

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 2nd November, 2011  
**Time:** 10.00 am  
**Venue:** Heritage Centre, Roe Street, Macclesfield SK11 6UT

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the 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 a pre-determination in respect of any item on the agenda.

**3. Minutes of the Meeting (Pages 1 - 4)**

To approve the Minutes of the meeting held on 12<sup>th</sup> October 2011 as a correct record.

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

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#### 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. **11/2424M - Erection of a Building for use as a Builder's Merchant following Demolition of an Existing Building for AGHOCO 1045 LTD - Queens Avenue, Macclesfield SK10 2BN (Pages 5 - 20)**

To consider the above planning application.

#### 6. **11/2091M - Full Application for 14 Affordable Dwellings to Serve Local Housing Need - for Cheshire Peaks and Plains Housing Trust - Land off Marthall Lane, Marthall Lane, Ollerton WA16 8RP (Pages 21 - 34)**

To consider the above planning application.

#### 7. **11/3105M - Demolition of existing single storey extension, erection of new two storey and single storey extension forming new entrance including lift, minor procedures suite, 3 consulting rooms and extended pharmacy, reconfiguring of car park and minor alterations to existing building to incorporate new window openings and building services for Javed Sheikh - Kenmore Medical Centre, 60 Alderley Road, Wilmslow SK9 1PA (Pages 35 - 46)**

To consider the above planning application.

#### 8. **11/1803M - Erection of Dwelling for Mr and Mrs Hodgson - White Peak Alpaca Farm, Paddock Hill Lane, Mobberley, Knutsford, Cheshire WA16 7DB (Pages 47 - 60)**

To consider the above planning application.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 12th October, 2011 at Meeting Room, Macclesfield  
Library, Jordangate, Macclesfield

**PRESENT**

Councillor B Moran (Chairman)

Councillors C Andrew, L Brown, B Burkhill, H Gaddum, 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) and  
Mr N Jones (Principal Development Officer)

**(The meeting was delayed by ten minutes and did not commence until  
2.10pm)**

**48 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G Boston, Mrs A  
Harewood and B Livesley.

**49 DECLARATIONS OF INTEREST/PRE DETERMINATION**

No declarations of interest were made.

**50 MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the  
Chairman subject to an amendment to the numbering of the conditions in  
respect of application 11/1621M.

**51 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted

**52 11/2650M-CONSTRUCTION OF A MULTI-USE GAMES AREA, ASHDENE CP SCHOOL, THORESWAY ROAD, WILMSLOW, CHESHIRE FOR ASHDENE PRIMARY SCHOOL**

Consideration was given to the above application.

(Mr Ager, an objector and Mr Gerrard, representing 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 revised plans
3. Restrictions on hours of use (8.00am-19.30pm Monday to Friday, 9.00am-16.00pm Saturday with no use on Sundays or Bank Holidays)
4. Details of screen planting
5. Community use agreement
6. No community use prior to 17.00pm, Monday to Friday, during School term
7. No Floodlighting
8. Submission of a Construction Method Statement to include hours of construction.

**53 11/2865M-OUTLINE APPLICATION FOR NEW 45.00 X 45.00 M INDUSTRIAL BUILDING TO PROVIDE 3 NO. INDUSTRIAL UNITS FOR B2 USE, SWIZZELS MATLOW LIMITED, DISTRIBUTION CENTRE, CANDY LANE, LONDON ROAD, ADLINGTON, CHESHIRE FOR SWIZZELS MATLOW LIMITED**

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reason:-

The proposed development would interfere with the construction and provision of the Poynton Bypass and therefore would be contrary to policy T7 of the Macclesfield Borough Local Plan 2004 that seeks to safeguard proposed road schemes from development.

(This was a change in the Officer's original recommendation from one of approval to one of refusal as a result of the comments from the Strategic Highways Manager).

The meeting commenced at 2.00 pm and concluded at 3.11 pm

Councillor B Moran (Chairman)

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Application No: 11/2424M

Location: QUEENS AVENUE MACCLESFIELD SK10 2BN

Proposal: Erection of a Building for use as a Builder's Merchant following Demolition of an Existing Building

Applicant: AGHOCO 1045 LTD

Expiry Date: 15-Aug-2011

<p><b>SUMMARY RECOMMENDATION</b></p>	<p>Approve – subject to conditions and a legal agreement</p>
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<p><b>MAIN ISSUES</b></p>	<ul style="list-style-type: none"> <li>- Impact on residential amenity</li> <li>- Design</li> <li>- Impact on the highway and congestion</li> <li>- Impact on ecology</li> </ul>
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**Date Report Prepared:** 20<sup>th</sup> October 2011

## REASON FOR REPORT

The proposed development is for a commercial development which comprised 1772 sq m floorspace with associated car parking, access and servicing arrangements, therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

## DESCRIPTION OF SITE AND CONTEXT

The site lies on a parcel of land which lies to the western side of Queens Avenue. The site forms part of the Queens Avenue/Hulley Road Industrial Estate. The site (which was formerly occupied by IAS Brand Progression) has been vacant for a few years. There are residential properties to the east of the site which are a mixture of bungalows, terraced and semi detached houses. The units to the north, south and west are commercial in nature. The existing building is sited to the front of the site and there is a large concreted area to the rear with parking provision for approximately 70 cars. The existing buildings were erected between the 1970's and 1990's.

## DETAILS OF PROPOSAL

This proposal is for the demolition of all the buildings on the site (which measures approximately 0.79 Ha) and the erection of a building for use as a builder's merchant. The buildings to be demolished are approximately 2467m<sup>2</sup> and the proposed new building would measure 1772m<sup>2</sup>. The applicant proposes 16 no. parking spaces (8 no. spaces to the south/side of the building and 8 no. to the west/rear). The proposed hours of use is 07:00 to 17:30 Monday to Friday and 07:00 to 16:00 on Saturdays.

## **RELEVANT HISTORY**

11/2333M - Proposed demolition of building (Determination) - Approval not required - 22.07.11

Numerous planning applications were determined during the 1970's, 1980's and 1990's for industrial and office developments on this site.

## **POLICIES**

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

### **Regional Spatial Strategy**

DP1 Spatial Principles)  
DP2 Promote Sustainable Communities  
DP3 Promote Sustainable Economic Development)  
DP4 Making the best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand – Reduce the Need to Travel, and Increase Accessibility  
W5 Retail Development

Of the remaining saved Structure Plan Policies, only policy T7: Parking is of relevance.

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
DC1 New Build  
DC2 Alterations and extensions  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscape  
DC13 Noise  
E4 Industry  
T1 Integrated Transport Policy

### **Other Material Considerations**

PPS1 Sustainable Development  
PPS4 Planning for Sustainable Economic Growth provide the key guidance for the assessment of this proposal

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

**Highways:** The Strategic Highways Manager raises no objections. The Strategic Highways Manager has considered the different industrial uses which the site has had and considers the proposed use as a sui generis use. The site is allocated for employment use and considers there to be no technical grounds with regard to the infrastructure design to warrant refusal of the application on highway safety grounds. The traffic generation from the former B1/B8 use would have provided a higher number of trips than that likely from a builders merchants, therefore there is a highway benefit from the reduction in traffic. There is no



objections to the access (which would remain the same), or number of car parking spaces to be provided.

**Environmental Health:** Do not object subject to conditions relating to: -

The provision of details relating to storage of outdoor timber racking and aggregates being submitted to and approved prior to commencement of development. Delivery/collection area and forklift truck areas should be sited in areas which would cause least environmental effect on neighbours. Conditions should be attached relating to days/opening hours, days and hours of deliveries with a restriction of 07:30 to 18:00 Monday to Saturdays with no opening on Sundays and Bank Holidays.

The site is currently in industrial use and therefore, there is the potential for contamination of the site and the wider environment to have occurred. This site is also within 50m of a known landfill site or area of ground that has the potential to create gas. As such, and in accordance with PPS23, the Contaminated Land Officer recommends that conditions are attached to any permission granted, which would require a contaminated land Phase I report (which would assess the actual/potential contamination risks at the site) to be submitted and approved prior to any works commencing on site. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall also be carried out, and any remediation carried out as necessary.

The **Green Space Parks Officer** states that the proposal would generate a requirement for a commuted sum payment towards off site open space and recreation / sports facilities in the area, which would need to be secured by via a legal agreement.

**Macclesfield Civic Society** comment as follows:-

1. The site is on an established employment area and as such a range of activities must be considered appropriate in land use terms. The former use was for general industrial purposes with attendant traffic and other activity. The proposed use may result in a lesser level of activity though no doubt this will be assessed. The society would support the conditions and limitations sought by the Environmental Health Officer.
2. The design and materials of the building appear appropriate for an employment site;
3. Traffic conditions along Queens Avenue would be for assessment by the highway authority though it should be noted that no development on the employment site have been refused on access/traffic grounds. Queens Avenue was one of the original accesses to the Hurdsfield Industrial estate in the 1950s;
4. The number of representations are noted and no doubt these will be assessed by the appropriate committee prior to decision;
5. Impact on bats or other protected species would be a matter for assessment under current planning guidance and subject to other statutory controls where appropriate.

A further e-mail was received from Macclesfield Civic Society. The writer maintains the points raised in items 1 and 2 (above) and makes the following additional comment: -

With regard to item 3 on traffic conditions, the residents of houses and bungalows near to the site are concerned about the potential increase in traffic as a result of the development, particularly HGVs delivering goods to the store and distributing items therefrom. These concerns have been made in representations already submitted and presumably will be

considered by the highways' advisers. Macclesfield Civic Society consider that there might (in view of the way that the employment uses have developed along Queens Avenue) be some merit in considering traffic management measures, such as road closures, or, road width limitations to supplement the traffic regulation order already in force - the residents assured the writer that there is evidence of the TRO being ignored, or, flouted and perhaps a degree of separation might be the long term solution. It is requested that this matter be referred to the highways' engineers for investigation and consideration.

With regard to item 4 the residents referred to noise, disturbance and dust, coupled with a lack of landscaping - no doubt Cheshire East will consider whether conditions would be a way of dealing with such matters.

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

Not applicable.

### **OTHER REPRESENTATIONS**

Various letters of objection have been received from 6 local residents. Comments are made with regards to the following: -

- As long as a building is not visible and trees are retained, then one resident is not opposed to the redevelopment.
- It is questioned if there is need for another builders merchant, when there are two Travis Perkins, a Jewson's and Wicks within half a mile.
- Residents are opposed to 07:00 traffic from deliveries and collection. This would contravene a "delivery and dispatch of goods" restriction placed on the four units that are built close to the proposed site.
- It is stated that the writer's house shakes when the occasional big wagon goes passed.
- The road has a 7.5 ton weight limit. It was not made to handle heavy loads.
- The increase in volume and size of vehicles will have a detrimental affect not only on the writers physical condition, but also on the value of their house.
- There is already an existing traffic problem on Queens Avenue due to parents parking on the road when they visit Fun 4 All.
- There is a problem with drainage at the proposed turn in, where the road floods.
- It is questioned if the "large vehicles" entrance could be moved to the other end of the proposed site, or may be even round the back, off Mottram Way near Jewson's. This would reduce the number of vehicles going into the more residential area of Hurdsfield.
- One resident advises that their house is not situated on an industrial estate, but adjacent to one. The writer would expect the buildings, land and activity to blend in and be in keeping with the housing estate. It is understood that the businesses adjacent are for light manufacturing/engineering only.

- The road surface in this area is unbelievably poor.
- Queens Avenue is a very busy road as it is used as a cut through from town to a commercial area.
- There is a timber merchant/double glazing company and a dairy and companies situated on Snape Road, all near the Hulley Road/Queens Avenue junction.
- It is most disconcerting to find late in the evenings on several occasions, large articulated lorries parking up for the night close to buildings, where they wish to off load as early as possible in the mornings.
- Articulated lorries already have difficulties navigating the four junctions on Queens Avenue and have difficulties turning into the premises near by.
- The applicants state that “management of on-street car parking in the surrounding area may also be necessary”.
- There will be an increase in further pollution such as cement, sand and brick dust from the outside yard.
- The proposed pre-fab building with gaudy colours and removal of trees screening the current building will be an eyesore.
- There is already excessive noise day and night from existing companies. The night time noise is from surrounding businesses moving their goods keeps the writer awake at night.
- Bats have been seen heading in the direction of the existing building/tower. If they are roosting there, there needs to be more consideration.
- The opening times of MARKOVITZ Ltd is 06:30 am, with official opening at 07:00 Monday to Friday. There is currently a restriction on loading and unloading at other buildings in Queens Avenue that they cannot commence until 08:00.
- The proposed building will be moved from 20m away from the edge of the pavement to 12m, which will give minimum ground frontage for trees/landscaping. 12 out of 19 trees will be cut down.
- One writer does not mind other companies coming into the estate as it means extra work for people, however, it is the parking of residents own cars that worries the residents of Queens Avenue.
- The harsh look of the metal fencing that are used and the lack of screening is very uninviting.

