estate but, also in the village generally and its surroundings. It is not accepted that the needs of business may have changed over the last 3 years when planning was granted and in any event the needs of residents should take priority over those who choose to locate their business in a rural area where there is a high density of housing. The interests of those who live in the rural community should take precedence over businesses;*
4. *There are many other local sites which can offer light industrial units in the area where extended hours could be provided without any impact on the local community. There is therefore no business case to support an extension of the hours and it is noted that the Applicant has not provided any data to support a business case to extend the hours; and*
5. *Residents have complained about the potential loss of amenity which are described in Saved MBLP Policy DC3.”*

## **PROPOSAL**

This application seeks consent to vary two conditions attached to the Outline planning permission (11/2340M) for the mixed-use development at the former Langley Business Park.

The Outline Consent included nine Class B1 office/light industrial units. This was known as the ‘Employment Hub’ but now is known as the ‘Rural Enterprise Hub’.

This application relates solely to the approved Rural Enterprise Hub and seeks to widen the approved uses (Condition 23) and extend the hours of operation (Condition 25) attached to the Outline Consent (reference 11/2340M). No changes to the approved drawings are proposed by this application, and as such there are no changes to access, layout, scale, appearance or landscaping. The approved ‘Rural Enterprise Hub’ comprises a total of 9,000 sqft (836 sqm) split across nine units within one single-storey building.

Internally, the units are flexibly designed so that a range of tenants can be accommodated. A standard portal frame building will provide an open internal space that can be designed and fitted out exactly to suit the end user’s business requirements. All units contain a toilet and small kitchen. Externally, the units benefit from either loading doors or glazed double entrance doors and all units have parking and servicing.

The current approval restricts the units to Class B1 'Business' use only (Condition 23) and the hours of operation are limited to 08.00 to 18.00 Monday to Friday and 09.00 to 14.00 on Saturday only (Condition 25).

However, the applicant believes that these restrictions are too prohibitive and not commercially attractive. Hallams Property Consultants have been engaged to assist with the marketing of the units. They have confirmed that (following feedback from over 50 prospective tenants), whilst the small commercial units would fill a void in the current market the restrictions are overly prohibitive and could therefore hinder the sale/rent of the units once on the market.

Originally the application sought an open Class E 'Commercial, Business and Service' use for the Rural Enterprise Hub and for it to be allowed to be operated 24 hours a day. Following discussions with Officers' scheme has formally been amended and readvertised. The application now seeks permission for the rural enterprise hub to be used for Class E (G) (i) and (iii) and B8 uses only. The application now also seeks permission for the hours of operation of the rural enterprise hub to be limited to 7am to 11pm Monday to Sunday and including public holidays.

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

This application relates to the former Langley Business Park, known locally as the 'Reiter Scragg' site. It is situated to the south of Langley village, which is a small village of approximately 200 houses located around 3km to the east of Macclesfield. Access to the village from Macclesfield is from Langley Road.

There is a limited range of facilities accessible by foot or bicycle, including two small shops, a public house, Methodist Church, Village Hall / community facilities, and play area. The closest school is Hollinhey Primary School approximately 1.2 miles away.

The site is designated as part of a Major Development Site in the Green Belt and is situated within an Area of Special County Value for landscape as defined by the Macclesfield Local Plan 2004.

### **RELEVANT HISTORY/BACKGROUND**

11/2340M - Outline application for redevelopment of site for a mixed use, comprising residential development (Maximum 77 dwellings), Class B1 office/light industrial units, (Maximum 836sqm gross), Public Open Space and New Footpath links (REVISED SCHEME). All matters reserved  
- Approved 30.01.2015

17/3614M - Reserved Matters (following outline approval 11/2340M) for Access, Appearance, Landscaping, Layout and Scale in respect of 76 dwellings, 830 sqm of B1 employment floorspace, public open space and new footpath links - Approved 30 January 2018

Both consents have been subject to several applications to discharge conditions and make minor non-material amendments, which are not repeated here.

21/3881M - Non-material Amendment on application 11/2340M – Not yet determined

21/3882M - Non-material Amendment of 17/3614M – Not yet determined

**POLICIES:**

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

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
SD1 Sustainable development in Cheshire East  
SD2 Sustainable development principles  
SE1 Design  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood risk and water management  
EG1 Economic Prosperity  
EG2 Rural Economy  
EG3 Existing and Allocated Employment Sites  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
Appendix C – Parking Standards

**Saved policies of Macclesfield Borough Local Plan (MBLP)**

DC3 Protection of the amenities of nearby residential properties  
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians  
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  
NE11 Nature conservation interests

**Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning)**

Environmental Health:

No objections, subject to an Informative.

Canal & River Trust:

No comments.

Natural England:

No comments.

Highways:

No objections.

Sutton Parish Council:

Sutton Parish Council has made the following comments: -

1. This would be a huge upheaval for the neighbours and vehicles coming and going at all hours would not be suitable for a village location;
2. The entire site should have been given over to residential use, the Parish Council can see little value in having commercial units tucked away in Langley, and yes, new businesses will want more flexibility in terms of operating hours, but such options should not be available in our rural, residential setting. The mistake was to incorporate the units in the first place;
3. The Parish Council strongly feel that the restrictions should stay as they are. In the position that Langley Business Park is, in our rural setting, with residential properties nearby, and the traffic that could occur as a result in unsocial hours. The only concession I would consider is all day Saturday perhaps till 5 pm; and
4. The business hours were set to ensure a balance between the needs of the businesses and the needs of the residents on the estate but, also in the village generally and its surroundings. Whilst it is accepted that the needs of business may have changed over the last three years when planning was granted, but the needs of residents have not nor those who live in our rural community.

Cllr Andrew Gregory (Sutton Ward):

Cllr Andrew Gregory retains his objections to the revised working hours for the following reasons.

*“There are plenty of other small commercial units in and around the area which enjoy locations which do not impact on people's living conditions. The noise, increased pollution and long hours suggested by the Applicant for the use of these units will result in loss of amenity for local residents. The hours should be reduced to the working week only 5 days, Monday to Friday, 8 am to 6 pm. If people wish to work beyond these hours, then as some many of us now do, they can work from home outside these hours.”*

**REPRESENTATIONS**

The application has been duly advertised twice by means of direct neighbour notification letters and site notice.

18 letters of representation have been received on the first round of consultations and 25 further letters of representation have been received on the second round. Their comments can be summarised as follows: -

Traffic/Vehicle Numbers:

- Concern regarding the prospect of 24/7 traffic, harming the character of the village;
- Further congestion within the village, leading to worsening air quality;

- Traffic causing safety concerns;
- Level of parking provision; and
- Traffic in addition to residential development will be overwhelming.

Impact on High Street:

- Businesses moving here will draw businesses away from an already struggling town centre.

Noise Pollution:

- Noise, light pollution and disturbance both from use and traffic;
- Raised noise and traffic levels within village;
- Noise pollution from use of the site would disrupt village;
- Distance from residential dwellings; and
- Bleepers on commercial vehicles will be disturbing.

Demand:

- Belief that agent has stated the units are already in high demand so why do they need to be open longer; and
- The agent has claimed there is already substantial interest in the units so why do the opening hours need extending.

Community Engagement:

- Lack of community engagement.

Impact on village character:

- The arrival of industry could impact the village character; and
- Industry isn't appropriate for local character.

## **OFFICER APPRAISAL**

### **Relevant considerations**

When considering variation or removal of condition applications (known as Section 73 applications), it must be recognised that, by definition, the development will have already been found to be acceptable in principle. Therefore, the focus of this report is on National Policies, Development Plan Policies and other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought.

