

Northern Planning Committee

Agenda

Date:	Wednesday, 4th July, 2012
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 - 6)

To approve the Minutes of the meeting held on 13 June 2012 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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. **12/1144M-The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use, Land lying to the North West of Moor Lane, Moor Lane, Wilmslow for Mr John Allan (Pages 7 - 18)**

To consider the above application.

6. **12/1485M-Demolition of Existing Garages and Erection of Four New Three Bedroom 5 Person 2 Storey Houses, Adjacent No. 16 Bell Avenue, Sutton for Peaks & Plains Housing Trust (Pages 19 - 30)**

To consider the above application.

7. **12/1822C-Proposed New Detached Dwelling with Detached Garage and Associated Soft Landscape works, Heathfield, Blackden Lane, Goostrey, Crewe for Mr & Mrs D Kenneally (Pages 31 - 38)**

To consider the above application.

8. **12/1223M-Demolition of Existing Dwelling and Erection of 2 no. New Dwellings (Resubmission), Meadow Hey, Bollin Hill, Prestbury Macclesfield for Ms S Waugh, The Estate of Mrs Jessie Christie (Pages 39 - 48)**

To consider the above application.

9. **12/1513M-Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the associated use of land for the keeping of horses, Birtles Bowl Pavillion, Birtles Lane, Over Alderley for Mr & Mrs C Harris (Pages 49 - 62)**

To consider the above application.

10. **12/1833M-External Chimney Stack to side Elevation, 23 Ashford Road, Wilmslow for Councillor Wesley Fitzgerald (Pages 63 - 66)**

To consider the above application.

11. **Tree Preservation Order-Ford House, Prestbury** (Pages 67 - 74)

To consider a report regarding the Tree Preservation Order at Ford House, Prestbury, SK10 4DG which was made on 2 February 2012.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 13th June, 2012 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor W Livesley (Vice-Chairman) (In the Chair)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, A Harewood, L Jeuda,
J Macrae and D Stockton

OFFICERS

Mrs N Folan (Planning Solicitor)
Mr P Hooley (Northern Area Manager – Development Management)
Mr N Jones (Principal Development Officer)
Mr I Dale (Heritage and Design Manager)
Mrs G Hawthornthwaite (Democratic Services Officer)

Apologies

Councillors R West, H Gaddum, O Hunter, D Mahon, D Neilson and P Raynes

9 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor Edwards declared pre-determination in respect of the Tree Preservation Order – Hall Hill, Moss Brow, Bollington on the grounds that he was a member of Bollington Town Council which had been involved in assisting the residents and as such he considered that he had pre-determined the application. During discussion of the application Councillor Edwards left the Committee table. He did not leave the room, but sat in the public area and thereafter took no part in the discussion.

10 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 23rd May 2012 be approved as a correct record and signed by the Chairman.

11 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

12 WITHDRAWN 12/1401M - 16 SPRINGFIELD ROAD, MOBBERLEY, KNUTSFORD, CHESHIRE WA16 7EW: PROPOSED LOFT CONVERSION INCORPORATING HIP TO GABLE EXTENSION AND REAR FLAT ROOF DORMER

The Chairman reported that the above planning application had been withdrawn prior to the meeting.

13 12/1593M - OAKLANDS COMMUNITY INFANT SCHOOL, TUDOR ROAD, WILMSLOW, CHESHIRE SK9 2HB: VARIATION OF CONDITIONS 2 AND 24 ATTACHED TO PERMISSION 12/0027M TO ENABLE DEVELOPMENT TO COMMENCE PRIOR TO THE INSTALLATION OF THE TOUCAN CROSSING TO DEAN ROW ROAD AND TO PROVIDE ADDITIONAL VELUX WINDOWS WITHIN THE PROPOSED DWELLINGS

The Committee considered a report regarding the above planning application, a site layout plan and an oral report by the Planning Officer.

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to

(a) the completion of an updated Section 106 Agreement to secure:

- Provision of affordable housing provision on site in the form of 6 x 2 bed units, which are made up of 4 units for social rent and 2 units for intermediate tenure.
- Provision of commuted sum in lieu of on site provision of play and amenity - £63,000.
- Provision of commuted sum in lieu of on site provision of Recreation/Sport - £15,000; and

(b) The following conditions:

1. Landscaping - submission of details
2. Tree retention
3. Tree protection
4. Commencement of development (3 years)
5. Vehicular visibility at access (dimensions)
6. Construction specification/method statement
7. Development in accord with revised plans (numbered)
8. Landscaping (implementation)
9. Details of materials to be submitted
10. Protection for breeding birds
11. Submission of construction method statement

12. no dormers other than authorised
13. levels details to be submitted
14. open plan estate layout only
15. removal of permitted development rights plots 1.3,6
16. Toucan crossing to be Operational by 1 Feb 2013 and construction access method statement to be submitted approved and implemented
17. 10% renewable energy provision
18. contaminated land assessment

14 12/1394M - MASSIE DYEWORCS, LONEY STREET, MACCLESFIELD, CHESHIRE SK11 8ER: DEMOLITION OF THE EXISTING BUILDINGS AND THE ERECTION OF 5 TOWN HOUSES AND 6 APARTMENTS (RESUBMISSION OF APPLICATION NUMBER 08/2405P APPROVED ON 02 MARCH 2009)

The Committee considered a report regarding the above planning application, an update report, a site layout plan and an oral report by the Planning Officer.

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to the completion of

(a) a Section 106 Agreement to secure:

- A commuted sum for open space and outdoor sport and recreation; and

(b) The following conditions:

1. Full details approved as part of outline consent
2. Time limit for submission of reserved matters
3. Submission of reserved matters
4. Provision of car parking
5. Demolition as precursor of redevelopment
6. Submission of samples of building materials
7. Provision of cycle parking
8. Pedestrian visibility at access (dimensions)
9. No gates - new access
10. Drainage and surfacing of hardstanding areas
11. Decontamination of land/ Environment Agency as clarified in Phase II report

12. Refuse storage facilities to be approved
13. Prevention of surface water flowing onto highways
14. Door and window openings - highways / footways
15. Protection of highway from mud and debris

16. Submission of construction method statement
17. Driveway surfacing - single access drive
18. Landscaping to include details of boundary treatment
19. Commencement of development
20. Ground levels to be submitted with reserved matters application
21. Floor floating
22. Noise Insulation to be added
23. Turning facility
24. Hours of Construction
25. Archeology
26. Re instatement of kerb along Peter Street
27. Any Pile Driving restricted in accordance with scheme to be approved by LPA
28. External Appearance

and the following informative:

- Attention drawn to advice of ecologist.

15 TREE PRESERVATION ORDER - HALL HILL, MOSS BROW, BOLLINGTON

(Prior to consideration of the following Tree Preservation Order, Councillor Edwards left the Committee table. He did not leave the room, but sat in the public area and thereafter took no part in the discussion)

(Mr Egerton (an objector) attended the meeting and addressed the committee on this matter).

The Committee considered a report regarding the above tree preservation order and an oral update.

RESOLVED

That, for the reasons set out in the report, the Tree Preservation Order at Hall Hill, Moss Brow, Bollington be confirmed with the exclusion of the Sycamore and Ash tree on the boundary of properties 17/19 Hall Hill.

The meeting commenced at 2.03 pm and concluded at 3.35 pm

Councillor B Livesley (Vice Chairman) (In the Chair)

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Application No: 12/1144M

Location: Land lying to the North West of Moor Lane, MOOR LANE, WILMSLOW

Proposal: The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

Applicant: John Allan

Expiry Date: 15-May-2012

Date Report Prepared: 22 June 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt, the effect on openness and the purposes of including land within it.
- The impact upon the character and appearance of the area.
- The effect on highway safety.
- The impact upon nature conservation interests.
- The suitability of the site in relation to access to services and public transport and availability of on-site services and utilities.
- The general need for gypsy and traveller sites in the region and borough.
- The needs and personal circumstances of the applicant.
- The availability of alternative sites

REASON FOR REPORT

This application has been referred to the Committee by the Head of Development due to the significant local interest in the proposal.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a 0.46 hectare area of open land, the majority of which has an undisturbed / overgrown appearance. On the eastern boundary of the site there are a number of structures including a caravan and two small sheds with an area of hard standing leading from the access off Moor Lane. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to change the use of the land for the stationing of caravans for residential purposes for 1no. Gypsy pitch with the formation of additional hard standing and utility / dayrooms ancillary to that use.

RELEVANT HISTORY

There is no planning history relevant to the current proposal.

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles applicable to development management)

DP5 (Objectives to reduce the need to travel and improve accessibility)

DP7 (Criteria to promote environmental quality)

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)

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)

DC31 (Criteria for Gypsy sites)

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Policy for Traveller Sites (March 2012)

Cheshire East area is the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) (May 2007)

Draft North West Plan Partial Review (July 2009)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, noting that Moor Lane does provide access to a number of businesses and one of these is a caravan park just further along Moor Lane. This road is very narrow and certainly cannot accommodate many vehicle movements and any large development would not be acceptable in highway terms, although as this application is for only one caravan [pitch] it does not justify recommending a refusal on traffic impact grounds especially as there is an existing caravan park near the proposed site.

Environmental Health – No objections but issues raised relating to site boundaries; roads, gateways and footpaths; drainage, sanitation and washing facilities; hardstanding; contaminated land.

Cheshire Wildlife Trust - Saltersley Moss as a whole is a Grade B Site of Biological Importance. It abuts the northern boundary of the application site. The presence of the SBI should have been noted in the application and an assessment made of potential impacts (if

any) and appropriate mitigation (if required). The corner of the SBI immediately to the north of the site is also a Cheshire Wildlife Trust Reserve, and potential impacts (if any) of the proposed development on the reserve and its visitors should also have been considered by the applicant. There may be protected species such as great crested newts present on or using the site, which needs to be recognised with surveys / mitigation.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council – Object on the grounds that this represents inappropriate development within the Greenbelt and that no special needs and circumstances have been demonstrated. The Town Council also expressed severe concerns as to the potential increased traffic and access problems on an already inappropriate road. Wildlife surveys are also required.

Mobberley Parish Council – Object on the grounds that very special circumstances have not been demonstrated to justify this inappropriate development.

Chorley Parish Council - Object on the grounds that it is residential development in the Green Belt.

OTHER REPRESENTATIONS

To date over 600 letters of representation have been received objecting to the proposal on the following grounds:

- Day room unnecessary given facilities in mobile home
- Use of plurals within design and access statement is misleading
- Application is vague / incomplete
- What is a “gypsy lifestyle”
- Could result in a business running caravan site for other gypsy families
- Permission could lead to further development
- Highway safety concerns due to single track nature of Moor Lane
- Inappropriate development in the Green Belt
- Pressure on existing schools
- Drainage concerns
- No provision on application form for waste storage / collection
- No parking provision on application form
- No very special circumstances
- Out of character with the area
- Noise and disturbance to quiet area
- Impact upon nature conservation (including Peat Bog)
- Japanese Knotweed exists on the site
- Impact upon amenity of neighbouring properties
- Impact upon local businesses
- The site is not within any of the potential areas for housing in the draft Wilmslow Vision consultation document
- No proven need for additional traveller sites in Cheshire
- Housing previously rejected in this area
- Impact upon network of bridleways

- Impact upon property value
- Already a caravan site close by
- Loss of openness
- Site is not a sustainable location
- Brownfield sites should be considered first – have they been considered by applicant?
- Lack of notification from the Council on the application
- Application should be invalid without a biodiversity statement
- Gypsy sites already identified by Cheshire East Council and this is not one of them
- Risk of flooding
- If the applicant seeks to justify a ‘specific and identified’ need for a traveller site this should, as stated in Policy E, be only done through the plan-making process and not via a planning application
- Very special circumstances are vague
- Personal information put forward is not evidence based
- Other traveller sites closer to Manchester Eye Hospital
- Poor public transport links

APPLICANT'S SUPPORTING INFORMATION

A design and access statement and supporting letter have been submitted which outline:

- Site layout designed with reference to *Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites* and *Designing Gypsy and Traveller Sites: Good Practice Guide*, May 2008.
- Caravans will meet statutory definition of a caravan.
- Site is 3.5km from Wilmslow town centre, and the nearest bus stop is 1km away.
- Existing hedgerows, bunds and areas of vegetation will be retained and augmented where possible to minimise visual impact.
- Existing access to be realigned to improve access whilst better screening the development.
- Existing hard standing that is not required will be removed and replaced with grass.
- Acknowledge that the proposal is inappropriate in the Green Belt.
- Material considerations in favour of the development including unmet need for gypsy and traveller sites in the area; lack of alternative sites and the personal circumstances of the applicant and his family, amount to very special circumstances.

OFFICER APPRAISAL

Green Belt

Paragraph 79 of the NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;” Paragraph 89 identifies that the construction of new buildings within the Green Belt is inappropriate. The proposed development is not for one of the identified exceptions to this. The recently published *Planning Policy for Traveller Sites* (March 2012) reflects this by stating that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.” Inappropriate development is, by definition, harmful to the Green Belt.

The application site itself is rural in character, although there are other developed sites adjacent to it and on the opposite side of this section of Moor Lane, including the

neighbouring Peat Farm and Joiner's Workshop. Approaching the site from the east along Moor Lane or Cumber Lane, the strong built up residential character of these roads is gradually replaced by more sporadic development and narrow lanes, which reinforces the rural character of the area. The site is located on a narrow section of Moor Lane that leads to a residential caravan site approximately 300 metres further along the road. The land to the north and south of the site is predominantly open.

As noted above, the application site comprises two small sheds and a caravan along the eastern boundary of the site. The proposed development will create a hard surfaced area, upon which will be sited a mobile home, a touring caravan and a brick built utility / day room.

Whilst there is currently some degree of hardstanding within the site (primarily the access tracks) the proposed hardstanding will create a large expanse of tarmac of approximately 480 square metres. The brick built utility / day room will increase the permanent nature of the structures on the site and in addition to the proposed mobile home and touring caravan, the parking of vehicles and other domestic paraphernalia all centrally located within the site will have a greater impact upon the openness and visual amenity of the Green Belt, than the existing structures and layout on site.

The site is screened from Moor Lane by existing vegetation, and further planting is proposed, which will help to significantly reduce the visual impact of the development. However, the new structures are larger than the existing and more spread across the width of the site, encroaching into the currently open aspect of the site, as opposed to the existing structures, which are tucked tight against the eastern boundary. In addition, whilst the intensity of the use of the site would be determined by several factors including the number of residents as well as their lifestyle, any significant increase in this regard would be likely to result in additional outside activity such as levels of vehicle movements and car parking which would have further effect on openness. The resultant reduction in openness would conflict with this most important attribute of Green Belts. This weighs against the proposal, and should be added to the harm through inappropriateness.