A petition was submitted (in the beginning of August), which objected to the proposal on the following grounds: -

- Environmental/quality of life
- Traffic
- Type of development and impact on property values

The petition included approximately 90 signatories.

Further to the submission of a revised Planning Statement and Design and Access Statement, the following comments was received: -

- The slight change to the siting of the proposed building will not lessen the impact of the “shed like” storage building. The resident totally agrees with the statement that the design is in keeping with the industrial estate, however, it does nothing to merge with the residential estate across the road or enhance the area in any way whatsoever.
- Concerns regarding traffic are reiterated.
- Concern is also raised about opening times. MKM want 07:00 opening from Monday to Saturday, and it is requested that this is changed to 08:00 in keeping with other businesses in the area. There should be no openings on Sundays or bank holidays in order to give residents some time away from noise and traffic generated.
- The Planning Statement suggests the new business will be good for employment. However, who can say if this business will not cause the closure of one of the nearby existing businesses.

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

The applicant's submission includes a Design and Access and Planning Statement. This document is available online as a background paper. The Design and Access and Planning Statement was amended on 30<sup>th</sup> August and subsequently on 13<sup>th</sup> October 2011, which seeks to address concerns raised by residents. The following additional information is provided: -

The business is to be operated by MKM.

A revised plan has been submitted which shows a revision to the position of the building.

Reference is made to the draft National Planning Policy Framework.

Representations made by residents are reviewed.

Changes to the opening times are proposed. It is proposed that staff would arrive at 07:00 and the business would open at 07:30. The premises would close at 17:30.

Confirmation that a bat survey has been undertaken and no roosting bats have been found on site.

The report includes a section on Planning Obligations.

The applicant concludes that this application seeks to redevelop an existing employment site for another employment use. This use is sui generis. The site is within an employment area and as such a use would not be out of character in the area. The development will improve

the appearance of the area. The development will not be harmful to residential amenity. There is no evidence that the building is likely to contain protected species.

## **OFFICER APPRAISAL**

### **Principle of Development**

The vacant site comprises a former business premises. All the existing buildings would be demolished and a new 19 000 sq. ft. builders merchants building would be erected in its place. The proposals include customer car parking, service arrangements and boundary treatments. All the parking and servicing would be located to the side and rear of the building, which will allow the commercial activity to take place away from neighbouring residential properties.

The key issue to consider is whether the proposal complies with national and local plan policies. Other site planning issues relate to the impact on visual amenity (including the design of the building and impact on the street scene), the impact on neighbour amenity, the impact on highway safety/parking and any potential ecological impact – i.e. bats.

### **Policy**

National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth provides the key guidance for the assessment of this proposal. National guidance in PPS1: Delivering Sustainable Development, PPS9: Biodiversity and Geological Conservation, and PPG13: Transport is also of relevance.

The site is located within an Employment Site on the Proposals Map of the Macclesfield Borough Local Plan. Policy E4 (Industry) is the relevant policy. This policy permits General Industry (B2), Warehousing (B8), High Technology (B1) and Light Industry on Hurdsfield Industrial Estate.

Policies NE11, BE1, DC1, DC2, DC3, DC6, DC8, DC13 and T1 are also relevant.

Relevant policies of the RSS include: -DP1 (Spatial Principles); DP2 (Promote Sustainable Communities; DP3 (Promote Sustainable Economic Development); DP4 (Making the best Use of Existing Resources and Infrastructure); and DP5 (Manage Travel Demand – Reduce the Need to Travel, and Increase Accessibility).

### **Other Material Considerations**

Within this assessment due regard should also been afforded to the Ministerial statement on Planning for Growth (March 2011), which notes that, “The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.” The statement confirms that the Secretary of State will “attach significant weight to the need to secure economic growth and employment.” Similarly, regard should also be had to the Draft National Planning Policy Framework, which reiterates the presumption in favour of sustainable development.

### **Sustainable Economic Development**

PPS4: Planning for Sustainable Economic Growth is also of relevance to this proposal. The development is for a commercial development which falls on land allocated for employment

uses within the Macclesfield Borough Local Plan. The site is considered to fall within a sustainable location. As a scheme that provides employment opportunities, the principles of achieving sustainable economic development are still relevant, and given the type of commercial use which will deal with bulky goods, the proposal would not be considered necessarily suitable for a town centre location, and thus, is not thought to compromise town centre policies. The principle of development complies with the government policies of sustainable development, which seek to allow development, subject to it being considered acceptable with regard to local plan policies.

### **Design**

The proposed building would resemble a warehouse, which is considered to be sympathetic to other warehouses in the vicinity of Queens Avenue (i.e. the adjacent buildings including Fun 4 All). The lower section of the external walls would be constructed from engineering brick with a lighter brick above. The upper half of the building would be constructed from profile cladding (coloured Goosewing grey, with the upper part coloured Merlin grey). The roof would also be constructed from profile cladding, with rooflights and solar panels.

The building would be measure approximately 55m by 26m. The eaves height would be 6.7m and ridge height would be 8.5m. It would be split up internally into a large bulk warehouse area (1393m<sup>2</sup>) and a small product storage area (381m<sup>2</sup>), which would consist of a kitchen area, wc's and offices. This would have a mezzanine storage area above (381m<sup>2</sup>).

It is considered that the form of development proposed is appropriate in the context of the industrial estate which the site falls. With the trees and landscaped strip retained to the front of the building, it is considered that the proposal will result in an enhancement over what is currently on site, in terms of delivering a fit for purpose building which will make efficient use of the land, and designwise, be far more sustainable. The concerns of local residents are noted, but there is inevitably a difference in character between the residential and commercial buildings, which is the situation at the moment.

### **Boundary treatment**

The existing 2.4m high palisade fence to the western, southern and northern boundaries (facing neighbouring industrial buildings) would be retained. The existing 1.5m high chain link fence on the southern boundary and would be removed and the chain link fence on the northern boundary would be replaced with a 2.4m high palisade fence. The public face of the building on Queens Avenue would remain as a landscape strip, with the higher quality trees retained, and the area below remaining as lawn.

It is considered overall that the proposals would have an acceptable impact on the surrounding area given the context of the locality.

### **Highways**

The Strategic Highways Manager raises no objections to the proposals. The existing site has been for different B1 and B8 uses in the past. The proposed use as a builder's merchant is considered to be sui generis. The site is allocated for employment purposes and whilst from a highway point of view it is not good to mix industrial and residential traffic together, this is the existing situation. There are no technical grounds with regards to the design of the road infrastructure, to warrant refusing this proposal. No alterations are proposed to the existing access. There are 17 car parking spaces proposed and cycles parking, which is considered

appropriate for this type of development. It should be noted that the traffic generation from the former use (B1/B8) would have been greater than that proposed under this proposal and therefore, there is a highway benefit in terms of the reduction of traffic. Given the location of the site and its allocation, one would expect to see the site served by HGV's. Enforcing the weight of vehicles, which access the industrial buildings on Queens Avenue is a police matter, and does not fall within the remit of Cheshire East Council.

### **Amenity**

The proposal is replacing one commercial activity (a B2 general industrial and B1 office use) with a builders merchant. The site is allocated for industrial uses and the Environmental Health Officer has raised no objections to the proposal and considers that the siting of the building should provide a natural barrier to noise and dust. With certain safeguarding measures in place (i.e. an hours of use/deliveries condition and condition to allow the storage of materials), the use can take place without any adverse impact on neighbouring properties. The nearest residential properties are those opposite, which are between approximately 26m and 32m away.

The applicants had initially requested an opening time of 07:00, Monday to Saturday. The applicants have changed this to requesting that staff arrive at 07:00, in order that the premises can open to the public at 07:30. The Environmental Health officer has considered this request and on balance feels that a 07:30 opening will be on balance acceptable. However, this will be for visitors with light goods vehicles only. Deliveries/collections from HGV's should be restricted to 08:00, in order to protect the nearby residents from noise and disturbance connected with vehicular movement to and from the site. Subject to these controls, it is not considered that the proposal will raise any significant amenity issues.

Whilst it is acknowledged that if designed today, urban designers would seek to avoid the relationships between industrial uses and residential uses that is evident on Queens Avenue, those relationships do exist and as such, this scheme needs to be assessed on its merits, and the applicants cannot be held accountable for problems associated with other industrial units elsewhere.

### **Trees and Ecology**

The proposed development can be implemented with the loss of a number of low value trees, with the retained moderate value roadside specimens protected in accordance with current best practice. The majority of the trees are located on the Queens Road site frontage with two groups situated on the northern and Southern boundary aspects of the site. The majority of the higher value trees are located directly adjacent to the Queens Road highway boundary, and are noted for retention as part of the proposed development. These provide a reasonable screen to the site.

There is a closely spaced group of trees directly to the rear and west of the linear group which, all are considered to be low value specimens which contribute little to the area both in amenity terms and screening of the adjacent building. This group along present a very poor social proximity to the adjacent building and would require regular maintenance and probable selective removal irrespective of development. The impact of their proposed loss is mitigated by the retention of the linear group which form the eastern most aspect of the site.

The arboricultural survey identified the removal of two trees in the south eastern corner of the site in order to facilitate a proposed drainage run. Since the survey was commissioned the proposed building line associated with the eastern elevation has been pushed back in line with the existing build foot print, this has enabled the two identified trees to be retained. A total of only 3 trees would be lost at the site frontage.

The additional space established by the alterations to the proposed build footprint and the closing of the northern most access should allow a suitable specimen landscape scheme to be implemented which in the long term should be seen as a net gain in terms of tree loss.

The proposal includes the demolition of existing industrial and office buildings. The Nature Conservation Officer notes that the trees in the vicinity of the site would provide sufficient habitat for foraging Pipistrelle bats, and therefore is not surprised that bats have been observed in the area. However, considering the relatively intensive development near to the site, the Nature Conservation Officer would not anticipate any significant activity by any of the other less common bat species. Pipistrelle bats readily take to roosting within residential properties and so there is an abundance of roosting opportunities provided by the houses on Queens Avenue, Chestnut Avenue, Hawthorne Way and beyond. The availability of suitable roosting opportunities for bats is likely to far exceed the needs of the bats that could be supported by the available foraging habitat. The industrial buildings on the western side of Queens Avenue are likely to offer less suitable roosting conditions than the residential properties due to the nature of the materials used in their construction.

It is initially not considered that the building to be demolished would provide a suitable habitat for bats, however, the Nature Conservation Officer requested a bat survey as a precautionary measure, following representations about the presence of bats. The survey recorded that bats were active on site during the survey, however, there was no evidence that roosting has taken place. The ecologist was made aware of the comments about bats emerging from the tower building. Another visit was undertaken; however this did not reveal any evidence of roosting bats. It is recommended that a condition is attached which ensures that the site maintains suitable foraging material for bats. Therefore, the landscape scheme should include the provision of appropriate native tree and shrub species. In addition, details should be provided of proposals for the incorporation of features into the scheme suitable for use by roosting bats.

## **OTHER RELEVANT INFORMATION**

If approved, the proposal would generate a requirement for a commuted sum payment towards off site open space and recreation / sports facilities in the area, which would need to be secured by via a legal agreement.

The Green Space Parks Officer comments that the SPG states that significant commercial developments create demand for open space facilities and accordingly the council will seek the provision of open space and other facilities from commercial developments. It is not the loss of, or damage to existing open space that triggers this requirement, although where that occurs it would trigger additional mitigation. It is clear from the SPG that a development of this scale would trigger the requirement for open space and other facilities. The SPG additionally states that the mitigation will be negotiated as appropriate to the location, size and scale of



the development and with other strategies or audits. The nature of the development and the likely impact it will have on existing facilities and the future requirements of the staff, and or, visitors to the proposed site in improving their health and wellbeing etc. will also be considered. It is preferable that the open space facilities required by this development are provided off site, and given the proximity of Banbury close open space and the opportunities already provided there, an benefit can be provided by way of a commuted sum payment.

If the formula in the SPG were followed, then (based on a gross new internal floor space of 1772sqm of B2), a commuted sum of £11,813.33 for Public Open Space and £11,813.33 for Recreation / Outdoor Sports would be required. A total of £23,626.66.