Where an application under Section 73 is granted, the effect is to create a new grant of planning permission. Consequently, a decision should set out all the Conditions the Council wishes to impose.

### **Condition 23 – Uses**

Condition 23 restricts the use of the Rural Enterprise Hub. As currently worded, it states:

*“The Rural Enterprise Hub shall be used for B1 use only, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).”*

The applicants contend that the current restriction to B1 use is too prohibitive to be sufficiently attractive to prospective new tenants. There is therefore not enough confidence to justify the speculative construction of 9,000 sqft of B1 floorspace in this location while there are concerns that the floorspace cannot successfully then be let to new occupiers.

Instead, feedback from the market has revealed that there is demand for wider, more flexible uses, particularly in this more rural location where there is a need to encourage a mix of independent, entrepreneurial and start-up businesses.

It is accepted that this is in the spirit of the Government's changes to legislation and direction of travel in National Policy, in that: -

1. When the application was approved in January 2015, Class B1 (Business) was narrowly focused and limited to: B1(a) offices, B1(b) research and development and B1(c) light industrial uses only.
2. However, following the grant of permission, the Use Class Order referred to within the condition has been significantly amended by the introduction of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
3. On 1 September 2020, the Government introduced a new Class E (Commercial, Business and Service) to supersede Class B1, which includes a much broader and more diverse range of uses to principally serve the needs of visiting members of the public.
4. The uses now included within Class E were previously separated into individual use classes, including shops (A1), financial and professional services (A2), restaurant and cafés (A3), business (B1), nurseries, health centres and gyms (D1 and D2).
5. The Government streamlined the system to enable the conversion of buildings between, or into a mix of, these commercial, business and service uses without needing planning permission. The change to legislation was made as part of a package of measures to give the best chance of protecting and growing a thriving economy post-Covid, mindful of increasing flexibility and allowing buildings to adapt more quickly to new uses where there might be greater value.

The new legislation does not override any existing planning conditions which specifically prohibit a new use (as is the case here), and so the Rural Enterprise Hub will not automatically benefit from the increased flexibility that the Government intended to be afforded by the new Class E.

Therefore, this application is submitted to amend the wording of Condition 23 to reflect the new Use Class Order and its inherent flexibility to encourage a strong and responsive rural economy.

That being said, Class E (Commercial, Business and Service) includes several parts and more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e). Class E covers the following uses: -

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes

Regardless of the changes to the Use Class Order, the NPPF (para 20) still requires Cheshire East to make sufficient provision for employment, retail and leisure development (*i.e. sufficient provision for each of these, rather than sufficient provision for them all as a whole*) when making plans.

The Local Planning Strategy sets out the overall need for employment land which it defines as *“Land identified for business, general industrial, and storage and distribution development as defined by Classes B1, B2 and B8... It does not include land for retail development...”*

The draft SADPD updates this definition of employment land in light of the new Use Class Order: *“Land identified for development for: offices to carry out any operational or administrative functions; the research and development of products or processes; any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; general industrial; and storage and distribution uses as defined by use classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8. It does not include land for retail development”*.

CELPS Policy EG3 seeks to protect employment sites for employment use (B1/B2/B8), subject to various criteria. Given that the plan still needs to make sufficient provision for employment uses (regardless of changes to the Use Class Order), the SADPD updates the definition of employment use as E(g)/B2/B8 and it is considered that Policy EG3 still seeks to protect E(g)/B2/B8 uses.

Therefore, change of an E(g) employment use to the wider E use class would represent the potential loss of an employment site, contrary to the objectives of Policy EG3.

Proposed amendment to Condition 23 wording:

Following discussions, the applicants have therefore requested that Condition 23 be amended to read:

*“The rural enterprise hub shall be used for **B1 Class E (G) (i) and (iii) and B8 use only**, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).”*



It is noted that paragraph 012b of the 'When is Permission Required' section of Planning Practice Guidance (Reference ID: 13-012b-20200918) states that: *"In considering an application for the discharge, modification or removal of conditions limiting changes of use within any of the expanded classes of use, the Local Planning Authority should have regard to the new regulations and the advice in this guidance."*

The applicant strongly believes that the amendment will greatly increase the likelihood of the Rural Enterprise Hub being successfully marketed and occupied by prospective new tenants. In addition, the Class E(G) (i) and (iii) and B8 uses proposed by this application are wholly compatible with residential uses and would not have any additional adverse impacts on the amenity of neighbouring properties than the existing approval for B1 use.

In terms of the use classes, the new proposed wording would effectively just add B8 to the permitted uses (as any E(g) use would already be allowed under 11/2340M as the direct replacement for the old B1 use class). It is therefore considered that this new wording allows a little more flexibility in the types of employment use permitted but restricts use for the wider E use class including retail/food and drink etc.

It is considered that the amendment would accord with CELPS Policies EG1 (Economic Prosperity) and EG3 (Existing and Allocated Employment Sites) In addition, it would further support the rural economy in accordance with Policy EG2 (Rural Economy).

It should also be noted that there are no requested changes to the approved drawings, and there will be no impact upon the access, layout, scale, appearance or landscaping of the existing permission. Therefore, the changes comprise minor material amendments, and will result in a development which is not substantially different in scale or nature from the one which has been approved. It is considered that the amendment would therefore still be in compliance with Saved Policy DC3 (Amenity) of the Macclesfield Local Plan 2004 and Policies SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan.

### **Condition 25 – Hours of Operation**

Condition 25 restricts the hours of operation of the Rural Enterprise Hub. As currently worded, it states:

*"The hours of operation of the Rural Enterprise Hub hereby approved shall be limited to 08.00 hours to 18.00 hours on Monday to Friday and 09.00 hours to 14.00 hours on Saturday but at no time on Sundays or Public Holidays."*

The applicant believes the restriction on opening hours is too prohibitive to be sufficiently attractive to prospective new tenants. As a result, they do not have enough confidence to justify the speculative construction of 9,000 sqft of B1 floorspace in this location while there are concerns that the floorspace cannot successfully be let to new occupiers.

The applicant has stated that the feedback they have received from the market has revealed that there is demand for commercial premises which have wider, more flexible hours of operation, particularly in this more rural location where there is a need to encourage a mix of independent, entrepreneurial and start-up businesses.

It is accepted that many businesses (particularly online businesses) now operate up to 24 hours a day, across seven days a week. The existing restriction to limit operation of the units to 50 hours during the week (and strictly between 08.00 to 18.00), five hours on a Saturday (and strictly between 09.00 to 14.00) and to enforce closures on Sundays and Bank Holidays is outdated and not conducive to the operation of modern businesses. This also contradicts the Government's latest direction in National Policy Guidance.

For example, in light of the Covid pandemic, the Government has facilitated longer opening hours for retail to give shoppers more flexibility and ease to transport pressures, whilst enabling flexible working hours for construction to help industry continue to operate safely. A greater shift to online sales and e-commerce has meant that many businesses have to respond in real time to the demands of their customers. In addition, there has been a seismic change in working patterns and work/life balances in light of the pandemic, which has further eroded the traditional standard working week.

There are also practical limitations caused by these existing restrictive hours, which are particularly more acute in Langley given its rural location. For example, the types of rural businesses that would operate here would technically not be able to begin/finish trading, accept deliveries or gather/store materials or equipment etc outside the permitted hours during the week and on Saturdays, and certainly not at all on Sundays or Public Holidays. Given each individual unit totals no more than 1,000sqft (93sqm), which falls beneath the 3,000sqft (280sqm) threshold for restrictive Sunday trading laws, this illustrates how restrictive this condition is and why it is dissuading interest from new tenants to take up occupation.

