

Application No: 12/4353M

Location: COUNTY HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: Full planning permission for the demolition of the existing former County Hotel building and construction of 14 No. residential units with car parking and associated landscaping and external works.

Applicant: The Seddon Pension Scheme

Expiry Date: 12-Feb-2013

Date Report Prepared: 11 January 2013

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

REASON FOR REPORT

Due to the scale of the proposal, the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the existing County Hotel building, associated car parking area and outdoor amenity area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing former County Hotel building and construct 14 No. residential units (apartments) with car parking, associated landscaping and external works.

RELEVANT HISTORY

There have been a number of applications for extensions and signage associated with the hotel. However, the most recent application was:

11/4542M - Full planning permission for the extension, refurbishment, alterations and conversion of the former County Hotel to create 6 residential apartments; erection of new four storey block of 8 residential apartments; together with car parking, landscaping and associated external works – Withdrawn 06.03.2012

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Make the Best Use of Existing Resources and Infrastructure
- DP7 Promote Environmental Quality
- DP9 Reduce Emission and adapt to climate change
- L4 Regional Housing Provision

Local Plan Policy

- NE11 Nature Conservation
- BE1 Design Guidance
- GC1 Green Belt – New Buildings
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- DC1 New Build
- DC2 Alterations and extensions
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC35 Materials and Finishes
- DC37 Landscaping
- DC38 Space, Light and Privacy
- DC40 Children's Play Provision and Amenity Space
- DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Highways – Comments not received at time of report preparation

Environmental Health – No objections subject to conditions relating to noise mitigation, construction activities, and contaminated land

Leisure Services – Comments not received at time of report preparation

United Utilities – Comments not received at time of report preparation

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council – No objections

OTHER REPRESENTATIONS

None

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a bat report, arboricultural statement, transport statement, design & access statement and planning statement. The planning statement concludes that:

- The removal of the building would significantly enhance the appearance of the site in this key prominent location.
- The site should be regarded as previously developed land where the redevelopment of the site would be appropriate development in the Green Belt as it has no greater impact on the openness of the Green Belt than the existing development
- The proposed building has been sensitively designed to reflect the character and appearance of the existing building and be in keeping with surrounding buildings. Extensive hardstanding areas would be reduced significantly and replaced by soft landscaping.
- The building would result in an increase in floor area of 14.7% above ground floor level. However, this has to be considered alongside the significant reductions in the footprint and hardstanding areas. The overall height of the building would also be no higher than the existing.
- The existing site has a negative impact on the character and appearance of the area and the landscape.
- The site is within a highly sustainable location.
- There should be a presumption in favour of the grant of planning permission for new dwellings in accordance with the Framework
- There would no harm to highway safety or the amenity of neighbouring residential properties as a result of the proposed development due to the nature of the use and the distances between buildings.

OFFICER APPRAISAL

Housing

Paragraph 47 of the Framework requires that there is a five year supply of housing plus a minimum buffer of 5% to improve choice and competition. The Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The site is a previously developed site within the Green Belt, and is located approximately 1km from Alderley Edge village centre and its associated shops, services and public transport links, which are within walking / cycling distance. The site is therefore considered to be in a relatively sustainable location and the principle of a residential use is accepted.

Sustainable development is development that meets economic, social and environmental objectives. The location of the site for housing development does not conflict with any of these objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development or if specific policies in the Framework restrict the development.

Green Belt

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The proposed building is clearly larger than the one it replaces. The submitted floorspace figures indicate that whilst there is a 17% reduction in footprint of the building, there is a 37% increase in floorspace including basement, and a 14% increase excluding the basement

However, the key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate largely to the overall scale, bulk, massing and siting of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt.

The increase in the size of the proposed building is perhaps most evident in the area above the existing single-storey elements at the northern end of the building. The extent of this increase does have an impact upon the openness of the Green Belt, compared to the existing building. However, the reduction in footprint helps to compensate for this, and it is also accepted that the extent to which the existing use impacts upon the openness of the Green Belt is more than just the existing building; there is also the amount of hardstanding, and associated car parking, and level of activity that also currently impact on openness during the operation of the existing hotel / pub use. It is important to note that there is a significant reduction in these areas compared to the existing. The application indicates that there is a

43% reduction in hardstanding areas compared to the existing. This reduction results the removal of 1,277 square metres of hardstanding. Such an area could accommodate a significant number of parked vehicles, which would also have a considerable impact upon the openness of the Green Belt. Having regard to the factors noted above, overall, the proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. Therefore the proposal is not considered to be inappropriate development as identified under paragraph 89 of the Framework.

Design / character

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

The design of the proposed building replicates the existing building and therefore it is considered that the design approach is adequately in keeping with the character of the area. The proposed building is relatively long with a constant ridge line. However, there are a number of design features at roof height that serve to break up the perceived roof line. Furthermore, due to the positioning of the building within the site, and the existing boundary vegetation, it will be difficult to view the building as a whole, with different sections visible from different vantage points. There are also other substantial buildings within the immediate area. The proposal is therefore considered to have an acceptable impact upon the character of the area.

The reduction of hardstanding will also facilitate the creation of a landscaped frontage to Alderley Road, which will represent a significant visual benefit compared to the existing situation.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

There are residential properties to the north, east and south of the site. The property to the north is approximately 40 metres from the proposed building and does not face directly onto it. The property to the south is over 50 metres away and its relationship to the proposed building will be similar to the existing. To the east the dwellings will be approximately 37 metres from the front elevation of the apartment building with intervening vegetation. Overall, the proposal meets the recommended distance guidelines set out in policy DC38 of the Local Plan. An adequate amount of space, light and privacy for neighbouring properties would therefore be retained. The bedrooms within the basement area of the proposed building are

all served by light wells, which should allow adequate light to be received to ensure an acceptable standard of living for these rooms.