Given the location and nature of the development, it is evident there will not be an impact on, or the need for children's play and therefore the Open Space commuted sum can be reduced by 50% to £5,906.67, for amenity improvements. Amenity improvements which are relevant to the development will be required and these will be made to Banbury close open space. This area is 187m away from the site and would be a likely off road route for pedestrians visiting the site. Although it is appreciated that most visitors will arrive by vehicle, some may not, and an attractive off road route will encourage less vehicular use by employees based on site who may live on the Hurdsfield estate. This area also provides a very accessible break and lunch area option for employees and contains a MUGA which could certainly provide opportunities for informal sport and recreation for employees. Therefore, improvements will focus on improving the facilities for these activities. For example, new seating and path surfaces, signage etc.

As the site already contains satisfactory sporting facilities and there is no demand for or capacity to accommodate additional or enhanced sporting pitches courts or greens, it would not be appropriate to seek a commuted sum for such a purpose and so the requirement for a commuted sum for Recreation / Outdoor sport will be waived.

This means that the total commuted sum required from this development is £5,906.67.

The response from the Green Space Parks Officer is based on the Supplementary Planning Guidance on Section 106 Agreements. However, it takes into account the Community Infrastructure Levy and Circular 05 / 2005 which require the requirements to be tested, to ensure it is relevant to planning, necessary to make the proposed development acceptable, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other aspects.

The SPG clearly identifies the triggers and requirements for open space arising from new developments and this is a material consideration, supplementary to the local plan. Therefore, the Green Space Parks Officer has applied the SPG and arrived at a commuted sum based on the formulas contained within the SPG. This amount has then been tested against the likely impact of the development in terms of the needs of those using the development site and the existing facilities locally. Area where improvements can be made have been identified in order to accommodate for those needs and the likely impact considered, ensuring that they are directly related and reasonable in scale and kind.

The comments expressed by consultees and residents are noted. The Highways Engineer will comment on the concerns of neighbours with regards to any potential increase in traffic. The

observations of Macclesfield Civic Society in relation to traffic management measures have been forwarded to the Strategic Highways Manager, however, any additional requirements for traffic calming, and/or the assessment (i.e. weight, size, volume) of vehicles which use Queens Avenue would have to be assessed separately to this application. Some of the residents have questioned the need for another builders merchant in the area, however, competition is not a material planning consideration when assessing applications of this nature. Comments are made with regard to the road flooding and its surface being poor – the road is outside the proposed site and these issues are outside the applicant's control. The applicant cannot be penalised for the actions of other truck drivers who may decide to park up on Queens Avenue for the night. It is not envisaged that the proposal will exacerbate this situation.

The main concern in addition to the potential impact of cars and lorries is the design of the building and its relationship with the houses opposite. One of the residents has commented that their house is not situated on an industrial estate, but is adjacent to one. The writer goes on to say that the land and activity should blend in with the housing estate. Officers agree that the houses clearly fall within a residential area; however, the site the subject of this application falls within an employment area, where the proposed use would be considered to be completely acceptable. The scale of the development and distance between the proposed building and residential properties is acceptable. Although it is accepted that the site has been vacant for the last few years and therefore, the associated impact of the site will have been very limited, Officers consider that the impact of the builders merchant on residential amenity is likely to be very similar to that of the lawful use of the site, which comprises of B1 (office) and B2 (industrial) uses. It should be noted that there are no restrictions on the current hours of use of the premises. Any pollution from cement, sand or brick dust will happen on the opposite side of the building and therefore, should not result in an impact on the residential properties. The issues of design, hours and opening hours have been considered in the report above.

It is considered that conditions can be attached to address any noise disturbance to neighbouring properties.

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

The proposed redevelopment of this site should bring a previously vacant site back into a suitable use. The use of the site as a builder's merchant is considered to be acceptable in land use terms and complies with the objectives of the Macclesfield Borough Local Plan. The proposal is not considered to have an adverse impact on neighbour amenity and the design is acceptable. The proposal complies with the Development Plan and in addition, it is considered that the proposal complies with "Planning for Growth" (March 2011), as it would not compromise the key sustainable development principles set out in national planning policy and is considered to be acceptable in all other forms, whilst providing secure economic growth and employment. The proposal is also considered to represent sustainable development and accord with the Draft National Planning Policy Framework. Therefore, planning permission should be granted.

## **HEADS OF TERMS**

The Heads of Terms for this application would require the following: -

- Commuted sum of £5,906.67 as a commuted sum towards public open space/amenity improvements.

### **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.

In this instance it is considered that a commuted sum is required in lieu of Public Open Space provision, as the proposed development will provide 1772 sq. m of floor space and employees will use local facilities and there is no open space on site, as such, there is a need to enhance existing facilities by providing for example, by providing new seating, improve path surfaces and signage. These improvements are considered to be necessary, fair and reasonable and comply with National and Local Planning Policy. In respect of these matters it is considered that the proposed commuted sum is necessary, it directly relates to the development and is fair and reasonable in relation to the scale and kind of development.

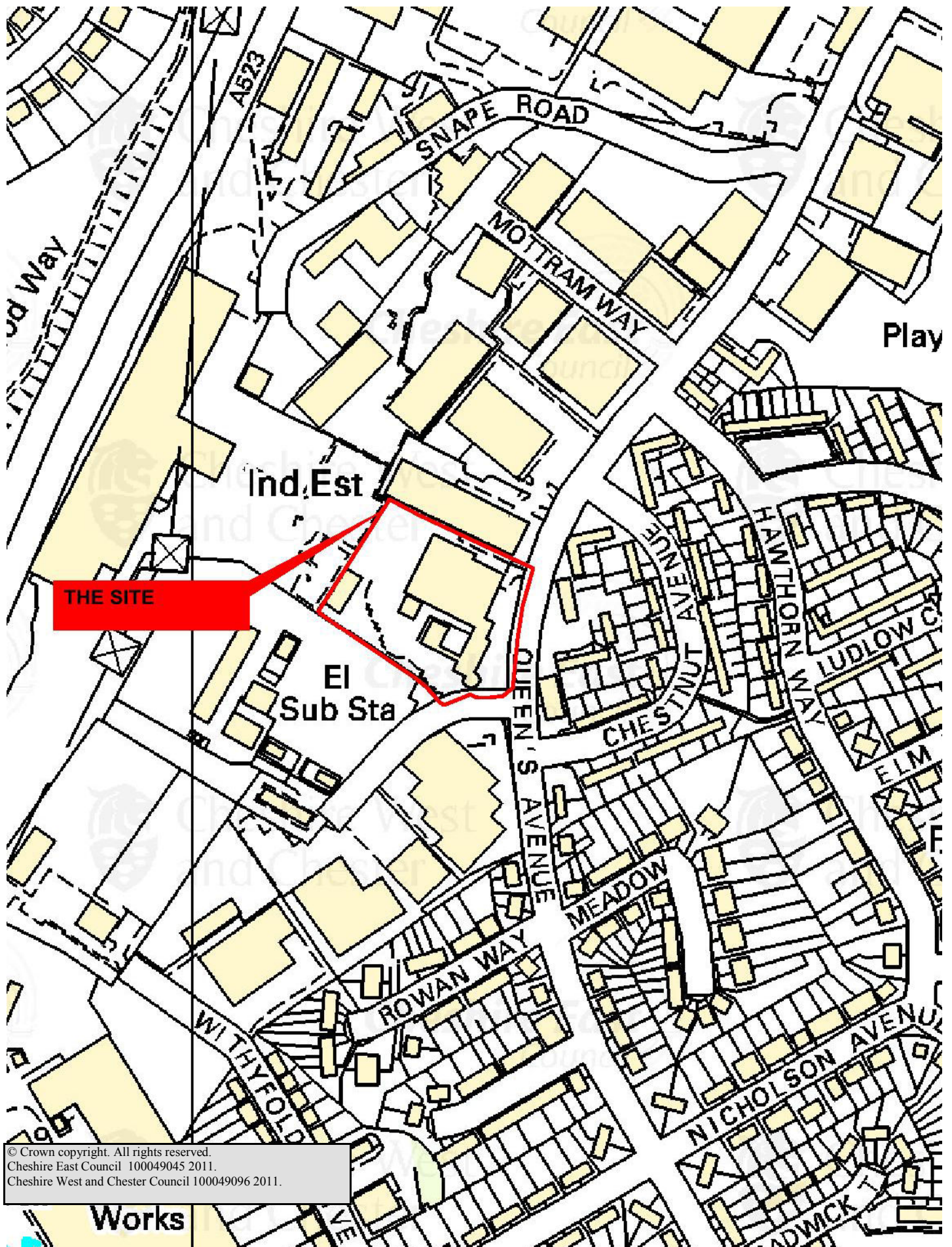
### **Application for Full Planning**

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

1. Commencement of development (3 years)
2. Development in accord with revised plans
3. No external storage - unless previously approved with the LPA
4. Provision of car parking
5. Details of materials to be submitted
6. Tree protection
7. Tree pruning / felling specification
8. Service / drainage layout
9. Landscaping - submission of details
10. Landscaping (implementation)
11. Decontamination of land
12. Cycle parking
13. Opening hours 07:30 to 17:00. No Sunday opening or bank holidays. No HGV's until after 08:00
14. Delivery/collection hours for HGV's 08.00 to 17.00 No Sunday opening or bank holidays

15. Materials which may produce dust and / or require mechanical handling to be sited in positions as far away as possible from the nearest residential properties





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Application No: 11/2091M

Location: LAND OFF MARTHALL LANE, MARTHALL LANE, OLLERTON, WA16 8RP

Proposal: Full Application for 14 Affordable Dwellings to Serve Local Housing Need

Applicant: Cheshire Peaks and Plains Housing Trust

Expiry Date: 08-Sep-2011

**Date Report Prepared:** 20 October 2011

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions & the prior completion of a S106 legal agreement**

#### **MAIN ISSUES**

- Whether the principle of affordable housing in this location is acceptable
- Whether the need for affordable housing has been proven
- Whether the proposal constitutes inappropriate development in the Green Belt and if so, whether there are any very special circumstances
- The design and appearance of the proposal and its impact on the character, appearance and openness of the area
- The impact of the proposal on the amenity of nearby residents
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on protected species

#### **REASON FOR REPORT**

This is an application for 14 affordable dwellings in the Green Belt, and as such meets the criteria outlined in the Council's constitution for it to be determined by the Northern Planning Committee.

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

The application site comprises an area of woodland / vegetation immediately adjacent to Marthall Lane, which once formed part of the adjacent nursery. The application site covers an area of 0.3 hectares and is currently accessed via a track off Marthall Lane that leads to the land at the rear of Oaklands Road. Residential properties are located to the north east, south west and south east of the site, with a nursery to the north west. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the erection of 14 affordable dwellings, 10 x 2 bedroom, and 4 x 3 bedroom semi detached two-storey dwellings. The dwellings are to be built and managed by Cheshire Peaks and Plains Housing Trust, a local housing association and would all be for affordable rent. The dwellings are proposed to be constructed in brickwork with imitation slate roofs. Vehicular access to each dwelling is to be taken directly from Marthall Lane, with each dwelling provided with two parking spaces at the front or side of the property.

## **RELEVANT HISTORY**

10/2203M - 14 AFFORDABLE DWELLINGS – Withdrawn 06.09.2010

## **POLICIES**

### **Regional Spatial Strategy**

- DP1 Spatial principles applicable to development management
- DP2 Criteria to promote sustainable communities
- DP4 Sequential approach to making the best use of existing resources
- DP5 Objective to reduce need to Travel and increase accessibility
- DP7 Criteria to promote environmental quality
- DP8 Mainstreaming Rural Issues
- DP9 Objective to reduce emissions and adapt to climate change
- RDF1 Hierarchy of spatial priorities
- RDF2 Spatial priority for development in rural areas
- RDF4 Maintaining the general extent of the Region's Green Belt
- L2 Understanding Housing Markets
- L4 Criteria on targets for regional housing provision
- L5 Affordable housing provision
- RT2 Strategies for managing travel demand and regional parking standards
- RT9 Provision of high quality pedestrian and cycle facilities
- EM1 Objectives for protecting the Region's environmental assets

### **Local Plan Policy**

- NE11 Protection and enhancement of nature conservation interests
- BE1 Design principles for new developments
- GC1 Control over new buildings in the Green Belt
- H1 Housing phasing policy
- H2 High quality living environment in housing developments
- H5 Criteria for the development of windfall housing sites
- H8 Provision of affordable housing
- H9 Affordable Housing
- H13 Protecting Residential Areas
- T2 Integrated Transport Policy
- DC1 High quality design for new build
- DC3 Protection of the amenities of nearby residential properties
- DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
- DC8 Requirements to provide and maintain landscape schemes for new development



DC9 Tree protection  
DC35 Materials and Finishes  
DC37 Landscaping  
DC38 Guidelines for space, light and privacy for housing developments  
DC40 Children's Play Provision and Amenity Space

### **Other Material Considerations**

PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS3 Housing  
PPS4 Planning for Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport  
SPG Planning Obligations (Macclesfield Borough Council)  
Interim Statement on Affordable Housing (Cheshire East Council)  
Ministerial Statement – Planning for Growth (March 2011)  
Draft National Planning Policy Framework (July 2011)

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

United Utilities – No objections subject to conditions

Strategic Highways Manager - No objections since each dwelling has 200% parking provision within the site and meets the parking standard requirement, the traffic associated with development will not cause congestion issues as the level of generation is low and can be easily catered for on the local highway network, and adequate visibility is available at the access points that accords with the speed survey undertaken.

