

# Northern Planning Committee

## Agenda

---

<b>Date:</b>	<b>Wednesday, 29th June, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Assembly Room - Town Hall, Macclesfield SK10 1DX</b>

---

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 foot of each report.

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

### **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 personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

**3. Minutes of the Previous Meeting (Pages 1 - 8)**

To approve the Minutes of the meeting held on 8 June 2011 as a correct record.

---

For any apologies or requests for further information, or to arrange to speak at the meeting

**Contact:** Sarah Baxter

**Tel:** 01270 686462

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

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

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
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/1115M Windmill Wood, Chelford Road, Ollerton, Knutsford WA16 8R: Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores for Mr and Mrs Panayi (Pages 9 - 18)**

To consider the above application.

6. **11/1239M - Land off Tudor Drive, Prestbury, Macclesfield, SK10 4UU: New Dwelling with Detached Garage and Associated Access, Hardstanding and Landscaping for Professor Upton Hunter Estates Ltd (Pages 19 - 28)**

To consider the above application.

7. **11/1121M - Land Off Bentside Road, Disley, SK12 2AJ: Erection of Three Bedroom Dwelling for Mr and Mrs Braidshaw (Pages 29 - 38)**

To consider the above planning application

8. **11/1180M - Lynton, Jarman Road, Sutton, Macclesfield, SK11 0HJ: Single Storey Rear Extension to Replace Existing Lean To and Pitched Roof to Existing Flat Roof Area (Retrospective) for Mr and Mrs H Marshall (Pages 39 - 46)**

To consider the above planning application.

9. **11/1014M - Tesco Stores Ltd, Hibel Road, Macclesfield, Cheshire, SK10 2AB: Extension to Time Limit on Planning Permission 08/0906P for Tesco Stores Ltd (Pages 47 - 56)**

To consider the above planning application

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 8th June, 2011 at Council Chamber - Town Hall,  
Macclesfield, SK10 1DX

**PRESENT**

Councillor B Moran (Chairman)  
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, B Burkhill, A Harewood, P Hoyland, O Hunter,  
L Jeuda, P Raynes, L Roberts and D Stockton

**OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr I Fray (Planning Officer), Mr N Jones (Principal Development Officer), Mr A Ramshall (Conservation Officer), Mrs E Tutton (Principal Planning Officer) and Mr P Wakefield (Principal Planning Officer)

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G Boston, D Druce and Mrs H M Gaddum.

**2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

None, however it was noted that Members received correspondence in relation to 10/3175M-Refurbishment, Conversion and Extension of Butley Hall to Provide Seven Apartments: This work includes partial demolition of later parts of the listed building. Construction of Three new Three Storey Townhouses to the rear of Butley Hall. External works to create new ramped access drive to new car parking area between Butley Hall and the new Townhouses together with construction of Ten Garage Spaces and a bin storage room, Butley Hall, Scott Road, Prestbury for Mr and Mrs Lock and PH P and 11/0131M-Demolition of Redundant Squash Club Building and Construction of Two Storey Five Bedroom House, Land to the rear of Cherry Wood, Sparrow Lane, Knutsford for Mr Charlie Williams.

(Prior to consideration of the following item, Councillor B Livesley arrived to the meeting).

**3 MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

**4 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**5 11/0533M-EXTENSION TO TIME LIMIT TO 08/0783P FOR ERECTION OF 10NO. APARTMENTS WITH BASEMENT PARKING, 2- 4, HOLLY ROAD NORTH, WILMSLOW FOR MR SEDDON**

Consideration was given to the above application.

(Mrs Naylor, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. Closure of access
5. Construction of junction / highways (outline)
6. Provision of car parking
7. Driveway surfacing - single access drive
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Tree retention
11. Tree protection
12. Construction specification / method statement
13. Arboricultural method statement
14. No gates or obstruction shall be erected across the vehicular access
15. Access to be constructed before occupation of the building
16. Drainage of car park surfaces
17. Provision of cycle stands
18. Provision of cycle store
19. Windows in side elevation shall be obscured and non-opening
20. External Appearance and design of bin store

21. non standard-Details of soundproofing

22. Renewable Energy Requirements

- 6 **10/3175M-REFURBISHMENT, CONVERSION AND EXTENSION OF BUTLEY HALL TO PROVIDE SEVEN APARTMENTS: THIS WORK INCLUDES PARTIAL DEMOLITION OF LATER PARTS OF THE LISTED BUILDING. CONSTRUCTION OF THREE NEW THREE STOREY TOWNHOUSES TO THE REAR OF BUTLEY HALL. EXTERNAL WORKS TO CREATE NEW RAMPED ACCESS DRIVE TO NEW CAR PARKING AREA BETWEEN BUTLEY HALL AND THE NEW TOWNHOUSES TOGETHER WITH CONSTRUCTION OF TEN GARAGE SPACES AND A BIN STORAGE ROOM, BUTLEY HALL, SCOTT ROAD, PRESTBURY FOR MR AND MRS LOCK AND PH PROPERTY HOLDINGS**

Consideration was given to the application.

(Councillor P Findlow, the Ward Councillor, Mrs T Jackson, a representative of Prestbury Amenity Society, Susan Ehlinger, a representative of the objector and Adele Lock, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A22EX - Roofing material
6. A16EX - Specification of window design / style
7. A20EX - Submission of details of windows
8. A19EX - Garage doors - timber
9. A03LB - Protection of features - Jacobean staircase
10. A05LB\_1 - Protection of features - No additional fixtures
11. A22GR - Protection from noise during construction  
(hours of construction)
12. A01MC - Submission of soundproofing measures to protect  
residential amenity of future occupiers
13. A25GR - Obscure glazing requirement – side windows
14. A06GR - No windows to be inserted
15. A01GR - Removal of permitted development rights - dwellings

- 16.A23MC - Details of ground levels to be submitted
- 17.A17MC - Decontamination of land
- 18.A02LS - Submission of amended landscaping scheme
- 19.A04LS - Landscaping (implementation)
- 20.A12LS - Landscaping to include details of boundary treatment
- 21.A17LS - Submission of landscape management plan
- 22.A01TR - Tree retention
- 23.A02TR - Tree protection
- 24.A14TR - Protection of existing hedges shown on the plan
- 25.A19MC - Refuse storage facilities to be approved
- 26.A04HP - Provision of cycle parking
- 27.A01HP\_1 - Provision of car parking - 10 garages and 9 spaces
- 28.A06HP\_1 - Use of garage - for parking of cars
- 29.A08MC - Lighting details to be approved
- 30.A03TR - Construction specification/method statement
- 31.A32HA - Submission of construction method statement
- 32.Submission of archaeological methodology
- 33.No pile driving permitted
- 34.Details of privacy screens to balconies/terraces be submitted

(Councillor B Livesley left the meeting and did not return).

**7 10/3214M-REFURBISHMENT, CONVERSION AND EXTENSION OF BUTLEY HALL TO PROVIDE SEVEN APARTMENTS: THIS WORK INCLUDES PARTIAL DEMOLITION OF LATER PARTS OF THE LISTED BUILDING. CONSTRUCTION OF THREE NEW THREE STOREY TOWNHOUSES TO THE REAR OF BUTLEY HALL. EXTERNAL WORKS TO CREATE NEW RAMPED ACCESS DRIVE TO NEW CAR PARKING AREA BETWEEN BUTLEY HALL AND THE NEW TOWNHOUSES TOGETHER WITH CONSTRUCTION OF TEN GARAGE SPACES AND A BIN STORAGE ROOM, BUTLEY HALL, SCOTT ROAD, PRESTBURY FOR MR AND MRS LOCK AND PH PROPERTY HOLDINGS**

Consideration was given to the application.

(Councillor P Findlow, the Ward Councillor, Mrs T Jackson, a representative of Prestbury Amenity Society, Susan Ehlinger, a representative of the objector and Adele Lock, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. A07LB - Standard Time Limit
2. A04AP\_1 - Development in accord with revised plans (numbered)
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A22EX - Roofing material
6. A16EX - Specification of window design / style
7. A20EX - Submission of details of windows
8. A19EX - Garage doors
9. A03LB - Protection of features - Jacobean staircase
10. A05LB - Protection of features - no additional fixtures
11. A02LB - Method statement
12. Submission of archaeological methodology

(The meeting adjourned at 4.05pm and reconvened at 4.10pm).

(Prior to consideration of the following application, Councillor Mrs L Brown left the meeting and returned during its consideration. In accordance with the Code of Conduct she did not take part in the debate nor vote on the application).

**8 11/0131M-DEMOLITION OF REDUNDANT SQUASH CLUB BUILDING AND CONSTRUCTION OF TWO STOREY FIVE BEDROOM HOUSE, LAND TO THE REAR OF CHERRY WOOD, SPARROW LANE, KNUITSFORD FOR MR CHARLIE WILLIAMS**

Consideration was given to the above application.

(Mr Marshall, an objector, Mr Anderton, an objector, Mr Vaughan, a Supporter and Mr Williams, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
3. A05EX - Materials
4. A01TR - Tree retention

5. A02TR - Tree protection
6. A05LS - Landscaping - implementation
7. A04LS - Landscaping (implementation)
8. A25GR - Obscure glazing requirement
9. IF02 - Noise
10. A32HA - Submission of construction method statement
11. A23GR - Pile Driving
12. A08HA - Gates set back from footway/carriageway
13. The hedge should be retained as part of the landscape scheme
14. Drainage scheme to be submitted and approved prior to commencement and then implemented

**9 11/0366M-CHANGE OF USE OF LAND FROM AGRICULTURAL TO A NATURAL BURIAL GROUND AT ADLINGTON HALL, LAND SOUTH OF THE JUNCTION OF MILL LANE AND LONDON ROAD, ADLINGTON FOR ADLINGTON HALL ESTATE**

Consideration was given to the above application.

(Mr Knight, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to the Head of Planning and Housing in conjunction with the Chairman and Vice Chairman of the Committee for approval in order to address any further representations that the Planning Department may receive in relation to the application, subject to the completion of a Section 106 Agreement comprising of the following Heads of Terms:-

Provision and implementation of a Landscape and Habitat and Management Plan;

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Tree retention
4. Construction of access
5. Details to be approved in relation to the footbridge and memorial plaques
6. Submission of samples of building materials



7. Submission of additional landscape details
8. Archaeological investigation
9. Green burials shall only take place in the part of the site that is to the North and West of the watercourse running through the site, as indicated on the submitted revised Landscape Masterplan (plan number 641.1D). The part of the site to the south and east of the watercourse may only be used for the interment of cremated remains or for scattering of ashes in accordance with revised masterplan (plan number 641.1D).
10. Burials must not take place within 250 metres of any well, spring or borehole from which a drinking water supply is drawn.
11. The place of interment should be at least 30 metres away from any other spring or watercourse, and at least 10 metres away from any field drain.
12. Prior to the commencement of green burials in the North West area of the site (as outlined in the revised landscape masterplan reference 641.1.D), groundwater levels shall be monitored on a monthly basis for a period of 12 months. After this 12 month period, monitoring of groundwater in the five window sample boreholes, shall continue to take place on a monthly basis for a 3 year period. The results shall be submitted to the LPA on an annual basis, in consultation with the Environment Agency, for approval.
13. The base of all burial pits on the site must maintain a minimum 1 metre clearance above the highest natural water table as identified in the groundwater monitoring on the site.

(Prior to consideration of the following application, Councillor Miss C M Andrew and B Burkhill left the meeting and did not return).

**10 11/1115M-PROPOSED ERECTION OF A DWELLING AND TWO OUTBUILDINGS IN ASSOCIATION WITH THE MANAGEMENT OF WINDMILL WOOD INCLUDING THE DEMOLITION OF A BRICK BUILT WAREHOUSE, ONE SHED AND TWO OPEN STORES, WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD FOR MR & MRS PANAYI**

Consideration was given to the above application.

**RESOLVED**

That the application be deferred to a later meeting of the Northern Planning Committee in order to allow Officers further time to consider the merits of the applicant's proposal and whether very special circumstances may exist to justify inappropriate development in the Green Belt.