Character and appearance

As noted above the residential character of Moor Lane and Cumber Lane gives way to a more open rural landscape as the site is approached from the east, with intermittent residential and commercial properties within the immediate vicinity of the site. Some of these nearby properties have comparable areas of hardstanding to that currently proposed, and the site is generally well screened by surrounding hedgerows and woodland, and an existing earth mound within the site. The proposed development would be screened or filtered from Moor Lane, from the residential property at Foxholme Stables and from public footpath (Mobberley FP52) to the west by roadside hedges and other vegetation. The proposed on-site planting would provide further screening when mature.

Whilst the extent of hardstanding, additional structures, domestic activity and paraphernalia is at odds with the existing natural appearance of this Green Belt site, views of the development from public vantage points are extremely limited due to the extent of existing and proposed boundary landscaping. Paragraph 24(d) of *Planning policy for traveller sites* notes that sites should not be enclosed with so much hard landscaping, high walls or fences that create the impression that the site and its occupants are deliberately isolated from the rest of the community. However, given that the boundary treatment is soft and itself is in keeping with

the character of the area, the site would not be distinctly different to other nearby residential properties, and should not significantly impact upon the character and appearance of this section of Moor Lane. Similarly, given that there is a reasonably sized caravan site further along the Lane, such a use is not unduly out of character.

If the application is approved a detailed landscape scheme should be submitted for approval to ensure that additional landscaping is in keeping with the local area. The landscape scheme should include details for the proposed use and long-term management of the northern area of the site. Japanese knotweed has colonised part of the site so appropriate ongoing measures should be established to eradicate this highly invasive plant.

Ecology

The Nature Conservation officer has commented on the application and noted that due to the undisturbed nature of the site and the lack of any type of management, tall ruderal and scrub habitats have been allowed to develop together with early successional habitats on the former areas of hard standing. It seems likely that these habitats would be lost or at least highly modified as a result of the proposed development if consent was granted. Whilst these types of habitats can support a number of widespread species they are not considered a priority for nature conservation. The site does however support a small number of native bluebells (a BAP priority Species and hence a material consideration). For the most part this species is located on the bunds on the eastern boundary of the site. I recommend that these bunds be retained as part of the proposed development in order to safeguard this species. It is concluded that in broad habitat terms, with exception of the bluebells, the site of only limited nature conservation value in all but the very local context.

The site does however, have the potential to support several protected species; badgers, water voles and reptiles. Consequently detailed surveys for these species need to be undertaken by suitably experienced ecological consultants and the results together with any proposed mitigation / compensation measures submitted to the council prior to the determination of the application, in order to fully consider the impact of the proposal upon nature conservation interests.

Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several metres around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

The Nature Conservation Officer has also considered potential impacts upon the adjacent Saltersley Moss SBI, and it is considered that there are no likely impacts associated with the proposed development. The exception to this might be the proposed soakaway however it is

assumed that this would be designed in accordance with current best practice to avoid any potential pollution of the surrounding land. This matter could be the subject of a condition.

Amenity

The nearest residential property is on the opposite side of Moor Lane at Foxholme Stables. Having regard to the scale of development and the distance to this nearest residential property, no significant amenity issues are raised.

Highways

The Strategic Highways Manager has assessed this application and notes that the lane does provide access to a number of businesses and one of these is an existing caravan park just further along Moor Lane. This section of Moor lane is very narrow and certainly cannot accommodate many vehicle movements and any large development would not be acceptable in highway terms. However, given that this application is for only one pitch, a refusal on traffic impact grounds would not be justified, especially as there is an existing caravan park near the proposed site. No significant highway safety concerns are therefore raised.

Sustainability

There are three primary schools within walking distance, and local shops are available at Lindow Parade on Chapel Lane also within walking distance, which would provide for most day to day needs and Wilmslow Town centre is approximately 3kms from the site. The nearest bus stop is approximately 500 metres from the application site on Moor Lane. The closest healthcare provision is again close to Wilmslow Town Centre at the corner of Bedells Lane and Chapel Lane. Some concern has been raised by third parties regarding the pressure upon local schools arising from the proposed development. However, the application is for one family, therefore any increased demand upon any local infrastructure would be minimal.

With regard to on site service provision, drainage has been raised within the representations as a particular concern. Environmental Health has advised that each caravan standing should be connected to foul drainage, and have its own water supply, and have adequate surface water drainage. These matters could be controlled via condition, as could details relating to waste disposal facilities.

Strong, vibrant and healthy communities are a key aspect of the Government's view of what sustainable development is. In terms of peaceful and integrated co-existence between the site and the local community, the applicant's supporting statement outlines that the applicant's children attend the local primary school (although which school is not specified), and having a settled base will allow the children to attend school on a regular basis.

General need

Paragraph 8 of *Planning policy for traveller sites* requires local authorities within their plan-making to set pitch targets for gypsies and travellers which address the likely permanent and transit site accommodation needs of travelers in their area. At paragraph 9(a) the document states that local planning authorities should, in producing their Local Plan: "identify and update annually, a supply of specific deliverable site sufficient to provide five years' worth of sites against their locally set targets".

The main source of information on accommodation needs for gypsies and travellers within the Cheshire East area is the *Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment* (GTAA) May 2007. This document identified an overall need for between 37 to 54 pitches within the Borough for the period between 2006 and 2016 (a pitch is generally defined as space for two trailers and a vehicle – a family unit).

In addition to this the draft *North West Plan Partial Review* July 2009 allocated a requirement of 60 pitches to Cheshire East for the period 2007 to 2016. However, given the anticipated revocation of the Regional Spatial Strategy, and its general uncertainty since 2010, it appears that this partial review document has not been progressed further. However, the level of need and the provision required by policy L6 of the partial review document, is similar to the higher figure identified in the GTAA for the Cheshire East area and remains relevant. There is clearly an identified need for additional gypsy and traveller sites across the Borough.

Since May 2007, 8 pitches have been supplied on privately owned sites and a further 2 are being developed on the local authority owned site in Astbury. Across Cheshire East there are a total of 13 private sites, with 112 permanent pitches and 2 transit pitches. The one Council run site has 16 pitches with 2 currently under construction. There is a further site that has temporary permission for 8 pitches. There are also 2 Travelling Showpersons sites in the Borough with 4 pitches. There is a current appeal at the site at Thimswarra Farm, Dragons Lane (1 pitch). There is also the site in Pickmere (3 pitches) that has been the subject of an enforcement notice that was upheld at appeal. A further planning application on this site is currently being considered by the Council.

It is evident that the number of pitches provided since 2007 makes little inroad in satisfying the need identified above. Paragraph 9 of *Planning policy for travellers* states that when producing their Local Plan local planning authorities should, “identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against locally set targets. The Council cannot demonstrate a five year supply. The identification and delivery of specific sites for occupation is likely to take some time. Therefore, there is considered to be a substantial unmet need for permanent residential pitches in Cheshire East and this lack of available sites does weigh in favour of the application, despite the Green Belt location of the site.

Paragraph 25 of *Planning policy for traveller sites* states that “if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of a temporary planning permission.” Given that paragraph 26 of this document requires local authorities to consider how they could overcome planning objections to particular proposals using planning conditions, and having regard to the identified need outlined above, a temporary permission should be considered. This is discussed further below; however five years would be necessary for there to be reasonable prospects of alternative sites becoming available to the applicant through the development plan process.

Applicant’s circumstances

The submitted supporting information states that the family are of Romany Gypsy descent. It is not clear where the applicants currently live, however, it is understood that the applicant and his family were previously living on a Council run site in Frodsham for the last 3 years.

However the applicant's eldest son suffers from glaucoma and it was necessary to move closer to Manchester Eye Hospital, as they have to attend regular appointments at the Hospital and sometimes require emergency specialist treatment. The statement also suggests that the proposed site will also mean that the applicant will be closer to other family members that can provide necessary support and childcare.

Mr Allen states that he works as a decorator and the three children attend the local primary school. The proposed site, will allow the applicant and his family to achieve this settled base and therefore his children will be able to continue to attend school on a regular basis. This is particularly important for John Junior, as due to his condition he has to have specialist help at school. They also state that the family are also registered with the local GP.

Whilst which "local primary school" and which "local GP" are not specified within the application, clearly their access to health care and enabling the children to attend school on a regular basis would be facilitated by a settled base. The welfare and educational needs of the children could carry weight in favour of the proposal. The applicant's agent has been invited to expand on any information to support this application. The information in respect of personal circumstances is very limited and it is considered can only be given very limited weight with the information available.

Availability of alternative sites

The lack of alternative sites is put forward within the supporting statement as a material consideration in favour of the development. However, this lack of alternatives is not qualified in any way. Given that the applicant's current situation is unknown, realistic alternatives are also unknown.

However, it should also be noted that the partial review document also identified a need for 825 additional residential pitches between 2007 and 2016 across the North West region. This figure derived from regional and sub-regional GTAA's, and together with recent appeal decisions the evidence does suggest that there is a serious shortage of accommodation suitable for gypsies and travellers within the region, which would add weight to the applicant's suggestion that there is a lack of available alternative sites.

Balance of issues

The proposal is identified as inappropriate development, which is, by definition, harmful to the Green Belt. Added to this "in principle" harm, is the resultant loss of openness and the encroachment into the countryside arising from the proposal. It is considered that substantial weight needs to be afforded to this identified harm to the Green Belt. In addition to this insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate surveys of the site for the existence of protected species (notably badgers, water voles and reptiles) were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with relevant national policy guidance and development plan policies relating to nature conservation.

The applicant puts forward the following material considerations in favour of this application:

1. Unmet need for gypsy and traveller sites in the area;
1. Lack of alternative sites and,
2. The personal circumstances of the applicant and his family.

The level of detail submitted with the application is limited, particularly with regard to the applicant's current situation and personal circumstances, and the consequences of the refusal of planning permission upon the family are not known. Therefore as noted above, this severely restricts any consideration of alternative sites or the applicant's accommodation needs and the relative weight that can be afforded to these matters. Therefore, having regard to the information that has been submitted only very limited weight can be attributed to these considerations.

In terms of the unmet need for gypsy and traveller sites in the area, this does carry considerable weight in the balancing exercise of the application. Members must weigh this against the harm to the Green Belt that would arise from the development. It is concluded that the unmet need alone is not considered to be sufficient to clearly outweigh the harm to the Green Belt from inappropriateness, loss of openness and encroachment. Therefore very special circumstances do not exist to justify the proposed inappropriate development. The proposal is therefore contrary to policies GC1 and DC31 of the Local Plan, and national policy contained within Planning Policy for Traveller Sites, and the NPPF.

Human Rights and Race Relations

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The supporting information states that the applicants are of Romany Gypsy descent, a racial group protected from discrimination by the Equality act 2010. Local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is not considered to raise significant highway safety or residential amenity issues. The site is located within a reasonably sustainable location, and the development would not significantly harm the character and appearance of this rural area due to the extent of existing and proposed landscaping.

However, insufficient information has been submitted with the application in order to allow full assessment of the impact of the proposed development upon nature conservation interests.

In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policy NE11 of the Local Plan or the NPPF.

Finally, the proposal is an inappropriate form of development in the Green Belt, which reduces openness and encroaches into the countryside. Whilst the shortage of accommodation for gypsies and travellers in Cheshire East is acknowledged, this is not considered to be sufficient to outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policies GC1 and DC31 of the Macclesfield Borough Local Plan, the National Planning Policy Framework and Planning policy for traveller sites. Accordingly, a recommendation of refusal is made for the following reasons:

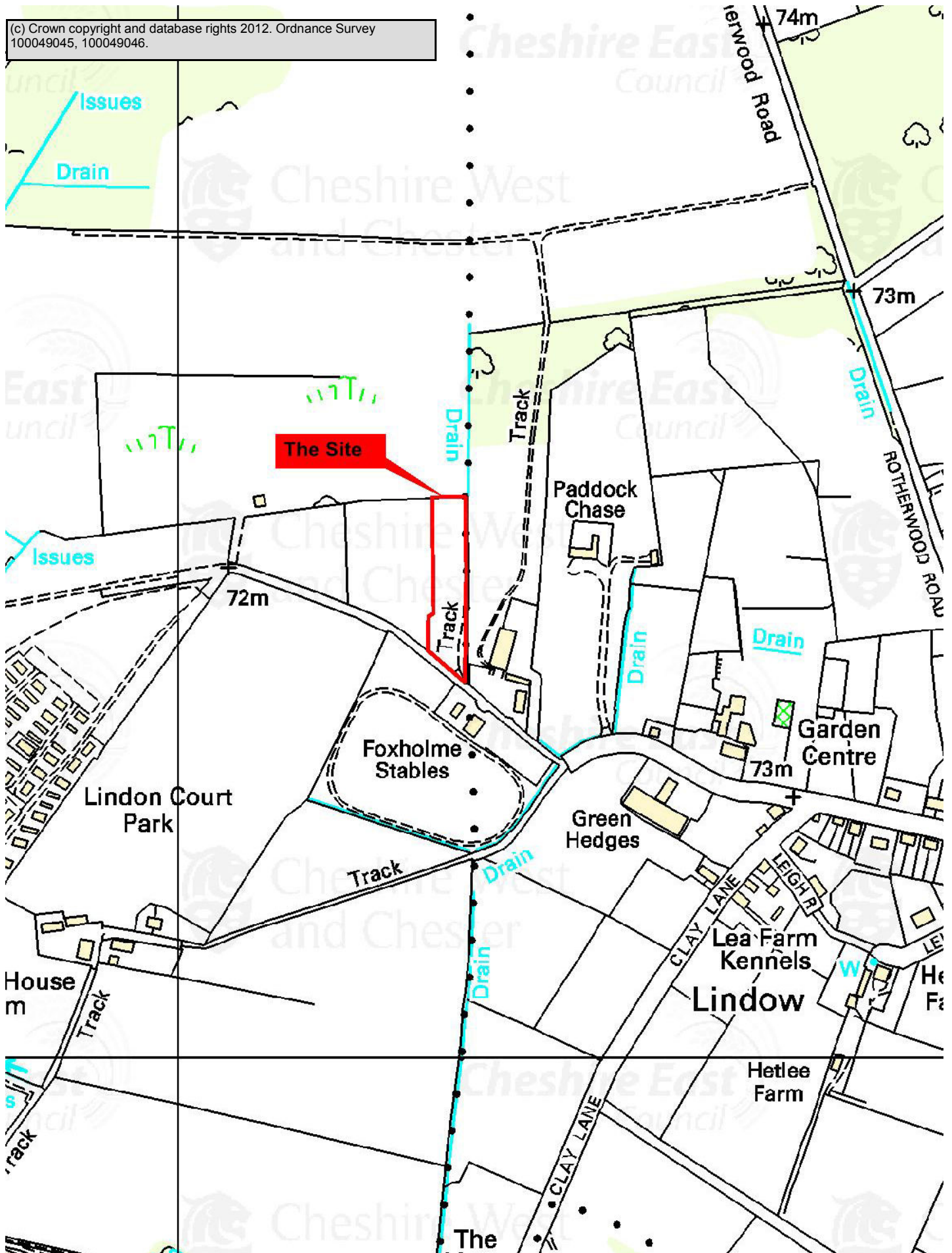
- 1. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate survey(s) of the site for the existence of water voles, badgers and reptiles were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with relevant national policy guidance and Development Plan policies relating to nature conservation.**
- 1. The site lies within the North Cheshire Green Belt as defined by the Development Plan. The proposed development is inappropriate development in the Green Belt, and results in a loss of openness and encroachment into the countryside. It is not considered that the unmet need for gypsy accommodation in the area and other material considerations advanced by the applicant amount to very special circumstances that would clearly outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policies GC1 and DC31 of the Macclesfield Borough Local Plan, the National Planning Policy Framework and Planning policy for traveller sites.**

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Insufficient ecological information
2. Inappropriate development in the Green Belt and harm to openness

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Application No: 12/1485M

Location: Adjacent No. 16, BELL AVENUE, SUTTON, MACCLESFIELD, SK11 0EE

Proposal: Demolition of Existing Garages and Erection of Four New Three Bedroom 5 Person 2 Storey Houses.