Environmental Health (Contaminated Land) - No objection subject to condition

Leisure Services – In the absence of on site provision the proposed development would be required to make a commuted sum payment for offsite provision of public open space.

Housing Strategy and Needs Manager – No objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

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

Ollerton with Marthall Parish Council – comments not received at time of report preparation

### **OTHER REPRESENTATIONS**

A significant number of representations have been received in relation to the application. Copies of the representations can be viewed on the application file.

In total 54 letters of representation have been received objecting to the proposal. A number of these representations state that there is no objection to the principle of affordable housing

but that objections are raised to the particulars of this proposal. The main points of objection are summarised below.

- No proven need for 14 affordable dwellings in the village
- Question validity of the housing needs survey and register of interest
- Permission granted for affordable housing in Over Peover
- Two other potential sites in Chelford
- Detrimental to the character of this rural area
- Loss of woodland / hedgerow
- Loss of ecological habitat
- Unsustainable location / lack of amenities / lack of public transport
- Risk to highway safety
- Use of a greenfield site in the Green Belt
- Disruption and danger during construction
- Already a balanced mix of housing in the area
- Lack of infrastructure
- Contrary to localism agenda given weight of local opposition
- Overlooking to property opposite
- Overbearing to properties opposite
- Loss of value to existing properties
- May need to fill houses with non local residents due to absence of local need
- No proof of financial calculations used to justify shortfall in open space / leisure contribution of £12,000
- Effect on groundwater levels and surface water drainage

In addition, a statement has been submitted by the 'Save Ollerton Action Group' objecting further on the grounds outlined above.

Also, on behalf of the save Ollerton Action Group a Transport Assessment has been submitted which highlights highway safety concerns due to the national speed limit on the road. This assessment also states that the site cannot be considered to be located where there is a realistic choice of transport mode and therefore it is considered that the private car will be the essential choice of transport mode from the site and as such the site is therefore contrary to national transport policy as set in PPG13 - Transport.

## **APPLICANT'S SUPPORTING INFORMATION**

Numerous documents have been submitted in support of the application including a Utilities Statement, Tree Survey, PPS3 Checklist, Planning and Affordable Housing Statement, Transport Statement, Design & Access Statement, and a Protected Species Survey. Full copies of these documents are available to view on the application file.

The Planning and Affordable Housing Statement concludes that:

- The proposal is in accordance with development plan policies and other material considerations

- Strong evidence from a variety of sources of a localised need in Ollerton with Marthall parish.
- Housing must remain affordable in perpetuity and occupancy will be restricted to favour those who are either current residents of the area or have family or employment connections.
- As a gap in an otherwise built up frontage, the site lends itself to development.
- The site is more sustainably located than many rural areas, but in any case the development is primarily intended for those who are already present in Ollerton.
- The initial application was withdrawn due to the lack of trapping opportunities for Great Crested Newts.

## OFFICER APPRAISAL

### Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the five purposes listed within the paragraph. This includes “limited affordable housing for local community needs under development plan policies according to PPG3”. Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes including “limited affordable housing for local community needs in accordance with policies H8 – H10”. Policy H10 specifically referred to affordable housing in rural areas and included a list of 4 criteria to be met before permission would be granted for affordable housing in rural areas. However, policy H10 is not a saved policy and cannot therefore be referred to in the determination of applications for rural affordable housing. The reason why the policy was not saved is because it was considered that it was similar to paragraph 30 of PPS3 and the issue is also now covered by the Council’s Interim Planning Statement on Affordable Housing. Paragraph 30 of PPS3 states

*“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”*

From this it is evident that national policy offers general support for the principle of limited rural affordable housing on small sites provided that it is to meet a local community need in perpetuity.

In addition, the section 7 of the Interim Statement on Affordable Housing states that:

*“Generally planning policies do not allow for new housing development in the open countryside outside of villages with settlement boundary lines. However in certain circumstances planning permission may be granted for small schemes of affordable housing where;*

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary*
- There is an identified need for affordable housing in that village or locality*
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity*
- The development is in accordance with other local plan policies”*

However, national and local policy in the form of PPS1, PPS3, PPS4, PPS7 and policies H5 and T2 seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This is also acknowledged within the Affordable Housing Statement, where it identifies that priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport.

This site has been assessed against these policies with the use of the PPS3 Housing Self Assessment Checklist, and with regard to the accessibility criteria specified within the North West Sustainability Checklist. With the exception of a pub, play area, village hall and a church the nearest facilities are located in Knutsford Town Centre. Public transport options are relatively limited with a bus stop within walking distance at Ollerton crossroads, on the Manchester to Knutsford route. This service runs Monday to Saturday between approximately 7am and 6pm. It is evident therefore that essential facilities are not readily accessible from the site, and it is therefore considered to be in an unsustainable location. However, given that this is a scheme for rural housing for people with a connection with the parish of Ollerton with Marthall to meet an identified need, it is considered that the sustainability of the site in terms of location and access to services should be given less weight as this is dictated by the identified need for affordable housing in this location (this need is examined later in the report).

It is considered that the provision of affordable housing on the scale proposed by this application would help to sustain the existing rural community of Ollerton / Marthall as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be. In this case, this is considered to outweigh the disadvantages of the site in terms of location and access to service/facilities.

The application site is a greenfield site, however, whilst national and local policy seeks to ensure that the majority of new development is located on brownfield land, there is no formal requirement for a sequential approach to this to be taken by developers. Therefore the fact that the site is technically greenfield is not considered to be a sufficient reason to reject the application site as a site for rural affordable housing. Notwithstanding this, there are no known suitable alternative brownfield sites in Ollerton that could accommodate this development.

## **Assessment of Need**

As the application is put forward as a rural exceptions site there is a necessity for there to be proven housing need for the proposed development.

The Housing Strategy and Needs Manager has commented on the application. They note that a rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes, which included Ollerton. The survey was conducted by sending out a questionnaire to all the households in the survey area and produced a return rate of 27% in the Ollerton parish. The rural housing needs survey for Ollerton identified that there were 8 hidden households (households which have at least 1 adult in the household who wished to form a separate household). The survey also established that there are 6 people who have moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return. Therefore, the rural housing needs survey has identified a total of 14 persons with a direct local connection who could be potential occupiers of affordable housing in Ollerton.

Cheshire Peaks and Plains held a consultation event on 20 May 2010 to establish a register of interest for the proposed affordable housing. 22 people registered an interest at this event. The Cheshire East Housing Options team have reviewed the details of the 22 people and confirm that 18 of them would qualify under the Cheshire homechoice community connection criteria for Marthall and Ollerton. Cheshire homechoice is a partnership between the local authority and social housing providers in the Cheshire East area.

For the purposes of the Strategic Housing Market Assessment (SHMA) 2010 Ollerton is in the Knutsford Rural sub-area, where there is a need for about 155 new affordable homes between 2009/10 and 2013/14, this equates to 31 new affordable homes per year. There have been some recent planning approvals for sites in the Knutsford Rural sub-area which have an element of affordable housing on them;

- 10/0436M – Woodside Farm, Over Peover, 15 units,
- 10/3448M – Chelford Agricultural Centre, Chelford – 26 units (this is 30% of the total units at the site)
- 10/3239M – Chelford Cold Storage, Chelford – 18 units (this is 30% of the total units at the site)

If these 3 sites progressed and the units were developed there would be a total of 59 affordable units provided, this would still leave a shortfall requirement of 96 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14.

Due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objections to the application. They note that unless there are exceptional circumstances Affordable Rent (as proposed in this scheme) is now the only type of rented tenure that can be delivered on affordable housing schemes when they are being funded with a grant from the Homes & Communities Agency (HCA). The maximum the rent can be set at is 80% of open market rents for that type of property in the area they are. As Cheshire Peaks and Plains have submitted a bid to the HCA for grant funding for this site and this has been supported by the Housing Strategy and Needs Manager, in this case Affordable Rent is an acceptable tenure for this site.

Occupancy will generally be restricted to a person resident or working in the relevant locality, or who has other strong links with the locality. The locality to which the occupancy criteria are to be applied will need to be agreed with the Council prior to determination of the relevant

planning application. Generally this is taken as the Parish or adjoining Parishes. Finally to ensure an adequate supply of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the geographical area immediately surrounding the application site, widening in agreed geographical stages.

### **Green Belt**

As stated above, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, as outlined above, it is considered that a need has been demonstrated for the proposed 14 affordable dwellings in Ollerton / Marthall and it is not considered that a residential development of that number would be out of scale with the village. The principle of the proposal is therefore considered acceptable in the Green Belt and compliant with Local Plan policy GC1. However, it is still necessary to consider whether there is any other harm to the Green Belt arising from the proposal, including harm to openness.

The site is currently occupied only by vegetation / woodland, therefore the provision of 14 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that extending the ribbon of housing will have a visual impact, as raised in the letters of objection. However, the development would infill an existing gap along Marthall Lane, and by doing this the overall impact upon openness and visual amenity is considered to be adequately limited. As such the proposal is not considered to be inappropriate in the Green Belt.

### **Character & Design**

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The existing development around Marthall Lane generally comprises 1 or 2 storey, brick faced dwellings ranging in age and architectural style either facing directly onto the lane or accessed via small cul-de-sacs. It is considered that the proposed siting of dwellings represents logical infill within the parameters of the existing village utilising the existing infrastructure following a traditional ribbon form along an established highway. The set back of the properties is greater than the dwellings on the corner of Chelford Road and less than that of the housing to the east and mindful of the variety in the existing building line and the need to provide soft landscaping along the front boundary (see below) this set back is considered an acceptable design choice.

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality.

Revised plans have been submitted that seek to address some minor issues. These include:

- The removal of railings on the front elevation.
- The retention/replacement of hedgerow on the front and south western elevations.

- Annotation of existing marshland to be retained on north eastern boundary.
- Indicative brick colour amended
- Reconfigured house types, showing minor amendments to fenestration and doors.

As approximately 50% of the site frontage would remain open as driveways, the visual appearance of hard surfaced areas within curtilages would also have an impact on overall character and it is therefore necessary to require the submission of full details of hard surfacing for subsequent approval. It is also recommended that permitted development rights are removed for walls and fences to ensure the soft landscaping to the front is retained in perpetuity. Consequently, no design objections are now raised subject to conditions.

### **Amenity**

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

The application site lies between The Old Chapel and number 41 Marthall Lane. Having regard to the proposed relationship with these properties, there is not considered to be any significant impact upon the living conditions of these neighbours. Any potential overlooking from side facing windows can be overcome with obscure glazing conditions.

With regard to the properties on the opposite side of Marthall Lane; 1 Beech Close, 1 and 11 Chapel Road and 9 Ashdown Road, the application properties will face towards their front / side elevations and side garden areas. The closest relationship with the new dwellings would be with 11 Chapel Road, where there would be a separation distance of 26 metres. This exceeds the guidelines outlined in policy DC38, which suggests a separation distance of 25 metres back to back between habitable room windows and 21 metres front to front. Whilst there would be some overlooking of parts of existing gardens, due to the distances involved, this would not be sufficient to justify a refusal of planning permission.

### **Highways**

The Strategic Highways Manager has commented on the proposal and notes that the proposed housing is located towards the south western end of Marthall Lane, which has a number of existing residential properties located in the vicinity of the site. Each dwelling has 200% parking provision within the site and meets the parking standard requirement. The traffic associated with development will not cause congestion issues as the level of generation is low and can be easily catered for on the local highway network.

The proposal will involve vehicles reversing onto the highway, and concerns have been raised by local residents in this regard. However, the applicants have carried out a speed survey that shows the average speeds outside the site are just above 30mph, despite the road being a national speed limit highway. There are also other properties along Marthall Lane that already have this access arrangement. Marthall Lane is a well used road, but it does not have a constant flow of traffic.