Proposed amendment to Condition 25 wording:

The applicant has therefore request that Condition 25 be amended to the following: -

*~~"The hours of operation of the rural enterprise hub hereby approved shall be limited to 08.00 07.00 hours to 18.00 23.00 hours on Monday to Friday **Sunday** including public holidays. and 09.00 hours to 14.00 hours on Saturday but at no time on Sundays or Public Holidays."~~*

As stated above, the applicant believes that this amendment will greatly increase the likelihood of the Rural Enterprise Hub being successfully marketed and occupied by prospective new tenants, which would better support the rural economy, as encouraged by Policy EG2 (Rural Economy) of the Cheshire East Local Plan.

As stated above, there are no requested changes to the approved drawings, and there will be no impact upon the access, layout, scale, appearance or landscaping of the existing permission. The existing approved plans (which will remain unchanged) already incorporate landscaping around the Rural Enterprise Hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings, and from the public open space/formal green to the front of the site.

Notwithstanding this, condition 27 (Noise) of the Outline Permission (11/2340M), which is not proposed to be amended by this application, will still ensure that the noise levels emitting from the Rural Enterprise Hub will be controlled. It states:

*“The rating level of the noise emitted from the Rural Enterprise Hub shall not exceed the existing background noise level at any time. The noise levels shall be determined at the position of the nearest residential properties. The measurements and assessment shall be made in accordance with BS4142:1997.”*

The applicant originally wished to remove all working hours restrictions. Whilst it is accepted that any noise within the units would be minimal, there was a concern that allowing unrestricted deliveries and outside activities could cause a harmful impact on residential amenity through noise and disturbance.

As a result, the amendment of Condition 25 would still ensure that the development is in compliance with Saved Policy DC3 (Amenity) of the Macclesfield Local Plan 2004 and Policy EG2 (Rural Economy) of the Cheshire East Local Plan, by being consistent in scale with its location and not adversely affecting nearby buildings and the surrounding area or detract from residential amenity.

### **Other Material Considerations**

#### Highways Safety, Access and Parking:

The outline consent restricted the Rural Enterprise Hub to Class B1 use only, and it is now proposed to vary the condition to allow new uses E(g)(i) and (iii) and B8 which would allow different uses on the site to those previously approved. The site has 35 car-parking spaces provided to serve the units, and this level of car parking would be sufficient to serve alternative use classes. Therefore, in regard to highways, the Council's Strategic Infrastructure Manager has raised not objection to the variation in Condition.

### **Comments on representations**

With regard to the planning matters raised in the letters of representation not addressed above:

#### Traffic/Vehicle Numbers:

The number of vehicle movements has already been assessed and deemed acceptable in terms of highways impact, highways safety and air quality as part of the original planning application.

The S73 application will not result in a material difference in vehicle movements over and above the approved scheme as the number and size of the employment units remain the same. The proposed S73 does not intensify the employment use, it simply allows a more flexible approach for the type of end users. The employment part of the site benefits from a dedicated access point which ensures that any vehicles associated with the employment hub will not conflict with the residential element of the scheme.

Sufficient parking, in accordance with the Council's standards, has been provided to accommodate employees and deliveries. No amendments to parking provision are proposed as part of the S73. The Council's highways officer has confirmed that the S73 is acceptable

from a highway perspective. A car park barrier will be installed ensuring that the units and car parking area are only accessible to employees and deliveries. The barrier will be closed outside of normal working hours and will require a security code to gain entry outside of normal hours, deterring any trespassing or antisocial behaviour. The size of each unit restricts the frequency and size of delivery vehicles.

No HGV's or other articulated vehicles will be able to access the site. Deliveries will be completed by smaller vehicles such as light goods/commercial vehicles. The units themselves are unlikely to be used or serviced during the night. The application simply allows greater flexibility for smaller/start-up businesses which are more suited to rural employment locations.

Impact on High Street:

The employment hub comprises 9 units spanning 1,000 sqft each. The units are intended to provide space for start-ups, rural businesses and other independent businesses. The amended uses will not compete nor detract from high streets or town centres.

The application simply seeks to provide more flexibility for proposed occupiers whilst updating the consent to reflect recent legislation updates. This is in the spirit of the Government's changes to legislation and direction of travel in national policy which includes a much broader and more diverse range of uses to principally serve the needs of visiting members of the public.

The application allows the units to adapt more quickly to new uses where there might be greater value.

Noise Pollution:

It should be recognised that the existing consent is for Class B1 (business), which is much less intensive, noisy, disruptive and intrusive than the previous Class B2 (general industrial) type use that was present on the site.

The flexibility sought by the current application, widening the approved use to Class E (Commercial, Business and Service) to better support the rural economy, would be compatible with residential uses.

The existing approved plans (which will remain unchanged) already incorporate landscaping around the rural enterprise hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings and from the public open space/formal green to the front of the site. the separation distance between the units and nearest dwellings have been considered acceptable.

Furthermore, Condition 27 (noise) of the outline permission (ref: 11/2340M), which is not proposed to be amended by this application, will still ensure that the noise levels emitting from the rural enterprise hub will be controlled. It states:

*"The rating level of the noise emitted from the rural enterprise hub shall not exceed the existing background noise level at any time. The noise levels shall be determined at the position of the nearest residential properties. The measurements and assessment shall be made in accordance with BS4142:1997."*

As a result, there is some comfort that the employment units will not adversely affect nearby buildings and the surrounding area or detract from residential amenity.

The units themselves are unlikely to be used or serviced during the night due their small size. The application simply allows greater flexibility for smaller/start-up businesses which are more suited to rural employment locations. The Council's EHO has commented on the proposal and has raised no concerns in respect of noise. Seddon (the applicant) will continue to manage the site post occupation so controls can be in place to ensure residential amenity is not affected.

Impact on village character:

The application will have no greater impact on the character/appearance of the village compared to the existing permission. The existing approved plans (which will remain unchanged) incorporate landscaping around the rural enterprise hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings and from the public open space/formal green to the front of the site.

**BALANCE OF ISSUES AND CONCLUSION:**

In summary, the changes proposed to conditions 23 and 25, when viewed in context of the overall consent, comprise minor material amendments, and will result in a development which is not substantially different in scale or nature from the one which has been approved.

Therefore, as the proposals fully accord with an up-to-date Development Plan, they should be approved without delay in accordance with Paragraph 11 of the National Planning Policy Framework.

**RECOMMENDATION:**

It is recommended that the wording of Condition 23 (approved uses) is amended to the following: -

23. The rural enterprise hub shall be used for Class E (g) (i) and (iii) and B8 use only, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).

Reason: Having regard to the nature of the site and the particular circumstances of the application.

It is recommended that the wording of condition 25 (hours of operation) is amended to the following: -

25. The hours of operation of the rural enterprise hub hereby approved shall be limited to 07.00 hours to 23.00 hours on Monday to Sunday including public holidays.

Reason: To avoid noise from giving rise to significant adverse impacts on living conditions of neighbouring occupiers."

Where a variation of condition application, the effect is to create a new grant of planning permission. Consequently, the relevant conditions from the previous permission are recommended.