Applicant: Peaks & Plains Housing Trust

Expiry Date: 08-Jun-2012

SUMMARY RECOMMENDATION:

Approve subject to S106 legal agreement and conditions

MAIN ISSUES:

- Principle of development
- Scale, design and layout
- Impact on residential amenity
- Highways and parking
- Trees and landscaping
- Ecology
- Land contamination

REASON FOR REFERRAL

This application is included on the agenda of the Northern Planning Committee as it was called in by Councillor Gaddum for the following reasons:

'The application has proved highly controversial in the Parish, due to the small nature of the plot, the already severe highways problems re: access to the school, and many highways/parking issues. As a result, I believe it would be in the public interest for this application to be heard by committee.'

DESCRIPTION OF SITE AND CONTEXT

This application site consists of 10 garages and a grassed area containing a number of trees. The site is located at the end of Bell Avenue adjacent to no.16 which lies to the south west and Hollinhey Primary School to the north east. To the south east is Lane Ends Farm.

The site is located in the North Cheshire Green Belt and Peak Park Fringe Area of Special County Value (ASCV).

DETAILS OF PROPOSAL

The application seeks permission for the demolition of the existing garages and the erection of four no. three bedroom properties. The houses would be semi-detached two storey units and would be owned by Peaks and Plains Housing Trust (a Registered Social Landlord (RSL)) who would rent the houses at an affordable rate.

Access to plots 1 and 2 would be taken from the existing turning circle with plots 3 and 4 taking access from Bell Avenue. One parking space would be provided to the front/side of each house. The existing access would be retained with an additional 4 parking spaces provided for visitors/occupiers between plot 4 and 16 Bell Avenue.

RELEVANT HISTORY

No relevant planning history

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Making the Best Use of Existing Resources and Infrastructure
- DP5 Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
- DP7 Promote Environmental Quality
- RDF1 Hierarchy of spatial priorities
- RDF2 Rural Areas
- RDF 4 Green Belts
- L2 Understanding Housing Markets
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Strategies for managing travel demand and regional parking standards
- EM1 Objectives for protecting the Region's environmental assets

Local Plan Policy

- NE1 Areas of Special County Value
- NE11 Protection and enhancement of nature conservation interests
- BE1 Design Guidance
- GC1 Green Belt - New buildings
- H1 Phasing Policy (Housing)
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H8 Provision of Affordable Housing
- H9 Affordable Housing
- H13 Protecting Residential Areas
- DC1 Design (New Build)
- DC3 Amenity
- DC6 Circulation & Access
- DC8 Landscaping
- DC9 Tree Protection
- DC35 Materials and Finishes
- DC37 Landscaping
- DC38 Space, Light & Privacy
- DC41 Infill Housing Development or Redevelopment

Other Material Considerations

National Planning Policy Framework

Cheshire East Council Interim Planning Statement on Affordable Housing (2011)

SPG Planning Obligations (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

Highways

The Strategic Highways Manager has assessed the application, the comments are summarised below:

- There is an existing problem with on-street parking associated with the school during pick up and drop of times.
- Bell Avenue is not suited for on-street parking due to its narrow carriageway
- The development would not increase parking demand at school times
- It would have little traffic impact given it is for 4 dwellings
- The parking provision is acceptable
- Raised concern that if the garages are used by residents of Bell Avenue, their loss would result in an increase in on-street parking thus increasing the existing problems.
- Requests clarification regarding the current use of the garages

Environmental Health

The hours of construction of the development (and associated deliveries to the site) shall be restricted to 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays.

Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to 0830 to 1730 Monday to Friday and 0830 to 1300 on Saturdays.

Following a site visit additional comments were provided:

It has been noted that there is a potentially significant noise source close to the proposed residential development. This noise source appears to be a mechanical noise associated with a chiller/air conditioning unit(s). Due to the very quiet back ground noise level in the area and the dominant noise source it is recommended that:-

No development shall commence until a scheme for protecting the proposed dwellings from local noise sources has been submitted to and approved by the Local Planning Authority; all works which form part of any mitigation scheme shall be completed before any of the dwellings are occupied, amelioration proposals may include glazing/ventilation, layout and orientation on the development or where possible joint working to address the noise at source etc.

Contaminated Land

This section has no objection subject a condition requiring a Phase II Investigation prior to the commencement of development.

United Utilities

Do not object provided the following are met:

- No surface water discharged to the foul/combined sewer network
- The site must be drained on a full separate sewer system, with only foul drainage connected to the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer.
- A public sewer crosses the site. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, will be necessary.

VIEWS OF THE PARISH COUNCIL:

The Parish Council object to the proposal on the following grounds:

- The access (Bell Avenue) does not meet current highway standards in respect of width, therefore, new development should not be allowed unless current highway width standards can be achieved.
- The proposed development is within the Green Belt and the claimed justification for affordable housing for 5 person families with a strong local connection to the Parish is not considered a special circumstance and appears to be somewhat doubtful bearing in mind the need is not demonstrated when consideration is being given by the Parish Council to the letting of other affordable housing within the Parish.
- The design and materials proposed for the new houses is out of keeping with the existing houses within Bell Avenue and local vicinity.
- The location of the site for the erection of four dwellings is totally inappropriate and will significantly increase the vehicle congestion and parking requirements by the loss of 10 garages and introduction of a further planned 8 vehicles which is most likely to have a serious detrimental effect upon access for larger vehicles generally and emergency service vehicles especially to Hollinhey Primary School which may result in extremely serious consequences.
- The planned development totally destroys the only public open green space within the entire residential complex, together with numerous mature trees, which is vital to the social development and integration of existing families especially children. More open space should be afforded to such housing sites not destroying the only existing area available.
- The close proximity of the residential units to the boundary and buildings of a commercial operation on Walker Lane raises serious issues on the quality of life for future residents bearing in mind the adverse impact of the permitted noise level (whether noise mitigation measures are introduced or not) and imposing commercial buildings will have on the effective use of the below standard extremely small rear gardens.
- The recommendation by Cheshire East Highways not to have vehicular access directly onto a turning circle has been totally disregarded the consequences of such are likely to raise serious traffic hazards during peak school times that could have serious devastating consequences as younger children negotiate access to or egress from the School.
- There is some doubt, but it is most likely, that the provision of the garage site was part of the planning conditions when the site was developed and the statement made within the Design and Access Statement that the garages are redundant and not presently used by local residents for garaging purposes is totally untrue.
- The consultation process with the local community and Parish Council overwhelmingly demonstrated fierce opposition to the proposed development which appears to have been dismissed without due consideration.

- The Parish Council fully supports the large number (127+) individual objections submitted expressing opposition to the proposed development.
- The proposed development is ill conceived, supported by fundamental inaccuracies and is totally inappropriate, unjustified, and adversely detrimental to the wellbeing of existing residents and immediate locality.

OTHER REPRESENTATIONS:

A significant number of objections have been received in relation to the application; 135 in total. The majority have been submitted on a standard letter created by the Bell Avenue Residents Group. A summary document of the responses made via the standard letter has also been provided by the chairperson of the residents group. The standard letter contained the following options, the percentage figure being that taken from the summary document in terms of how many of the respondents objected on that issue:

- Health and safety of school children (96%)
- Restricted access for Emergency Services to the school and adjacent properties (86.6%)
- Increased traffic congestion (100%)
- Loss of parking and garages (85.8%)
- Loss of grassed area and trees (environmental concerns) (77.9%)
- Over development of the area (79.5%)
- Historic lack of uptake for affordable housing by truly local people (55.1%)

33% of respondents also raised other issues, and objections were also received which were not on the standard letter, that included:

- The site is in the Green Belt and there is no justification for the development
- No consideration has been given to alternative sites
- Noise nuisance from the refrigeration units at the rear of the site.
- The development does not meet the distance guidelines and is substandard
- The area is used by children as a playspace
- The design and materials would not be in keeping with those on Bell Avenue
- Greater demand on services

APPLICANT'S SUPPORTING INFORMATION:

The following documents have been submitted in support of the application, full copies of which are available to view on the application file:

- Design and Access Statement
- Site photographs
- Phase 1 Desk Study
- Existing services information
- Tree Survey/Report
- Arboricultural Implications Assessment
- Details of pre-application consultation with the Local Community and Local Authority
- Ecological Survey and Report
- Landscape Scheme
- PPS3 Housing Self Assessment checklist

OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework (NPPF) states at paragraph 89 that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However there are a number of exceptions to this, including '*limited affordable housing for local community needs under policies set out in the Local Plan*'.

Paragraph 3.10 of the Interim Planning Statement on Affordable Housing advises:

"Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community.... Unless the survey indicates a need for such provision, planning permission will not be granted".

The Interim Planning Statement on Affordable Housing goes on to state, at paragraph 7.1, that planning permission may be granted for rural exception sites 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.

The application site is within the village of Sutton, which is washed over by Green Belt.

As the application has been submitted as a rural exceptions site it is necessary for there to be a proven housing need. A Rural Housing Needs Survey was carried out in late 2011 by Cheshire East Council covering the Parish of Sutton. The survey identified a total of 29 hidden households (households which have at least 1 adult in the household who wished to form a separate household) and 9 returning households (people who have moved out of the area in the last five years because they could not afford to rent or buy in the Parish but would like to return), indicating a need for 38 new affordable units in the Parish.

Additionally, the Affordable Housing Officer has confirmed information from Cheshire Homechoice (the Choice Based Lettings system used to allocate social and affordable rented housing across Cheshire East) shows that there are currently 38 applicants who have selected Sutton as their first choice, 34 of which have verified local connection to Sutton.

There has been no delivery of affordable housing in the Parish since the Rural Housing Needs Survey. It is noted that there is currently a large application under consideration at the Rieter Scragg/Langley Works site in Langley (ref: 11/2340M) which would provide an element of affordable housing, however if this was to be approved and if it provided 30% affordable housing, this site in addition to the four proposed houses under this application, would still not be sufficient to meet the identified need.

The applicant is a Registered Social Landlord who will rent the houses at an affordable rate. This would need to be in perpetuity in accordance with the Interim Planning Statement on Affordable Housing. Additionally occupancy would need to be restricted to people with a local connection, either living or working in the locality or with other strong links. The locality is generally taken to be the Parish within which the site lies. Also 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. This would need to be secured via a legal agreement in accordance with the Interim Planning Statement should members be minded to approve the application.

As noted above the provision of affordable housing to meet local needs need not be inappropriate development in the Green Belt where that need has been demonstrated. It is considered this need has been demonstrated and it is not considered the proposed 4 units would be out of scale with the village. The proposal is therefore compliant with Green Belt policy.

Scale, Design and Layout

The proposal is for two-storey, three bedroom semi-detached houses. Residential properties on Bell Avenue consist mainly of semi-detached properties of modest proportions with a mix of brick and render with roofs predominantly tiled with red clay tiles or profiled concrete tiles. The proposed dwellings would be part brick, part render with red concrete interlocking tiles. There would be sections of timber cladding on the front elevation. The materials proposed are considered to be in keeping with the locality although a condition should be imposed requiring details of materials should Members approve the application. The size, scale and character of the dwellings are in keeping with other properties on Bell Avenue and would sit comfortably in the wider street scene.

The rear garden areas would be somewhat small, particularly in comparison to the existing properties on Bell Avenue, however sufficient space would be provided for basic needs and it is not considered that more could reasonably be asked for.

Residential Amenity

Policy DC38 of the Local Plan requires new housing development to meet minimum spacing standards for space, light and privacy. Where a habitable room faces a habitable room in the front elevation of another property a distance of 21 metres is advised. The front elevation of the proposed housing would contain bedroom windows at first floor level and a window serving the kitchen/dining room at ground floor level. A distance of at least 26 metres would be retained to the front of the properties on the opposite side of Bell Avenue (no's 9-15). There are no side facing windows at 16 Bell Avenue or in the house at plot 4. In accordance with Policy DC38 this proposal would not result in a significant loss of residential amenity.

There is a potentially significant noise source from the refrigeration units at Lane Ends Farm. As such the Environmental Health department have recommended a condition requiring a scheme for protecting the proposed dwellings from local noise sources to be submitted before development commences. Addressing the noise at source would represent the ideal solution however as this is not within the applicant's control and therefore any measures would have to be incorporated into the development.

The Council's Environmental Health department have also recommended conditions restricting the hours of construction to 0800-1800 Monday to Friday and 0900-1400 on Saturdays to protect local residents from undue noise and disturbance during construction. Likewise they have recommended a condition restricting any foundation or other piling to 0830-1730 Monday to Friday and 0830-1300 on Saturdays. These conditions are considered

reasonable and should Members be minded to approve the application it is recommended these conditions are imposed.