(This was a change in the original Officers recommendation from one of approval to one of deferral).

(Prior to consideration of the following application, Councillor P Raynes left the meeting and did not return).

- 11 **11/0648M-AS PART OF A WIDER HIGHWAY IMPROVEMENT SCHEME IT IS PROPOSED TO RELOCATE THE JUBILEE FOUNTAIN MONUMENT IN FOUNTAIN PLACE, POYNTON FROM IT'S CURRENT POSITION ON A TRAFFICE ISLAND TO AN AREA OF FOOTWAY TO THE SOUTHEAST CORNER OF THE JUNCTION, JUBILEE FOUNTAIN, OUTSIDE 11-13, FOUNTAIN PLACE, CHESTER ROAD, POYNTON FOR MR P SHERRATT, CHESHIRE EAST COUNCIL**

(During consideration of the application, Councillor P Hoyland declared a personal interest in the application due to the fact that he was a Member of Poynton Town Council Planning Committee who had considered the application, however he had not taken part in the debate nor voted on the application at this meeting and in accordance with the Code of Conduct he remained in the meeting during consideration of the application).

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard Time Limit
2. Development in accord with approved plans
3. Works in Accordance with Method Statement

The meeting commenced at 2.00 pm and concluded at 6.03 pm

Councillor B Moran (Chairman)

Application No: 11/1115M

Location: WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 8RX

Proposal: Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores

Applicant: Mr & Mrs Panayi

Expiry Date: 13-May-2011

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon woodland / trees

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

The application site comprises a 17 hectare piece of land located to the south of Chelford Road. The site contains a single storey warehouse building and a number of open sided structures. The remainder of the land is covered by woodland, which is also a Site of Biological Importance. Two public footpaths are located within the site, one which follows the northern site boundary and one which crosses north/south through the site. 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 warehouse, shed and two open stores and erect a new dwelling and two outbuildings in association with the management of Windmill Wood.

#### **RELEVANT HISTORY**

The site has an extensive planning history involving applications for a variety of residential and commercial developments.

The most recent and relevant applications are detailed below.

01/2130P – Certificate of lawfulness for a building used for the storage of shotgun cartridges and the storage/assembly of domestic appliances only. Positive Certificate 28.01.2002.

05/1416P – Change of use of land for use for paintball games, erection of 2 marquees, 2 tents, 3 shipping containers and 3 portable toilets. Refused 08.11.2005.

09/0544M – Demolition of existing commercial buildings, residential/ office annex and attached garage, and the erection of three detached environmentally sustainable dwellings and associated works. Refused 06.07.2009

## **POLICIES**

### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP5 – Manage Travel Demand; reduce the need to travel and increase accessibility

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF4 – Green Belts

### **Local Plan Policy**

NE7 – Woodlands

NE11 – Nature Conservation

NE13 – Nature Conservation

BE1 – Design Guidance

BE16 – Setting of Listed Buildings

GC1 – New Buildings

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Sites

DC1 – New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree protection

DC38 – Space, light and privacy

### **Other Material Considerations**

PPG2: Green Belts

### **CONSULTATIONS (External to Planning)**

Highways – No objections

Environmental Health – No objections subject to conditions

Public Rights of Way – No objections

Manchester Airport – No safeguarding objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Knutsford Town Council - Object on the grounds that the development does not meet the criteria and requirements for a residential development in a Green Belt area.

Plumley with Toft & Bexton Parish Council – Object on the grounds that the applicant has failed to demonstrate special circumstances that are sufficient to make an exception to the Green Belt planning policies. The applicant has also not shown that the business activity is such that it is sustainable, and able to support the development proposed.

Ollerton with Marthall Parish Council - Would like to see a secure future for the wood, properly managed. A dwelling, appropriate to the needs of the wood, sited in the right place and with all the accompanying machinery necessary for maintaining the wood, again in an appropriate place so as not to inconvenience the nearby residents would seem a satisfactory way forward. The applicants accept that any development would be subject to any necessary conditions. The Parish believes that the residents would also accept such a development as long as their concerns were taken on board and included in the plans.

## **OTHER REPRESENTATIONS**

19 letters of representation have been received from a local residents and interested parties. 16 of these letters object to the proposal on the following grounds:

- Nothing gained for the community as a whole by building a large house.
- Detract from rural character and appearance of the area
- Insufficient details on woodland management submitted.
- Buildings erected without planning permission
- The development would set a precedent.
- Impact upon highway safety.
- Detrimental to natural habitat, wildlife and trees
- Contrary to Green Belt policies
- Any increase in number of septic tanks in the area is likely to exacerbate existing problems.
- No benefit to openness or from loss of commercial use if more larger buildings are proposed, and another business is created.
- Local Home Watch and Rural Watch reports supplied by the police have not identified any crimes taking place in the area of the woodland in recent times.
- Horses in neighbouring field are often affected by the noise from machinery.
- Applicants lived in neighbouring property (Kerfield Lodge) for over 30 years and during this time did the minimum of woodland management so that it has progressively deteriorated.
- Kerfield Lodge is now back on the market, and if purchased would avoid the need for a new dwelling in the Green Belt.

3 of the letters support the proposal noting that:

- The application will allow the forest to be continually maintained, to the benefit of the woodland and wildlife.
- Toft Church has received considerable cost saving support and assistance from the applicant in maintaining the grounds.
- Toft (Windmill) Wood is part of Knutsford's history.
- Present owner has managed the forest very successfully for 33 years.
- For many years members of the Scouting Association in the Knutsford District have used parts of Windmill Wood to practice.
- Without these facilities the scouts would have to travel considerable distances to practice outdoor scouting activities.

### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a design and access statement, a planning statement, a bat and barn owl survey, an arboricultural statement with woodland management plan and a PPS3 Housing self assessment checklist. The planning statement outlines the following:

- The proposed dwelling is not put forward as a forestry workers dwelling.
- The proposed storage building and wood cutting shed will be directly related to the management of Windmill Wood.
- A small business producing logs, planks, woodchips and sawdust will be created (Business plan appended to planning statement)
- Acknowledge that dwelling is inappropriate in the Green Belt
- Agreement with Council's Arboricultural Officer on the importance of Windmill Wood.
- Very special circumstances exist to justify the development, including: secure management of Windmill Wood over a 10 year period; loss of existing commercial use; and significant ecological enhancement.

Since the original submission, the applicant has also submitted details of the costings associated with the management plan, an e-mail of justification, and a summary of the High Court case *The Queen (on the application of Renaissance Habitat Ltd.) v West Berkshire District Council [2011] EWHC 242 Admin*, relating to section 106 agreements.

The e-mail justification outlines:

- The significant costs associated with the implementation of the management plan
- The only benefit to the applicants would be the dwelling
- The dwelling would enable permanent surveillance of the wood and high value machinery
- S106 agreement would provide the Council with greater control over the woodland and ensure ecological enhancement
- Dwelling to be sited in close proximity to commercial buildings associated with woodland management, which would reduce the buildings appeal to anyone not associated with the woodland.
- No lawful requirement for a s106 agreement to have any connection at all to a permission or a particular development.

## **OFFICER APPRAISAL**

### **Design / character**

With regard to the form and design of the buildings, the proposed storage building and wood cutting shed have a relatively characteristic appearance of modern farm buildings. The proposed dwelling is a dormer bungalow, with a large and dominant octagonal entrance structure, which does not appear to be entirely in keeping with the simple form of the other buildings or what would normally be expected on a forestry / agricultural site. However, as the buildings would not be unduly prominent from public vantage points, the impact upon the character of the area is not considered to be sufficient to justify a reason for refusal.

Notwithstanding this concern, due to the distance to and the extent of intervening vegetation, the proposal is not considered to have a significant impact upon the setting of the Listed Building on the adjacent site.

### **Amenity**

The proposal will move the buildings that will house the wood processing operations closer to the dwellings on Manor Lane. However due to the purpose built nature of the buildings for wood processing it is considered to be likely that much of the activity will take place within the buildings, as opposed to outside, which is currently the case. Whilst the buildings will be constructed from “hit and miss” boarding to allow ventilation, the structures should serve to reduce noise levels to some degree. Also, having regard to the distance to and the existing relationship with, these neighbouring dwellings no significant amenity issues are raised.

### **Ecology**

The application site is located within the Windmill Wood Site of Biological Importance. Local Plan policy NE13, which restricts development that would adversely affect the SBI, is applicable to the determination of this application. The Nature Conservation Officer has commented on the application and advises that the proposed buildings will not have a significantly adverse impact upon any habitats of nature conservation importance.

The application is supported by a woodland management plan, the implementation of which would be beneficial for the SBI. The management plan makes reference to the treatment of the on-site wetland however no detailed proposals have been provided. Furthermore, the management plan also specifies the use of herbicide, which may not be appropriate within the SBI.

Subject to the resolution of these matters the management plan could lead to an overall nature conservation enhancement. By leading to a nature conservation enhancement, the proposal would comply with the objectives of policy NE11 of the Local Plan, which seeks to conserve, enhance and interpret nature conservation interests.

### **Highways**

The existing vehicular access from Chelford Road is to use to serve the proposed development, and parking for 5 vehicles will be provided within the site. The proposed access and parking arrangements are considered to be acceptable having regard to the existing use of the site, and the Strategic Highways Manager raises no objection to the proposal. No significant highways safety issues are therefore raised.

### **Trees / Woodland**

The application follows pre-application discussion with the Council's Arboricultural Officer, and a Woodland Management Plan has been submitted, which sets out the way in which the woodland will be managed over the next 10 years.

The Council's Arboricultural Officer notes that the woodland has long been recognised as one of the most important woodlands in the area, in terms of its size and prominence and contribution to the local landscape in and around Knutsford. In addition he acknowledges that some parts of the woodland will enter into decline without long term management and intervention.

The submitted Management Plan sets out proposals for management of the woodland over a 10 year period with a series of management operations with the aim of improving the structure and species diversity of the woodland, eradicating invasive rhododendron, removal of neglected plantation stands, selective felling to enable the development of better specimens and recognition of veteran trees, re-stocking felled areas and improving species diversity in areas of Birch regeneration.

The Arboricultural Officer considers that the proposed Woodland Management Plan will provide an environmental benefit in the longer term by improving both the structure, species composition and biodiversity of the woodland, maintaining its prominence and importance within the local landscape. In this regard it is considered that the visual amenity of the woodland which forms part of the Green Belt will not be harmed.

By enhancing the existing woodland through the implementation of the management plan proposals, the proposal complies with the objectives of policy NE7 of the Local Plan, which outlines that the Council will seek to retain and enhance existing woodlands by woodland management.

### **Green Belt**

The applicant's supporting statement confirms that the proposed storage shed and wood cutting building would be directly related to the management of Windmill Wood. The only wood processed and stored would be that generated from Windmill Wood itself. A small business operation would be set up producing logs, planks, woodchips and sawdust for sale off site, which would in turn help to fund the woodland management. It is agreed that the proposed buildings, which would be used for the purposes of forestry would not be inappropriate in the Green Belt.

Turning to the proposed dwelling, the applicant has confirmed that this is not being put forward as a forestry worker's dwelling. As a new dwelling, the proposal is therefore inappropriate development in the Green Belt. As noted in policy GC1 of the Local Plan, such development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, and it is for the applicant to justify that the harm by reason of inappropriateness, and any other, harm is clearly outweighed by other considerations. Given that the dwelling is identified as an inappropriate form of development, even though the forestry buildings may not be defined as such, the proposal as a whole is an inappropriate form of development in the Green Belt.



In addition to the harm by reason of inappropriateness, it is considered that the proposal would also significantly reduce the openness of the Green Belt.

The existing buildings are all very low rise, with a maximum height of 4.3 metres. Their combined floor area amounts to approximately 382 square metres. By comparison, the proposed buildings are between 4.8 and 7.5 metres in height, with a total floor area of approximately 700 square metres or footprint of 542 square metres. Clearly the amount of built form on the site will significantly increase with this proposal. The preservation of openness is a primary aim of Green Belt policy, and again it is considered that substantial harm should be attached to developments that serve to reduce the openness of the Green Belt.