These would be as follows: -

- ~~01. Commencement of development (not relevant);~~
- ~~01. Submission of Reserved Matters (not relevant);~~
- ~~02. Reserved Matters (not relevant);~~
- ~~03. The plans and particulars shall in accordance with Reserved Matters approval;~~
- ~~04. The Reserved Matters shall comply with the approved parameters plan;~~
- 05. The Reserved Matters application(s) shall comprise no more than 77 dwellings and 836m<sup>2</sup> gross of Class E (G) (i) and (iii) and B8 use;
- 06. Not less than 50% of the Rural Enterprise Hub floorspace shall be substantially completed and available for use within 3 years from the commencement of development;
- 07. The Landscape Design shall be in accordance with the approved details;
- 08. The Landscape Implementation Programme shall be in accordance with the approved details;
- 09. The Landscape Phasing shall be in accordance with the approved details;
- 10. The completion of the landscaping shall be in accordance with the approved details;
- 11. The Arboricultural Impact Assessment and Method Statement shall be in accordance with the approved details;
- 12. Vehicular access to the site shall be taken from Langley Road, in accordance with the updated Transport Assessment;
- 13. The Visibility Splay Details shall be in accordance with the approved details;
- 14. Parking facilities for at least 6 cycles shall be provided for the Rural Enterprise Hub and made available prior to its first occupation;
- 15. The Nesting Birds details shall be in accordance with the approved details;
- 16. The Highways, Footways and Cycleways shall be in accordance with the approved details;
- 17. The development shall be carried out in accordance with the recommendations and mitigation proposals within the Ecological Supporting Information;
- 18. The Programme of Archaeological Work shall be in accordance with the approved details;
- 19. The Construction Environmental Management Plan shall be in accordance with the approved details;
- 20. The Foundation Zoning shall be in accordance with the approved details;
- 21. Hours of construction;
- 22. SEE ABOVE;**
- 23. Information on sustainable travel options shall be submitted and approved;
- 24. SEE ABOVE;**
- 25. The Remediation & Enabling Works Strategy shall be in accordance with the approved details;
- 26. The rating level of the noise emitted from the Rural Enterprise Hub shall not exceed the existing background noise level at any time;
- 27. The External Lighting Scheme shall be in accordance with the approved details;
- 28. The Levels shall be in accordance with the approved details;
- 29. General Permitted Development Rights – Class A1;
- 30. The Energy Statement shall be in accordance with the approved details;

- 31. The Energy Reduction Statement shall be in accordance with the approved details;
- 32. The Riparian Enhancement Report shall be in accordance with the approved details;
- 33. The Flood Risk Assessment shall be in accordance with the approved details;
- 34. The Surface Water Drainage shall be in accordance with the approved details;
- 35. The Overland Flood Flow shall be in accordance with the approved details; and
- 36. The Soil Survey shall be in accordance with the approved details.

*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.*







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Application No: 21/1496M

Location: LAND ADJACENT TO YEW TREE FARM, MOOR LANE, WILMSLOW, SK9 6BX

Proposal: Demolition of existing building and structures and the erection of 2no. detached bungalows with associated access and landscaping

Applicant: YTF Developments Limited

Expiry Date: 25-Mar-2022

### **SUMMARY**

The application site is a previously developed site in the Green Belt and the proposal of 2no. detached bungalows and associated access and landscaping is not considered to have a greater impact on openness of the Green Belt than the existing development following significant revisions. The proposals are therefore not an inappropriate form of development in the Green Belt. The design of the dwellings is considered to be acceptable, and suitably reflects the character of the neighbouring residential site that has been recently completed and wider surrounding area which has a varied architectural theme. No significant adverse impacts are raised in relation to highways, accessibility, ecology, trees, residential amenity, air quality, flood risk or contaminated land, and appropriate conditions on these matters are recommended, where relevant. Accordingly, the proposal is considered to comply with the requirements of the CELPS, the MBLP and the WNP, and a recommendation of approval subject to conditions is made.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

### **REASON FOR REPORT**

The application was called to committee by Councillor Mark Goldsmith for the following reasons:

*'The planned new buildings are higher than the existing barn. The Planning Inspector has already stated at Appeal, that building above this height would close down the openness of the Green Belt. Therefore, these new plans do not overcome this issue.'*

### **PROPOSAL**

The following Officer Appraisal is based on the revised proposed plans and elevations as received by the Local Planning Authority on 21<sup>st</sup> January 2022 and 2<sup>nd</sup> February 2022 and as such re-consulted on. The applicant seeks Full Planning approval for the 'Demolition of existing

building and structures and the erection of 2no. detached bungalows with associated access and landscaping'. It is proposed that the existing building (former abattoir/ poultry slaughterhouse of 333sqm) and structures will be demolished as part of the development. The development consists of 2no. four bedroom, detached, single storey, market bungalows arranged in tandem layout with associated access, parking and external amenity areas. The proposed materials for the construction of the dwellinghouses is indicated as: brick walls, slate roof, timber/upvc windows and doors with post and rail fence and hedgerow boundary treatments. The vehicular access and hardstanding is noted as tarmac/block paving. 3no. parking spaces are indicated for each of the dwellings, 6no. total which is a difference of 2no. spaces from the 8no. said to be provided on the existing site. It is proposed that surface water will be disposed of via soak away and that foul water will be disposed of via package treatment plant.

## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises a single detached building, currently vacant with an established lawful use as part of the abattoir that existed on the application site as well as the adjacent site, now Riflemans Close housing development recently completed. There are other items of paraphernalia associated with the site previous use. To the western boundary of the site is an established tree and hedgerow line however the rest of the site is highly visible from public vantage points due to its setting in agricultural fields with no other screening with views possible from Riflemans Close and from the rear of dwellings on Arlington Crescent.

## **RELEVANT PLANNING HISTORY**

19/2035M – Demolition of existing building and construction of 2no. new dwellings – Committee Decision - refused – 5<sup>th</sup> December 2019 – appeal dismissed APP/R0660/W/20/3247641 – 2<sup>nd</sup> October 2020

17/5697M – Change of use of agricultural land and building associated with the existing abattoir to equestrian use and associated works – approved with conditions – 3<sup>rd</sup> April 2018

16/2344M – Application for a certificate of lawful existing use for abattoir and residential use – positive certificate – 21<sup>st</sup> June 2017

15/3058M – Proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow – refused – 20<sup>th</sup> January 2016

14/3787M – Change of use from agricultural buildings to B2 (Abattoir), for which the outbuildings have been in active use (as an Abattoir) since 2001 – withdrawn – 6<sup>th</sup> November 2014

14/3785M – Change of use from agricultural buildings to B2 (Abattoir), for which the outbuildings have been in active use (as an Abattoir) since 2001 – withdrawn – 6<sup>th</sup> November 2014

14/4954M – Certificate of lawful development of existing use of an abattoir (B2) – withdrawn – 17<sup>th</sup> May 2016

## **RELEVANT POLICIES/LEGISLATION**

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

MP1 Presumption in Favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG3 Green Belt  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer Contributions  
SC3 Health and Well-Being  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE9 Energy Efficient Development  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
CO1 Sustainable Travel and Transport  
CO3 Digital Connections  
Appendix C – Parking Standards

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

NE11 Nature Conservation  
GC1 Green Belt – New Building  
DC3 Design – Amenity  
DC6 Design – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC15 – Provision of Facilities  
DC16 – Existing Infrastructure  
DC17, DC19 and DC20 – Water Resources  
DC35 – Residential – Materials and Finishes  
DC36 – Residential – Road Layouts and Circulation  
DC37 – Residential - Landscaping  
DC38 Space, light and privacy  
DC63 Contaminated Land

### **Wilmslow Neighbourhood Plan (WNP)**

LSP1 Sustainable Construction  
LSP2 Sustainable Spaces  
LSP3 Sustainable Transport  
NE1 Countryside around the Town  
NE5 Biodiversity Conservation  
TH2 Lindow Moss Historic and Cultural Landscape

TA1 Residential Parking Standards  
TA5 Cycling in Wilmslow  
H2 Residential Design  
H3 Housing Mix

### **Other Relevant Policy Documents**

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance  
Cheshire East Borough Design Guide 2017  
Trees and Development SPD

### **CONSULTATIONS (EXTERNAL TO PLANNING)**

**United Utilities** – no objection subject to conditions for drainage following sustainable drainage hierarchy.

**LLFA** – raised comment – ordinary watercourse close to development and sought clarification of if there will be any culverting works for the development which needs to be identified on a prior to approval basis. Clarification of access to the development in regards to ditches and ordinary watercourses is also sought. They note one property would be within 8m of an ordinary watercourse and it needs to be understood how it will be maintained following construction of the development.