Highways and Parking

As previously stated the site is located at the end of Bell Avenue in close proximity to Hollinhey Primary School which is located at the very end of Bell Avenue. Objections to this application have advised that there is an existing problem with on-street parking during drop off and pick up times. The application site is currently used by parents at these times for parking and turning, as is the existing turning head. Bell Avenue has a narrow carriageway and is therefore not suited to on-street parking. This is an existing problem however and as stated by the Strategic Highways Manager, the assessment of the highway impacts of this application needs to focus on whether it would result in a worsening of the current situation to the detriment of highway safety.

The proposed development would not lead to an increase in parking demand at peak times for the school and would not have a significant traffic impact given the proposal is for four units. One parking space is provided to the front/side of each dwelling with four number spaces to the side of the site for additional parking and/or visitors. This is a 200% parking provision which the Strategic Highways Manager has advised is acceptable for this site.

The key consideration in terms of highway safety is therefore whether the loss of the garages would lead to an increased demand for on street parking along Bell Avenue and additionally whether this would significantly worsen the existing problems relating to the school. The Strategic Highways Manager has asked for clarification with regard to the use of the existing garages. The applicant has confirmed that three of the garages are rented to occupiers of properties on Bell Avenue. The proposal could therefore potentially result in the displacement of a maximum of three cars onto Bell Avenue, however it is noted that the garages are very small in size and unkept with overgrown grass to the front. As such it is considered unlikely that the garages are used for the parking of cars. In view of the above it is not considered that a substantial reason for refusal could be justified on highways grounds.

The applicant has also advised that they can serve one month's notice to the tenants of the garages at any time. This is not a determining factor although it does highlight that the garages cannot be relied upon in perpetuity to provide off-street parking.

Trees and Landscape

Part of the site is currently occupied by a number of early mature/mature trees. A Tree Survey/Report and Arboricultural Implications Study have been provided with the application. Eight trees have been identified, only two of which are to be retained, one to the front of plot 2 and one to the rear of plot 1.

Standing on the eastern boundary and identified as T6 to T8 in the Tree Report are a linear group of three trees. The Council's Arboricultural Officer has confirmed that T8 is dead and requires removal regardless of the development and the two other trees exhibit signs of reduced vigour and vitality. These symptoms are supportive of trees in decline, and which cannot be considered as a long term amenity feature.

The remaining five trees form a collective group in the centre of the site. The Arboricultural Officer has noted that the trees would have benefited from pro-active management in terms of

selectively thinning of the group to promote the more desirable specimens. This has not taken place and the canopies now form a single mass with minimal space available for future growth.

As stated above, the proposals retain two trees, T3 and T8. The Arboricultural Officer has questioned the long term viability of T8 and also stated that the social proximity of T3 is extremely poor in relation to the front elevations of plots 2 and 3. This would inevitably lead to ongoing issues of maintenance and the view may be that removal would be the most cost effective way of managing the situation.

Whilst the loss of these trees would be regrettable they are considered to be low value specimens (with reference to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations), of limited merit, and without any significant collective value. Views of the trees are primarily from Bell Avenue with filtered glimpses from Walker Lane. The Arboricultural Officer does not consider formal protection under a Tree Preservation Order appropriate.

In order to mitigate the potential loss of all eight trees a significant specimen landscape scheme would be required. However careful consideration is required in terms of species selection given the restrictive nature of the site. Furthermore planting in close proximity to the buildings would have no long term viability. The submitted landscaping scheme does propose some tree planting, however in light of the concerns raised above, and as a result of comments received from the Landscape Officer, the submitted landscaping scheme is not acceptable in its present form. This matter can however be dealt with by condition and therefore should members be minded to approve the application it is recommended a condition is imposed.

Ecology

An Ecological Survey and Report prepared by Simply Ecology has been submitted with the application. It concludes that no evidence of bat activity was found nor were there signs of opportunities for bats to exploit the garages or trees on the site.

The Council's Nature Conservation Officer has noted that the site seems to be of very low nature conservation value and it is not anticipated there being any significant protected species issues associated with the development.

If Members are minded to approve the application it is recommended that a condition is imposed to safeguard breeding birds by requiring a detailed survey to check for nesting birds prior to the commencement of any development between 1st March and 31st August in any year.

Land Contamination

The site is currently used for garaging and therefore there is potential for contamination of the site. The proposed end use (housing) is considered a sensitive use. A Phase 1 Desk Study has been submitted with the application which recommends a preliminary Phase II intrusive site investigation be carried out. The Land Contamination Officer has recommended a condition requiring a Phase II investigation prior to the commencement of development.

Other Matters

United Utilities has commented that there is a public sewer that crosses the site. They have advised that the site layout should be changed accordingly or otherwise a sewer diversion would be necessary at the applicant's expense.

The applicant is aware of the public sewer and was taken into account when designing the scheme. It is considered that the safeguarding of a public sewer is a private matter between United Utilities and the applicant and therefore not considered to be a reason for which the application could be refused. However given other comments received from United Utilities a condition should be imposed requiring details of the proposed drainage.

CONCLUSION

A need for affordable housing in the Parish of Sutton has been demonstrated through the Rural Housing Survey (RHNS) carried out in 2011. No affordable housing has been provided in Sutton since the RHNS and even when taking into account other potential affordable housing at the Rieter Scragg site, the need would not be satisfied. The design of the dwellings is consistent with the surrounding properties and they would sit comfortably in the street scene. The dwellings would not result in significant loss of amenity at neighbouring properties. The proposal would result in the loss of existing garaging on the site however, as demonstrated above, this would not have a significant impact on highway safety by increasing on-street parking.

Taking the above into account the application is considered acceptable and in accordance with the relevant policies in the development plan.

Members are therefore recommended to approve the application.

LEGAL AGREEMENT - HEADS OF TERMS

All four dwellings are to be made affordable in perpetuity. The dwellings shall be made available through a Cascade Provision to residents in genuine need who have a Local Connection. It is recommended that the following Cascade Provision is incorporated into the legal agreement:

The selection of prospective Occupiers given priority in the following order:

1. Residents of the Parish of Sutton
2. Residents of Adjoining Parishes
3. Residents of Cheshire East

Local Connection shall be defined as a person who has:

- i. A minimum period of 5 years permanent residence in the relevant area of the Cascade Provision, or
- ii. A strong local connection including a period of residence of 5 years or more within the last ten years in the relevant area of the Cascade provision, or
- iii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iv. An essential functional need to live close to his or her work in the relevant area of the Cascade Provision

And priority shall be given to prospective occupiers in the order as set out above, provided that this is in accordance with the priorities set out in the Cascade Provision to ensure a

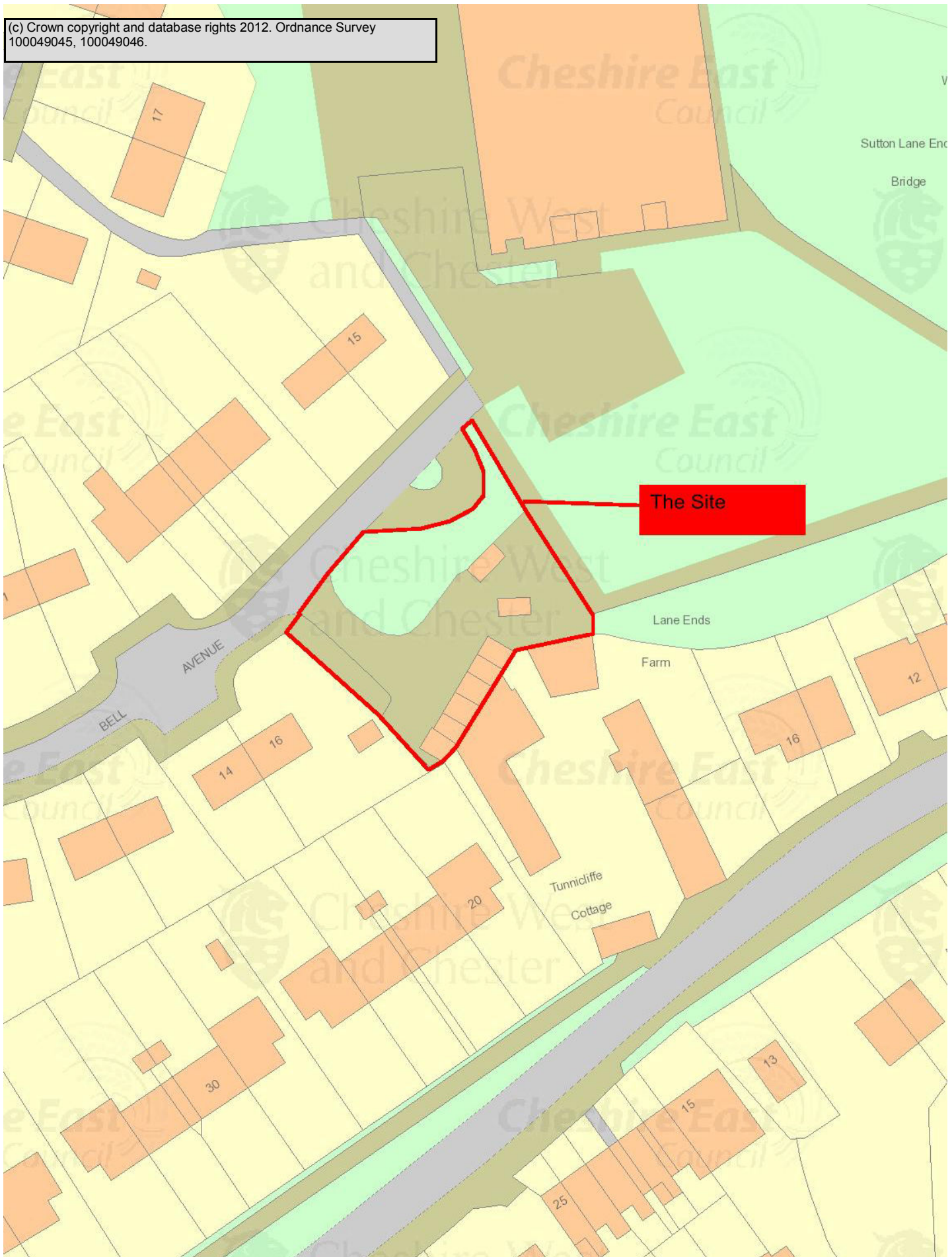
prospective Occupier from the Parish shall take precedence over a prospective Occupier from an Adjoining Parish, as so forth through the categories contained within the Cascade Provision.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Submission of landscaping scheme
5. Landscaping (implementation)
6. Protection from noise during construction (hours of construction)
7. Protection for breeding birds
8. Decontamination of land - Phase II investigation
9. Details of drainage
10. Details of boundary treatment
11. Removal of permitted development rights
12. Protection from noise during construction (hours of any piling necessary)
13. Scheme for the protection of residents from local noise sources

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Application No: 12/1822C

Location: HEATHFIELD, BLACKDEN LANE, GOOSTREY, CREWE, CHESHIRE, CW4 8DQ

Proposal: Proposed New Detached Dwelling with Detached Garage and Associated Soft Landscape Works

Applicant: Mr & Mrs D Kenneally

Expiry Date: 05-Jul-2012

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the Development
- Impact on the Character of the Landscape
- Design
- Amenity
- Ecology
- Highways

1. REASON FOR REFERRAL

This type of application would usually be dealt with under delegated powers however Councillor Kolker has called the application into Committee for the following reason,

‘This development is in an area with a very controversial planning history. There is extensive local concern that this development should be of high quality and appropriate design.’

2 .DESCRIPTION OF SITE AND CONTEXT

The application site is situated within the Open Countryside as designated in the Congleton Borough Plan First Review. The site comprises a dormer bungalow within an extensive curtilage, sited on Blackden Lane, Goostrey. There is substantial tree coverage to the front of the site and souring boundaries.

There is an extant permission on the site which permitted a replacement dwelling. At the time of the extant permission there were several large outbuildings within the site, these have since been demolished and the foundations for the extant permission have already been laid.

3. DETAILS OF PROPOSAL

Full planning permission is sought for a new detached dwelling with detached garage and associated soft landscaping. The proposal seeks to alter the design of the dwelling and alter the stable block to a garage.

4. RELEVANT HISTORY

11/4533C - Proposed new detached dwelling with detached garage and associated soft landscape works. – Withdrawn 31st January 2012

08/0840/FUL - New detached garage – Refused 24th September 2008

08/0252/FUL - Proposed new build detached garage – Refused 23rd April 2008

07/1407/FUL - Proposed new build dwelling – Withdrawn 11th April 2008

06/0823/FUL - Replacement of existing dwelling & outbuildings with a single dwelling – Approved with conditions 19th September 2006

06/0021/FUL - Replacement of existing dwellings and outbuildings with a new dwelling and attached outbuildings, traditionally constructed around a courtyard. – Withdrawn 9th March 2006

05/0036/FUL - Demolishing two barns and erection of replacement stable block. Alteration to external appearance of two existing barns, creation of new access and block off existing access. Extension of residential curtilage including change of use. – Approved with conditions 11th March 2005

5. POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside

GR1 General Criteria for Development

GR2 Design

GR6 Amenity and Health

GR9 Highways & Parking

H6 Residential Development in the Open Countryside/Green Belt

NR2 Wildlife and Nature Conservation

6. CONSULTATIONS (External to Planning) – None received at time of writing this report

7. VIEWS OF THE PARISH / TOWN COUNCIL – None received at time of writing this report

8. OTHER REPRESENTATIONS:

A letter of objection has been received from the occupier of Pear Tree Farm, Bomish Lane. The main issues raised are;

- The proposed house and garaging are out of keeping with the surrounding properties in the area by means of its size, height and scale,
- The extant permission should be re-evaluated in view of the square footage and overall roof height which now encompasses three floors,
- The size, height and width and general scale of the garaging is unacceptable.
- Over development of the site,
- The proposal would cause harm to the open countryside contrary to policies GR1, GR2, and GR18
- New garages have been refused twice in the past on this site
- All trees to the northern orchard should be retained
- A TPO should be placed on them

9. OFFICER APPRAISAL

Principal of Development

In the Open Countryside there is a presumption against inappropriate development. Policy PS8 (Open Countryside) only permits development which falls within certain criteria including new dwellings which accord with Policy H6 (Residential Development in the Open Countryside and the Green Belt).

Policy H6 allows for the erection of replacement dwellings within the Open Countryside, provided that they are not materially larger than the dwelling they replace. It has been generally accepted that a 30% increase in volume is considered to be not materially larger, as this is the generally permitted allowance of extensions to a dwellinghouse within the open countryside.