### **Very Special Circumstances**

The applicants have put forward the following as very special circumstances to outweigh the identified harm:

*1) The dwelling would secure the management of Windmill Wood.*

The local importance of the woodland, which has been highlighted by the Council's Arboricultural Officer, is acknowledged, and the suggested long term management of the woodland, which is proposed to be secured by s106 agreement, is certainly a positive element of the proposal.

It is suggested in the supporting statement that the legal agreement would also ensure that no part of the site can be sold off separately to make certain that the dwelling remains in the same ownership as Windmill Wood. Additional information from the applicant has also highlighted the significant costs (approximately £30,000) that would be incurred during the lifetime of the woodland management plan (10 years), and that there should be some benefit to the applicant for such an investment.

However, it is not clear how or why the dwelling would secure the management of Windmill Wood as it is not being demonstrated that somebody needs to live on site to maintain the woodland. The planning statement outlines security issues including some theft and the discovery of a pitched tent within the woodland indicating some form of trespass. However, the existing building, which has been used for the storage of shotgun cartridges in the past could be used for secure storage, and CCTV could also be installed.

In the absence of any information to demonstrate that somebody needs to live on site to maintain the woodland, there is not considered to be a substantial link between a dwelling on the site and the woodland which would justify this inappropriate development in the Green Belt. The woodland could be managed by somebody living off site.

In this context, as no identifiable link between the dwelling and the woodland has been found, there is concern that any legal agreement that would be used to tie the dwelling and the woodland together would not meet the tests of circular 05/2005, notably that it would not be directly related to the proposed development.

If it is the dwelling that would secure the management of the woodland then it is considered that the application should be submitted as an occupational worker's dwelling and meet the financial, functional and other tests of Annexe A to PPS7.

*2) Loss of existing commercial use and associated traffic.*

It is suggested in the planning statement that due to the size of vehicles that could use the site if in commercial use, there would be a net benefit to openness with the proposed development. It is acknowledged that larger commercial vehicles could visit the site, however, this could still be the case with the current proposal as the by products from the woodland management will need to be transported from the site to their point of sale, which is to be off site. In addition, the temporary nature of vehicles visiting the site would not have such an impact upon openness as three substantial buildings, which are significantly greater than those they replace.

In terms of potential noise arising from a commercial use, it is anticipated that the main noise would arise from general comings and goings. With regard to the existing use of the site, a site visit, and submitted photographs have shown that there are a number of electric tools on site, particularly power saws, which would create significant levels of noise for prolonged periods. This practice would be expected to continue under the current proposal for the preparation of the wood for sale.

*3) Ecological enhancement*

Whilst it is acknowledged that a degree of ecological enhancement would be achieved through the management of the woodland, this simply demonstrates compliance with local plan policy NE11, and is not considered to amount to a very special circumstance in its own right.

The proposed package of measures is therefore not considered to amount to the required very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. The proposal is therefore considered to be contrary to policy GC1 of the Local Plan.

**CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development represents inappropriate development in the Green Belt, which would also reduce openness. Whilst a package of benefits have been put forward as very special circumstances, for the reasons outlined within the report, these benefits are not considered to outweigh the harm caused by inappropriateness and by loss of openness. Accordingly a recommendation of refusal is made, for the following reason:

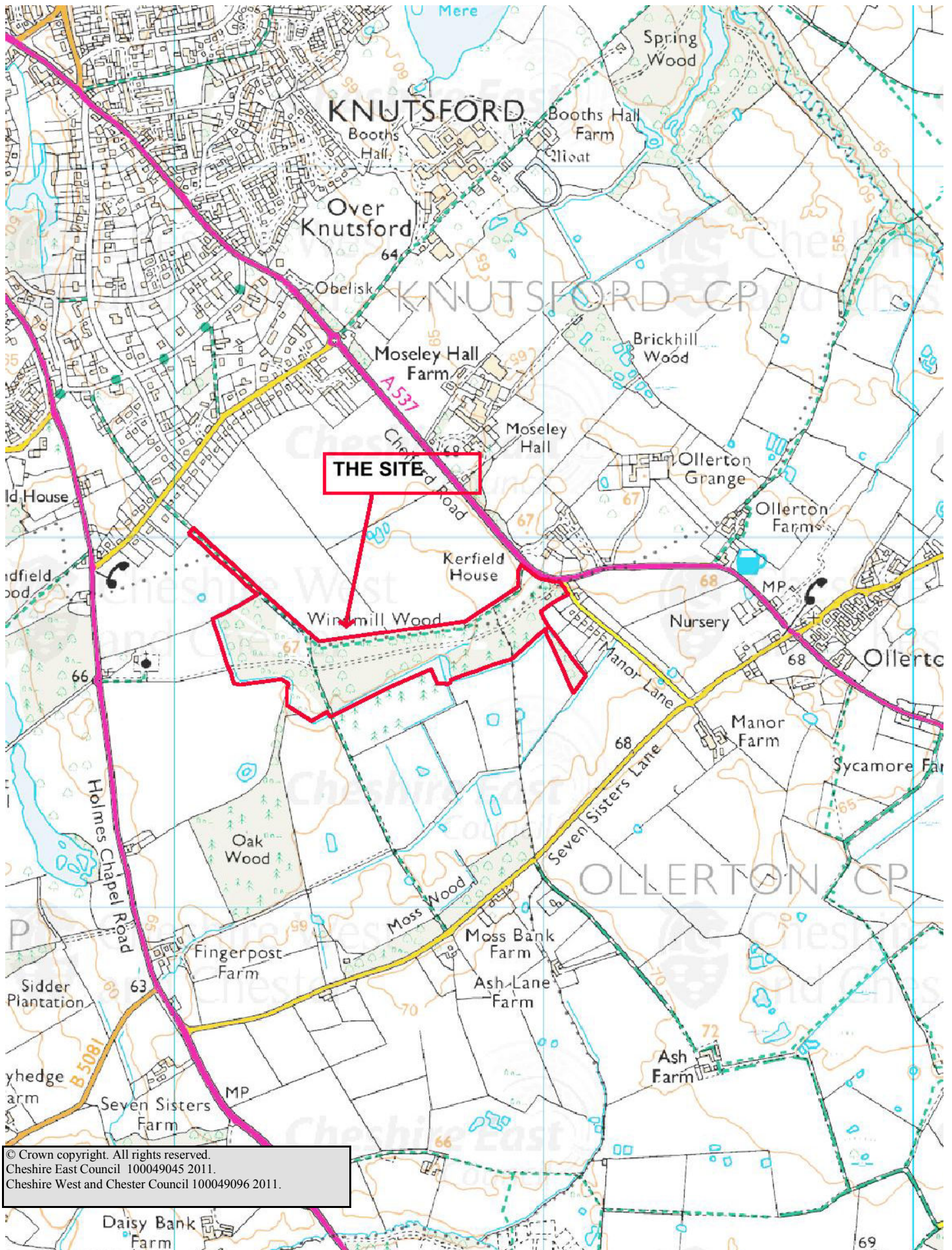
1. The proposal would reduce openness and is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development





Application No: 11/1239M

Location: LAND OFF TUDOR DRIVE, PRESTBURY, MACCLESFIELD, SK10 4UU

Proposal: New Dwelling with Detached Garage and Associated Access, Hardstanding and Landscaping.

Applicant: Professor Upton Hunter Estates Ltd

Expiry Date: 27-May-2011

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

- The design and appearance of the proposal and its impact on the character and appearance of the area/the Low Density Housing Area
- The impact of the proposal on the amenity/privacy of adjoining residents and future residents of the residential unit proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees, landscaping and nature conservation

**Date Report Prepared:** 16<sup>th</sup> June 2011

**REASON FOR REPORT**

The application was called-in to committee by Cllr P Findlow due to the following concerns:

1. The highly constricted configuration and usable size of the plot for the magnitude of the proposed dwelling.
2. The unneighbourly impact on adjacent properties in terms of the proposal's size, height, dominance, mass, design and density factors.
3. The possible existing encroachment on highway land, and inability to manoeuvre on site adequately.
4. The loss of TPO protected and other trees.
5. The deleterious and overbearing impact on the character and nature of a short cul-de-sac.
6. The compromising of an existing nature conservation area.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a strip of land that stretches downwards from the top of Tudor Drive to No. 24 Castleford Drive in Prestbury. It previously formed part of the garden to the dwellinghouse known as 'Withinlee' but was sold along with the land to the south (now developed as St James Hill) to be used as a possible access route. The development was subsequently accessed from the end of Castleford Drive and the application site has since lain empty. The land is accessed from the top of Tudor Drive (a cul-de-sac) and is currently overgrown. It contains a number of TPO protected and unprotected trees. Residential



properties surround the site on all sides. The site is partially located in the Low Density Housing Area and partially within the predominantly residential area, as identified on the proposals map.

### **DETAILS OF PROPOSAL**

Full planning permission is sought to erect a detached dwellinghouse with associated detached garage and a new access onto Tudor Drive.

### **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 99/0124P | Detached dwelling and garage (outline)<br>Withdrawn 04/03/1999  |
| 99/1029P | Detached dwelling and garage (outline)<br>Withdrawn 28/07/1999  |
| 00/0464P | Detached dwelling and garage<br>Withdrawn 03/04/2000  |
| 01/2249P | Dwellinghouse<br>Refused 22/10/2001   |
| 02/1211P | Detached dwellinghouse, garage and associated works<br>Refused 12/08/2002<br>Dismissed on appeal 20/03/2003 |

### **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
- L4 Regional Housing Provision

#### **Local Plan Policy**

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H12 Low Density Housing Areas
- H13 Protecting Residential Areas
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC38 Space, Light and Privacy
- DC63 Contaminated Land Including Landfill Gas

### **Other Material Considerations**

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

Prestbury Supplementary Planning Document

Prestbury Village Design Statement

### **CONSIDERATIONS (External to Planning)**

**Highways:** No objection

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Prestbury Parish Council** – Strongly object on the grounds that the application is in contravention of H12 and DC1 and to the Settlement Pattern of the Village Design Statement. The boundary fencing and gates are out of character with Tudor Drive. No less than nine TPO protected trees would be destroyed. There is a query regarding the ownership of the frontage and there is ambiguity and contradictions within the plans.

### **OTHER REPRESENTATIONS**

Eleven letters/e-mails of representation have been received (two from the same address) that raise the following concerns:

- Low Density Housing Area: The site is too small and a previous application was rejected on this issue. An attempt has been made to increase the size of the land by moving the fence several feet beyond the original boundary. They strongly dispute the assertions in the application that the space on either side of this dwelling would be in-keeping with the spaces currently between existing houses on Tudor Drive, they would be much narrower. The density of the building on the plot is very high and would exceed that of the other properties on Tudor Drive. The figures quoted in the submitted statement are highly disingenuous as they do not take account of the unusual shape of the plot. Existing properties along Tudor Drive are set further back from the road than the proposed house;
- Trees: The development would impact on a number of existing trees on the site that provide an attractive area of land that can be seen from miles away. It would have a detrimental effect on landscape character. Any replacements proposed would take years to grow to the size of the ones to be removed. Bats reside in the existing trees;
- Nature Conservation: The land is a haven for wildlife and no amount of landscaping would recreate the unmanaged area of land that is already there. The proposed development would have a detrimental effect on the wildlife;
- Amenity: Unneighbourly as it would overlook existing dwellinghouses and affect privacy. Congestion, noise and dust from construction vehicles. The proposed path along the landscape area would have an adverse effect on neighbouring amenity;
- Out-of-character with the other properties on Tudor Drive due to the proposed boundary wall and gate and the Arts & Crafts style;
- It would put greater strain on sewerage and drainage. Risk of flooding from the proposed pond;
- Insufficient level of off-road parking. Vehicles will park in the turning head, causing issues with highway safety;
- There is no pavement along Castle Hill to Prestbury Village and therefore it is impractical to think that residents will walk to the centre; and

- The argument that the 'neglected site will be rejuvenated' is spurious as it need never have fallen into such a state in the first place.