Environmental Health has noted that further information is required to ensure that a satisfactory level of amenity is maintained for future occupiers of the apartments due to the traffic related noise from the A34 road and by pass. It is therefore recommended that any approval is subject to a condition requiring an acoustic survey of the development, in order to ensure that internal noise levels defined within the "good" standard within BS8233:1999 are achieved.

In addition, the contaminated land officer advises that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. Therefore adequate gas protection measures are required which can be dealt with by condition

Highways

Formal comments from the strategic highways manager are awaited. However, having regard to the existing lawful use of the site as a hotel and vehicle movements associated with it, no significant highway safety issues are anticipated. 40 parking spaces will be provided to serve the 14 apartments, which is considered to be more than adequate.

Nature conservation

The nature conservation officer has commented on the proposal and advises that the application is supported by an acceptable ecological assessment undertaken by a suitably experienced ecological consultant.

Bats

Evidence of roosting by a relatively common bat species has been recorded within the buildings subject to this application. Roosting activity is likely to be limited to single or small numbers of animals using the building for short periods of time during the year there is no evidence of to suggest a significant roost is present. The loss of the roosts at this site due to the demolition of the buildings on this site, in the absence of mitigation, is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The works may however kill or injure any animals present when the works were undertaken.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case it is considered that the proposal will result in a more sustainable form of development than the existing, particularly in terms of energy efficiency, and any alternatives are likely to involve significant works to the existing building, which would have a comparable impact upon the species. The submitted report recommends the installation of bat boxes on trees and the incorporation of features for roosting bats into the replacement residential building to compensate for the loss of the existing roosts and the supervision and timing of the works by a licensed bat worker to mitigate the risk posed to bats during the works.

The nature conservation officer advises the proposed mitigation/ compensation is acceptable and it is highly likely that the favourable conservation status of the species concerned will be unaffected by the proposed development. However, if planning consent is granted a condition requiring the development to proceed in accordance with the recommendations made by the submitted Ecological Scoping Survey is recommended.

Badgers, Common Toad and Hedgehog

Evidence of Badgers (a protected species) and Common Toad (a Biodiversity Action plan Species) have been recorded on site. In addition the habitat present has been identified as being suitable for Hedgehogs (a Biodiversity Action plan Species). The above species are a material consideration for the determination of this application.

The nature conservation officer advises that the proposed development is unlikely to have a significant impact on these species; however recommendations are made by the submitted ecological assessment to safeguard these species. If consent is granted these proposals can be secured through the imposition of the above condition.

Breeding Birds

Site clearance works may have an adverse impact upon breeding birds. Accordingly a condition requiring a survey for breeding birds is recommended.

Great Crested Newts

There are a number of ponds located near to the proposed development. The submitted ecological assessment identifies two ponds one 125m from the site and another 310m away. The submitted assessment concludes that the proposed development is unlikely to have an adverse impact upon great crested newts.

The Councils OS data indicates two ponds one at sj84487945 which is 107m from the existing hotel building and a second at SJ84437928 (within the grounds of the former Yesterdays nightclub) which is 92m from the proposed development. Clarification is being sought as to whether the presence of these ponds was considered during the assessment of the potential impact of the proposed development upon great crested newts, and will be reported to members in an update.

Trees / landscaping

The development proposals can be implemented with the removal of a limited number of low and moderate value trees which will have a modest impact on the immediate amenity and the wider landscape aspect.

In order to facilitate a second point of access and establish areas for new meaningful planting groups of trees have been identified for removal in this area. No objection is raised to their loss which can be mitigated in the long term as part of a meaningful landscape scheme. However, it is noted that the submitted landscape plan does not include replacement planting for this area. However, some will be required, which can be dealt with by condition.

The development footprint excluding the underground car park access stands broadly within the space occupied by the existing building. This negates any issues of direct impact in terms of both on and off site trees with construction feasible without causing any negative direct impact and social proximity factors an improvement on what exists at present.

Subject to appropriate conditions, the proposal will have an acceptable impact upon landscaping and trees within the site, in accordance with policy DC9.

Open space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. As it would not be appropriate to provide such facilities on site, commuted sums totalling £70,000 would be required.

The public open space contribution derives from the SPG which requires £1500 per bed space in apartments. 14 apartments comprising 3 bedrooms in each apartment results in a total of £63,000 for public open space.

The SPG also requires £500 per two bed space (or more) apartment for offsite provision, which would equate to a contribution of £7,000.

HEADS OF TERMS

A s106 legal agreement will be required to include the following heads of terms:

- £63,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £7,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure)

Community Infrastructure Levy (CIL) Regulations

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

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 14 apartments, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

CONCLUSION

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. In these circumstances it is not considered that an objection can be raised in principle to housing on the site. The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, amenity, highway safety or ecological issues.

The proposal is in accordance with policies in the Framework and the relevant policies of the Local Plan that are consistent with the Framework. A recommendation of approval is therefore made.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A23GR - Pile Driving (details to be submitted)
6. A22GR - Protection from noise during construction (hours of construction)
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Scheme for noise mitigation to be submitted (acoustic survey)
10. Gas protection measures to be submitted
11. Arboricultural works to be carried out with submitted Arboricultural Statement
12. Development shall be carried out in full accordance with submitted Ecological Scoping Survey
13. Breeding birds survey to be submitted

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