The extant permission on the site (06/0823/FUL) allowed a large detached dwelling and an outbuilding/stable (previously approved under application 05/0036/FUL). It was argued that the footprint of the existing building on the site amounted to 382 square metres and the dwelling and stables together amounted to 410 square metres. This was an increase of only 7% in foot print.

However, the dwelling is considerably taller than the bungalow it would replace, and therefore the volume increase is much larger. The existing dwelling and outbuildings had a volume of 1810 cubic metres, and the total volume of the dwelling and stables would be 2515 cubic meters, therefore a net increase of 705 cubic metres, approximately a 39% increase. As the volume increase of 30% is only a general guideline, it was also considered that regard should be had to the general nature of the site and the context and setting of the proposal within it. The Planning Officer considered that although larger than usually considered acceptable, the overall improvement to the area of removing the mix of outbuildings on the site and the 1960's style bungalow would outweigh the increase in volume of the buildings.

It is considered that the principal of a replacement dwelling on the site, of a footprint, scale and height has already been accepted, and is therefore in principal acceptable.

Impact on the open countryside and the streetscene

The proposed dwelling will appear considerably larger than the existing single storey bungalow on the site. However as noted above the volume and footprint increase of the replacement dwelling and outbuilding has already been accepted. This application only seeks to alter the design of the dwelling and alter the outbuilding from a stable to a garage.

The extant permission permitted a uniquely designed property with features taken from other properties within the vicinity, including a tower feature taken from a barn on Twemlow Lane, and half timbering from a property on Blackden Lane. It was also considered that the general scale and style of the building was similar to Barnshaw Hall Farm, Crook Hall and Shawcroft Hall.

The current owners of the land wish to alter the design of the dwelling to a more modern and contemporary dwelling. The building will have traditional pitched roof profile with contemporary elevations. The roof is to be clad in natural slate and walls constructed from a traditional red brick. Large windows and bi-folding doors are proposed to most elevations and will have powder coated aluminium frames. The overall design of the building will appear more modern and contemporary and it is considered that this would be an improvement on the extant permission and the existing dwellinghouse at the site.

The proposed dwelling will have a maximum height of 9.5m which is the same as the main roof of the extant permission, but does not include the 11.5m tower which was part of the original design. The overall footprint of the building is generally the same if not slightly smaller, and creates a more uniformed appearance than the previously approved dwelling.

The proposed garage will have three bays, a store, WC and utility at ground floor and roof space with an external staircase. The overall footprint of the garage is less than the previously approved stable block on the site and would have a similar height at 6m. The building will be positioned on the same footprint as the approved stable block and it is therefore considered to be acceptable.

A comprehensive landscape and tree proposals plan is provided and the Design and Access statement which includes a landscape statement indicates that the landscape proposals aim to improve and enhance the landscape quality within the residential curtilage and wider estate. This is to be achieved through new tree planting, new and enhanced hedgerows and the improved management of the landscape. Overall the proposals appear reasonable although it will take some time for new planting to mature and for any screening benefits to be achieved.

It should be noted that the landscape and tree proposals layout plan identifies a number of trees (mainly ornamental conifers and fruit trees) and an existing roadside laurel hedge forming the field boundary to Blackden Lane for removal. The trees are not protected or outstanding specimens although the evergreen species provide a degree of screening. The roadside Laurel hedge also affords some screening of the site from the roadside however, the Councils Landscape Architect considers the hedge to be incongruous in the locality and

welcome the proposal for its removal and replacement with a 2m grass verge and native species woodland belt.

It is therefore considered that with the implementation of the landscaping scheme, the proposed dwelling will sit comfortably within the sizable curtilage and will not appear as an over development of the site or as an incongruous development within the open countryside. There is a modern flat roof dwelling currently being constructed on the opposite side of the road and therefore the clear mix of house types, and design within the surrounding area allow the proposed modern building to site comfortably. The proposed dwelling and garage will not have a significantly detrimental impact on the character and appearance of the open countryside, or the streetscene and are therefore considered to be acceptable.

Ecology

The previous application on the site (11/4533C) was withdrawn prior to a decision being made due to the lack of Protected Species Survey having being submitted with the application. An Ecology Survey has been submitted with this application dated November 2011, this required a further Bat Survey to be carried out and this report has also been submitted dated May 2012. Both reports conclude no presence of protected species.

The Council's Ecologist has not made comments on these reports to date and therefore his comments will follow as part of an updated report.

Residential Amenity

The closest property, Pear Tree Farm, is sited some 60m away from the proposed dwelling to the south. There is a significant boundary treatment between the properties and there is a more than adequate separation distance between the two dwellings to ensure no overlooking, or overshadowing occurs and that the dwelling will not appear overbearing. It is therefore considered that although there is an increase in window area the spacing standards between the surrounding dwellings will have no adverse impact on the amenities of these dwellings. The proposal is therefore considered to be in compliance with Policy GR6.

Highways

There is adequate space on site for parking at least 2 vehicles that would be able to enter and leave the site in a forward gear. The Strategic Highways Manager has not commented on this application however there is an existing access arrangement at this point, and it is clear that there is sufficient parking provision within the site. It is therefore considered that the proposal is in compliance with Policy GR9 of the adopted local plan.

10. CONCLUSIONS

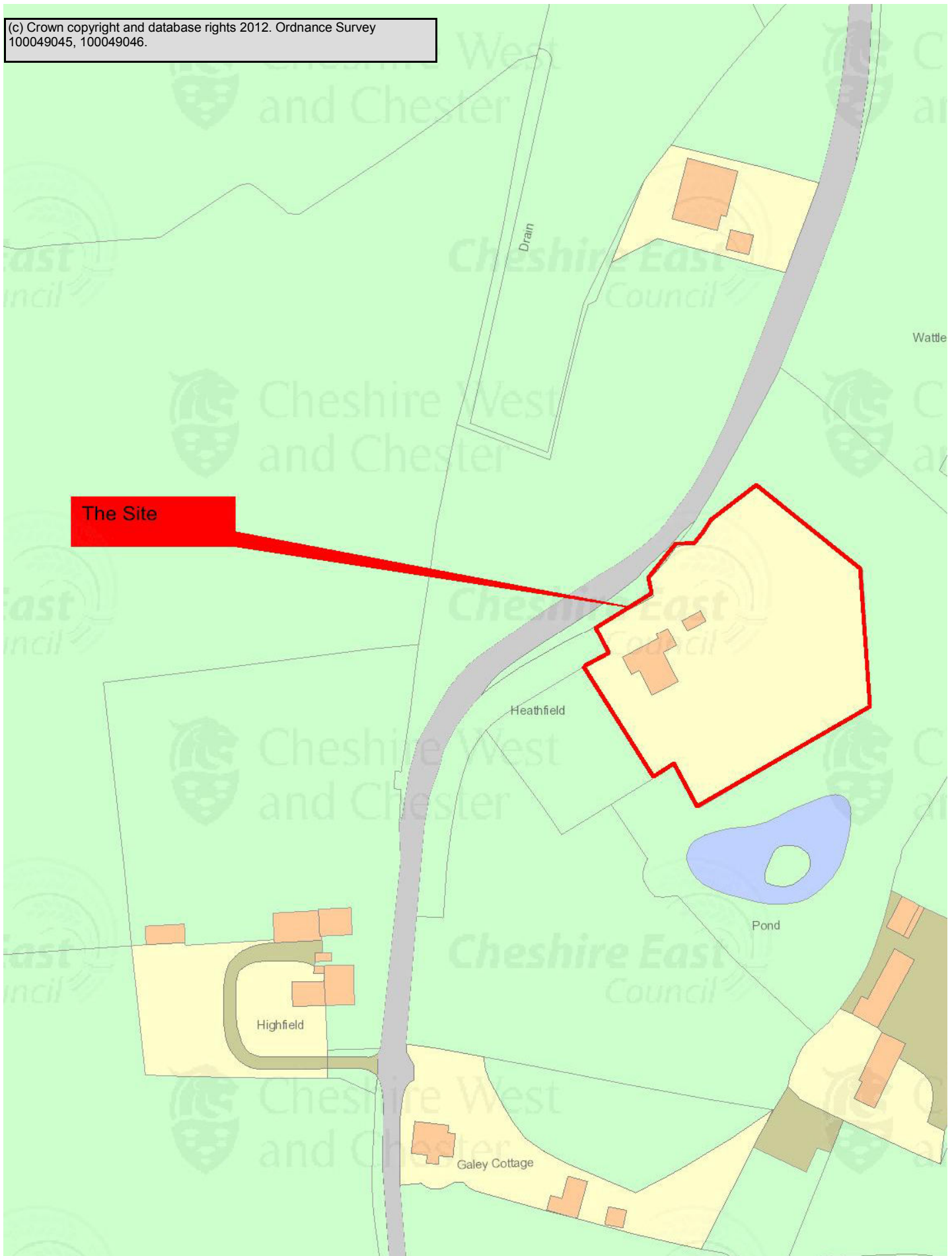
In conclusion, the proposal is of an acceptable form that would not cause harm to the visual amenity of the surrounding area. The proposals impact upon neighbouring amenity and highway safety would also be acceptable and as such the proposal complies with the relevant local planning policies. The application is therefore recommended for approval accordingly.

11. RECOMMENDATIONS

Approve with conditions

- 1. Standard 3 years**
- 2. Approved plans**
- 3. All external materials of dwelling and garage to be submitted and approved in writing by the LPA**
- 4. Landscaping and tree protection to be implemented in accordance with Barnes Walker plan M2051.01**
- 5. Boundary details to be submitted to and approved in writing by the LPA**
- 6. Surfacing Materials to be submitted to and approved in writing by the LPA**
- 7. Demolition of existing dwellinghouse within 1 month of the first occupation of the dwellinghouse**
- 8. Submission and implementation of a scheme of electromagnetic screening measures**
- 9. Construction hours limited to Monday – Friday 08:00 – 18:00, Saturdays 08:00 – 13:00, and not at all on Sundays or Bank Holidays**
- 10. Recommendations of the Ecological Report to be implemented**

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Application No: 12/1223M

Location: MEADOW HEY, BOLLIN HILL, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4BS

Proposal: Demolition of Existing Dwelling and Erection of 2no. New Dwellings (Resubmission)

Applicant: Ms S Waugh, The Estate of Mrs Jessie Christie

Expiry Date: 22-May-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on the character and appearance of the surrounding area, protected species, highway safety, neighbouring amenity and existing trees

Date Report Prepared: 22nd June 2012

REASON FOR REPORT

The application was called-in to Committee by the Ward Councillor, Cllr Findlow for the following reasons:

- Over -development via two proposed large houses on an existing single house plot with limited useable land.
- The creation of a dangerous precedent which would be prayed in aid subsequently elsewhere.
- An un-neighbourly proposal, with 6 vehicles replacing 2 now on a narrow access road, and but single garages for such large homes.
- The design is out of character with the area contrary to the Village Design Statement, and it impacts deleteriously on the Bollin Valley.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey dwellinghouse located within a large plot on the eastern side of Bollin Hill, Prestbury. The existing dwellinghouse is located within the northern part of the site with a large garden positioned to the south and east. The land to the east falls steeply away. The application site is located in the predominantly residential area and is therefore surrounded by residential properties.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing dwellinghouse and erect 2no. detached dwellinghouses.

RELEVANT HISTORY

- 10/2624M Proposed demolition of two-storey detached house (including basement) and replace with three-storey house including basement
Withdrawn 10-Sep-2010
- 10/3982M Proposed demolition of two-storey detached house (including basement) and replace with three-storey house including basement (resubmission)
Approved with conditions 28-Jan-2011
- 11/2350M Demolition of existing dwelling and erection of 2no. new dwellings
Withdrawn 31-Aug-2011

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP4 Making the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

EM1 Integrated enhancement & protection of the region's environmental assets

Local Plan Policy

BE1 Design Guidance

NE11 Nature Conservation

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC38 Space, Light and Privacy

DC41 Infill Housing Development or Redevelopment

Other Material Considerations

National Planning Policy Framework

Prestbury Supplementary Planning Document

Prestbury Village Design Statement

CONSULTATIONS (External to Planning)

Highways: No objection subject to a condition and an informative

Environmental Health: No objection subject to a condition

United Utilities: No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council – The Committee object to this application on the grounds that the design is out-of-character with the area as stated in the Village Design Statement also they are concerned about the impact on the Bollin Valley Conservation area. If the application is approved, they request that a condition is attached requiring no pile driving and they would like to see all boundary hedges retained.

OTHER REPRESENTATIONS

Four representations were received from neighbouring residents and one representation was received from the Prestbury Amenity Society. They raised the following concerns:

Design/Character of the Area

- Two dwellinghouse on the site would result in an excessive density and would set an undesirable precedent.
- The usable plot sizes are inappropriate to the site and the immediate vicinity.
- The houses are to be marketed as family homes but there is a lack of usable garden space due to the sloping nature of the land to the rear.
- The contemporary, modern design of the houses with Staffordshire pink gravel drives is not in keeping with the other properties on Bollin Hill.
- Out of character with the Village Design Statement settlement pattern.

Highways

- A single garage is not sufficient.
- Bollin Hill is already a busy, narrow road with a dangerous turning onto Broadwalk. The addition of three/four cars per household plus those of visitors parking on Bollin Hill will add to the danger of accidents particularly when the road is icy.
- Parking on Bollin Hill during construction is going to be a major problem.

Amenity

- Juliet balconies to the front elevation together with roof lights to the master bedroom/en-suite are not necessary and invade the privacy of the houses on Bollin Hill.
- House B would be too close to the boundary shared with 'The Coppice'.

Trees/Landscape

- Loss of trees as proposed.
- The new vehicular access would result in the loss of green space which should be preserved.
- Pedestrian access to House A should be by the present access therefore removing the need to cut into the front boundary hedge.
- The boundary hedges should be protected.

Other comments are noted but are not material planning considerations.

APPLICANT'S SUPPORTING INFORMATION

Three Protected Species Survey, a Land Contamination questionnaire, Arboricultural Statement with Tree Protection Plan, a Design & Access Statement and an assessment of the surrounding plot sizes were submitted to support the planning application.

OFFICER APPRAISAL

NPPF Policy

Since the NPPF was published on 27th March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Principle of Development

The application is for the demolition of one house and the erection of two houses on a site within the predominantly residential area of Prestbury. The principle of the development is therefore acceptable.

Planning permission has been previously approved (and is currently extant) for a replacement dwellinghouse at the application site. The replacement dwellinghouse granted planning permission is significantly larger than the existing dwellinghouse (approximately three times the size) and comprises four storeys (one within the roofspace), six bedrooms and a leisure suite. It is sited in a similar location as the existing dwellinghouse but extends further to the south and east of the plot and is to be constructed of render with a slate roof.