Other concerns raised regarding the prospect of a future housing development are not material planning considerations.

### **APPLICANT'S SUPPORTING INFORMATION**

A Planning, Design & Access Statement, Landscape Layout Plan, an Arboricultural Report with associated Tree Protection Plan, Ecological Survey and a Sustainability Report were submitted with the planning application. The main points of the Planning, Design & Access Statement can be summarised as follows:

Four previous planning applications were made at the application site; three that were withdrawn and a fourth that was refused. The refused scheme proposed a dwelling on the long narrow section of the site. The current proposal is therefore a materially different scheme on a different part of the site. Moreover the previous scheme did not address the tree or ecological issues or make a significant or identifiable gain as is currently proposed. The proposed dwelling would comply with policy H12 and a number of reasons have been outlined (these can be viewed on the application file). Tudor Drive provides the context for the subject site and its character informs the scale, massing and design of the proposed dwelling. The aim of the design is to reflect the suburban character of other properties on Tudor Drive with the brickwork/render and tile and the use of long sloping roofs in the Arts & Crafts style. The proposal has regard to the conservation of biodiversity in accordance with the guidance in s40 Natural Environment & Rural Communities Act 2006. A few protected trees would have to be removed but there would be significant and identified environmental gains offered as part of the application which would outweigh any harm caused by the loss of the trees. The proposed planting would ensure the long-term maintenance and rejuvenation of the neglected area on the linear part of the site.

A further letter with additional information was submitted to the Local Planning Authority that responds to the objections and concerns raised by both neighbouring properties and the Parish Council. A full copy of the letter can be viewed on the application file. Land Registry drawings were submitted to show the land ownership of the site and revised plans were submitted to replace the proposed boundary wall and fence with a hedge and agricultural-style gates.

### **OFFICER APPRAISAL**

#### **Planning History of the Site**

A number of previous applications for a dwellinghouse on this plot have failed to gain planning permission, however each of these applications proposed a dwellinghouse located towards the middle of the site with a long driveway that was accessed from Tudor Drive. Members should note that this application differs from all the applications that have gone before, in that the proposed dwellinghouse would be located within the northern portion of the site facing onto Tudor Drive. Therefore no direct comparisons can be made between the proposed scheme and the schemes that were previously refused.

#### **Housing Policy**

The application site is located within an existing residential area that is a short distance from Prestbury Village Centre with its shops, restaurants, banks etc and access to both buses and



Prestbury train station. The application is supported by a Sustainability Statement that incorporates a PPS3 Housing Self-Assessment Checklist. The development is considered to use the land effectively and efficiently. It is therefore considered that the proposed development would comply with this aspect of PPS3 Housing.

PPS3 Housing has recently been amended to exclude minimum density targets and residential curtilages have been excluded from the definition of brownfield land. The site previously formed part of the residential curtilage of the adjacent dwellinghouse known as 'Withinlee' however it has since been sold and has been segregated from the dwellinghouse for over a decade. It is therefore not considered to comprise garden land. However the site is not previously development land and therefore it is defined as 'greenfield'. Policy H1 of the Local Plan deals with the provision of new housing at a strategic level and whilst it states that previously developed sites should be developed before greenfield sites, it does not exclude greenfield sites from being built upon.

Policy DC41 of the Local Plan relates to infill housing developments and lists a number of criteria that a development should meet. The proposed dwellinghouse would have an open outlook onto Tudor Drive with its own access. The proposed dwellinghouse is not considered to result in a substandard outlook, overlooking or disturbance by through traffic, and the garden space would reflect the typical ratio of curtilages in the surrounding area (see more detailed explanations below). For these reasons it is considered that the principle of a dwellinghouse in this location is acceptable and it would comply with policy DC41.

### **Design**

The proposed development would comprise a detached two-storey dwellinghouse of an Arts & Crafts Design. It would be constructed of rough cast render above a brick plinth with a natural slate roof and wooden windows and doors. It would have feature gables to the front elevation and a bay window to the ground floor. A detached double garage would be sited to the west of the dwellinghouse, would use materials to match those on the proposed house and would have a pitched roof.

The dwellinghouse would be sited at the head of Tudor Drive, a cul-de-sac that is accessed from Withinlee Road. Six properties are sited along Tudor Drive; four detached and one pair of semi-detached. The existing dwellinghouses are different from one another in design; comprise a mix of brick and render and different roof tiles/colours; are two-storeys in height; and incorporate a mix of features such as gables, dormer windows, bay windows etc. Each property is stepped back from the road by a front garden/driveway but there is no set building line along either side of the road.

The proposed dwellinghouse would be of a similar scale to those on Tudor Drive and the proposed materials and design are considered to complement the existing dwellinghouses along the street. Whilst the majority of the properties along Tudor Drive have an attached or integrated garage and the proposed development proposes a detached garage, this would not be incongruous to the street scene due to its set back from the road frontage, the proposed boundary treatment, and an existing detached garage is positioned within the side garden of No. 2 Withinlee Cottages. The proposed boundary treatment along the front boundary has been revised since the application was originally submitted. The previously proposed dwarf wall with railings above and wrought iron gates would have been detrimental to the character of the street scene as it largely comprises boundary hedges or no boundary

treatment at all along the road frontage. The front boundary treatment has therefore been changed to a boundary hedge with agricultural-style gates. This is considered to have overcome this concern and would now reflect the character of the street.

The application site partially falls within the Low Density Housing Area whereby policy H12 of the Local Plan is applicable. This policy seeks to ensure that new developments are sympathetic to the character of the established residential area, particularly in respect of the physical scale and form of new houses; the plot width and space between the sides of housing should be commensurate with the surrounding area; the existing low density should not be exceeded; existing high standards of space, light and privacy should be maintained; existing tree and ground cover of public amenity value should be retained; and in respect of the Prestbury area, both the new housing plot(s) and the remaining plot should be approximately 0.4 hectares (1 acre).

The plot size falls short of the one acre outlined in the policy, however the plot sizes of the other properties along Tudor Drive also do not comply with this size; the previously refused applications were not refused for this reason; and whilst an Inspector raised the issue on the 2002 application, it formed part of a long list of reasons why the proposed property would be out-of-character with the surrounding area rather than focusing solely on this aspect of the then policy. In contrast to the previously refused applications, the proposed development would be located at the head of Tudor Drive and therefore would be read as part of the street scene. It would have a similar plot size to the existing properties on Tudor Drive, the plot width would be similar, the gaps to the sides would be similar and the physical scale of the proposed dwellinghouse would be similar. It is therefore considered that the proposed dwellinghouse would complement the character of this part of the Low Density Housing Area and is unlikely to be repeated elsewhere as the character is very different (it largely comprises dwellinghouses set in much larger plots, set significantly back from the road frontage with large gaps to the sides). In this instance a smaller plot ratio is not considered to be detrimental to the character of the area.

For these reasons it is considered that the proposed dwellinghouse and detached garage would not have a detrimental effect on the character or appearance of the surrounding area and it would comply with policies BE1, DC1 and H12 of the Local Plan.

Within the reasoning for policy H12 it states that the policy is to ensure “that any development is in keeping with the character of the areas and does not cumulatively harm the existing high quality residential areas.” Whilst the plot is less than 1 acre it is considered that the objectives of the policy are complied with because the high quality characteristics of the area are maintained.

### **Amenity**

The proposed dwellinghouse and detached garage would be positioned within the northern portion of the site fronting onto Tudor Drive. The application site is surrounded by residential properties with ‘Withinlee’, ‘Heron House’, No. 2 Withinlee Cottages and No. 6 Tudor Drive being impacted upon the most from the proposed development.

The proposed dwellinghouse would face towards the side elevation and front garden of No. 2 Withinlee Cottages. A detached garage is positioned in the side garden of this property, a number of trees/shrubs are located in the side garden and no windows are visible within the

side elevation from the application site. The property has been designed so that the first floor windows looking towards the side elevation of the neighbouring property would comprise an en-suite window, a bathroom window and a hallway window. The only first floor principle habitable window within the front elevation has been positioned to overlook the neighbouring property's front garden/the road. A distance of 19 metres would be maintained between the two properties, exceeding the 14 metres required by policy DC38 of the Local Plan. The proposed ground floor windows, whilst being principle habitable windows, would be obscured by the proposed boundary hedge and the existing garage, trees and shrubs. Providing a condition is attached requiring the first floor bathroom and en-suite window in the front elevation to be obscure glazed, it is not considered that the proposed dwellinghouse would have a detrimental effect on the amenity of this property.

The proposed dwellinghouse would be sited 13 metres from the boundary shared with 'Withinlee' (approximately 33 metres from the dwellinghouse) and would be separated by the proposed garage, an existing garage and an existing boundary hedge. No principle windows would be located in the side elevation facing towards 'Withinlee'. The proposed dwellinghouse would comply with the separation distances outlined in policy DC38 when assessed against 'Withinlee'. For these reasons it is not considered that the proposed dwellinghouse would have a detrimental affect on the amenity of this property.

Policy H12 requires that existing high standards of space, light and privacy should be maintained. It is considered that this proposal is in accordance with those existing standards.

'Heron House' is located to the east of the application site and is located immediately adjacent to the shared boundary. The rear elevation of the proposed dwellinghouse would be sited approximately 13 metres from the neighbouring property but would not directly face towards it. Whilst an oblique view may be gained across the neighbour's property from the first floor rear bedroom window, this would be towards the neighbour's front garden/parking area rather than their private amenity space and a number of trees/shrubs would be retained that would partially screen any view. No first floor windows would be positioned in the eastern side elevation of the dwellinghouse and whilst a ground floor window is proposed, this would be secondary and would be largely screened by the boundary treatment. It is therefore not considered that the proposed dwellinghouse would have a detrimental effect on the amenity of this property.

The proposed detached garage would be sited closest to the boundary shared with 'Withinlee' and No. 6 Tudor Drive. The garage would have a pitched roof and an overall height of 5.5 metres. It would be highly screened by the existing boundary hedge; would be sited approximately 20 metres from 'Withinlee', a minimum of 6 metres from the back edge of the highway and would be sited so as not to be highly visible from No. 6 Tudor Drive. It is therefore not considered that the proposed garage would have a detrimental effect on neighbouring amenity.

The use of the majority of the southern part of the site as a woodland/wildlife area is not considered to raise any amenity issues. A private path is provided for access through this narrow strip. It would fall outside the garden curtilage (and can be conditioned as such) and therefore no outbuildings/structures could be erected at a later date. Whilst the occupier of the property could use the site as an outdoor space adjacent to their garden and maintain it,

the level of activity would be such that it would not have a detrimental effect on neighbouring amenity.

For these reasons it is considered that the proposed development would comply with policies DC3, DC38, DC41 and H12 of the Local Plan.

In order to protect neighbouring amenity during the construction process, it is recommended that the standard condition in respect of hours of construction be attached.

### **Highways**

The application site currently has a gated access onto Tudor Drive that is located closest to No. 2 Withinlee Cottages. It is proposed to retain this access as a pedestrian access whilst a new vehicular access would be created towards 'Withinlee'/No. 6 Tutor Drive. A detached double garage would be erected and a driveway/turning area would be provided. The Strategic Highways Engineer has assessed the application and does not raise an objection to the additional access and considers that adequate parking would be provided. It is therefore not considered that the proposed development would have a detrimental affect on highway safety.

Residents have raised concern regarding the site boundary and have outlined that the existing fence to the boundary fronting Tudor Drive was moved in 2006/2007 and now incorporates an area of the public highway. The Strategic Highways Manager was also of the opinion that this piece of land formed part of the public highway and asked that revised plans were submitted to exclude any part of the development from this land. Due to the issue raised, the agent has submitted Land Registry Plans and correspondence to indicate that the land was purchased from the then Cheshire County Council. The land is therefore no longer public highway; the applicant was within his rights to fence off this land; and the Strategic Highways Manager has removed his objection to the land being incorporated into the application site.