**Environmental Protection Officer** – no objections subject to the use of planning conditions for the following: ultra-low emission boilers; 1no. electric vehicle charging point per dwelling; post demolition Phase II ground investigation works; remediation strategy should Phase II works recommend this; Verification Report; Soil importation; previously unidentified contaminated land and Environmental Protection Act informative.

**Wilmslow Town Council** – May 2021 – objected to the development for the following summarised reasons:

- The proposed two storey houses are excessive in terms of height impacting detrimentally on the openness of the Greenbelt.
- The Town Council don't believe that the application is materially different from the original application which are rejected by the Planning Inspector on similar grounds.
- Issues of flooding have not been dealt with in the application.

**Cllr Goldsmith** – May 2021 – objected to the development and called-in the application to committee successfully for the following reasons: the new buildings are higher than the existing barn, as stated by the Planning Inspector at appeal that building above this height would close down the openness of the Green Belt and the new proposals do not overcome this issue.

**Cllr Goldsmith** - February 2022 – objected to the development and re-confirmed the call-in of the application for the following reasons: while the revised plans now address the issue of openness of the Green Belt the applicant has just reconfigured 2 x 4no. bedroom houses on the plot for 2 x 4no. bedroom bungalows. This has resulted in overdevelopment of the site, a lack of landscaping and gardens and inadequate parking for these properties.

**Esther McVey MP** – May 2021 – objected to the development for the following summarised reasons:

- The revised plans compared with the previous applications do not lessen the impact on the greenbelt or on neighbouring properties. Inspectors dismissal supported the previous issues raised and there has been very little attempt to address this.
- The proposals are an attempt to turn an agricultural building into a residential development.
- Minimal height reduction compared with the previous scheme and the suggestion of comparable heights to moveable existing feed store structures is surely spurious and an attempt to muddy the water.
- The description of the properties as bungalows is inaccurate given the majority of sleeping accommodation is located on the first floor as such by definition making them houses.
- The application takes no account of the houses being taller than the existing barn and that the barn in an agricultural building therefore sits comfortably in the Green Belt.
- The development is a further incursion into the Green Belt and may be a precursor for further applications for sizeable residential properties.

## REPRESENTATIONS

4no. letters of objection were received from local residents and interested parties objecting to the proposal on the following grounds, during the original consultation based on the original proposals:

- Bungalows are not two storey houses and the buildings shown cannot be accepted as them.
- The ground behind the houses on Arlington Crescent floods. The site has a watercourse running through it and there is constant flooding and more building of houses will increase such flooding as confirmed by Compressible deposits risk as confirmed in the High hazard rate noted within the Ground Investigation Report Appendix C and that building on the site may not be possible. The site flooding has increased following the construction of the 14no. Elan homes site and as such building here will worsen things. Package Treatment Plan is inappropriate and UU states that it needs to be dealt with via formal sewers. Soakaway on land that already has a high-water table is not appropriate and other surface water drainage needs to be chosen - Detrimental impact of the development on flood risk and water management.
- The schools, doctors and roads are full and would require updating to allow the development to go ahead – detrimental impact of the development on local services and infrastructure.
- The height of the dwellings has only been reduced 12% from 7.2m to 6.3m and does not address enough of the Inspectorates views. Current barn height is 4.3m and the proposals are 6.3m therefore is 47% higher than the current barn. Replacing a smaller low-level barn with two large in volume/height houses impacts on the ambiance of the Green Belt and local residents of Arlington Crescent/surrounding community. They would still impact the visual openness and be readily observable and inappropriate development within the Green Belt and very special circumstances necessary to justify granting planning permission do not exist – detrimental impact of the development on the green belt.

- The rear upper windows face directly onto Arlington Crescent back gardens and upper floors and will impact privacy and overlook neighbouring properties. Detrimental impact of the development on residential amenity.
- No details of who will maintain the landscaping or green belt area once the homes are built. Removal of 2no. trees is shown but no replacements have been proposed. Detrimental impact of the development on trees and landscape character.
- Wildlife and other bat surveys are missing from the submission noting also rats are disturbed. Loss of wildlife from the site including night owl as a result of the development. Detrimental impact of the development on biodiversity and geodiversity.
- Ground Investigation Report Appendix H is out of date and not the correct final agreed Elan Homes plan and refers to Orchard when the plan incorporates a pond. Uncertain how waste and recycling will be collected from the development. Detrimental impact of the development on contaminated land and pollution control.
- Uncertain where the access for construction vehicles, plant, equipment and materials will go and this may result in further incursion and building into the Green Belt. Detrimental impact of the development on amenity and pollution control.
- The silos can be recycled and should not be considered as buildings or structures to be replaced with new buildings – principle of the development not acceptable.

6no. letters of representation have been received from local residents and interested parties supporting the proposals during the original consultation based on the original proposals on the following grounds:

- The proposals represent a significant improvement for the outlook from properties on Riflemans Close, as the site is in a poor condition with abandoned trailers, materials and equipment.
- The proposals whilst taller than the barns are not taller than the silos and would have no greater impact upon the overall aspect than the existing housing on Arlington Crescent. The design of the dwellings is thoughtful and would complement the area.
- The dormer bungalows are largely contained within the footprint of the existing buildings and would not further encroach on the Green Belt and provided that storage containers and other materials are removed during the course of the development that part of the site will be restored to a more rural nature. The development would be sustainable development as it would reuse brownfield land without encroaching into the Green Belt and countryside.
- Two dwellings would make Riflemans Close feel more like a cul-de-sac and be more cohesive and safe.
- There are currently many vermin and wildlife inhabiting the trailers on the site which re-development will assist.
- The vacant building and unattended area around it could attract anti-social behaviour, redevelopment will assist this.
- Residential buildings on the site would be preferred over businesses or equestrian uses due to the noise, traffic and disturbance in comparison.
- The recent Elan Homes development has shown that residential development can occur here without detrimentally impacting rabbits, birds and other wildlife.

Wilmslow Civic Trust – object to the development for the following reasons:

- Notwithstanding the Planning Inspectorate dismissal of similar applications for the site these proposals would still give rise to inappropriate development in the Green Belt.



- Concerns raised by Floods team at CEC are in line with objections from neighbouring properties and it is considered that the development would have a detrimental effect on flood risk to neighbouring properties.
- The development would have an adverse effect on the openness of the Green Belt both in respect of increased height in comparison to the current agricultural building and the increased footprint.
- There is no pressure on CEC to increase planning consents at the moment and the provision of 2no. additional dwellings is not significant.