A recent application for 2no. dwellinghouses at the application site was withdrawn following concerns raised regarding the design of the properties not being in-keeping with the surrounding area, the scale of the proposed garages in relation to the houses, the size of the gardens and the amount of usable private amenity space, and the impact on existing trees. Additional information was also required in respect of visibility splays. This application therefore seeks to overcome these concerns.

Design

The existing dwellinghouse is located towards the northern part of the site and comprises a detached two-storey dwellinghouse with an integral garage that has a wide frontage but is relatively narrow. The dwellinghouse would be demolished and 2no. replacement houses would be erected. House A would be sited on a similar footprint as the existing dwellinghouse whilst House B would be located within the existing garden area within the southern part of the site. Both would have an open outlook onto Bollin Hill and would follow the existing building line on that side of the road.

Both houses would be of the same design but would be handed. They would comprise two-storeys to the front elevation and three-storeys to the rear elevation due to the sloping nature of the land. Each dwellinghouse would have an integral garage. The houses would be constructed of a mix of brick and timber boarding to the walls with a clay tiled roof and timber windows and doors. Due to concerns raised in the withdrawn scheme in respect of the shape of the dwellinghouses the design has been altered so that the dwellinghouses now have a wide frontage and narrow depth. This is more in-keeping with the surrounding area and is emphasised on the street scene drawings where House A would have a similar width as the existing dwellinghouse and a lower eaves and ridge height. The dwellinghouses would also have a significantly lower ridge height when compared to the extant scheme for one large replacement dwellinghouse.

The dwellinghouses in the surrounding area comprise a mix of designs and materials that include Arts and Crafts brick built houses, rendered houses and brick and rendered bungalows. Some of the bungalows have been updated in recent years and now have a contemporary design that use the same materials as those proposed by this application. Most notably is No. 2 Willowmead Drive immediately opposite the application site on the opposite side of Bollin Hill. Whilst objections have been received regarding the design of the dwellinghouses it is considered that the design and materials of the proposed dwellinghouses would not be out-of-character with the surrounding area and would comply with policies BE1 and DC1 of the Local Plan as well as the Prestbury SPD and the NPPF.

Information has been provided in support of the application that compares the plot area of each of the proposed houses to the plots in the immediate surrounding area. The information highlights that the proposed plots are commensurate with the surrounding area. Whilst concern has been raised regarding the density of the plots it is considered that the proposed density would not be out-of-character with the surrounding area and the dwellinghouses would not be cramped.

Concern is raised regarding the application setting a precedent for similar developments being undertaken in the surrounding area if it were to be approved. The surrounding area comprises part of the predominantly residential area therefore the principle of such developments is not contrary to policy. However each application would have to be determined on its own merits and given that the application site is probably the largest plot in the surrounding area, it is unlikely that the other plots would have sufficient space to undertake a similar development without compromising the character of the area.

The Parish Council raises concern that the proposed houses would have a detrimental effect on the Bollin Valley to the east of the application site. The public footpath is located over 100 metres from the application site and even further in respect of the siting of the proposed dwellinghouses. The site is highly screened by a significant level of tree cover between the footpath and the proposed dwellinghouses, both within the application site (a large proportionate of which is to be retained) and on the surrounding land to the east. No objection was raised regarding the impact the extant large replacement dwellinghouse would have on the Bollin Valley and it could be argued that the approved scheme would be more detrimental given its scale and massing in one large block and higher eaves and ridge height rather than two smaller dwellings with spacing between. The two dwellinghouses would be viewed from the Bollin Valley in the context of the existing dwellinghouses along Bollin Hill, forming part of the street scene and existing built development. For these reasons it is not considered that the proposed dwellinghouses would have a detrimental effect on the views from the Bollin Valley.

Subject to a condition requiring the submission of materials it is not considered that the proposed dwellinghouses would have a detrimental effect on the character or appearance of the surrounding area. The application has overcome the previous concerns and is considered to comply with policies BE1, DC1 and DC41 of the Local Plan.

Amenity

No dwellinghouses are located to the rear of the property. Whilst the comments from neighbouring residents are noted in respect of a loss of privacy to those properties on the opposite side of the road, the proposed dwellinghouses would exceed the separation distances outlined in policy DC38. In addition, House A would actually be sited further away from the property on the opposite side of the road ('Juniper Cottage') than the existing dwellinghouse thereby increasing the level of privacy. For these reasons it is not considered that the proposed dwellinghouses would have a detrimental effect on the amenity of these properties.

'Doune Cottage' is located to the north of the application site and would be sited approximately 18.5 metres from House A. Only secondary windows are located in the northern side elevation of House A that would face towards this property. The ground floor

windows would be screened by the existing boundary treatment but it is considered that the first floor windows in the northern elevation are conditioned to be obscure glazed in order to protect the amenity of this property. The proposed dwellinghouse would be sited approximately 1.8m-2.5m from the boundary shared with this property. The siting of House A in relation to 'Doune Cottage' would comply/exceed the separation distances outlined in policy DC38 of the Local Plan and is therefore not considered to have a detrimental effect on its amenity.

'The Coppice' is located to the south of the application site and would be located approximately 23 metres from House B. As with House A, secondary windows would be positioned in the southern side elevation that would face towards this property. A number of TPO protected trees are positioned within the side garden of 'The Coppice' and the existing boundary treatment would screen the view from the proposed ground floor windows. It is considered however that the first floor windows in the southern side elevation are conditioned to be obscure glazed in order to protect the amenity of this property. The siting of House B in relation to 'The Coppice' would comply with the separation distances outlined in policy DC38 of the Local Plan. The neighbour at this property has raised concern that House B is sited too close to the shared boundary however the property would be sited 14-15 metres from the boundary, significantly exceeding the one metre that is required by policy DC38. It is therefore not considered that the proposed dwellinghouse is sited too close to this property. The proposed dwellinghouses are therefore not considered to have a detrimental effect on the amenity of 'The Coppice'.

The terraces proposed at both House A and House B would be located away from the boundaries shared with the neighbouring properties and would be positioned at a lower level than the existing boundary treatment. The middle terrace proposed at House A has been removed during the course of the application due to concerns raised by the Nature Conservation Officer. The proposed terraces would be screened by the existing boundary treatments that are to be retained and are therefore not considered to have a detrimental effect on neighbouring amenity.

The proposed dwellinghouses would be sited a minimum of 9.4 metres from one another, but House B would be sited closer to the road than House A. No windows would be positioned in the elevations of the proposed houses that would face each other and they would comply with the 45-degree guideline. For these reasons it is considered that the proposed dwellinghouses would have a satisfactory relationship to each other so as not to have a detrimental effect on each other's amenity.

The Environmental Health Service has considered the application and raises no objection subject to a condition requiring the hours of demolition, construction and deliveries of the site to be restricted.

The Parish Council has requested that a condition be attached should permission be granted that specifies that no pile driving is undertaken. Whilst this is acknowledged, it is not considered acceptable for pile driving to be prevented given the sloping nature of the site. However it is considered acceptable for a condition to be attached that restricts the hours of pile driving (should it be used) in order to protect the amenity of neighbouring properties.

For the reasons outlined above and subject to the specified conditions it is not considered that the proposed dwellinghouses would have a detrimental effect on the amenity of neighbouring properties or one another and therefore would comply with policies DC3, DC38 and DC41 of the Local Plan.

Highways

The existing driveway onto Bollin Hill would be closed with a hedge to match the existing boundary treatment. A new access would be created centrally within the site frontage that would provide vehicular access for both properties. Separate pedestrian accesses would be created. A central turning area would be created to be used by both properties and separate areas would be provided beside each property for the parking of a minimum of two vehicles. An integral garage would be provided at each dwellinghouse that would be of a size that could accommodate a vehicle. Electronic sliding gates would be positioned approximately 5.5 metres from the back edge of the highway. Whilst the comments raised regarding highway matters have been taken into consideration, the Strategic Highways Engineer has assessed the application and does not raise an objection. He does recommend a condition requiring the existing vehicular access to be permanently closed and the footway reinstated, and an informative requiring the developer to enter into a Section 184 Agreement under the Highways Act 1980 for the provision of a new vehicular access and the closure of the existing access. Subject to these matters being attached to the decision, it is considered that the application would comply with policy DC6 of the Local Plan.

A neighbour has raised concern regarding disruption during the construction phase from contractors' vehicles parking along the road. Whilst this can usually be dealt with by the imposition of a condition requiring the submission and approval of a method statement, given the siting of the proposed dwellings relative to the road and the requirement for the existing boundary hedges to be retained and the TPO trees being protected, it is not considered feasible in this instance. There are no Traffic Regulation Orders in place on the surrounding roads to prevent vehicles from parking and any issue with obstruction is a matter for the police. Whilst it is recognised that some disruption will be caused to residents during construction, this would be for a temporary period.

Ecology

The application is supported by a number of protected species surveys however the submitted surveys are not the most recent undertaken at this site as additional surveys were also undertaken in August 2011. The August 2011 surveys did not however identify any significant protected species or nature conservation issues associated with the proposed development, but some evidence of badgers commuting across the site was found and the report made recommendations for the retention of vegetation on the eastern boundary of the site and the installation of badger proof fencing. The Nature Conservation Officer therefore recommended that the applicant provide a plan detailing how these recommendations will be implemented as part of the proposed development. The additional information has been submitted by the agent and the comments of the Nature Conservation Officer are currently awaited.

The Nature Conservation Officer recommends that a condition in respect of breeding birds is attached should permission be granted.

Trees

An Arboricultural Statement and a Tree Protection Plan were submitted with the planning application however the statement did not correspond with the recommendations made within the submitted Protected Species Surveys. Discussions took place between the agent and the Nature Conservation Officer and the Arboricultural Statement and Tree Protection Plan have been updated and submitted to the Local Planning Authority for consideration. The comments of the Forestry Officer are currently awaited.

Landscape

No detailed landscaping scheme was submitted with the planning application and therefore it is recommended that landscape conditions in respect of the submission of a landscaping scheme and its implementation should be attached should permission be granted.

The Parish Council has requested that the boundary hedges be retained and concern has been raised regarding the loss of part of the front boundary hedge to create the new vehicle and pedestrian access points. Whilst no landscaping scheme was submitted with the application, the 'Site Plan' does indicate that the boundary hedges are to be retained and new boundary hedges are proposed towards the rear of the site. This should be included on any landscaping scheme that is submitted.

Whilst it is regrettable that parts of the front boundary hedge will be lost to form the new pedestrian and vehicle accesses, the majority of the hedge would be retained and some additional hedges would be planted to close up the existing vehicle access. The removal of parts of the front boundary hedge is not considered to have a detrimental effect on the character or appearance of the street scene.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments of the neighbours, the Parish Council and the Prestbury Amenity Society have been taken into consideration. However the proposed dwellinghouses are considered to have an acceptable design, scale, density and materials that would not be out-of-character with the surrounding area. They would not be highly visible from the Bollin Valley and would have less impact than the previously approved and currently extant permission for one large replacement dwellinghouse. The proposed houses would comply/exceed the separation distances outlined in policy DC38 of the Local Plan and the terraces would be screened by the existing boundary treatments. The application is considered to comply with the relevant policies in the Local Plan, the Prestbury SPD and the NPPF.

The application is therefore recommended for **approval**

SUBJECT TO

The comments of the Nature Conservation Officer and the Tree Officer in respect of the additional information that has been submitted.

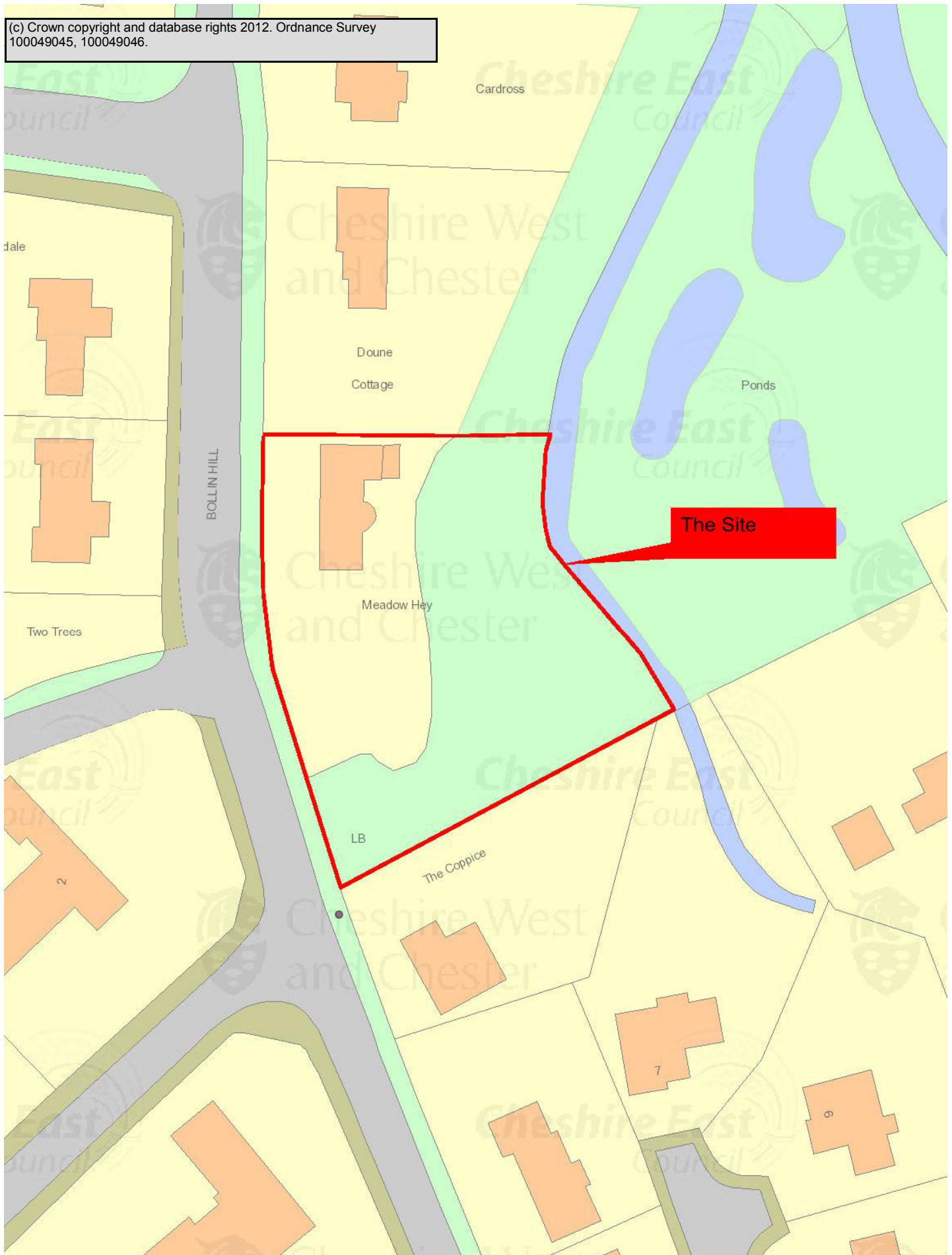
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)

2. Submission of samples of building materials
3. Obscure glazing requirement
4. Protection from noise during construction (hours of construction)
5. Construction of access
6. Closure of access
7. Protection for breeding birds
8. Landscaping - submission of details
9. Submission of additional landscape details
10. Landscaping to include details of boundary treatment
11. Landscaping (implementation)
12. Development in accord with approved plans
13. Restriction on Hours of Pile Driving

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Application No: 12/1513M

Location: Birtles Bowl Pavillion, BIRTLES LANE, OVER ALDERLEY, SK10 4RS

Proposal: Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the Associated Use of Land for the Keeping of Horses

Applicant: Mr & Mrs C Harris

Expiry Date: 18-Jul-2012

SUMMARY RECOMMENDATION

Refuse:

- The proposed development comprises inappropriate development in the Green Belt and the very special circumstances put forward do not clearly outweigh the harm caused by reason of inappropriateness.
- The proposed development is contrary to policy DC32 of the Local Plan and the SPG: Equestrian Facilities due to the scale, materials and design of the stable building.