Neighbours have expressed concern regarding the parking of contractor's vehicles along Tudor Drive. Whilst a condition could be attached requiring them to park within the site, given the shape of the site it is unlikely that all of the contractor's vehicles could be parked inside. In any event, should such a condition be attached, as no Traffic Regulation Orders are present along the surrounding roads the Local Planning Authority could not control vehicles from parking on the streets. Whilst this may be a cause for concern for residents, especially given the high number of developments that have occurred in the area over the last few years, it is not considered that such a condition could be attached in this instance. Any issues with vehicles causing an obstruction should be directed to the local police.

### **Trees**

The application site contains a number of TPO protected and unprotected trees. A Tree Survey and a Tree Protection Plan have been submitted in support of the planning application. The comments of the Forestry Officer are currently awaited.

### **Landscape**

The application site is a greenfield site that is currently overgrown and contains a number of TPO protected and unprotected trees. A Landscape Layout Drawing has been submitted with the application that indicates that the northern portion of the site would be earmarked as the

residential curtilage, whilst the majority of the site would be enhanced and left as a woodland/wildlife area. The comments of the Landscape Officer are currently awaited.

### **Ecology**

The application site is currently overgrown, contains a number of trees (some of which are to be removed) and is sited adjacent to a pond that is located within the garden area of 'Withinlee'. Neighbouring residents have raised concern regarding the impact the proposed development would have on existing wildlife and protected species. An Ecological Survey and a Landscape Layout Plan (with wildlife enhancement measures) have been submitted in support of the planning application. The comments of the Nature Conservation Officer are currently awaited.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The concerns of residents and the Parish Council have been taken into consideration however it is not considered that the proposed dwellinghouse and detached garage would have a detrimental effect on the character or appearance of the surrounding area, neighbouring amenity or highway safety. Whilst the plot size would fall short of the one acre specified in policy H12, it is not considered that the proposed development would have a detrimental effect on the character of the area given the existing dwellinghouses that comprise Tudor Drive. The application is therefore recommended for approval.

### **SUBJECT TO**

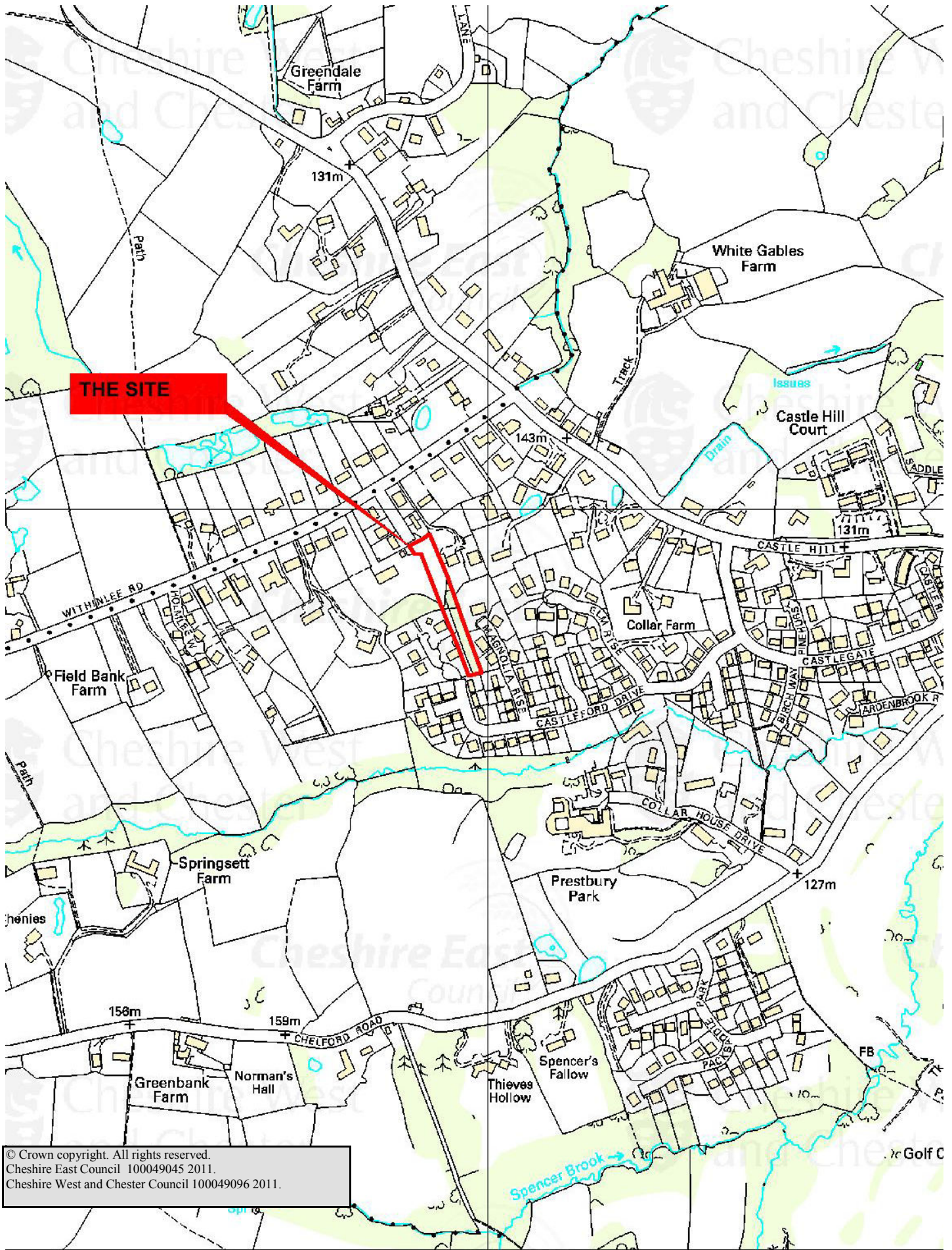
The comments of the Forestry Officer, the Nature Conservation Officer and the Landscape Officer

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Submission of samples of building materials
3. Obscure glazing requirement
4. from noise during construction (hours of construction)
5. Use of garage / carport
6. Development in accord with approved plans
7. Residential Curtilage Defined as Plan





Application No: 11/1121M  
Location: LAND OFF BENTSIDE ROAD DISLEY SK12 2AJ  
Proposal: ERECTION OF THREE BEDROOM DWELLING  
Applicant: MR & MRS BRAIDSHAW  
Expiry Date: 03-May-2011

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

- The design and appearance of the proposal and its impact on the character and appearance of the area
- The impact of the proposal on the amenity/privacy of adjoining residents and future residents of the residential unit proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees, landscaping and nature conservation
- The impact on the Public Right of Way

**Date Report Prepared:** 17<sup>th</sup> June 2011

**REASON FOR REPORT**

The previous application was called-in to the Northern Planning Committee but was subsequently withdrawn before an assessment was made.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises part of the rear garden associated with No. 30 Buxton Old Road, Disley. The site is located in the predominantly residential area. Residential properties surround the site on all sides whilst a public footpath forms the southern boundary to the site.

**DETAILS OF PROPOSAL**

Full planning permission is sought to erect a detached dwellinghouse and a detached garage that would be accessed from Bentside Road. Permission is also sought for a replacement garage associated with No. 30 Buxton Old Road.

**RELEVANT HISTORY**

10/3098M      Erection of 3-bed dwelling  
                    Withdrawn 04/10/2010

**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
- L4 Regional Housing Provision

#### **Local Plan Policy**

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H13 Protecting Residential Areas
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC38 Space, Light and Privacy
- DC63 Contaminated Land Including Landfill Gas

#### **Other Material Considerations**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation

#### **CONSIDERATIONS (External to Planning)**

**Highways:** No objection subject to an Informative

**Environmental Health:** No objection subject to conditions and an Informative

**Public Rights of Way:** No objection subject to an Informative

#### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Disley Parish Council** – Object to the application due to a loss of privacy; overbearing effect; safety of people using the public footpath; that a neighbour would no longer be able to park their car outside their garage; that it would result in overlooking of private gardens; the number of trees that would be lost; and the resulting impact on wildlife habitats.

#### **OTHER REPRESENTATIONS**

Six letters have been received (two from the same address) that raise the following concerns regarding the proposed development:

- The proposed access drive would restrict/prevent the owner of No. 32 Buxton Old Road from parking their car outside their garage.
- Concern regarding visibility from the existing access, especially when vehicles park along Bentside Road.
- Impact on amenity – loss of privacy; overbearing effect, noise from the dwellinghouse once it is inhabited from vehicles using the proposed driveway, people being entertained in the garden etc; noise during construction, tree felling, delivery of materials etc; a raised grass terrace would be higher than the boundary fence;



- The dwellinghouse would be too big for the plot size;
- Safety of pedestrians using the public footpath, especially when vehicles exit the site;
- The number of trees that are proposed to be felled;
- It would affect the character of the area by infilling an area of open garden land;
- Impact on wildlife;
- It is 'garden grabbing' – something the Government wants to prevent;
- Comments regarding the information contained with the Design & Access Statement;
- The cross-section drawings are not a true representation of the site, in particular the existing trees and their screening effect;
- Existing boundary trees are ineffective to screen the proposed property as they are deciduous and are not of the same height as the proposed building;
- The proposed development would not comply with the separation distances outlined in policy DC38 of the Local Plan;
- The scale, density and height of the proposed dwelling is not sympathetic to the surrounding area or the site itself;
- The applicant would need to obtain the consent of the Local Authority to construct the access. If the appropriate notices have not been served, the application could be invalid; and
- They request that the existing double yellow lines are extended across the full width of the proposed access.

### **APPLICANT'S SUPPORTING INFORMATION**

An Arboricultural Survey & Constraints Report and a Design & Access Statement were submitted with the planning application. The main points of the Design & Access Statement can be summarised as follows:

The site is located on the hillside sloping down towards Disley village centre. It is an irregular shaped piece of land with a legal right of access off Bentside Road. The site is one of three freehold plots divided from land sold by Lord Newton's trust in the 1950s and is the last remaining undeveloped. The other two plots were sold and developed into private residences in the 1960s/70s. The residential area which surrounds the site houses a mix of tenure and styles. The development is well placed for access to all local amenities. The proposed 3-bedroomed house has been located to take full advantage of the existing site topography; to minimise the impact of the new building from the Public Right of Way, the view to and from the side gable of 26A and the view from the rear outlook of No. 30 Buxton Old Road; and its impact on existing trees. It has also been positioned on an east/west axis to maximise sunlight to take advantage of passive solar energy and maintain garden space. It was considered important that the scale and mass of the proposed building be minimised as much as possible and that the existing topography of the site be utilised to its full potential. The proposal maximises sustainable building techniques and incorporates energy efficiency measures throughout. The proposed materials palette is to be kept minimal and in-keeping with the existing buildings adjacent to the site.

### **OFFICER APPRAISAL**

#### **Housing Policy**

The application site is located within a sustainable location in close proximity to public transport links, local shops and services and a short distance from Disley Village Local Shopping Centre. The development is considered to use the land effectively and efficiently.

It is therefore considered that the proposed development would comply with this aspect of PPS3 Housing.

PPS3 Housing has recently been amended to exclude minimum density targets and residential curtilages have been excluded from the definition of brownfield land. Whilst the applicant has provided evidence that the application site was a plot for a dwelling, the site has not been used in this way for decades and instead has formed part of the garden of No. 30 Buxton Old Road. The application site therefore comprises greenfield land. Policy H1 of the Local Plan deals with the provision of new housing at a strategic level and whilst it states that previously developed sites should be developed before greenfield sites, it does not exclude greenfield sites from being built upon.

Policy DC41 of the Local Plan relates to infill housing developments and lists a number of criteria that a development should meet. The proposed dwellinghouse would comprise backland development. Whilst the policy aims to normally resist such types of development where they would result in a substandard outlook, overlooking or disturbance by through traffic it is not considered that in this instance the proposed development would cause such issues (see more detailed explanations below). In addition, the area is already characterised by backland development with the construction of No. 26A and 26B Buxton Old Road to the northwest of the application site. For these reasons it is considered that the principle of a dwellinghouse in this location is acceptable. (Members should also note that this was not a concern of the previously withdrawn application).

