

**NORTHERN PLANNING COMMITTEE – 4 May 2011**

**UPDATE TO AGENDA**

**APPLICATION NO:** 11/0333M

**LOCATION:** Land at Spinks Lane, Pickmere

**UPDATE PREPARED:** 3 May 2011

**CONSULTATIONS**

**Strategic Highways Manager** – Recommend refusal as it would be contrary to the interests of highway safety by reason of inadequate visibility at the junction of Spinks Lane and Pickmere Lane.

**Public Rights of Way** – No objections

**Pickmere Parish Council** – Object to the application on the following grounds:

- Application is premature as the site is still the subject of the previous Inspector's decision notice / Enforcement Notice.
- No permission for existing hard standing.
- Numerous errors on application form.
- Size and scale of development is excessive.
- Impact upon openness and character of Green Belt.
- Limited benefits of additional landscaping.
- Previously identified ecology and biodiversity issues not addressed.
- Impact on highway safety.
- Concern is raised that two of the Council's consultees have not taken into account the comments from the previous appeal decision.

**REPRESENTATIONS**

23 further letters of representation have been received objecting to the proposal on the following grounds:

- No provision for manure / waste
- Impact on highway safety
- Impact upon nature conservation interests
- Impact upon openness and character of Green Belt
- Non compliance with enforcement notice
- Provision of services would result in further damage to Spinks Lane

**KEY ISSUES**

The additional comments received from consultees and local residents are noted, but were addressed in the original report to Committee.

## **Highways**

The Strategic Highways Manager has noted that whilst a condition could be used to limit the use of the site to personal use only, the number of stables would still lead to a considerable number of trips to site, especially as no residential accommodation should be on the site. One of the reasons for the dismissal of the previous appeal on this site was the substandard visibility at the junction of Spinks Lane and Pickmere Lane. The lack of visibility at the junction would still continue to be an issue with this application as it would produce vehicle movements to the stables well in excess of those that would occur with the lawful use of the site as an agricultural field. The proposal therefore represents a significant risk to highway safety, and is contrary to policy DC6 of the Local Plan. The reduction in speed limit on Pickmere Lane from 40 mph to 30mph has been taken into account in reaching this conclusion.

## **CONCLUSION**

As in the original report, a recommendation of refusal is made. The full reasons for refusal are set out below:

1. The proposal would be contrary to the interests of highway safety since it would result in an intensification of the use of the junction of Spinks Lane and Pickmere Lane which has inadequate visibility, having regard to local and national design standards. The proposal is therefore contrary to policies DC6 and DC32 of the Macclesfield Borough Local Plan.
2. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policies GC1 and DC32 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to the Council's Supplementary Planning Guidance on Equestrian Facilities and national policy guidance relating to development within the Green Belt.
3. The proposed development, by reason of its size, siting, design, and extent of hard standing would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to national planning policy guidance, and Macclesfield Borough Local Plan policies BE1, DC1 and DC32, thereby causing harm to the objectives of those policies.
4. Insufficient information has been submitted with the application relating to nature conservation interests and mitigation in order to assess adequately the impact of the proposed development having regard to the biodiversity harm on this site that has already occurred. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.

**NORTHERN PLANNING COMMITTEE – 4 May 2011**

**UPDATE TO AGENDA**

**APPLICATION NO:** 11/0770M

**LOCATION:** PEACOCK FARM, WILMSLOW ROAD,  
HANDFORTH

**UPDATE PREPARED:** 3<sup>rd</sup> May 2011

**CONSIDERATIONS**

**Highways:** No objection subject to a condition and informative.

It is proposed to construct a new development consisting of 13 residential units on land adjacent to the B5358 Wilmslow Road. The previous application for this site proposed 24 residential units. Given the low number of units on the site, there is no traffic impact issues associated with the development on the local road infrastructure. The provision of car parking is slightly below 200% for the houses however there is a significant amount of available casual parking space within the development and this level of parking provision is considered acceptable.

There is a single point of vehicular access to the site that provides adequate visibility for the approach vehicle speeds. There are a number of bus services currently operating within a reasonable walking distance from the site and provides the occupiers of the site the ability to use sustainable travel modes.

The Strategic Highways Manager recommends that the following condition and informative be attached to any permission which may be granted for this application proposal:

Condition: Prior to first occupation the proposed junction improvement shown on Callidus Drawing No. TE/1001/104, will be fully constructed and will include for the provision of tactile paving on the pedestrian desire line, in accordance with CEC Highway Authority standards.

Informative: Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the formal adoption of the internal road infrastructure.

**Landscape:** No objection subject to conditions.

The Landscape Officer has assessed the planning application and has stated that further hard and soft landscape details are required including the design of the front boundary walls and railings. These can be imposed by appropriate landscape and boundary conditions.

**Environmental Health (Contamination):** No objection subject to a condition

The application area has a history of use as a farm and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

A report submitted in support of the application identifies potential sources of contamination at the site. Further investigation is required to adequately identify and assess the contamination at the site.

As such, and in accordance with PPS23, this section recommends that the standard contamination condition and note be attached should planning permission be granted:

**Environmental Health (Noise):** No objection subject to conditions

The Environmental Health Division have had the opportunity to look at the site layout in conjunction with the updated acoustic report ref – R0159-REP01C-DRG dated 04/02/2011 and plan 07010/010/11-02-11, A. Whilst clarification had to be sought from RED acoustics regarding the technical specifications for their glazing recommendations, a satisfactory verbal confirmation has been received.

This department is satisfied that the development application can meet the noise requirement of BS 8233:1999 sound insulation and noise reducing in buildings so long as the recommendations of the detailed glazing, acoustic ventilation and garden fencing and layout protection in the Red Acoustic report detailed above are conditioned.