Residents of Wilmslow – object to the proposals for the following summarised reasons:

- Following the appeals the dwellings are still taller than the existing barn and thus will further close down on the openness of the Green Belt and the previous committee refusal in regards to policy PG3 and 145 of the NPPF is still the case.
- Paragraph 7 of the Inspectors decision has not been overcome and paragraphs 8, 9, 10 and 11.
- The floods and highways team have said they cannot recommend approval as it contravenes CEC byelaw 10 regarding the culvert running down the site side hedgerow boundary which is a main culvert taking water that emerges from the local estate from under Moor Lane. Another ditch runs diagonally across the adjacent field and appears to meet this culvert. Without detailed planning it is unsure how flood risk will be addressed and therefore agree with the flood team that the application must be refused. Any movements of the footprints of the houses to achieve 8m distances could well lead to footprints moving off the curtilage and encroaching into green field of the Green Belt.
- The access from Riflemans Close had a third drainage ditch that runs close to the current access to the barn and further information should be provided as to how this access will be created whilst addressing the issues created by culverts. It is accepted that any contravention of the CEC byelaw 10 can likely be addressed.

2no. letters of representation have been received from local residents objecting to the development during the re-consultation period based on the revised proposals:

- The land in front of the existing wooden shed/storage barn that is proposed for demolition is green belt land where there are no special circumstances or exceptional reasons to justify using the land in the Green Belt for residential development for development that exceeds the footprint, taller and is larger than the buildings that they would replace. The Inspectors decision still stands as they would detrimentally impact the visual openness and be readily observable and greater than the existing barn and are inappropriate development.
- Yew Tree Farm makes a significant contribution to the Green Belt as per the local plan another barn in its place as agriculture. The fall-back position for the site as per point 15 of the appeal decision is surely equestrian use rather than slaughterhouse.
- Given the closeness of the development to drainage ditches A, B and C it is surprising there is no water vole activity, noting that it also borders Franklyn Farm. The proposals would represent an overdevelopment in the rural area with only 10% of the total site being given to green infrastructure resulting in a reduction of biodiversity - detrimental impact on biodiversity.
- It is unacceptable for the proposals to have foul drainage that is not mains foul drainage instead proposed as PTP which is different to the recent residential dwellings erected. The mains sewers are close enough for connection. The watercourses and constant

flooding of the site is great local concern noting the compressible deposits risk as previously mentioned and the site flooding has increased following the 14no. Elan homes including into the culverts surrounding the site. Flooding also occurred to Burford Crescent and Arlington Crescent. Sewage and flood risk and drainage needs to be addressed on a prior to determination basis.

- Each property has 2no. parking spaces but no electric vehicle charging points are shown on the plan.
- CEC Parking Standards seek 3no. road parking spaces for a 4no. bedroom house and these plans only show 2no. spaces – insufficient parking.
- The borough has sufficient land and stock allocated to satisfy residential needs until the next Local Plan is in place and as such there is no immediate need for this proposed residential development to go ahead and as such the proposals should be deferred until the 2030's when the next Local Plan is agreed and in place.
- The large bungalows are still too bulky once parking and gardens are taken into account and should be reduced from 4no. bedrooms to 2no. bedrooms – detrimental impact on design and local character.
- No tree replacement for the 2no. lost is proposed – detrimental impact on tree life and landscape character.
- Insufficient information on waste and recycling for the site and how access will be gained.
- Insufficient information on how construction management be controlled noting significant uplift in vehicle movements, plant and materials etc.

2no. letters of representation have been received from local residents supporting the development for the following summarised reasons during the re-consultation period based on the revised proposals:

- The site is an eyesore and the proposals of two modest dwellings would be far more preferable and would prevent the site becoming more derelict and hazardous than it is now.
- Developing the site would make the Elan site feel more complete, cohesive and secure.
- The site should not be brought forward for business or equestrian use due to the constant, daily traffic that would involve would be dangerous for children playing on the cul-de-sac.
- The new dwelling design would be in keeping with the area and complement the current Elan housing development.

## **OFFICER APPRAISAL**

### **Green Belt**

As per paragraph 6 of the Inspector's decision on application 19/2035M, there remains no dispute as a result of this application that the site constitutes previously developed or brownfield land as defined in the NPPF.

Paragraph 147 of the NPPF states 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149

of the NPPF (or as mentioned in the Inspectors decision 145 of the NPPF 2019) states that ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: g. limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

Policies PG3 of the CELPS and GC1 of the MBLP are most relevant in terms of the adopted local plan policies. Policy PG3 states:

*‘...3. The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:... vi.limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.’*

As noted in the Planning Inspectorate’s decision on 19/2035M in paragraph 5 it states that the final test in PG3 (3) in terms of not having a greater impact on the purposes of including the land within the Green Belt than the existing development, is not repeated in the updated versions of the NPPF both the 2019 and 2021 versions. Therefore PG3 is out of date insofar as it relates to the purposes of land in the Green Belt.

Regarding 19/2035M the Inspector dismissed the appeal concluding that the development would constitute inappropriate development within the Green Belt that would erode its openness as such contrary to policy PG3 of the CELPS which seeks such aims and for similar reasons does not fall within the exceptions outlined in the Framework. For the 19/2035M development the Inspector noted that the redevelopment of the site introducing 2no. dwellings would have a combined volume similar to that of the existing building and structures on site and would therefore give rise to a similar effect on the spatial openness of the Green Belt. The Inspector states in paragraph 7 that the 19/2035M proposals would have reduced the footprint of the built development but lead to an increase in overall height of the development on site noting the existing shed at 4.3m to the ridge with low eaves is typical utilitarian rural shed set low in the landscape, noting also substantial tree screening to one side. It was also noted that whilst views are limited from the settlement area to the south and from Moor Lane, the site is visible from larger parts of the new Riflemans Close development and existing rear views from some properties on Arlington Crescent. The Inspector noted that in those proposals the buildings were several metres higher than the existing building and modest feed tanks, though lower than Riflemans Close development, partly due to falling land levels, that they would be 67% (estimated by Council) higher than existing buildings as such have a significantly greater prominence. The Inspector also cited that when taking the taller overall height, with the bulky form, increased massing of the dwellings arising from long ridgelines and projecting gables and greater spread of the development across the site and the ability to see it above existing hedging resulting in significantly more obtrusive in surrounding views. The Inspector also noted that whilst there would be a gap between the buildings that this would be the relocation of development closer to the settlement area and that visual openness would be readily observable and greater than the existing development.

The following table, Table 1 is as taken from the proposed plans and elevations now supporting this current application. The previous application referred to is that of 19/2035M.