### **Design**

Due to the sloping nature of the land the proposed dwellinghouse would comprise part 2 ½ storeys and part 1 ½ storeys. It would comprise an 'upside-down' house with the sleeping accommodation on the ground floor and the living accommodation to the first floor and within the roof space. It would be partially sunken into the ground and would be constructed of brick and render with a tiled pitched roof. The dwellinghouse has been designed to be environmentally friendly with grey water storage facilities and solar panels. A detached garage would be sited to the north of the proposed dwellinghouse along the boundary shared with No. 28 Buxton Old Road and the site would be accessed by a driveway taken from Bentside Road. The existing detached garage that serves the existing dwellinghouse would be demolished and re-built marginally further to the northeast in order for a vehicle turning facility to be provided for the proposed dwellinghouse. A new boundary stone wall of 1.3 metres in height would be erected between the existing dwellinghouse and the new plot.

The surrounding area comprises a mix of house types, designs and construction materials. The proposed dwellinghouse would not be highly visible from either Buxton Old Road or Bentside Road. Whilst a public footpath borders the southern boundary of the site, the high hedges to either-side and the additional tree coverage mean that pedestrians are unlikely to gain a significant view of the proposed property. The proposed dwellinghouse is therefore not considered to have a detrimental effect on the appearance of the surrounding area. As outlined above, the immediate area already contains two 'backland' properties and therefore a further dwellinghouse in a similar setting is not considered to have a detrimental effect on the character of the area. For these reasons it is considered that the proposed dwellinghouse would comply with policies BE1 and DC1 of the Local Plan.

### **Amenity**

The application site is surrounded on all sides by residential properties. The proposed dwellinghouse has been amended since the previously withdrawn scheme by reducing the number of windows; working with the existing land levels; and removing a first floor terrace in order to reduce its impact on neighbouring amenity.

The windows in the southern elevation of the proposed dwellinghouse would not directly face No. 2 St Mary's Road; the dwellinghouse would be sited between 14-19 metres from this property's rear boundary; and a large proportion of the existing trees and hedges would be retained. The proposed dwellinghouse would face towards the side elevation and front garden of No. 1 St Mary's Road however no principle windows are located in the side elevation of the neighbouring property; it would be sited between 15-19 metres from this property's side boundary and 23 metres from this property's side elevation; and again the majority of the existing trees and hedges would be retained. The previously proposed first floor terrace has been removed from this application and the new terrace area would now be 0.5 metres (maximum) above the existing ground level. In respect of these two properties the proposed dwellinghouse would comply/exceed the separation distances outlined in policy DC38 in respect of space, light and privacy and therefore it is not considered that it would have a detrimental effect on their amenity.

No 28 Buxton Old Road (to the north of the application site) comprises flats. Whilst the proposed detached garage would be sited adjacent to the boundary shared with this building, it would be adjacent to their parking area. The proposed garage would obscure a large proportion of the proposed house from this building; a new 1.8 metre high boundary wall is proposed; and only two rooflights would be positioned within this end/side of the proposed dwellinghouse. For these reasons it is not considered that the proposed dwellinghouse or detached garage would have a detrimental effect on the amenity of the flats.

No. 26A Buxton Old Road is located to the northwest of the application site and itself comprises backland development. Due to the sloping nature of the land, the dwellinghouse at the neighbouring site is located on a lower ground level. A number of trees and shrubs (both in the applicant's and neighbour's ownership) form the boundary treatment between the two properties. Whilst mature, some are deciduous and therefore a partial view could be gained across the neighbour's land in the winter months, however the view would be of the roof of the property, rather than the side elevation or the garden. The proposed dwellinghouse would not directly face the side elevation of the neighbouring property and the number of windows has been reduced to two very narrow secondary windows at first and second floor levels that would restrict the view. The proposed dwellinghouse would comply with the separation distances outlined in policy DC38 of the Local Plan and given the existing boundary treatment, it is not considered that the proposed dwellinghouse/garage would appear overdominant when viewed from the neighbour's property or have a detrimental effect on privacy. However should Members have concerns, conditions could be attached to obscure glaze the two windows in this elevation and for the existing planting along this boundary to be enhanced.

The proposed dwellinghouse would be sited so as not to have a direct view towards the existing dwellinghouse (No. 30 Buxton Old Road) and a sufficiently sized rear garden would be retained. The private amenity space of the proposed dwellinghouse would be screened from the existing dwellinghouse by the proposed house and whilst the proposed driveway

would bring vehicular traffic into an otherwise undisturbed area, the vehicular movements of one dwellinghouse are not considered would have a detrimental effect on amenity. No. 32 Buxton Old Road is considered to be sited a sufficient distance from the proposed dwellinghouse for it not to have a detrimental effect on its amenity.

In the event of an approval of this application, the Environmental Health Division recommends that a condition is attached to restrict the days/hours of construction and all other noise generative work associated with the development (including deliveries to and from the site) in order to minimise noise and disturbance to residents of nearby dwellings during sensitive hours.

### **Highways – Access/Parking**

The proposed development would be accessed from Bentside Road, utilising an existing access that is shared with No. 32 Bentside Road. The Strategic Highways Manager has assessed the application and notes that the existing access has acceptable levels of visibility but will need to be improved in width to accommodate the turning movements from the extra dwelling. This widening will require the existing vehicle crossing to be re-constructed. It is therefore recommended that an Informative is attached, should permission be granted, which ensures that the developer enters into a s184 agreement under the Highways Act 1980.

In addition, the proposed access will need to provide standard inter-visibility with pedestrian traffic which may use the connecting public footpath approaching from Ring O'Bells Lane. This visibility splay will need to have dimensions of 2 metres x 2 metres in order to provide safe inter-visibility for the occasions when a vehicle is emerging from the site and pedestrian traffic is on the footpath. The property has sufficient land control to provide these improvements and this should be imposed by way of an appropriately worded condition.

The existing access that serves No. 30 Buxton Old Road would be unaffected. The existing garage would be relocated to the northeast in order to provide a turning area for the proposed dwelling however this would not affect the existing parking or turning area.

A detached double garage would be erected to the north of the proposed dwellinghouse adjacent to the boundary shared with the flats at No. 28 Buxton Old Road. A driveway would also be constructed in order to provide a turning area so that vehicles can exit the site in a forward gear. It is considered that sufficient off-street parking would be provided at the proposed dwelling.

For these reasons it is considered that, subject to a condition and informative, the proposed dwellinghouse would comply with policy DC6 of the Local Plan.

In response to a neighbour's comments regarding the construction of the access across Local Authority owned land, the correct notice was served on the Authority and therefore the application is valid. Whether consent is given for the proposed works is a civil matter that falls outside the scope of planning permission.

Concern that has been raised from another resident in respect of issues regarding parking their vehicle to the rear of their property and the proposed location of the access drive, this would be a civil matter that falls outside the scope of planning.

### **Highways - Public Footpath**

The proposed access will utilise an area that is also occupied by a Public Footpath (Disley No. 25). Whilst works would need to be undertaken in order to upgrade the existing track for use by motor vehicles, the public footpath could still be utilised and would not need to be diverted or closed.

The Public Rights of Way Unit recognise that the proposed development has the potential to affect the Public Footpath during construction and therefore they have requested that an Informative is attached to the application should permission be granted to outline the applicant's/developer's responsibilities to ensure that the Public Right of Way is not interfered with either whilst the development is in progress or once it has been completed. They go on to outline that such interference would constitute a criminal offence.

The Public Rights of Way Unit go on to state that they will take any action necessary (including direct enforcement action and prosecution) to ensure that members of the public are not inconvenienced in their use of the way both during and after the development has taken place. Should the development temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route) which would be separate to the determination of this planning application.

### **Ecology**

The application site comprises a grassed area of garden that is occupied by a number of trees, some of which are to be removed. Concern has been raised by neighbours that the proposed development would have an adverse affect on existing wildlife. Whilst the proposed development may result in a loss of habitat, the Nature Conservation Officer has assessed the planning application and has concluded that he does not anticipate there to be any significant ecological issues associated with the proposed development. However, should permission be granted, he recommends that a condition is attached to safeguard nesting birds. For these reasons it is considered that the proposed development would comply with policy NE11 of the Local Plan.

### **Trees**

A number of trees are located within and adjacent to the application site however none are TPO protected. It is proposed to remove some of the existing trees in order to provide sufficient space for the proposed development.

The submitted report outlines that a total of 14 trees will be removed to enable the construction of the dwelling and garage and to provide adequate garden space for residents. Eleven of the trees are deemed low (C) category specimens which would not normally be retained if they confer a significant constraint upon the development. Three trees, an Ash, Maple and Birch have been identified a B category specimens and are therefore deemed moderate value. The proposed driveway would also interface with a number of trees where it will intrude into root protection areas. The supporting document provides detail of a "no dig" access solution comprising of a Geogrid above sub-base material of washed aggregate gravel supported by timber edging. However no drawing detail has been provided illustrating the depth of sub-base or how the final levels of the driveway would be achieved in relation to retained trees. It is also proposed that the access driveway will be constructed first and act as a haul route for the delivery of materials/plant.

The determination of the scheme has to be considered in terms of whether to protect the trees with a Tree Preservation Order, the wider context of the trees' contribution to the amenity of the area and the merits of the development. The protection of these trees is not considered a realistic proposition as their importance in terms of the wider amenity is not considered to be significant, although it is recognised that they present a moderate contribution to local amenity. On balance, whilst the loss of the trees would result in a net loss locally, appropriate landscaping of the site and some strategic planting will provide some long-term benefit. It is therefore considered, subject to conditions, that the proposed development would comply with policy DC9 of the Local Plan.

### **Environmental Factors**

The application is for a new residential property which is a sensitive end use and could be affected by any contamination present. The Environmental Health Division therefore recommend that the standard contamination condition and informative be attached should planning permission be granted.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Whilst concern has been raised by neighbouring residents regarding the proposed development it is considered that it would not have a significantly detrimental impact on neighbouring amenity; it would not have a detrimental effect on the character or appearance of the surrounding area given the mix of property types and designs, and the existing backland development; it would not result in the closure or re-direction of a public right of way; it would not have a detrimental effect on highway and pedestrian safety. The trees to be lost are not of sufficient quality to be formally protected and their loss can be adequately mitigated. For these reasons it is considered that the proposed development would comply with the relevant policies in the Local Plan and is therefore recommended for approval, subject to conditions.