Where acoustic ventilation is other than the example given of Aereco EHA 42dB D n,e,w, the proposed ventilation systems need to be agreed with RED acoustics who will in turn need to show compliance with BS8233:1999 and approved by the LPA.

Gardens seem to benefit from the screening properties for the buildings and the 1.8m high close boarded fencing to meet the garden noise levels of BS8233:1999.

**Leisure Services:** As the application is above the threshold for the provision of public open space and recreation/outdoor sports facilities as identified in the SPG on S106 [Planning] Agreements, and in the absence of on-site provision, a commuted sum for offsite provision will be required.

Based on the proposal for 13 family dwellings, with no affordable provision, the commuted sum required will be £39,000 for open space and £13,000 for recreation/outdoor sport.

The commuted sums will be used to improve and enhance existing CEC facilities at one or more of the following facilities: Meriton Road Park, Spath

Lane/Peover Road and Henbury Road. All of these facilities are within walking distance of the application site.

### **OTHER REPRESENTATIONS**

One additional letter had been received from a resident who raised the following concerns:

- The height of the buildings is excessive, especially when adjacent to bungalows. The only other buildings of this height in the surrounding area are positioned on corners where they would not have a detrimental effect on neighbouring amenity.
- Concerns regarding the access onto Wilmslow Road due to the road already being very busy.
- When the existing buildings were demolished, Councillors at the time gave their written undertaking to try and get any future development to use reclaimed Cheshire brick in order to retain some character in the area. This is not included in the current plans.
- They ask that the comments of his letter in respect of the previously refused application are also taken into consideration. Due to the changes with the proposed scheme and the exclusion of an area of land, some of the comments made are no longer applicable to this application. Comments that are still relevant include: If piling is to be undertaken this is noisy and the vibrations could cause damage to neighbouring properties; consideration should be given to ground water run-off to ensure existing properties are not affected.

In response to the resident's points:

- It is considered that the height of the dwellings has been addressed in the report to committee in which the scale and design of the proposed development was considered acceptable and would not have a detrimental effect on the character of the area or neighbouring amenity.
- The Strategic Highways Manager raises no objection to the proposed development and therefore there are no highway safety issues and the development would comply with policy DC6 of the Local Plan.
- The pallet of materials was discussed in the report to committee and was considered acceptable providing samples were submitted by condition. The materials are considered to reflect those in the surrounding area.
- Construction times could be conditioned so that any piling that is undertaken is less disruptive to neighbouring properties. Any damage caused to neighbouring properties would be a civil matter between the two parties and would not be a matter that the Local Planning Authority can become involved. Drainage is controlled during the Building Control process.

A letter has also been received from an addressee who wished to add to their earlier comments and raised the issue of TV reception. This issue was already raised by another neighbour and was taken into consideration when the original report to committee was written.

The Agent has written to the Local Planning Authority after reading the report to committee and has raised a question regarding the need to remove permitted development rights from all the dwellinghouses. Due to the staggered nature of some of the dwellings, the proximity of the neighbouring properties to some of the existing houses/bungalows and the size of the proposed rear gardens, this is the reason why it is considered necessary for permitted development rights to be removed from all of the proposed dwellings.

## **CIL**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the s106 satisfy the following:

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

In this case the Public Open Space and Outdoor Sport & Recreation requirement are necessary as they are not provided on site and directly relate to the infrastructure requirements from this housing scheme. The sums are derived from requirements set out in the SPG and are reasonable related in scale and kind to the development.

## **Recommendation**

The recommendation is for approval subject to a s106 Agreement for the following:

- Commuted sum of £39,000 for open space and £13,000 for recreation/outdoor sport. The commuted sums will be used to improve and enhance existing CEC facilities at one or more of the following facilities: Meriton Road Park, Spath Lane/Peover Road and Henbury Road.

And subject to the 8 conditions set out on p25 of the committee agenda and the following additional conditions:

9. Landscaping (submission of details)
10. Landscaping (Implementation)
11. Boundary treatment
12. Highway junction improvement
13. Contaminated Land investigation
14. Development in accordance with recommendations of Red acoustic report
15. Construction Method Statement (Including hours of construction, deliveries, wheel wash facilities, and details of any pile driving).

## **NORTHERN PLANNING COMMITTEE 4<sup>th</sup> MAY 2011**

### **UPDATE TO AGENDA**

**APPLICATION NO:** 11/0533M

**LOCATION:** 2 – 4 Holly Road North, Wilmslow

**UPDATE PREPARED** 3<sup>rd</sup> May 2011

### **CONSULTATION RESPONSES**

#### **Nature Conservation –**

No objections have been raised.

### **REPRESENTATIONS**

Two letters of representation has been received from one household. The concerns raised are summarised below:

- Financial justification for the proposed development given the current economic climate;
- The proposal does not comprise any affordable units nor does it relate to a community project;
- Material changes in legislation;
- The precedent set; and'
- The impact on the local character of the area.

The author states *“Whilst we are pleased to be invited to attend the Planning Committee meeting and pleased that there will be some discussion about the applications for an extension of time. It is difficult, even for a determined objector, to see any grounds for rejection”*. However, they are strongly opposed to this development and they wish to see the proposal refused because numerous applications have been applied for since 2001 and there is no justification for an extension of time. They consider that a dangerous precedent is set for the demolition of 2 large houses and the construction of a large block of apartments.

### **CONCLUSION**

The key issues raised have already been addressed in the committee report. The key policy changes have been noted in the report, and it is the case that there is no significant change in policy or circumstances that would warrant refusal of this proposal for an extension of time. The principle of this development has already been accepted. The recommendation of the application remains as set out in the committee report.