MAIN ISSUES

Impact on:

- The character of the surrounding area
- The Area of Special County Value
- Highway safety
- Existing trees
- Protected species

Whether the proposal comprises inappropriate development in the Green Belt and whether very special circumstances have been demonstrated that clearly outweigh the harm caused by inappropriateness and any other identified harm

Date Report Prepared: 22nd June 2012

REASON FOR REPORT

The application comprises a large-scale major as the application site comprises an area of land that exceeds 0.2ha.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises just over 4ha of land located on the southern side of Birtles Lane, Over Alderley. The site was previously used as a cricket pitch but has lain vacant for a number of years. The application site falls within the Green Belt and an Area of Special County Value.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing pavilion and store and construct a stable building, manege and horse walker. Permission is also sought to change the use of the land for the keeping of horses.

Formal pre-application advice was obtained by the applicant and his agent prior to submitting the planning application.

RELEVANT HISTORY

None

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

Local Plan Policy

NE1 (Protection and conservation of Areas of Special County Value)

NE11 (Protection and enhancement of nature conservation interests)

BE1 (Design principles for new developments)

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 (Landscaping)

DC9 (Tree protection)

DC32 (Principles for equestrian facilities)

GC1 (New buildings in the Green Belt)

Other Material Considerations

Pre-Application Response Letter issued by the LPA

Supplementary Planning Guidance: Equestrian Facilities

The National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways: No objection subject to a condition

Environmental Health (Contamination): No objection subject to the standard Land Contamination note.

Natural England: Broadly happy with the mitigation proposals put forward for Great Crested Newts.

Wildlife Trust: Request that a further bat survey is undertaken prior to determination and that two rather than one barn owl box is erected. All other aspects are considered acceptable.

VIEWS OF THE PARISH / TOWN COUNCIL

Henbury Parish Council: The Council was delighted to receive this application which may be a suitable and acceptable development at Birtles Bowl. The land formerly occupied by Birtles Cricket Club has lain waste for at least 16 years and is now somewhat of an eyesore as the pavilion and other buildings rot away due to neglect.

OTHER REPRESENTATIONS

11 representations (8 from neighbours living within the Birtles Hall complex and 3 from properties in close proximity to the application site) were received that offered their support to the planning application as they consider that the development is appropriate for the Green Belt location; it would bring the existing site back into use and improve its appearance; it would prevent flytipping from happening in the future.

One of the representations, whilst supporting the application, did raise some concerns regarding the proposed development including:

- The land should be returned to parkland and the inappropriate trees removed and replaced by indigenous trees;
- The drains need to be properly maintained;
- The stables should be positioned so that they do not threaten the mature trees on the land; and
- Many cars travel along Birtles Lane at a faster speed than they should for safety. The line of sight for a vehicle turning right into the driveway to 'The Wall House' is very limited and indeed dangerous. Planning permission was obtained for an alternative and safer entrance when the land was being used as a cricket ground and the sight lines for this entrance are or could, with small amendments, be much safer. This alternative entrance should be used as the entrance to the development.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement, a Planning Statement, an Extended Phase 1 Habitat Survey, an Arboricultural Survey and Constraints Report, horse passports and a Vehicle Access Note were submitted with the planning application.

OFFICER APPRAISAL

Policy

Since the NPPF was published on 27th March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. With the exception of one word changing within the relevant Green Belt policy (which will be discussed in more detail below) the Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Design

It is proposed to demolish the existing timber clubhouse and brick built store that were previously used in connection with the cricket pitch. A stable building would be erected south of the existing buildings and would comprise a U-shaped design. Six horse boxes, a store, a feed store, a tack/WC/mess, a wash area and covered areas for farrier visits would be provided beneath a pitched roof. The building would be constructed of masonry block work covered in timber boarding with a slate covered roof. The stable building would be positioned on top of an area of concrete hardstanding and an area of limestone chippings would be located to the north and east of the building to provide areas for the parking and turning of vehicles. A manege measuring 60m by 20m and a horse walker would be positioned within the area that previously housed the cricket pitch with the manege positioned to the west of the stable building and the horse walker positioned to the northwest. No elevational drawings have been provided for either of these structures and therefore they would need to be

conditioned accordingly. It is also proposed to change the use of the land for the keeping of horses.

Concern is raised regarding the scale of the proposed stables building and the proposed materials. Policy DC32 of the Local Plan states that buildings should normally be of timber construction with a low pitched roof. This is further emphasised within the Equestrian Facilities SPG. The proposed stables would have an overall height of 4.5 metres; the height for stables specified by the Equestrian Facilities SPG is between 2.7 metres and 3.4 metres. Due to the materials to be used, the proposed stables would comprise a more substantial building than is usually the case with stables. The scale of the building is in excess of what is usually considered acceptable and is contrary to policy DC32 of the Local Plan and the Equestrian Facilities SPG. It is therefore considered that the proposed stables building is of an unacceptable design and scale for its intended use and is not required in the interests of animal welfare as indicated in policy DC32 of the Local Plan.

The proposed manege is larger than the 40m by 20m size that is usually permitted by the Local Planning Authority however the applicant has advised that a larger manege of the dimensions stated is required due to completing at a particular level in dressage competitions. This element may therefore be justified.

The buildings/structures would not be highly visible from Birtles Lane or the surrounding parkland due to the existing tree cover and the existing mound that surrounds the majority of the former cricket pitch. The Landscape Officer does not consider the proposed development would have a detrimental effect on the Area of Special County Value subject to a number of conditions (see below). Some concern is raised regarding the parking of vehicles and horse boxes within the application site however they are unlikely to be highly visible from the surrounding area. The use of limestone chippings is not considered acceptable given their colour and therefore the proposed surfacing materials should be conditioned for approval. No information has been provided in respect of how the proposed area of hardstanding within the site would adjoin into the existing driveway that leads to 'The Wall House' (it currently comprises part of the grassed parkland) and therefore this should be conditioned accordingly. Subject to the imposition of the above conditions it is not considered that the proposed change of use of the land or the proposed buildings would be highly visible from the surrounding area.

The Conservation Officer has assessed the application given the site's setting within a historic parkland. Whilst he has no objection to the proposed change of use he raises concern that the future development of the site could change the setting of this site and should be guarded against.

The proposed stable building would not comply with policies BE1 or DC32 of the Local Plan or the Equestrian Facilities SPG as the building does not use appropriate materials, its scale is not required in the interests of animal welfare, and it would result in a permanent rather than temporary structure within the countryside. The design of the building is therefore considered unacceptable.

Green Belt Policy

The application site is located within the North Cheshire Green Belt and therefore policies GC1 and DC32 of the Local Plan, the SPG: Equestrian Facilities and the NPPF are applicable.

Local Policy Constraints

Policy GC1 of the Local Plan states that new buildings in the Green Belt comprise inappropriate development unless it is for one of a number of purposes. One such purpose, as outlined at criterion 2 of the policy, is where the building is for *'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'* The reasoning to the policy outlines at paragraph 4.11 that essential facilities for sport and recreation include *'small changing rooms, unobtrusive spectator accommodation or small stables.'*

Policy DC32 of the Local Plan and the Equestrian Facilities SPG go on to define 'small stables'. They state that *'small structures/stables shall be taken as referring to the development of up to and including three loose boxes (where a loose box is normally taken to be a 12ft x 12ft bay) plus a similar sized bay for the storage of feed, bedding, tack etc'*. The policy and SPG goes on to state that between 1 and 2 acres of grazing land is required per horse and the SPG specifies certain height limitations that stables need to conform to.

No policy has been saved in the Local Plan in respect of the change of use land in the Green Belt.

National Policy Constraints

The NPPF has recently been formally adopted and states at paragraph 89 that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it is for one of the listed exceptions. One such exception is the *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*. The policy has altered slightly since that contained within PPG2 and Local Plan policy GC1 in that facilities now have to be *'appropriate'* rather than *'essential'*. As policy DC32 and the Equestrian Facilities SPG outline that *'appropriate'* stables should be small scale and they define what size of stables would be acceptable, it is considered that these policies are still consistent with the new wording within the NPPF and therefore should be afforded full weight when considering this application.

Paragraph 90 of the NPPF states that certain other forms of development (other than new buildings) are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The policy lists what these types of development are and equestrian use is not one of them.

Does the proposed Development Comprise Inappropriate Development?

There is no saved policy within the Local Plan in respect of changes of use or other operations within the Green Belt and the NPPF does not list equestrian use as one of the exceptions. However, Members should consider whether the proposed use preserves the

openness of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt.

The development proposes 6no. stables, a store, a separate feed store, a tack room/wc/mess and covered areas for the washing of horses and for use by the farrier when he visits. Whilst the individual stables would comply with the floorspace measurements outlined in policy DC32 and the Equestrian Facilities SPG, the overall number of stables and additional store rooms/other areas would exceed the policy definition of 'small scale stables'. The proposed stable building therefore comprises inappropriate development in the Green Belt.

The manege and horse walker are considered to comprise appropriate facilities for outdoor sport and recreation that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. These are therefore considered to not comprise inappropriate development in the Green Belt and would comply with policy GC1 of the Local Plan and the NPPF.

Assessment of any harm in addition to that of inappropriateness

The associated stable building would result in the requirement to provide an area of hardstanding on which the stables would be sited as well as an access drive across part of a field, an internal access road and an area for the parking and turning of vehicles. The additional areas of hardstanding would result in additional harm to the Green Belt.

Whilst the applicant lives, as the submitted Planning Statement outlines, '*a two minute walk*' from the site, it also states that the facility would be shared with Jaine Bailey who would stable her three horses within the building. Jaine Bailey is the applicant's dressage teacher. The statement goes on to outline that Jaine Bailey and Leanne Gibson who currently work at a nearby stables where the horses are currently stabled would be employed by the applicant to work at the proposed stables. The proposed development would result in the stables being a commercial development rather than stables for personal use. It would result in the applicant's employees having to travel to and from the site on a daily basis and would result in a need for them to park at the site. The parking of vehicles would result in additional harm to the Green Belt.

The applicant states within the submitted Planning Statement that she and Jaine Bailey both compete in dressage competitions. The horses that would be stabled at the application site would therefore need to be transported to and from competitions, resulting in a requirement for a horse box or boxes being parked on the site. This would result in additional harm to the Green Belt.

Policy DC32 and the Equestrian Facilities SPG outline that large-scale developments (those exceeding 3 stables and a tack room) have to utilise redundant buildings or be sited within a complex of buildings. Whilst it is acknowledged that the timber clubhouse building would not be capable of conversion, the brick built store could be converted and used for some of the purposes that the applicant is applying for. The proposed development fails to utilise this opportunity, with the Planning Statement outlining that '*it is preferable to come forward with a composite scheme that will be designed to a high quality rather than a collection of new and old buildings constructed in a more ad hoc way.*' The use of the existing building for some of

the applicant's needs would comply with planning policy and would result in the requirement for a much smaller new building in the Green Belt. The failure to re-use this building results in additional harm to the Green Belt.

Assessment of considerations put forward in favour of the development

Paragraphs 87 and 88 of the NPPF state:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

The applicant has stated that there are also very special circumstances to support the proposed development should it be considered to comprise inappropriate development in the Green Belt, however these are not outlined in a concise list and therefore the Case Officer has had to pull out from the statement what these may comprise.

1. The proposed stable building would have a similar floorspace and similar scale as the buildings that are proposed to be demolished.
 - The figures for the existing buildings include the floorspace of a building that has long since been demolished. It was outlined in the formal pre-application response letter that this could not be relied upon as floorspace.
 - The applicant fails to take account of the floorspace beneath the overhanging roof when calculating the floorspace of the proposed stable building.
 - Comparing the floorspace of the existing two buildings to the whole of the floorspace that would be created by the proposed stable building, the new building would result in an increase of 111.6%
 - The Planning Statement outlines that the height of the stables would be similar to that of the existing pavilion (4.5m versus 4.2m – figures that do not correspond when measuring from the submitted plans). The existing buildings however are not of a uniform height. The pavilion building's height fluctuates from 3.25m to 4m (Case Officer's figures) whilst the store building's height is 3.2 metres. The massing and height of the proposed stables building exceeds that of the existing buildings when the actual heights are compared rather than the maximum height of part of one of the buildings.
 - The existing buildings would have less of an impact on the openness of the Green than the proposed stable building therefore no weight is therefore attached to this consideration.
2. The proposals will not have any materially greater impact on the openness of the Green Belt than the established Class D2 leisure use.
 - The cricket use of the site and the associated buildings did not comprise inappropriate development in the Green Belt when they were built/when the change of use was undertaken.
 - The cricket use of the site has been abandoned, although it is acknowledged that the site's last use was for D2 purposes and therefore could potentially be reinstated.