Proposed Dormer Bungalows						
	Existing Barn	Existing Feeding Towers	previous application		Current Proposal	
			Plot 1	Plot 2	Plot 1	Plot 2
Foot print	364m <sup>2</sup>	7m <sup>2</sup>	107m <sup>2</sup>	121m <sup>2</sup>	178m <sup>2</sup>	170m <sup>2</sup>
GIA	333m <sup>2</sup>	N/A	172m <sup>2</sup>	187m <sup>2</sup>	160m <sup>2</sup>	155m <sup>2</sup>
Volume	1205m <sup>3</sup>	31m <sup>3</sup>	620m <sup>3</sup>	615m <sup>3</sup>	642m <sup>3</sup>	613m <sup>3</sup>
Ridge	4.3m	7m	7.2m	7.0m	5.1m	5.1m
Eaves	2.6 m	N/A	4.5 m	4.5 m	2.4 m	2.4 m

During the course of this application the proposals have been significantly amended from 2no. dormer style bungalows at 6.5m to ridge and 3.2m to eaves, to that now represented in the revised drawings and table above. Comparing the current proposals with the appeal scheme significant reductions in the overall height and volume have been made as well as a slight reduction in the floorspace of the 2no. dwellings, now proposed as true single storey bungalows. In contrast to the existing barn ridge and eaves heights the proposals now represent an 18.6% uplift in ridge and an 8% reduction in eaves heights. The combined footprint of both dwellings would be 346sqm and therefore compared with the existing barn and feeding towers totaling 361sqm, as with the appeal scheme would be a reduction in the overall footprint on site of 15sqm or 4%. In respect of volume the dwellings would total 1255sqm compared with the existing barn and feeding towers totaling 1236sqm, the proposals would be a slight increase in volume of 19sqm or 1.5%. Comparing the existing barn which is single storey and a single entity on site, it is clear that the 2no. dwellings with separation between for external amenity areas and parking would offer more visual relief than the existing building in this location offering views to the fields and tree screening beyond site boundaries and whilst having slightly taller and larger volume than the barn and silo would be more broken up visually and spatially and present a neater aesthetic in this open location and Green Belt. The proposals are much more comparable to the existing barn being of single storey and low height nature in terms of both ridge and eaves heights and are considered would not be obstructive or highly prominent from surrounding views or public vantage points. Limited weight can also be afforded to the neater aesthetic a residential development and associated landscaping may offer to the vacant barn/silos in situ which are in continuing decline.

Comparing the current proposals with the appeal scheme, the original proposals submitted with this application and the buildings and silos in-situ that the reason to dismiss the appeal by the Inspectorate has been overcome and the visual and spatial impact of the development will not be greater than the existing buildings. It is also therefore considered that the development would not conflict with the reasons for including the land within the Green Belt as it would not encroach further into the countryside and would still allow the surroundings to be permanently open or largely undeveloped. The impact on the Green Belts visual and spatial openness in this instance is finely balanced and comes as a result of significant revisions to the proposed developments overall height, volume and floorspace. Taking this into account it is recommended that any approval of the application is subject to the use of detailed planning

conditions to remove permitted development rights for extensions, alterations and outbuildings, including roof and additional storey extensions, as any further additional building or development would over urbanise and develop the rather open site and be detrimental to the key characteristics of the Green Belt. The principle of the development is therefore considered to be acceptable subject to conditions.

### **Design / Character**

The most applicable policies and guidance to consider are SD1, SD2 and SE1 of the CELPS, DC2 of the MBLP, NE1, TH2, H2 and H3 of the WNP and the Design Guide SPD. Between them these policies seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. In addition, these policies seek an appropriate mixture of dwellings in terms of their types, facilities and tenure so that new development may contribute to the creation of sustainable and mixed communities in line with the specific needs for that settlement or location.

Both plots propose 3no. bedroom dwellings with a home office, which could also reasonably be used as a fourth bedroom, to this regard the development would be broadly in line with neighbourhood plan policies encouraging 3no. bedroom dwellings noting that the development would also allow working from home, in a bungalow format. The design of the dwellings is considered acceptable given the various themes within the immediate area of Wilmslow utilising a common gable roof and feature type with limited ornamentation. At this time specific details of facing, roofing, fenestration and rainwater details have not been provided however this can be secured via use of planning conditions in the event of approval. No issue is raised at the layout of the dwellings within the site which provides sufficient spacing between each dwelling and amenity areas that reflect the various size themes in the immediate residential developments nearby and would present a similar low height and linear aesthetic to the buildings set for demolition. Notwithstanding this whilst external amenity space has been provided for each dwelling any further built development would reduce this below acceptable standards comparable to the size of internal living accommodation and likely number of occupants, as such it is recommended that PD rights are removed for further extensions, alterations and outbuildings for each plot. Subject to the use of planning conditions attached to any approval of the development it is considered that the development is in compliance with the relevant design and character policies and guidance.

### **Living Conditions**

The most applicable policies to consider are SD2, SE1 and SE12 of the CELPS and DC3 and DC38 of the MBLP and the Design SPD. Between them these policies seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

It is considered that the orientation, distance, single storey nature and fenestration siting of the proposals will not result in detrimental impacts on the amenity of its occupants or nearest

existing neighbouring properties on Arlington Crescent or Riflemans Close in terms of privacy, overlooking and light provision. In terms of pollution and contaminated land the application is supported by a Ground Investigation Report which indicates there may be vulnerability from contamination as a result of the abattoir use and proximity 250m away from a known landfill site. The Environmental Health team have reviewed the submission and raised no objection to the development subject to the use of planning conditions and informatives to secure information not currently within the submission information but would not preclude the determination or go to the heart of the proposals as follows: 1no. electric vehicle charging point per dwelling; Phase II Ground Investigation – prior to commencement; Verification Report – prior to occupation; Soil importation testing and Previously Undiscovered Contaminated Land. Notwithstanding this the Ultra-Low Emission Boilers conditions request is not considered to meet the tests for the use of planning conditions as it goes beyond what can be reasonably asked for with policy/guidance foundation and as such will not be attached to any approval of the development.

The development is considered to be in compliance with policies and guidance covering residential amenity, pollution and contaminated land subject to the use of planning conditions and informatives.

### **Highways**

The most applicable guidance and policies to consider are CO1 and Appendix C of the CELPS and DC6 and DC36 of the MBLP and LSP3, TA1 and TA5 of the WNP. Between them these policies seek that new development deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport.

During the course of the application concern was raised as a result of consultation in terms of: insufficient parking provision; lack of electric vehicle charging points; the accessibility of the site and how waste and recycling would be collected/managed.

Whilst 2no. vehicles are shown on the Proposed Site Plan provided, upon measuring the site it is possible for 3no. vehicles for each property to park within the site as such no issue is raised with the parking provision for the proposed development, as this would meet relevant parking standards for dwellings of the size proposed. As it stands no cycle parking or electric vehicle charging points are shown however the provision of these elements can be secured through carefully worded planning condition attached to any approval of the development, noting there is sufficient space either on walls/hardstanding or garden areas for this to be provided in line with policies and guidance. In respect of the collection and access to the site for maintenance or refuse collection vehicles and associated storage of waste and recycling receptacles, as a result of the revised proposals the site edged red now connects with the surrounding adopted highways infrastructure as such collection and access to the site is possible. In addition, there is sufficient space at the entrance of the site and within garden areas for bin/recycling storage to be provided, as such no concern is raised subject to the securing of planning condition for bin/recycling storage provision within each site. Subject to conditions and informatives it is considered that the development is in compliance with policies and guidance relating to highways and parking provision.

### **Trees / Landscape**

The most applicable policies and guidance to consider are SD1, SD2, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC57 of the MBLP, LSP2, NE1 OF WNP and the CEDG and Trees and Development SPD. Between them these policies seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

During the public consultation periods concern was raised at the loss of 2no. trees as a result of the development and if provision for their replacement or other landscaping will be made as part of the proposed development.