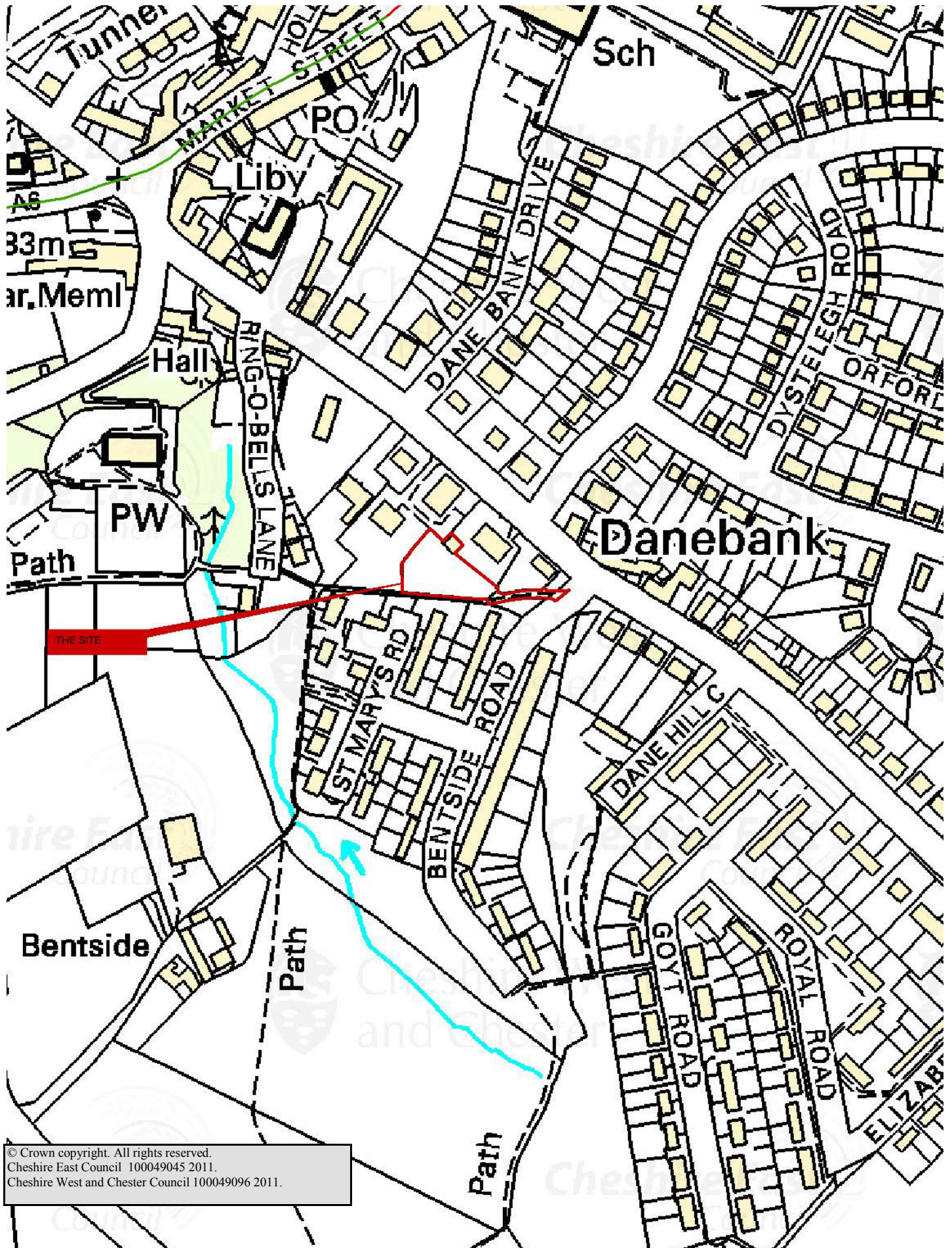
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Contaminated Land
2. Commencement of development (3 years)
3. Submission of samples of building materials
4. Decontamination of land
5. Protection from noise during construction (hours of construction)
6. Landscaping - submission of details
7. Landscaping (implementation)
8. Tree retention
9. Tree protection
10. Construction specification/method statement

- 11. Pedestrian visibility at access (dimensions)
- 12. Development in accord with approved plans
- 13. Highways Note
- 14. Public Right of Way Note
- 15. Nesting Birds







Application No: 11/1180M

Location: LYNTON, JARMAN ROAD, SUTTON, SK11 0HJ

Proposal: Single Storey Rear Extension to Replace Existing Lean to and Pitched Roof to Existing Flat Roof Areas (Retrospective)

Applicant: Mr & Mrs H Marshall

Expiry Date: 18-May-2011

#### **SUMMARY RECOMMENDATION**

Approve, subject to conditions

#### **MAIN ISSUES**

Impact of the development on:-

- Neighbouring Amenity
- Character of the Area

#### **REASON FOR REFERRAL**

This application is to be determined by the Northern Area Planning Committee because it has been called in by Councillor H Gaddum on the following grounds:

- 1 For Members to decide on the materials, specifically for the roof.
- 2 In view of the concerns expressed by Sutton Parish Council.

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

The application site comprises a detached bungalow (probably built around the 1950's) situated within a modest rectilinear curtilage, located on Jarman Road in Sutton. The site lies within the Green Belt, however, it is noted that the site lies within an area where limited infilling may be allowed. Fields lie opposite the site and a housing estate lies to the rear.

#### **DETAILS OF PROPOSAL**

All the proposed works are to the rear of the bungalow. The proposals relate to the replacement of a sun lounge at the rear and the replacement of a flat roof (above a garage, utility room and bedroom) with a pitched roof. The replacement of the roof above the garage has already been implemented and therefore, this part of the application is retrospective. In addition, a rear extension has been removed (permission was not required for this aspect of the works).

## **RELEVANT HISTORY**

None

## **POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Macclesfield Borough Local Plan 2004.

The relevant development plan policies are:

### **Regional Spatial Strategy**

DP1 (Spatial principles)

DP7 (Criteria to promote environmental quality)

### **Local Plan Policy**

BE1 Design Guidance

GC12 Alterations and Extensions to Houses in the Green Belt

DC1 Design

DC2 Design- Extensions

DC3 Amenity

DC38 Space Light and Privacy

H13 Protecting residential areas

### **Other Material Considerations**

Planning Policy Statement 1 (Delivering Sustainable Development)

## **CONSULTATIONS (External to Planning)**

None consulted

## **VIEWS OF THE PARISH COUNCIL**

Sutton PC objects to the proposal on the following grounds: -

- a) That the roof tile design is not in keeping with the general character of the existing roof tiles.
- b) That the colour of the roof tiles is not in keeping with the general character of the existing roof tiles or those of surrounding properties.

## **OTHER REPRESENTATIONS:**

The neighbour at 20 Fitzwilliam Avenue has made comments in relation to this application. The neighbour considers the pitched roof with its tiling to be an improvement on the previous flat roof. The writer of this letter does not have concerns in relation to the rear patio doors, and to secure their privacy the letter writer let the end part of their hedge grow higher by about one foot. No objections are raised to this application.

The neighbour at no 22 Fitzwilliam Avenue raises no objections to the planning application, the proposed works will be an improvement to the property.

The neighbour at 18 Fitzwilliam Avenue objects to the application. The writer states that the planning application does not provide sufficient information for an officer to make an informed view or decision. The writer questions what roof tiles are to be used for the rear extension as section 3 of the application form simply states “as chosen”.

The applicant cites that the proposed tiles are as agreed, and this is a breach of process, particularly when no tiles are provided.

The drawings are inadequate as they do not show the extent of the proposed re-tiling.

The shading on the drawings indicates that the rear walls of the property are the same “before” and “after” the works. This must therefore be exposed brick. This fails to deal with the rear wall (following partial demolition) which now appears partly painted, which is not in keeping with the rest of the rear of the property.

The writer considers that officers may have acted ultra vires, by giving an indication of approval, prior to hearing the views of others and impartiality has therefore, been compromised.

The officers are ignoring the requirements of the Building Regulations that tiles should be “the same or similar”. The writer is concerned that if Officers were to grant permission for the use of the tile (which does not match the original), then this could lead to a situation where the officer responsible for the breach would be encouraging a breach of the building regulations.

The writer is concerned about the precedent which may be set.

The writer considers that his property will be harmed by a “carbuncle” which should be refused. The writer is not objecting to the good principle of replacing the flat roof, merely the type of tiling being used.

An additional letter was submitted by the objector above. The comment relates to an application at no 24 Fitzwilliam Avenue, which had a condition attached which stated that the materials on the extension should match those of the existing building. In addition, the officers report stated that “extensions to reflect the existing architecture of the building to be extended”. The two policies should be consistently applied and the roof tiles should be rejected.

## **APPLICANT’S SUPPORTING INFORMATION**

None received

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Green Belt, where alterations and extensions to existing houses may be granted for up to 30% of the original floor spaces, providing the scale and appearance of the house is not significantly altered, and the proposal does not adversely affect the character and appearance of the countryside. Exceptions to the policy may be permitted where the proposal lies within a group of houses of ribbon of development and the extension would not be prominent. In this case the dwelling lies within a group, and due to the works being to the rear of the property, the proposals are not prominent. The addition of the pitched roof does not provide any additional floor area, and the single storey rear extension (which replaces the existing sunlounge) does not represent a disproportionate addition. The development is considered to be acceptable with regard to its impact on the Green Belt.

The design and amenity policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension, is sympathetic to the existing building on the site, surrounding properties and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

### **Design and Amenity**

The key design issue is in respect of the roofing materials used. Policies DC1 and DC2 of the Local Plan require that materials are normally sympathetic to the street scene, adjoining buildings and the site itself. Proposals to alter and extend building should respect the existing architectural features of the building.

The new roof on the garage measures 4.0m in height (to the ridge) and the roof slopes away from the boundary with the dwelling to the east, known as Brington. The roof is also hipped to the rear. It is noted that Brington has a long thin outbuilding projecting along its western boundary, which helps to reduce the impact of the proposed roof. Given the relationship with surrounding properties and the roofs limited height, it is not considered that the design or scale would cause an amenity issue for neighbours as it should not appear to be overbearing. It is also considered design wise that a pitched roof is an improvement over a flat one.

The sun lounge would be replaced by a similar proportioned single storey rear extension. It is noted that the extension would project approx 0.4m further from the rear elevation than the existing extension, however, it will not be any closer to the boundary with Grune House (to the north west). The eaves height will be approx. 0.3m higher and the ridge height (at 3.7m) would be approx. 0.8m higher than the existing sun lounge. It is not considered that this extension would have any significantly greater impact on the neighbouring property than the existing sun lounge. There is an existing 1.8m high boundary fence between Grune House and Lynton. Grune House has a first floor side window, however, this is of sufficient height not to be impacted by the proposals. It is also noted that an extension similar to that proposed could be built under permitted development rights, subject to the materials being similar to the existing ones on the roof.

An objection has been received from the occupier of the property to the rear at no. 18 Fitzwilliam Avenue. This property lies approx. 18m away from its nearest point, and the physical relationship between the two properties is considered to be acceptable and due to good levels of boundary treatment and the limited ridge height of the proposed roof, an

adequate level of privacy would be maintained between the dwellings. It is considered that the roof should not appear overbearing. The main source for the objection is the use of roof tiles which do not match those of the original roof of the house. The original roof has flat plain roof tiles, whereas the new roof (already built) and rear extension (proposed) incorporate interlocking tiles. In addition, the new roof tiles are red in colour, which are lighter in colour than the original roof tiles which have a weathered appearance. As said above, all the works are to the rear of the property, therefore the roof will have no impact on the street scene. The case officer has viewed the application site from both properties to the rear and has confirmed with the occupiers of both properties what the application entails. Although the proposed roofing material does not match the original, it is considered that insufficient harm would be caused to warrant refusal of planning permission. This is due to the limited impact when viewed from neighbouring properties and the fact that other similar roofing materials are visible on other dwellings nearby when looking out of the rear facing windows from the properties to the rear. There are clearly a variety of roofing materials in the vicinity and not one defining character.

### **Highway Safety**

The extension will not result in a necessity to provide any additional car parking spaces as the additional floor area provided by the rear extension is minimal. It is considered that as the property would retain the existing compliment of off street car parking spaces, the proposals would not have an adverse impact upon highway safety.

### **Other matters**

Although it may have been possible to annotate the submitted drawings more clearly, it is not considered that the drawings misrepresent what is in the proposal. Both existing and proposed floor plans and elevations have been submitted, so the scope of the works is clear. It is also quite clear that the applicant wishes to use the materials which have been used on the pitched roof above the garage and retain them and use these also for the sun lounge extension. The applicant (or applicants' agent) has suggested on the application form that the interlocking concrete roof tiles have been previously agreed. The case officer has explained to the objector that this is not the case and that the Council are judging the application afresh on its merits and that the proposals have not been predetermined. Any comments which may have been expressed prior to the application being submitted are given without prejudice to the Council's formal decision.

The case officer has clarified with Building Control, with regard to the requirement for materials to be "the same or similar" to comply with the Building Regulations, as alleged by the objector to the rear. This is not the case. It is a requirement for roofing materials to be suitable for the pitch of the roof, however, the visual appearance of the tile is not a consideration.

This proposal is considered to be acceptable on its own merits. Therefore, a precedent would not be set for other properties to use materials which do not match the existing. In relation to the example submitted of how materials were considered by a planning officer on a nearby property at no. 24 Fitzwilliam Avenue, one would have to accept that it is normal to condition materials to either match the existing, or be submitted. However, that does not detract from the fact that each case must be assessed independently on its own individual merits. That is

to say, what works in one case may not work in another. In order to refuse a development where the materials do not match, the Council must be able to demonstrate that demonstrable harm is caused. This is not considered the case in this instance.