The applicants have stated in their submission that they will fund a traffic regulation order (to restrict speeds to 30mph on the section of Marthall Lane closest to the site) at a cost of

£5,000. However, there is no guarantee that the Council could implement a 30mph limit on this road. As noted above, the submitted speed survey indicates average speeds just over 30mph on this section of Marthall Lane, which makes an amended speed limit unnecessary. The Strategic Highways Manager is satisfied that the access and parking arrangements are acceptable. No significant highway safety issues are therefore raised.

### **Trees / Landscaping**

An Arboricultural Statement has been submitted with the application. The Council's Arboricultural Officer notes that trees within the site are predominantly remnants of Nursery Stock densely planted in rows (Alders, Maples etc) and some natural regeneration (Goat Willows, Ash, Sycamore, Elder).

Collectively the group of trees appear to provide a visually pleasing woodland appearance, however much of the planting is densely planted, suppressed and has been unmanaged. Any future woodland management is unlikely to provide any long term benefits, without significant removals and replanting to provide the necessary diversity of species to create a well structured woodland.

The submitted layout identifies the retention of a prominent mature 'A' category Oak towards the eastern boundary of the site within an area of defined open space. This tree has adequate provision for long term retention, in terms of its juxtaposition with the new development.

Whilst it is regrettable that a large volume of immature trees will be removed in order to facilitate this development, it has to be recognised that the management of these trees in terms of establishing a viable woodland entity would require extensive removals and replanting. In this regard it is not considered that the retention and/or management of these trees is a viable option in the long term.

The Landscape Officer raises no objections to the proposal, and the removal of the metal railings along the frontages overcomes initial concerns. There is, however, scope to mitigate for the partial loss of the roadside hedge by planting a mixed native hedge along the rear boundaries of the properties.

### **Ecology**

The Nature Conservation Officer has commented on the application and has noted that a satisfactory survey for great crested newts has now been undertaken. No evidence of great crested newts was recorded therefore this species does not present a constraint upon the proposed development.

A Common toad was recorded on site during the great crested newt survey. Whilst, this species is not protected, it is a Biodiversity Action Plan Priority Species and hence a material consideration. The loss of scrub/woodland and hedgerow from this site will have an adverse impact upon this species at the local scale. It is therefore recommended that wide native species boundary hedgerows are provided as part of the development to go some way to compensating for the loss of terrestrial habitat for toads.

Hedgerows, unimproved grassland and woodland have been recorded on this site. These habitats are Biodiversity Action Plan habitats and a material consideration. The most important hedgerow is located along Marthall Road frontage which was initially proposed to



be removed as part of the scheme. The Nature Conservation Officer recommends that either as much of this hedgerow as possible is retained as part of the development or that a new species rich hedgerow is established on the northern boundary of the site to compensate for this loss. A second less valuable hedgerow is located on the western boundary of the site. As much of the existing hedgerows as possible will be retained, and replanted where required.

The 'woodland' present on site does not appear to be particularly important from an ecological perspective due to its relatively recent plantation origins.

An area of marshy grassland has been recorded on the eastern boundary of the site. From the species recorded this does not appear to be a particularly valuable habitat however it is recommended that it is retained as part of the proposed development, which the applicants have now confirmed is the case.

Whilst there will be some loss of hedgerow and woodland habitat, it is considered that suitable conditions can help to mitigate for this loss, as well as conditions to safeguard breeding birds and to ensure that additional provision is made for breeding birds and roosting bats. This will ensure an acceptable impact upon nature conservation interests and compliance with relevant local plan policies.

### **Leisure Provision**

The proposed development triggers the requirements for the provision of POS and Recreation / Outdoor Sport as identified in the SPG on S106 Planning Agreements. In the absence of on site provision the developer would be required to make a commuted sum payment for offsite provision.

The provision of public open space, recreational and community facilities are as important to rural communities as those in urban areas. They provide essential opportunities for all ages. This commuted sum would be used to make additions, alterations and improvements to the existing facility at Oaklands Road. This facility is in need of substantial works to ensure it provides opportunities for all parts of the community including the new residents. The site offers a very good opportunity to act as a focus for the local community and would ensure the proposed new residents have access to formal and informal recreation at an appropriate level.

The commuted sum for public open space would be £42,000. The sum for recreation and outdoor sport would be £14,000, but in the case of 100% affordable developments, this requirement would be waived.

The applicant has stated that only £30,000 will be available for this purpose. Further discussions are needed on this matter, but it is known that other affordable housing schemes have been subject to the full requirement. Such contributions are also particularly important in Ollerton as the playing fields site is in need of considerable improvement work.

### **Other considerations**

The Contaminated Land Officer has advised that since the application is for new residential properties which are a sensitive end use they could be affected by any contamination

present. Therefore, a phase 1 contaminated land survey is required, which can be dealt with by condition.

United Utilities raise no objections to the proposal, subject to conditions relating to the drainage details.

### **Heads of Terms**

Should Members be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Ollerton with Marthall and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Cheshire Peaks and Plains Housing Trust and the Parish Council).
- commuted sum of £42,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Ollerton.

### **Levy (CIL) Regulations**

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

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

The provision of affordable housing would help to sustain the existing rural community of Ollerton / Marthall as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be.

The commuted sum to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Ollerton, which is in need of substantial works will ensure it provides opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum and affordable housing is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

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

The many comments received in representation are acknowledged, and it is understood that many of the objections relate more to the specific site rather than the principle of affordable

dwellings in Ollerton and Marthall. However, the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 14 dwellings in Marthall on an existing Greenfield site is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least this number of dwellings. The siting, layout and design of the scheme is considered acceptable as are the access and parking arrangements. It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents or on protected species. There are no other material planning considerations that would warrant the refusal of the application which for the reasons outlined within the report, is considered acceptable subject to conditions and the prior completion of a S106 legal agreement.

### Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Obscure glazing requirement
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Removal of permitted development rights
9. Tree retention
10. Tree protection
11. Drainage details
12. Phase 1 contaminated land survey
13. Safeguarding breeding birds
14. Enhancement for breeding birds / bats



Application No: 11/3105M

Location: Kenmore Medical Centre, 60, ALDERLEY ROAD, WILMSLOW, SK9 1PA

Proposal: demolition of existing single storey extension, erection of new two storey and single storey extension forming new entrance including lift, minor procedures suite, 3 consulting rooms and extended pharmacy, reconfiguring of car park and minor alterations to existing building to incorporate new window openings and building services.

Applicant: Dr Javed Sheikh

Expiry Date: 17-Oct-2011

### REASON FOR REPORT

The proposal has been referred to the Northern Planning Committee under the terms of the Head of Planning and Housing's discretion in accordance with the Council's constitution.

#### **SUMMARY RECOMMENDATION – Approve subject to conditions and a legal agreement**

##### **MAIN ISSUES**

- The detailed design of the proposal – impact of height, mass, bulk, character and appearance of the area
- Impact on residential amenity
- Impact on protected trees
- Impact upon parking congestion, highway safety
- Green Travel Planning
- Heads of Terms for a Legal Agreement concerning Travel Plan

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

The Kenmore Medical Practice is located at the junction of Alderley Road and Albert Road, within a predominantly residential area close to Wilmslow town centre. The premises have a patient list of 12 500 patients and is owned by the doctors who practise from the premises. The premises are a converted Edwardian villa set within its own grounds with a number of protected trees to both frontages. The surgery operates a one way traffic system with access being located on Alderley Road and egress via Albert Road. Presently there are 33 car parking spaces laid out within the site.

The premises have been extended in the past with a small, ground floor (20 sq m floorspace) pharmacy extension to the Albert Road frontage and an entrance/toilet entrance to western elevation. This pharmacy is operated by the Co-operative.

The current facility comprises 14 consulting rooms, 5 no on ground and first floors respectively with ancillary stores, waiting rooms and offices within the upper floors and the 4 no basement rooms in use as a diabetics consulting room and additional physio consulting room, storage and Registrars room. The upstairs and basement is not accessible to wheelchair bound patients or staff.

The general character of the wider area varies in nature from detached houses to and semi detached villas, mainly in residential use ,however, the property to the immediate south of the site is in use as a dental surgery. Albert Road is residential and Alderley road is mainly commercial in land use terms.

### **DETAILS OF PROPOSAL**

As originally proposed this scheme involved a 9m long extension to the existing single pharmacy extension and disabled access ramp on the Albert Road frontage and the removal of an adjacent protected Lime tree and hedge to the Albert Road frontage to facilitate that extension which was to include disabled access ramp and a private consulting room for the use of the pharmacy. The proposal also incorporates the demolition of the existing ground floor w.c and entrance extension to accommodate a full width 2 storey side extension to incorporate a minor operations suite and two additional consulting rooms, patient lift with over-run, alterations to the entrance area, changes in the car park layout resulting in the creation of 3 dedicated spaces laid out for the use of disabled drivers and a small reduction in the overall total numbers to 27 spaces(including the 3 disabled bays) from an existing car park capacity of 33 no spaces and the installation of a ground source heat pump to the grounds. The proposal overall would provide 3 additional consulting rooms including a dedicated minor operations suite.

Significant amendments to the scheme have been negotiated and this scheme now proposes a much reduced single storey extension to the Albert Road frontage and the relocation of the pharmacy within the ground floor, the retention of the protected Lime tree and hedge to the Albert Road frontage, the addition of one more (parent and child space) adjacent to the building; the use of brick facing materials to match the existing building as opposed to the use of render in all the extensions.

The scheme now also incorporates A Travel Plan to formalise the non use of the car parking for staff , excluding the doctors and other on going initiatives to encourage modes of transport other than the private car.

### **RELEVANT HISTORY**

96/0251p - Single storey extension to medical centre to provide pharmacy facility :  
conditional planning permission granted 3 April 1996

97/0817p - Removal Of Condition 5 On Planning Consent 96/0251p : refused permission 22  
August 1997

98/0420p - Variation Of Condition 5 Of Planning Consent 96/0251p To Enable General  
Dispensing Of Prescriptions – conditional permission granted 03 March 1999  
(temporary for 2 years)

## **POLICIES**

DP1- Spatial Principles, promoting sustainable development  
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)  
L1 (Health, Sport and Community Provision)  
EM18 – Decentralised Energy Supply

### ***Macclesfield Borough Local Plan (2004)***

BE1- Design Guidance  
H13- Protecting Residential Areas  
T3 Pedestrians;  
T4 Access for people with restricted mobility;

DC1 – New Build  
DC3 –Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC36- Road Layouts and Circulation  
DC37- Landscaping  
DC38- Space Light and Privacy

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

### **Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 13: Transport

Macclesfield Borough Council (Alderley Road) Tree Preservation Order 1974  
Chief Officers Ministerial Statement March 2011 – Planning for Growth  
Draft National Planning Policy framework

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions

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

**Strategic Highways Manager:** No objection is raised to the proposals. This proposal does not increase patient numbers and although there is an increase in consulting rooms by 3 no, the parking provided and the initiatives to be adopted in terms of Green Travel Planning adequately addresses the likely demand.

**Environmental Health:** No objection subject to condition regarding hours of construction/demolition work.

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

Wilmslow Town Council: Note the objections of local residents but raise no objection to the proposal

## **OTHER REPRESENTATIONS**

Approximately 800 copies of the same letter have been submitted. This letter supports the proposal as originally submitted and was provided by the Kenmore Medical Centre for signature of patients of the surgery. The letter states that the proposal will improve access and facilities for patients including the provision of a lift and access suitable for wheelchair users. Signatories of the letter in the main have addresses in Wilmslow although other addresses have been quoted.

A total 3 of individually written letters of support have been received, 2 from a local doctor and from the East Cheshire Clinical Commission Group respectively which cite the benefit to the enhanced medical provision within the premises in the support of patients . One letter of support has been received from a resident who considers the alterations will give the surgery years of extra life.

A total of 5 no individual letters of objection, with one neighbour being generally supportive of the intent to modify parking behaviour by the Surgery, whilst maintaining objection to the expansion of facilities that he considers should be located elsewhere have been received from residential neighbours immediately adjoining and opposite in Albert Road. These can be viewed on the case file but are précised as being; in respect of the application as originally proposed :

- the loss of the tree and hedge to Albert Road
- the scale of the pharmacy extension
- design and materials of the 2 storey extension
- loss of privacy/outlook
- intensification of activity/ overdevelopment of the site
- noise and disturbance
- traffic generation
- concern about on going parking congestion on the site and on Albert Road attributed by the neighbours to the activities at the surgery
- increased commercialisation
- the minor operating suite should be located elsewhere

In respect of the neighbour re –consultation upon the revised proposals the neighbours have welcomed the retention of the tree and hedge and the reduction in scale of the single storey extension to the Albert Road frontage and the use of facing materials to match existing but



have maintained their concerns and objections based upon their opinion that the scheme will be an over intensive use of the site which will not address the problems they consider exist with regard to parking congestion in the locality and poor egress out of the site.