The application is supported by an Arboricultural Report (AR) which is the same that supported 19/2035M. There are several off-site trees and hedgerows which provide screening of the development from the west and south and also provide pleasing greenery in this open area. It is highlighted that none of the trees are protected by Tree Preservation Order nor are they within a Conservation Area. The AR identifies 2no. early mature moderate B category Oak trees (T4 and T8) will require removal to accommodate the development and the Root Protection Area (RPA) of eight trees will be impacted by hard surfacing and the new buildings. Crown lifting and cut back are proposed for T3 (Oak), T12 (Beech) and T13(Plum). While the loss of the Oaks is not essential as highlighted in the 19/2035M Officer Recommendation their loss is preferable due to the relationship with the proposed houses and noting their loss would not be significant on the landscape character or locality, nor would the works planned to other trees. The footprint of the new buildings is largely over the existing buildings and therefore the RPA of the retained trees are already compacted to a certain extent. Whilst the plans have not been updated in the AR in this submission the RPAs remain unchanged and the location of the access driveway and footprint of the new proposals are similar to that under 19/2035M. Given the tree group as a whole cannot be widely viewed from significant public vantage points it is considered that no dig solutions as detailed in the AR updated for this new layout and a Tree Protection Plan may form conditions attached to any approval to protect the trees long term harm. Whilst there would be some shading of plots given proximity of retained and off-site trees it is not considered the overshadowing would be significant enough to withhold planning permission or would cause detrimental impacts on occupants regarding social proximity or provision of light.

Planning conditions will also be used to secure a detailed soft and hard landscaping scheme with boundary treatments and appropriate management of this for the future to ensure appropriate landscaping for the rural site and biodiversity gains. In addition it is recommended due to the open nature of the site and to further control built development in a prominent rural location, PD rights are removed for the erection of any boundary treatments, new access and hard landscaping so that a balance between hard surfacing, buildings and vegetation is struck appropriate to area themes in this otherwise open/rural location. Subject to the use of conditions and informatives it is considered that the development would be in compliance with policies and guidance in regards to trees, hedgerows and landscaping.

### **Biodiversity and Geodiversity**

The most applicable policies to consider are SD1, SE3, SE4 and SE5 of the CELPS, NE11 and NE15 of the MBLP and LSP2, TH2, NE1 and NE5 of the WNP. Between them these policies

seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Net gains for new development to encourage the further development and protection of biodiversity and geodiversity.

During the public consultation period concern was raised that the development may discourage wildlife from the area, that the ecological survey work was that attached to the previous application and that the Water Vole Survey Report submitted may not be accurate and claims that residents had seen them in the ditches/culverts/watercourses at the boundaries of the site.

The application is supported by a Water Vole Survey Report following previous Ecological Assessments provided during recent historical applications for similar development at this site (see Relevant Planning History section of this Officer Recommendation). The application has been reviewed by the Nature Conservation Officer and does not raise any objection to the proposals noting that no water voles were found or evidence of their presence following survey work and that it is not likely they are present or will be affected by the proposed development. The Nature Conservation Officer has recommended that conditions be attached to any approval of the development to secure an Ecological Enhancement Strategy on a prior to commencement basis to seek net gains for biodiversity and geodiversity as a result of the development in line with the aforementioned policies, in addition to breeding/nesting bird protection during demolition/construction of the development. Subject to conditions the development is considered to be in compliance with the listed policies and guidance regarding nature conservation.

### **Flood risk and water management**

The most applicable policies to consider are SD1, SD2, SE1, SE2 and SE13 of the CELPS and policies DC17, DC19 and DC20 of the MBLP and LSP1 and LSP2 of the WNP. Between them these policies seek to ensure that new developments integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

During the course of the application consultation concern was raised that: the site and field area, including some rear gardens on Arlington Crescent flood; that SUDS would not be appropriate as there is a high water table; that PTP for foul is unsuitable given connections available nearby to mains sewers; that the existing watercourses have had more flow into them following the Elan Homes development which could be worsened following more development at this site; that the results of the Ground Investigations and collections of deposits may render the proposed drainage solutions unsuitable.

To the eastern boundary of the site is a small watercourse flowing along the boundary line culverted in a ditch alongside one beyond the site boundary and tree line to the west. The LLFA raised comment during the original consultation it was not clear where the access point to the



site would be formed and how this would interact with the ordinary watercourses or if culverting works or the watercourses would be maintained, noting that separate to planning Land Drainage Consents and a CEC byelaw to prevent obstructions within 8m of the edge of an ordinary watercourse would apply in this instance. The LLFA asked for this information on a prior to approval basis. UU have commented that further information and consideration of drainage should be made in line with national hierarchy. The application form states that the proposed dwellings will be serviced (foul water/sewage) via a package treatment plant (PTP) and that surface water will be directed to soakaway. As it stands beyond this indication no further drainage information or layout has been submitted which is not unusual for a small-scale development proposals such as this not within a flood risk zone.

The revised proposals make it clear that the access would be via the existing crossing over the watercourses/culverts and notwithstanding the comments provided, it is considered that given that it is not located in a flood risk area and of small scale that the drainage pertaining to planning can be provided via use of planning conditions, noting land drainage consents and byelaws are separate to this. It is also noted that use of planning conditions was the position adopted by the LLFA during the previous application on the site, with footprints and hardstanding in similar positions to that now proposed. Conditions would seek the provision of a surface and floods water drainage layout and management plan with information on ordinary watercourses that considers the drainage hierarchy as laid out in the NPPG with details to be submitted on a prior to commencement basis. The hierarchy should consider in order of priority for surface water: 1. Into the ground (infiltration); 2. To a surface water body; 3. To a surface water sewer, highway drain or another drainage system; 4 to a combined sewer, noting also that SuDS would not likely be appropriate noting the results of the ground investigations report. The hierarchy should consider in order of priority for foul sewage: connection to public sewer; package sewage treatment plant; septic tank and cesspools subject to appropriate consents out of planning consent. Subject to conditions and informatives it is considered that the development would be in compliance with policies and guidance relating to flood risk and water management.

## **CONCLUSION**

The application site is a previously developed site in the Green Belt and the proposal is not considered to have a greater impact on openness of the Green Belt than the existing development. The proposal is therefore not an inappropriate form of development in the Green Belt. The design of the dwellings is considered to be acceptable, and suitably reflects the character of the neighbouring residential site that has been recently completed and wider surrounding area which has a varied architectural theme. No significant adverse impacts are raised in relation to highways, accessibility, ecology, trees, residential amenity, air quality, flood risk or contaminated land, and appropriate conditions on these matters are recommended, where relevant. Accordingly, the proposal is considered to comply with the requirements of the CELPS, the MBLP and the WNP, and a recommendation of approval is made.

### **Conditions:**

1. Time 3 years
2. Plans as approved
3. Materials to be submitted
4. Prior to laying of foundations provision of Proposed Finished Floor and surrounding ground levels

5. PD Removal for extensions and alterations including upward extensions
6. PD Removal for access, boundary treatments and driveways.
7. Works to trees as per Arboricultural Report
8. RPA protection to be updated to reflect new proposals
9. No dig solutions to be confirmed and reflected on new plans.
10. Landscape soft/hard/boundary treatments.
11. Landscape plan implementation
12. 1no. electric vehicle charging point per dwelling
13. 1no. secure cycle storage
14. Bin and recycling storage to be provided
15. Post demolition Phase II ground investigation works to be submitted
16. Remediation strategy to be submitted should Phase II works recommend this
17. Verification Report to be submitted
18. Imported soil to be tested
19. Measures to take in event of previously unidentified contaminated land
20. Foul and surface water drainage strategy with management plan and consideration of Ground Investigation Report results and national hierarchy Prior to commencement – implementation on site prior to first occupation.
21. Verification report to be submitted for drainage on prior to first occupation basis.
22. Nesting bird survey to be submitted
23. Biodiversity enhancement strategy to be submitted
24. Vehicle parking provision

*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.*