### **CONCLUSION AND REASONS FOR DECISION**

Despite the objection received the proposals on balance comply with the standards set out in the Macclesfield Borough Local Plan and would not lead to any significant injury to residential amenity. The proposals would preserve the character and appearance of the existing building and the surrounding area. The proposals would not raise concerns for neighbouring amenity or highway safety. The design of the extension is acceptable and the proposal is compliant with all of the relevant policies of the Development Plan listed above.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Materials as application





This page is intentionally left blank



Application No: 11/1014M

Location: TESCO STORES LTD, HIBEL ROAD, MACCLESFIELD, CHESHIRE, SK10 2AB

Proposal: Extension to Time Limit on Planning Permission 08/0906P

Applicant: Tesco Stores Ltd

Expiry Date: 05-May-2011

**SUMMARY RECOMMENDATION - Grant conditional permission for extension of time subject to completion of s106 legal agreement**

**MAIN ISSUES**

**Whether there are changes in circumstances particularly with regard to the roundabout that would justify a different decision than previous made.**

**Whether there have been any changes in planning policy or other material considerations that would justify a different decision being made in this case relative to the previous permission.**

**SCOPE OF THIS APPLICATION**

This application seeks to extend the time limit for implementation of the extant planning permission which was granted permission subject to the completion of a s106 Agreement on 18 December 2011 for the following:

- New five arm roundabout on to the A523 located approx 170m to the north of the Hibel Road/Hurdsfield Road roundabout.
- New access road into the Tesco supermarket site.
- Relocation of the existing petrol filling station to a site adjacent to the new access and egress points at the northern end of the existing car park.
- Amendments to the internal circulation routes, car parking and landscape areas within the existing supermarket site.
- There are no changes to the supermarket store proposed in this application.

The design and layout of the proposal remain as previously approved.

However, it is also important to note that at the same time as the Planning Committee resolved to approve the Tesco roundabout scheme in 2008 they also resolved to approve a scheme for a small retail park development at the adjoining site, the former Barracks Mill site (reference 08/0409P).

Both schemes had alternative access points in close proximity to each other via the Silk Road and, as part of their consideration of each application, in 2008 the Planning Committee were concerned that the 2 separate accesses in such close proximity would not operate safely either in isolation or in conjunction with one another.

Ultimately Committee resolved to grant permission for the Barracks Mill scheme and to Tesco for their respective schemes. Both schemes were subject to Section 106 Legal Agreements and Tesco completed their Agreement and ultimately obtained planning permission on 18 December 2008. The developer of the Barracks Mill scheme never progressed that scheme. Barracks Mill remains an allocated (employment) site within the Development Plan but is now unlikely to come forward for development in the near future. It is, however, important to remember that in the interests of the proper spatial planning of the area, the current application should not blight the future development potential of the adjoining allocated site.

The ability to apply for an extension to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

## **RELEVANT PREVIOUS APPLICATIONS**

07/0200P : Certificate Of Lawfulness For The Existing Development Comprising The Creation Of A Mezzanine Floor Within The Existing Supermarket (Internal Works Only) – Positive Certificate granted 17 December 2007.

08/0906P - New Roundabout Access/Egress To Supermarket From The Silk Road, Relocation Of Petrol Station And Amendments To Internal Road And Car Parking Layouts. Installation Of Directional Signage And Street Lighting To Silk Road was granted conditional permission subject to S106 Agreement on 18 December 2008.

## **APPLICANT'S SUPPORTING INFORMATION**

The application is submitted in accordance with the Regulations as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010. The original permission was granted before 1 October 2009 but would expire on 17 October 2011. A S106 Agreement which replicates the terms of the original S106 attached to 08/0906P is submitted.

### **Transport Assessment**

An updated Transport Assessment has been submitted in support of the application. It is stated that there are existing egress problems experienced at the store. This scheme has been designed to alleviate this problem. The existing access is retained for servicing and staff. The relocation of the petrol filling station will allow queuing to be contained within the site. The development site, adjacent to the store, has been considered within the assessment. The Report considers;

- The junction of Black Lane/Hurdsfield Road has capacity issues, affected traffic leaving Tesco. The proposal would reduce the traffic at this signal controlled junction and improves the capacity sufficiently to remove the existing queuing problem.
- The proposal will have a negligible effect on the two roundabouts close by, with both roundabouts being able to cope with the 'u-turn' traffic generated by the proposal.
- The proposal will have minimal effect on traffic flow

A Protected Species Report has also been submitted. This found no evidence of any activity on the site.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make the Best Use of Existing Resources & Infrastructure)

DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)

DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)

RT2 (Managing Travel Demand)

EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

### **Local Plan Policy**

BE1, NE4, NE11, RT1, RT6, RT7, RT8, RT14, and Development Control Policies. DC1, DC3, DC6, DC8.

### **Other Material Considerations**

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPG25: Development and Flood Risk

### **CONSULTATIONS (External to Planning)**

**United Utilities:** No objections subject to drainage being on a separate system

**Environment Agency :** No objection subject to the same conditions they previously recommended in 2008

**Strategic Manager (Highways) :** No objection subject to conditions as originally approved.

### **OTHER REPRESENTATIONS**

One letter of objection has been received on the basis that an extension of time would result in lengthened uncertainty about the future pattern of development in the area.

### **HAVE THERE BEEN ANY CHANGES IN ANY MATERIAL CONSIDERATIONS IN THE POLICY FRAMEWORK AGAINST WHICH THE APPLICATION SHOULD BE JUDGED PAYING PARTICULAR REGARD TO THE TO SITE LAYOUT AND SITE PLANNING FACTORS THAT WOULD JUSTIFY A DIFFERENT DECISION?**

The relocated petrol filling station would be constructed from modern materials incorporating composite wall and roof cladding with a neutral mushroom white colour finish designed to minimise visual impact. It is situated close to the eastern boundary of the site. The forecourt shop would incorporate a number of security features. The petrol station canopy would be formed of galvanised profile sheets and would have a colour scheme similar to that of the kiosk.

The application seeks to remove and alter existing landscape features within the site to enable this development to take place. Subject to an appropriate high quality landscaping scheme being achieved, particularly with regard to the maturity and scale of replacement planting and potential improvements to the adjoining Bollin Valley Walkway, there are no objections to the scheme.

Importantly there are not considered to be any fundamental changes in policy or any important material considerations that would justify a different decision being taken to these issues

### **HIGHWAYS CONSIDERATIONS - HAVE THERE BEEN ANY MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION WHICH WOULD JUSTIFY A DIFFERENT DECISION IN THIS CASE?**

This application is for an extension in time to implement a new roundabout access on the A532 Silk Road that would replace the existing customer vehicular access taken from Hurdsfield Road, with servicing and staff access still being retained. The proposed new roundabout is located some 190m north of the existing Hibel Road roundabout

In considering whether there have been any material changes in circumstances since the roundabout was originally granted planning permission paying specific regard to the highways justification, it will be necessary to assess whether there are any significant changes to the highway network that has occurred since the proposed new roundabout was approved on 18 December 2008. As part of the initial 2008 assessment of the 08/0906P application the proposed Barracks Mill development (adjoining site) was included in the Transport Assessment, this will not now be coming forward and the traffic associated with this development can and has been removed from the traffic generation figures. The Highways Engineer has therefore assessed the scheme as a stand alone proposal.

The need for the new roundabout on the Silk Road arises from the congestion issues that occur at the junction of Black Lane/Hurdsfield Road, this was assessed as existing in 2008 and also as projected at 2018. It is apparent that the junction was operating at capacity levels in 2008 and would be worse still in 2018 and this was without the Barracks Mill development adjoining being added into the calculations.

The Strategic Manager (Highways) has assessed the data submitted and advises that the background flows have not reduced from the 2008 levels. The junction is still therefore operating at over capacity levels in 2011 with queues occurring on Black Lane and Hurdsfield Road. Therefore, if no improvements are made to the present Tesco access it is likely that congestion levels will increase at Black Lane /Hurdsfield Road in the future through general traffic growth and cause additional delays to traffic flow.

With regard to the new roundabout on the A532 Silk Road, as the traffic flows on the Silk Road have not substantially changed from those used to assess the capacity of the new roundabout in 2008 and 2018, it is clear that the operation of the junction will not be worse than already approved. If anything, the junction will perform better as the traffic from the proposed neighbouring Barracks Mill site can be taken away from the flows assessed to use the roundabout, as was originally put forward as part of their capacity calculations by the Applicant in 2008.

The need for the improvement arises from the poor access arrangements at Black Lane/Hurdsfield Road, this junction has existing congestion problems and these will only increase in the future through traffic growth on the road network. The non- development of the adjoining Barracks Mill site is not considered to materially alter the determination of this application, since the application needs to be considered on its own individual merits

Having considered the evidence put forward the Highways Engineer has concluded that there is no material change to the existing traffic flows on the Silk Road there are no capacity reasons to raise objections to the application. On this basis there are no changes in highways circumstances that would justify a different decision in this case.

It is also an important consideration that a realistic fallback position exists for this proposal because the existing planning permission for the roundabout will remain valid until 17 December 2011.

## **ARE THERE ANY OTHER MATERIAL CHANGES THAT WOULD JUSTIFY A DIFFERENT DECISION?**

There are not considered to be any fundamental changes in policy or any important material considerations that would alter the determination in this case.

The evidence as submitted in 2008 and repeated now is that there is a highways need for the roundabout on the Silk Road, however, in the interests of the proper future planning of the area and particularly the adjoining site, where the Planning Authority has also accepted the principle of an additional access via the Silk Road, it is important that the Heads of Terms for the S106 Agreement in this case are identical to those previously agreed in 2008.

## **HEADS OF TERMS**

Clause to require the submission of details and delivery of improvements to Middlewood Way.

Clause to require car park/access queue monitoring and the removal of parking spaces at the request of the Highway Authority.

Clause to secure funding for the provision of a Traffic Regulation Order in respect of alterations to existing speed limits.

Clause for the requirement to enter into a S278 with the Highways Authority for works on or contiguous with the public highway.

Clause to facilitate the construction and future maintenance of a footway/cycleway crossing of the river Bollin between land under Tesco's control and the Barracks Mill site adjoining, when that development comes forward.

## **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of improvements to Middlewood Way, which although a Public Right of Way (PROW) is within the Applicant's control is necessary, fair and reasonable to ensure the development contributes to the sustainability agenda and provides for improvements to the PROW which will encourage use of alternatives means of transport. The improvements will assist in linking the site for cyclists and walkers to the wider Macclesfield area

The requirements to undertake queue monitoring and the removal of parking spaces from within the approved Tesco internal layout is required to ensure that should there be excessive queuing within the reconfigured car park at very busy times, in the vicinity of the petrol filling station then some spaces will be removed to facilitate safe traffic flow within the site.

The requirement to enter into a S278 with the Highways Authority for works on or contiguous with the public highway and for Traffic Regulation Orders are required to ensure the safe operation of the highway as a result of the works proposed.

The clause to ensure the connection of the site to the Barracks Mill site is required in the interests of the proper future spatial planning of the area

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

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

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The Greater Flexibility Guidelines issued by the Government recognises that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority.

In this case it is considered that the application stands alone and there are no material changes in policy either at development plan level or at national government level or any other material consideration which would justify refusal of permission to renew the planning permission.

Application for Extension to Time Limit

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A02FP - Commencement of development
3. A05EX - Details of materials to be submitted
4. cycle stands to be provided
5. levels
6. hours of construction
7. footway to be completed prior to roundabout
8. oil interceptor
9. replacement trolley store
10. river protection
11. lighting to be shielded
12. pile driving
13. landscaping scheme including buffer to be submitted
14. replacement recycling facilities to be provided





11/1014M TESCO STORES LTD, HIBEL ROAD, MACCLESFIELD, CHESHIRE, SK10 2AB

1,890m - 374,250m

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Macclesfield Borough Council, licence no. 100018585 2007.

#  
Scale 1:5000





This page is intentionally left blank