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

The following documents have been submitted in support of the application:

- Design and Access Statement
- Ecological Assessment
- Land Contamination Assessment , inc desktop Study

All of these documents are available in full on the planning file on the Council's website.

In précis, it is the Applicants essential case that -

The proposal is for 3 new consulting rooms only ( including the minor operations room) and they are not seeking to intensify usage on the site. The patient numbers catered for do not change.

The project also incorporates improved access for patients/staff who may be wheelchair bound and diversifying the range of services in house that can be offered to them, in accordance with current Governmental health directives. Access will be level and a lift will enable patients to access all floors.

The pharmacy as originally submitted would have a private consulting room to enable the provision of advise to patients privately in accordance with health department advise. The vast majority of users of the pharmacy (in excess of 90%) are patients of the practise.

It is intended to alter the parking culture at the site. Presently, up to 28 staff members may use the car park at any one time, leaving a min of 5 spaces available as existing for patients. As a result of the proposal including the adoption of a Travel Plan and prohibiting staff other than the doctors from using on site parking a total of 19 spaces will be made available for patients at all times. This is a significant improvement upon the existing situation. 3 no parking spaces will be allocated for the use of disabled drivers, where no allocation currently exists on site.

### **OFFICER APPRAISAL**

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

### **Principle of Development**

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through

protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

### **Design and Street Scene**

Local Plan policies BE1, H13, DC1 and DC2 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

Para 35 of PPS1 concerns assessing design quality include the extent to which the proposed development (inter alia) should:

- *Address the connections between people and places by considering the needs of people to access jobs and key services.*
- *Be integrated into the existing urban form and natural and built environments.*
- *Be an integrated part of the processes for ensuring successful, safe and inclusive villages, towns and cities.*
- *Creates an environment where everyone can access and benefit from the full range of opportunities available to members of society*
- *Consider the direct and indirect impacts on the natural environment*

This proposal has been significantly amended since it was originally submitted. The single storey extension previously proposed to the Albert Road frontage has been reduced in size and the pharmacy will be relocated to be incorporated within the existing building. This will enable the current Co-operative signage to be removed from the Albert Road frontage which will be an improvement within this street scene.

The 2 storey side extension has been redesigned during the Application phase to incorporate brick facing materials rather than a render finish as originally proposed. The 2 storey extension will have a flat roof and incorporate brise soleil details to the entrance area, located to the rear of the car parking area. The lift over-run will be slightly higher than the 7.8 m height of the extension, which is in design terms clearly identifiable as an extension to this building given the modern, elongated fenestration details and the 'cubist' design. The use of facings to match existing is considered to be appropriate and the scale and bulk of the extension is considered to respect the scale and character of this building.

The single storey extension to the Albert Road frontage will be halved in size and will be 5m in depth and will not break the existing building line. This is a minor change to the existing

extension which is in keeping with the existing single storey extension and ensure the retention of the hedge and protected tree to this frontage. Accordingly the character of the streetscape is adequately maintained.

### **Impact upon protected trees**

The proposal will require the removal of a Lawsons Cypress located on the Albert Road frontage and a small Goat Willow located adjacent to the car park fronting Alderley Road, the latter to accommodate the reconfiguration of existing parking spaces. Both trees present only a limited contribution to the amenity of the area and can be adequately mitigated by landscaping

As originally submitted this scheme proposed the removal of the protected Lime Tree adjoining the egress and the hedge adjoining the Albert road frontage of the site. The tree is considered to be an important amenity to the locality and is a healthy specimen.

Following negotiation the tree and hedge have been retained within the scheme. The Council's Officer for Arboriculture has considered the technical details and considers the revised scheme including the additional parent and child parking space in close proximity to the tree can be accommodated without compromising the protected tree and the hedge to the Albert Road frontage. The retention of these features maintains the character of the street scene.

### **Highways and parking**

The Highways Engineer raises no objection to the proposal subject to Travel Plan initiatives being undertaken. The Agreement on the behalf of the Applicant to the provision of a Green Travel Plan is a significant addition to this scheme.

The Strategic Highways Manager has considered the views expressed by neighbours about parking congestion in the area, however, in terms of additional capacity the Highways Manager accepts the information submitted by the Applicant that there is to be no more patients catered for as a result of the relatively small increase in floorspace (circa 200 m sq) the parking issues at the site is generally a result of the current custom and practise of the Kenmore Medical Practise to allow staff to park at the site and this is on a first come first serve basis. It is this parking that results in patients not finding space when they arrive by car and leads to further congestion.

The existing facility has 14 consulting rooms arranged over 3 floors. The scheme involves the internal re-organisation of the building and the introduction of 3 additional consulting rooms including the creation of a 'minor operations suite' within the 1<sup>st</sup> floor extension. The pharmacy is to be relocated within the premises as part of the proposals. The pharmacy is proposed to be accessed from within the surgery premises and will share consulting room facilities with the doctors. The pharmacy operator (the Cop-operative), legally can not decline to fill a prescription if presented by any member of the public, however the advise given by the Co-operative is that the vast majority (in excess of 90%) of customers going to the current pharmacy are patients of the Kenmore. Given the relocation of the pharmacy within the premises and the lack of street frontage for the pharmacy now, there is no reason to presume this would not be the case in future.

Paragraph 75 of PPG13 Transport states that walking is the most important mode of travel at the local level and the greatest potential to replace short car trips, particularly under 2km. The site is directly adjacent to the public transport network, it is a sustainable location being located close to the bus stops on Alderley Road and the centre of Wilmslow.

It must be recognised that given the aging nature of the population those in need of medical treatment may be less mobile than many in the community, however, a balance needs to be found which caters for the need for car parking at this site based upon the activities that could be undertaken whilst also recognising that the proposed expansion of the facility will potentially allow for more facilities to accommodate patients concurrently at the site.

This proposal also allows for the provision of 3 car parking spaces for the use of drivers with mobility difficulties, which is a welcome improvement and will assist in the Medical Practise's desire to comply with providing equal access for all to the premises.

It is also expected that the Applicant will develop a travel plan which will incorporate green travel measures that should not be solely directed at staff but also at patients. All these measures are considered to be sustainability benefits which weigh in favour of the development.

The Travel Plan, coupled with the Applicants management of car parking within their sites, enables a much reduced level of parking provision based upon the normal standards for medical consulting rooms.

Overall, the practises that are likely to be adopted as a direct consequence of this scheme is considered to be in accordance with the objectives of policies DC6 of the local plan. Whilst the views of neighbours are noted, they are not considered to be sustainable as a reason to refuse this application. Parking available on Albert Road is publically available for the use of all.

### **Amenity**

The siting of the 2 storey extension does not compromise the amenity/ outlook or privacy of the adjoining residential property in Albert Road. The side facing 1<sup>st</sup> floor windows within the extension will be obscurely glazed. Additionally, the rationalisation of parking within the surgery, and the fact that a considerable number of staff members will not be parking within the site is not likely to result in discernible intensification of traffic/activity within the site that would be detrimental to the amenity of neighbours during the normal operating hours of the surgery.

### **Ecology**

There is a moderate level of bat activity in this locality however there is no conclusive evidence of roosting taking place at the medical centre building. The Council's ecologist therefore advises that roosting bats do not present a constraint upon the proposed development.

To avoid any disruption of foraging/commuting bats the submitted protected species report recommends that no additional lighting is proposed on the southern aspect of the

development. A suitably worded planning condition would safeguard nature conservation interests satisfactorily.

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

The proposal will help meet the changing Primary Health Care requirements to deliver more services to patients locally against a changing demographic where the population is aging and living longer. This is considered to be a significant community benefit. Level access will also be provided to the premises. The site is readily accessible by a choice of means of transport and the extensions have been significantly amended to allow for the retention of an important tree and hedge.

A major shift in parking culture at the site, together with the ongoing commitment of the Surgery to travel planning in conjunction with the Council's Travel Plan Co-ordinator will help deliver sustainable transport choices that will ensure that any additional parking demand attributable to the 3 additional consulting rooms proposed is catered for. The neighbours concerns about parking congestion are considered to be based on the current situation which is not currently controlled and the commitment expressed to Green Travel Planning will off-set the additional demands likely to be placed upon parking by virtue of the greater intensity of use.

The amended proposal complies with the adopted development plan and there are no other material consideration which would justify a departure from the Development Plan

On the basis of the above information, a recommendation of conditional approval is made:

## **SUBJECT TO**

### **HEADS OF TERMS**

- Provision of a green travel plan
- Monitoring costs

### **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 a Travel Plan underpins the commitment to sustainable travel choices. The nature of the provision of medical services, particularly where the catchment is aging leads to an over- reliance on car parking. In terms of the sustainability of this proposal, the practice has always been to allow staff of the medical centre to park within car parking spaces on site, this initiative will assist in reducing carbon emission by critically challenging how this medical facility operates. A reduction in parking will assist in reducing pressure upon on street parking.

On this basis the provision of the Travel Plan is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

#### Application for Full Planning

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

1. Tree retention
2. Tree protection
3. Development in accord with revised plans (unnumbered)
4. Materials to match existing
5. Commencement of development (3 years)
6. Construction specification/method statement
7. Rainwater goods
8. No lighting
9. Protection from noise during construction (hours of construction)
10. Pile Driving
11. Obscure glazing requirement
12. works to be in accordance with revised arboricultural statement



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Application No: 11/1803M

Location: WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 7DB

Proposal: ERECTION OF DWELLING

Applicant: MR & MRS A HODGSON, WHITE PEAK ALPACA

Expiry Date: 22-Jun-2011

**Date Report Prepared:** 20 October 2011

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Whether the proposal is appropriate development in the Green Belt and if not whether there are any very special circumstances that would outweigh any harm caused by inappropriateness and any other harm
- Whether the visual impact of the proposal is acceptable

#### **REASON FOR REPORT**

This application has been referred to Committee by the Head of Planning & Housing due to the particular history of the site and the widespread local interest in the proposal.

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

The application site comprises a timber dwelling under a felt tiled roof. It forms part of the wider agricultural holding of White Peak Alpaca Farm. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

Whilst the description of development on the application form states "Erection of dwelling", the application actually seeks full planning permission to retain the existing temporary agricultural workers dwelling (originally granted for a 3 year period until 28 September 2008) on the site indefinitely.

#### **RELEVANT HISTORY**

09/3006M - Renew consent to retain dwelling (Resubmission of 09/0256M) - Refused 18.01.2010, Appeal dismissed 16.07.2010

09/2640M - Creation of new access track (determination) - Approval not required 16.09.2009

09/0256P - Renew consent to retain dwelling (mobile home) resubmission of 08/2046P - Refused 20.05.2009

08/2046P - Renewal of 05/2623p to allow retention of mobile home for occupation by an agricultural worker - Refused 24.10.2008

05/2623P - 1no. mobile home - Approved with conditions 16.12.2005

05/1853P - Proposed mobile home for an agricultural worker (outline) -Approved with conditions 28.09.2005

In December 2009 an enforcement notice was served which requires the timber dwelling to be removed from the site by 9 July 2010. An appeal against the enforcement notice was dismissed and the notice was upheld with correction and variation. The notice came into effect on 16 July 2011.

## **POLICIES**

### **Regional Spatial Strategy**

RDF4 Green Belts  
DP1 Spatial Principles

### **Local Plan Policy**

BE1 Design Guidance  
GC1 New Buildings  
DC1 Design  
DC3 Amenity  
DC6 Circulation and Access  
DC23 Permanent Agricultural Dwellings

### **Other Material Considerations**

PPG2: Green Belts  
PPS7: Sustainable Development in Rural Areas

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

Environmental Health – No objection

Strategic Highways Manager – No objection

United Utilities – No objection

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

Mobberley Parish Council – Strongly object on the following grounds:

- Inappropriate development in the greenbelt and the proposed dwelling reduces the openness of the site within the greenbelt.
- No very special circumstances have been demonstrated or are considered to exist to allow planning permission to be granted.
- The proposed development by reason of its size, siting and design forms a visually obtrusive feature which detracts from the rural character and appearance of the area within which it is located.
- In view of the close proximity of Ivy Cottage we do not feel that the application for a new dwelling is necessary in order for the applicants to look after the Alpaca herd.
- We would add that the application site edged in red we do not consider to be residential curtilage.

Chorley Parish Council - Evident from the comments made by each individual Parish Councillor that there are a variety of concerns, comments and support both for and against the proposal. It has therefore been agreed that we should not begin to debate these views, we should submit them to you verbatim in order to aid your own deliberations.

2 Parish Councillors supported the proposal, 1 opposed and 1 remained neutral but felt that they should support Mobberley Parish Council.

## **OTHER REPRESENTATIONS**

11 letters of representation have been received from residents of Wilmslow, Alderley Edge, Mobberley and Macclesfield objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt
- Applicants could use their other property at Ivy Cottage
- Dwelling is out of keeping with surrounding properties
- Enforcement notice should be upheld
- 24 hour on site care is not required
- Insufficient land to support stated herd size
- Revocation of land that is currently rented would be fatal to business plan
- Stocking ratio for alpacas is 4 to 5 per acre
- Whilst applicants may have 55 breeding alpacas, only 8-10 crias born in a year
- Inspector did not rule out the use of Ivy Cottage
- Many items previously not included in accounts
- Since 2005 alpaca numbers increased from 50 to 100, but labour requirement remains the same
- Other casual labour does exist on the holding – can this be afforded?
- How much does the shop contribute to profit?
- £100,000 milling machine not previously shown on accounts
- Is recently acquired machinery included in accounts?
- Applicant states that there was a deliberate policy of not selling. If so where has profit come from? Shop?
- Query independent valuation.
- Is any money reinvested back into the business?
- Not in the interests of transparency to hold accounts back from public view.

## **APPLICANT'S SUPPORTING INFORMATION**

A supporting letter, Design & Access Statement and a report on the long term financial viability of the business accompany the application.

In summary, the supporting letter notes that a detailed and up to date financial appraisal has been carried out since the July 2010 appeal decision. This addresses the concerns of the Inspector and the supplementary queries of the case officer. This confirms that the White Peak Alpaca Business is based on sound principles, has met its targets and demand for products remains and is expanding. The business has clear prospects of remaining financially viable in the future. Since this last appeal decision Cheshire East Council has approved permanent consent for a small Alpaca enterprise. In addition an Inspector has granted consent on appeal for another Alpaca enterprise in this same Green Belt.

It is clear that the need for a dwelling is capable of outweighing definitional harm and any other harm to the Green Belt. The Council is invited to grant permanent consent to retain Cedar Lodge on a permanent basis with an agricultural tie and any other suitable conditions.

The financial report concludes the following:

- The business is still financially viable after allowing for the depreciation of fixed assets.
- The business is still financially viable after allowing for an agricultural wage to be paid from the net profit of the business.
- The business will continue to develop given that breeding females are at their optimum capacity for the size of the holding.
- The issue of the long term certainty of rented land has been addressed and the concerns over the ability of the business to obtain additional land in the future.
- The situation with regard to the suggested decline in the value of alpacas has been addressed.
- The role of the shop and other areas of diversification has been investigated.
- It has demonstrated that through additional financial information that, taking account of all of the above concerns, the business is still profitable and financially viable.
- Financial projections have been provided that clearly show the business is capable of sustaining that profitability in the long term and at the very least has a reasonable prospect of remaining financially sound in the future.
- The business has grown in line with the original plan and the report indicates the main objectives of the business over the next five year period.

In every respect the applicants have met the requirement to demonstrate that their business has clear prospects of remaining financially sound in the future.

## **OFFICER APPRAISAL**

### **Principle of Development**

The erection of new dwellings in the Green Belt is considered an inappropriate form of development in the Green Belt. However, meeting the functional and financial tests as set out in PPS7 and Local Plan policy DC23 may amount to the very special circumstances required to outweigh the harm by reason of inappropriateness and any other harm. Additionally it would need to be demonstrated that the need cannot be met by any other existing accommodation in the area.

Given the particular circumstances of this application, the Council has engaged the services of Reading Agricultural Consultants to advise of the merits of the submission. Their comments are incorporated into this report.

### **Green Belt / Justification**

PPG2 and Local Plan policy GC1 state that the construction of new buildings in the Green Belt is inappropriate unless it is for, amongst other things, agriculture and forestry and GC1 states that the provision of new dwellings will be subject to the principles contained in Policy GC6 which refers to the siting of the dwelling.

Policy DC23 of the Local Plan reflects the advice in PPS7 with its listing of the following criteria that should be met in order for planning permission to be granted for a permanent agricultural dwelling:

- There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit (functional test).
- The unit and agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (financial test).
- The need cannot be met by another dwelling on the unit.
- There are no buildings available for conversion.
- The need cannot be met by any other existing accommodation in the area, and
- The dwelling should be appropriately located and wherever possible should be sited within and designed in relation to a nearby group of dwellings or a farm complex.

### **Functional test**

The Inspector in the 2010 appeal noted, “Alpacas do not readily make outward signs of stress or illness or when they are about to give birth, an event which is itself neither seasonal nor predictable and can (contrary to objectors’ assertions) take place at any time of the day or night. The value of the animals and their lengthy gestation period combine to give an added degree of importance to paying close attention to them at and around giving birth. These various factors combine with the numbers of breeding female alpacas (the mainstay of the business) to amount to a likely requirement for ongoing supervision on a year-round basis”.

The outline permission in 2005 identified a labour requirement of 1.5 workers and established a functional requirement for an agricultural worker’s dwelling at the site. At that time the applicant had a herd of approximately 50 Alpacas. At the time of the appeal the numbers had increased to 90, including 55 breeding females, and the 1.5 worker requirement continued to be the estimated need.

In re-visiting the functional test, there would be only two significant reasons for departing from the conclusions reached as a consequence of the determination of the planning application for temporary worker’s accommodation or the conclusions of the appeal. Those reasons would relate to either a substantive change in the nature of the relevant enterprise such that the need for the supervisory presence of a worker was diminished or no longer necessary, or the scale of the enterprise had reduced to a level which no longer required a full-time worker. Neither of these reasons apply to the circumstances at the applicant’s holding.

It is therefore considered that due to the supervisory requirements of alpaca breeding and rearing there is a long term need for the dwelling and it is essential to the efficient working of the existing agricultural activity on a well established agricultural unit. As stated above, this view was shared by the Inspector, and is also in line with the Council's view of an alpaca holding in North Rode and by a further Inspector on a site in Mottram St Andrew.

#### Suitable and available alternative existing accommodation

The location plan identifies a building at the eastern side of the land under the control of the applicants. This building is Ivy Cottage, which is a dilapidated property that, at the time of the appeal, was partly owned by Mrs Hodgson and her two sisters-in-law who reside in Australia. During the appeal Mr Hodgson confirmed the fact that it was only partly owned did not form a barrier to the plot being available. As stated the land is edged blue on the submitted location plan, which does indicate that it is under the applicant's control. Clarification is being sought on this matter.

The issue of Ivy Cottage was examined at length by the Inspector. He considered that for the holding to function efficiently the dwelling should be reasonably close to the barn, which provides a shelter for the animals in the winter and a pens for sick animals. The barn could be relocated closer to Ivy Cottage, but the cost of this relocation and the renovation of Ivy Cottage / or relocation of the application property would be beyond what the business could afford. In this he had regard to paragraph 9 of PPS7 which makes it clear that the size and costs of construction of dwellings should relate to the functional requirements of the enterprise. In addition he raises concerns over the visibility provided by Ivy Cottage due to an intervening hedge and the poor quality of the grazing land in this area. He concludes by stating that whilst he does question the suitability of Ivy Cottage, "that factor alone, given its proximity to the holding and in spite of its disadvantages, does not persuade me that it should be discounted as an alternative location." However, taking into account the costs involved in relocating to Ivy Cottage, he states that it is not a realistic alternative location, as it is not both suitable and available for occupation, as required by PPS7. These comments are acknowledged, however, it is considered that Ivy Cottage does still represent an option for the applicants that would satisfy the functional requirement of the holding. It is accepted that Ivy Cottage is not the preferred location for the dwelling, but it would still be functional one, which would not have the impact upon the openness of the Green Belt as the proposed dwelling does. The costs of relocating there are noted, however, given the substantial weight that must be afforded to this inappropriate form of development in the Green Belt, and the additional harm by reason of loss of openness, given the presence of this functional alternative, it is considered that Ivy Cottage and its outbuildings would need to be demolished and the residential use of the plot ceased to satisfy the policy tests of policy DC23.

The Inspector states that this issue "*could be the subject of a planning condition.*" However, if the applicant does not have sole control of Ivy Cottage, they would not be in a position to ensure its removal. It is therefore necessary to establish who does own Ivy Cottage, prior to attaching a condition, otherwise a legal agreement may be required to secure its removal, in the event that the application is approved. Members will be updated on this issue.

#### Financial test

The 2010 appeal was dismissed, and the enforcement notice upheld, because the Inspector considered that there was insufficient evidence to demonstrate that the business had clear prospects of remaining financially sound in the future.

Permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable (paragraph 8 Annex A to PPS7). The financial test is established to examine this and has several components:

- (i) a 3-year establishment period for the agricultural activities and the related unit;
- (ii) profitability in one of the last 3 years;
- (iii) current financial soundness;
- (iv) prospective financial soundness.

There is no dispute in relation to components (i) and (ii) of the financial test. However, as stated, the Inspector had concerns in relation to components (iii) and (iv), and to the longer term prospects of the farm business in particular. Specific issues raised in the decision letter related to the style and content of the financial statements presented in support of the financial test. These included:

- (i) stock valuation – the method adopted was recognised as accepted to HMRC;
- (ii) shop – the exclusion of income and costs associated with on-site sales of products was questioned;
- (iii) depreciation – the absence of full accounting of depreciation of fixed assets was questioned;
- (iv) remuneration to unpaid labour – the ability of the business to make adequate future investment if labour was appropriately remunerated was questioned;
- (v) stock numbers – concern expressed that stock numbers were at the capacity of the holding and the value of breeding stock was declining.

These are matters which needed to be addressed within any resubmission, and which now form the content of a report on long-term viability prepared by the applicants' accountants (Marshall & Co).

In considering the financial evidence presented, due regard has been afforded to two important considerations:

- (i) The guidance in Annex A to PPS7 on the application of the financial test is that *"----local planning authorities should take a realistic approach to the level of profitability, taking into account the nature of the enterprise concerned"* (paragraph 8);
- (ii) The recent guidance to Planning Inspectors draws attention to the fact that the functional and financial tests *"should be applied with common sense and in the light of the Court of Appeal judgement Petter and Harris v SSETR and Chichester DC 1999 where it was held that the financial viability test was only relevant in cases where the uncertain future of the agricultural business might lead to a non-conforming residential use that would pass with the land."*

It has been normal practice nationally for planning authorities and planning Inspectors to set minimum thresholds for the application of the financial test in permanent dwelling cases. Namely an ability to give a return to unpaid labour at least equivalent to the minimum agricultural wage, to finance the build cost of the dwelling as either a finance charge or a return on own capital invested, and to be able to sustain continued business development.

There is no prescribed formula for this approach, nor can there be within a national policy which, since the introduction of PPS7, encompasses a wide range of occupational circumstances from wholly commercial enterprises at one end of the spectrum to subsistence or even non-commercial activities at the other. The only consistent approach is to ensure that regard is had to the objectives of the policy in the context of the individual circumstances.

In this regard, paragraph 2 of Annex A to PPS7 notes that it will be *“important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time.”*

The starting point for considering the sustainability of an enterprise is whether it generates a sufficient level of profit to adequately remunerate the unpaid labour of the principals engaged in it. Normal practice is that for agricultural enterprises adequate remuneration is assessed in relation to the minimum agricultural wage. The profit and loss statement for 2009-2010 included in Appendix 8 of the Marshall and Co report shows a net profit of £36,717. The typical cost of a worker during this period was £14,770 per annum, which would translate into an annual labour cost for White Peak Alpacas of £19,200. This would indicate that the business has achieved a level of profitability which can meet its labour costs. The profit and loss statement also now allows for and includes the depreciation of fixed assets. This is then supported by a detailed statement outlining how the depreciation of each fixed asset category is arrived at.

There was interest in the appeal in relation to two contributory factors to the level of profitability. Firstly, the income contribution coming from the farm shop, and secondly that arising from increasing stock valuation. Whilst the farm shop cannot contribute to the functional requirement for on-site supervision, it is not necessarily discounted as a contributor to the financial test. The diversification of farm businesses is now a fundamental feature of rural policy, and primary producers are actively encouraged to add value to their products at the farm gate (paragraph 27 PPS7). Where diversification of an enterprise comprises an ancillary extension to the core productive activity, the related income and cost streams are appropriately subsumed into the integrated business. This is distinct from forms of diversification which introduce entirely unrelated, non-agricultural enterprises to a holding.

The Inspector did not reach a conclusion on the nature of the farm shop or its future role in the development of the business. He considered that the stock appeared to originate primarily from the farm and left this as a matter for the Council to resolve. The Marshall's report (Appendix 7) indicates that 80% of the shop revenue is derived from indigenous product. However, it is undoubtedly the case that the farm shop has become a very significant element of the economics of the overall business accounting for 35% of income in 2009-10. This compares with the general picture of the contribution of farm diversification to farm incomes nationally and regionally of 14-15% (Farm Diversification in England: Results from the Farm Business Survey 2009-10. Defra 2011).

Alpaca producers have three main potential products; breeding stock, fleeces and domestic pets. At the present time, the numbers of animals in the alpaca sector nationally are relatively small and considerable investment is being made by the main producers to breed animals which deliver high quality fleeces, with such animals continuing to command premium values. The volume of quality fleece is, however, below that which can sustain fibre and products on



a substantial commercial scale. Therefore, producers have either entered small supplier groups associated with specific processors, or have relied on their individual production and marketing efforts. In this latter respect, White Peak Alpacas is by no means unique in developing its own fibre products, nor is the proportional contribution of these to farm income surprising.

The second issue attracting attention in the appeal was the significance of livestock valuation in the financial statements. The value of stock on a holding at the beginning of a financial year and at the end will vary in relation to the numbers and types of animals involved and their value, which in market terms may have risen or fallen over the year. It is perfectly normal to include this factor as a contributor to gross output because it represents a store of potential income. The difficulty from a planning perspective relating to farm dwelling applications arises when this factor is the difference between profitability and non-profitability in actual terms. This has often been the case with newly established alpaca enterprises where stock has been retained rather than sold in order to build up breeding numbers, and the contribution of stock valuations to gross output have been substantial as market values of breeding stock have risen year on year. It has been argued by some that the high values of stock in the alpaca sector are about to, or must inevitably, collapse, and that consequently the sustainability of enterprises in which stock valuation is a key element of profitability must be questioned.

In this context, the profitability of White Peak Alpacas is not dependent upon the stock valuation factor, and the Council's agricultural consultant confirms that there has not been a collapse in market conditions, nor is there any immediate likelihood of such a collapse. The latest financial statement shows that the enterprise has a real income from stock sales and generates a profit on those sales. That profit would be insufficient to cover labour costs, unless the profit from value added activity in the farm shop is added, and then only at a marginal level (c £16,000). However, the stock valuation factor is not an optional extra and should legitimately be added into the consideration of profitability at which point the business goes substantially beyond a position of marginality (c£36,000). To this extent, reliance on this notional element in the profit figure would only be of concern if its calculation was flawed in some way. In this respect there is no reason to dispute the approach adopted by Marshall and Co and set out in Appendix 6 of their report:

- (i) the market values of the White Peak Alpacas stock assessed by Marshall and Co are consistent with current generally applicable sale values for females animals being in the range £700 - £8,800 depending upon the type and age of animal;
- (ii) the deemed cost valuation approach is one accepted by HMRC as appropriate for farm livestock (cattle and sheep) and for other livestock with its agreement;
- (iii) the percentage (30%) of open market value to used as a reasonable estimate of deemed cost has been agreed by Marshall and Co with the HMRC, and cannot be construed as being an over-optimistic estimate.

The Inspector was concerned that only financial projections to August 2011 had been submitted at the appeal, whereas an application for a permanent dwelling required a longer term view to be taken. The applicants have therefore submitted projections to 2015, which appear reasonable. However, perhaps more importantly, the enterprise has made all the

investment necessary to re-locate White Peak Alpacas on the Paddock Hill Lane site and the business has a sound balance sheet. It is not, therefore, at risk through any outstanding investment in new or replacement infrastructure, any deficiency in numbers of breeding animals, or any substantial financial liabilities. These factors, in addition to market conditions, would be those most likely to influence the ability of the enterprise to progress over the immediate future. Unlike most applicants for permanent workers accommodation the issue of an ability to fund and sustain the build cost of a proposed new dwelling does not apply to the same extent since the dwelling already exists, and consent is merely sought for its retention. Any cost associated with the demolition of Ivy Cottage would be relatively limited.

It is therefore concluded that White Peak Alpacas is a soundly-based enterprise, albeit at a modest level, which has been sustained for a substantive period and exhibits no inherent and immediate threat its continued sustainability. The appeal Inspector was, however, influenced by longer term concerns relating to declining values of stock and the role of the farm shop, and was unable conclude that clear prospects of continued financial soundness had been demonstrated. The absence of a business plan exercised him in this respect.

In the experience of the Council's agricultural consultant, it unusual for farm businesses to present business plans as part of proposals for permanent dwellings, particularly where such plans have been accepted as part of the consideration of a previous application for temporary accommodation. Normally appraisals would look to evidence of any underlying structural weakness in a business which might affect the immediate prospects of an enterprise, for example a highly negative imbalance between assets and liabilities or evidence of recent sale of productive assets in order to boost short-term profitability for planning purposes. There is no such evidence in the current case in which the enterprise has in recent years strengthened its productive base through the retention of home produced stock with an anticipation of increased future stock sales and related income, and has secured a healthy outlet for added value products. An outlet for fleece related products would have been a long-term requirement irrespective of the market conditions for breeding stock. The business model set out in the Marshall's report is consistent with the original objectives of the business and realistic.

One concern that has been raised is the impact upon the business if the rented land became unavailable. The applicants would not be able to maintain such a high number of animals if they were restricted to the grazing land that they own, which is between 8 and 13 acres, depending on the quality of the land taken into account. This issue is noted, however, this was not a matter that specifically concerned the Inspector. There has been no indication during the course of the appeal or the current application that the applicants could lose this rented land. Furthermore, in the event that the rented land was lost there is no reason to doubt that it could not be replaced elsewhere. It is also noted that there are other alpaca enterprises farms that operate with lower stock and smaller sites.

Scepticism about the long term prospects of the UK alpaca sector has been based largely on an American academic assessment and has been tested on appeal in 2008. In this case the Inspector noted, *"In the UK alpaca breeding is an emerging and developing sector and whilst market factors may result in a threshold being reached in respect of stock numbers and animal prices I see nothing to justify an assumption that the 'bubble will burst' in the near future"*.

This conclusion is still relevant. With the passage of time and despite the major down turn in the general economy, which was unforeseen at the time of the above decision, the UK alpaca sector has continued to grow and stock values have not reduced disproportionately relative to general economic pressures. Consequently, there is not considered to be any clear evidence of external adverse trading conditions which might prejudice the prospects of White Peak Alpacas.

#### Other planning requirements

##### **Character and appearance / openness of the Green Belt**

The dwelling is a single storey structure vertically clad in Western Red Cedar down to ground level. It has a felt tiled roof. The relatively compact external appearance of the structure is similar to that of a log cabin. The building is not prominent from public vantage points and is significantly screened from Paddock Hill by an existing agricultural building. Any glimpses that might be achieved will show the building within the context of this existing timber clad agricultural building. The proposed dwelling is therefore not considered to have any significant impact upon the character of this Green Belt area. No additional landscaping is considered to be necessary.

As previously noted, however, the simple presence of the application building does serve to reduce the openness of the Green Belt in this location, which does add to the substantial harm to the Green Belt by reason of inappropriateness. However, as stated above any loss of openness arising from the application dwelling would be offset by the increase in openness resulting from the removal of Ivy Cottage.

##### **Highways**

The dwelling will be served by the existing access from Paddock Hill which currently serves the agricultural building and the temporary dwelling. The Strategic Highways Manager raises no objections to the proposal. No significant highway safety issues are therefore raised.

##### **Amenity**

Due to the existing relationship with neighbouring properties, no significant residential amenity issues are raised by the proposal.

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

The erection of a dwelling in association with the existing agricultural unit is inappropriate development in the Green Belt, which causes further harm by a reduction in openness. The removal of Ivy Cottage and its cessation of residential use would mitigate for the impact in openness. In terms of the policy tests of PPS7 and policy DC23 of the Local Plan, it is considered that:

- (i) the productive activity and the unit are well-established;
- (ii) there is a clearly established existing functional need for the key worker to be readily available;
- (iii) the functional need relates to a full-time worker;

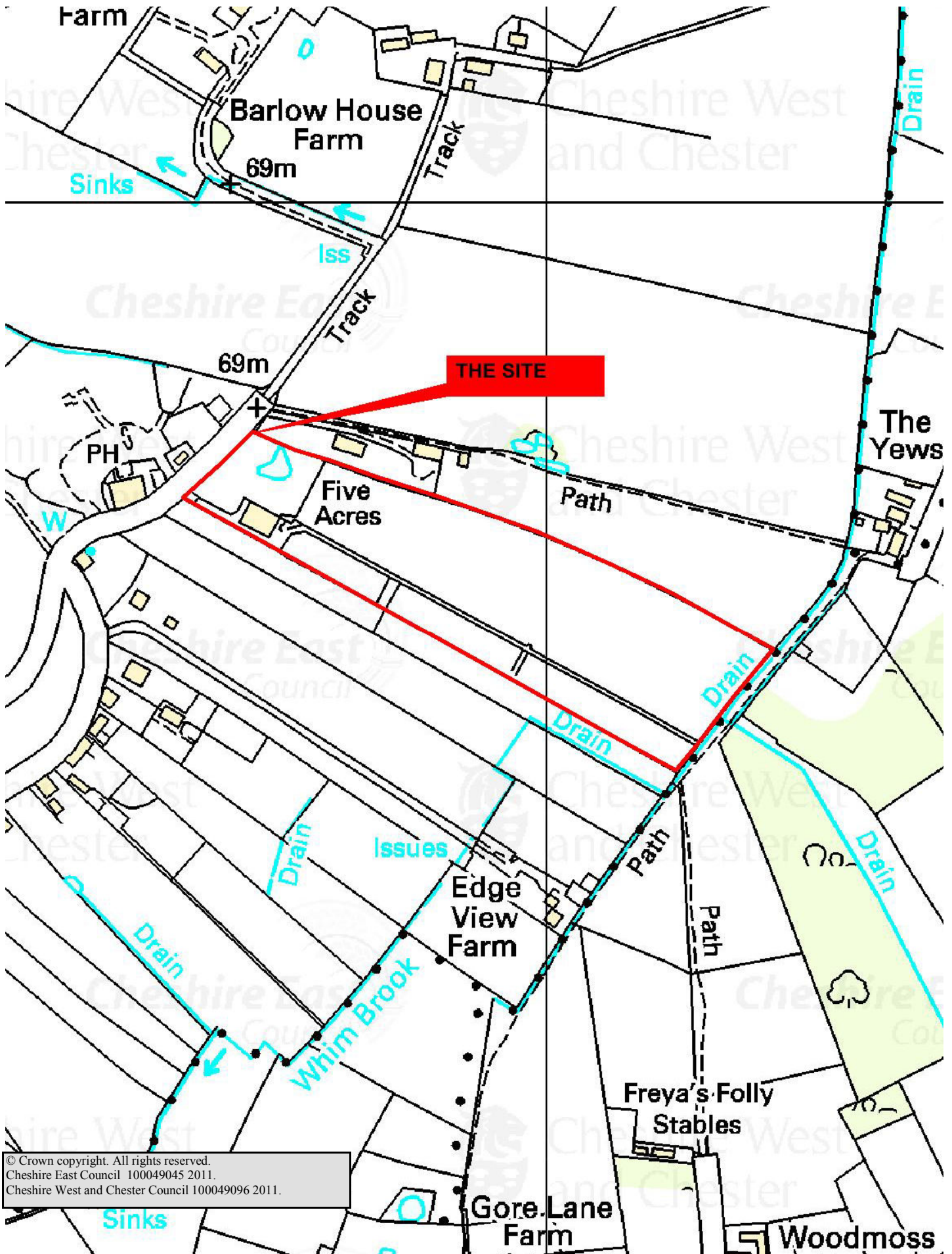
- (iv) suitable existing accommodation in the immediate locality is not realistically available to meet the functional need for ready availability;
- (iii) the business has been profitable in recent years, and has a generally sound financial basis;
- (iv) the level of profitability has been sufficient to meet unpaid labour costs;
- (v) there are no perceived or clear identifiable threats to the continued sustainability of the enterprise in the foreseeable future arising from its structure or external market factors.

This set of circumstances, notably that the proposal meets the functional and financial tests as set out in PPS7 and Local Plan policy DC23 is considered to amount to the very special circumstances required to outweigh the harm by reason of inappropriateness. The reason for previously refusing planning permission has been adequately addressed, subject to conditions. The application is therefore recommended for approval.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Removal of permitted development rights
3. Agricultural occupancy
4. Demolition of Ivy Cottage



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