- The proposed change of use for the keeping of horses and the proposed stables building are inappropriate development in the Green Belt.
 - The proposed development would comprise a commercial rather than personal use and therefore a condition cannot be attached to restrict the use of the site to the applicants and their horses.
 - The proposed development would employ two people and would result in daily trips to and from the site.
 - It is accepted that the change of use of the land for the keeping of horses would have no greater impact on the openness of the Green Belt than the current D2 use as a cricket pitch and therefore substantial weight is given to this very special circumstance. However no weight is attached to this very special circumstance in respect of the proposed stable building as the existing buildings are compliant with Green Belt policy and are small scale, whilst the stables building and associated areas of hardstanding have a substantial impact on the openness of the Green Belt.
3. The development will involve the re-use of land
- A small scale equestrian use that is not inappropriate development would achieve the same outcome and be less harmful to the openness of the Green Belt.
 - No weight is attached to this consideration.
4. It would generate jobs within the local rural economy.
- The creation of jobs results in a need for people to travel to and from the site on a daily basis. The site is not located in a sustainable location.
 - Some weight is attached to this consideration.
5. The separate feed store, store and tack room are required due to the type of horses that are being stabled. Dressage horses require roughage bought seasonally in quantity to ensure consistency that results in a higher provision of feed storage space than a regular horse that grazes. Competition horses require a large amount of expensive tack which needs constant care in a dry, secure environment.
- The existing brick built store could be utilised without the need for such a large new building at the application site.
 - No evidence has been provided why three separate rooms are required for these purposes rather than one room.
 - No evidence has been put forward as to the exact quantities of feed and equipment that would be stored, to justify rooms of the sizes specified.
 - No information has been put forward as to why the feed or equipment cannot be stored at the applicant's dwellinghouse that is only a 'two minute walk' from the site.
 - Unsure why the applicant would want to store expensive equipment in an isolated building away from her property with the threat of theft.
 - Given the lack of information and as an existing building could be used for such a purpose, no weight is attached to this consideration.
6. Washing, toilet and refreshment facilities are required for staff working all day.
- The applicant's house is a 'two minute walk' from the application site. There is no need for such facilities to be provided within the stable building and are not facilities that feature within other stable developments in the Borough.
 - No weight is attached to this very special circumstance.

Conclusion on Green Belt

The proposed manege and horse walker would not comprise inappropriate development in the Green Belt and would therefore comply with policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF. These aspects of the development are therefore considered acceptable.

The proposed change of use of the land for the keeping of horses does not fall within one of the listed categories in the NPPF. However, the use of the land for the keeping of horses would not have any additional impact and it would have no greater impact on the openness of the Green Belt than the existing/last use of the site as a cricket pitch.

The proposed stables building and associated areas of hardstanding would comprise inappropriate development in the Green Belt. Additional harm would also be created from such a building and engineering operation. The very special circumstances put forward do not clearly outweigh the harm caused by reason of inappropriateness or the other identified harm. The proposed stables building and associated areas of hard standing are therefore considered to be contrary to policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF.

Amenity

No residential properties are located in close proximity to the application site. The proposed development is therefore not considered to have a detrimental effect on neighbouring amenity and would comply with policy DC3 of the Local Plan.

Highways

The proposed development would utilise an existing access onto Birtles Lane that is used to gain access to the property known as 'The Wall House'. An existing gate approximately 70-80 metres along the access road would provide access into the application site, however this does not currently adjoin into the existing access track. A submitted drawing outlines that limestone chippings would be used to create an area of hardstanding for the parking/turning of vehicles within the site, however no details have been provided to show what surfacing would be proposed to allow vehicles to get from the access track into the site. As discussed above this could be conditioned.

The Strategic Highways Manager has assessed the application and considers that the proposed development is low key in terms of traffic movements and is seen as appropriate given the narrow nature of Birtles Lane. There are improvements to visibility required at the access and the submitted plan has indicated splays of 2.0m x 45m in each direction. This level of visibility is acceptable given the vehicle speeds. He therefore raises no objection subject to a condition requiring the visibility splays to be implemented. The proposed development is therefore considered to comply with policy DC6 of the Local Plan.

Ecology

Natural England

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and would therefore avoid affecting the favourable conservation status.

Cheshire Wildlife Trust (CWT)

One of the recommendations contained within the Extended Phase One Habitat Survey (2012) is for a bat emergence survey centred on the two existing buildings to be undertaken. No such survey results are included with the current application and therefore this survey needs to be undertaken prior to determination. The additional survey has been requested and is currently awaited.

Further to the recommendation in the survey, CWT supports the installation of not one but two barn owl boxes on site, in accordance with guidelines published on the RSPB's website.

CWT concurs with the other recommendations within the report in respect of badgers, birds, hedgehogs, otters, reptiles, rhododendrons, orchard trees, water voles and white-clawed crayfish. CWT concurs with the proposed 'Reasonable Avoidance Measures' in respect of Great Crested Newts.

CWT considers that, if present and/or breeding on the site, lapwing and grey partridge are likely to be adversely affected by the proposed new uses of the site, especially if the former area of the cricket field is to be grazed by horses. However, it is probable that the records of these species are not from the site itself but from adjacent agricultural or parkland areas within 1km of the site, and for this reason, no mitigation is required.

Nature Conservation Officer

The Nature Conservation Officer is awaiting the submission of the further Bat Survey before commenting on the application. His comments are therefore currently awaited.

Trees

The Birtles Bowl site has been neglected for many years with little pro-active tree management taking place since its inception. This has resulted in the extensive planting expedited some 20 years ago establishing a tangled mass of etiolated trees. Apart from the recently planted trees the site also contains a number of large mature specimens including Oak and Lime. These are considered to be high value trees, category A in terms of BS5837.

The development proposals, in terms of access and the location of the proposed footprint, broadly occupy the existing access track and hardstanding occupied by the redundant car park. The only alteration to this relates to the expanded turning area which extends close to the tree identified as T5524. No details have been included in terms of construction, but any hardstanding outside the existing sub-base would have to be implemented under a 'no dig' construction. The site plan identified the use of Limestone chippings; this would not be acceptable as the limestone would have an adverse effect on the health and longevity of the trees on the site as a result of leaching as part of rainwater runoff. The removal of a single tree (failed pine) has been identified for removal, this will probably need to be expanded to include a small Red Oak, but again both trees are considered individually to present low amenity value Category C.

The stable complex stands within the existing car park with any root development associated with both the adjacent semi-mature and mature trees considered to be reduced and limited under the hardstanding. Construction of the concrete hardstanding and building footprints will not have a negative impact on the adjacent trees providing excavation is kept to a minimum.

A limited amount of pruning will be required in order to establish a reasonable tree/building relationship.

The position of the manege and horse walker have been located on the cricket ground outside the Root Protection Areas of the adjacent tree cover as identified within BS5837. This will not have a detrimental impact on the retained tree aspect.

In order to facilitate access and provide a reasonable visibility splay onto Birtles Lane a limited number of trees will require removal. These are considered to be poor specimens, category C with limited amenity value.

The application lacks specific detail in terms of addressing all of the arboricultural issues but on balance these could be addressed by condition. There is also an opportunity to address the neglected state of the woodland and copse planting schemes. This should be seen as a positive gain if this could be facilitated. For these reasons and subject to conditions requiring the submission of a Tree Protection Plan, a method statement for the proposed driveway and hard standing within the defined root protection areas of the retained tree aspect, a detailed levels survey, and a detailed 10 year woodland management plan for the trees located within the site edged red, it is considered that there are no objections from an arboricultural perspective. The application would therefore comply with policy DC9 of the Local Plan.

Landscape

The application site is located within an Area of Special County Value. The Landscape Officer has assessed the application and does not object to the proposed stables, horse walker and manege but recommends that the woodland, tree belts and orchard area should be fenced off to exclude the horses and should be managed to improve both the woodland and nature conservation status. Horse grazing should be restricted to specific areas of the site. If the application is approved the Landscape Officer suggests that conditions should be attached in respect of:

- A landscape plan for the whole of the site edged red showing the stables, manege, horse walker, areas of hardstanding, areas to be grazed and areas to be fenced off and managed for woodland improvement and nature conservation.
- A 10-year woodland and habitat management plan.
- Full details for the manege, horse walker, fencing, gates and hardstanding.

Subject to these conditions it is not considered that the proposed development would have a detrimental effect on the Area of Special County Value or the visual impact of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the principle of using of the site for equestrian purposes is considered acceptable and the siting and scale of the proposed manege and horse walker is agreed, the scale of the proposed stable block and the uses contained within it are contrary to planning policy in respect of Equestrian Facilities and would have a detrimental effect on the openness of the Green Belt. The very special circumstances put forward are not considered to clearly outweigh the harm caused by reason of inappropriateness or the other identified harm. The scheme should be reduced in size and the existing brick built building should be converted and used as part of the scheme.

The application is therefore recommended for **REFUSAL**.

SUBJECT TO

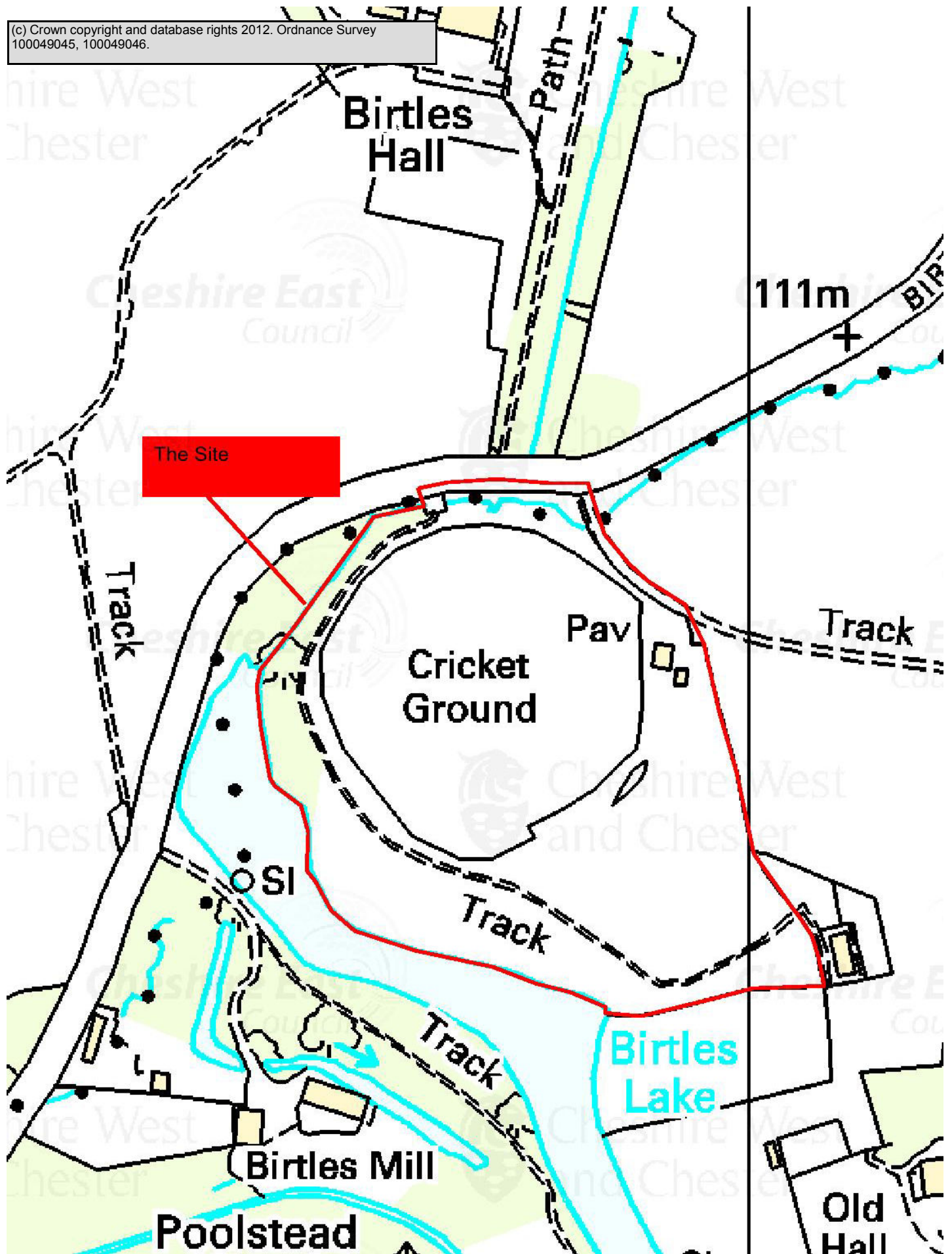
The submission of a further Bat Survey and the comments of the Nature Conservation Officer.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Contrary to Green Belt / Open Countryside policies
2. Equestrian development

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Application No: 12/1833M

Location: 23, ASHFORD ROAD, WILMSLOW, WILMSLOW, CHESHIRE, SK9 1QD

Proposal: External Chimney Stack to Side Elevation

Applicant: Councillor Wesley Fitzgerald

Expiry Date: 04-Jul-2012

Date Report Prepared: 21st June 2012

SUMMARY RECOMMENDATION

Approval

MAIN ISSUES

Impact on the character and appearance of the application site and of Ashford Road; and
Impact on the residential amenity of nearby properties.

REASON FOR REPORT

This application is to be determined at Northern Planning Committee as the applicant is Councillor Fitzgerald.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a detached dwellinghouse with a large single storey extension to the front. The site is located on a residential housing estate and forms one of a row of dwelling of the same architectural character, albeit some properties have been extended either at single storey or two storey so there is no set uniform appearance.

For the purposes of the Macclesfield Local Plan, the site is situated in a Predominantly Residential Area.

DETAILS OF PROPOSAL

Planning approval is sought for a chimney to the northeast facing elevation.

Submitted plans also show a single storey rear extension. Members should be made aware that this extension falls within the specifications of Class A, Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (N0.2) (England) Order 2008 and as such does not require planning permission and does not form part of the Councils assessment.

RELEVANT HISTORY

09/0773M Single storey front extension and pitched roof over existing flat roof
Approved with conditions, 11th June 2009

POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC38 (Guidelines for space, light and privacy for housing development)

DC43 (Side extensions)

H13 (Protecting residential areas)

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

National Planning Policy Framework

Chapter 7: Requiring good design

IEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: The Town Council raises no objection to the proposal.

OTHER REPRESENTATIONS

No representations have been received at the time of preparing this report. The last date for comments is due to expire on 2nd July 2012.

OFFICER APPRAISAL

Principle of Development

The application site is situated in a predominantly residential area as outlined in the Macclesfield Borough Local Plan. The site does not relate to a Listed Building nor is it situated in a Conservation Area. There is a presumption in favour of development subject to compliance with the relevant design and amenity policies of the Local Plan and Chapter 7 of the National Planning Policy Framework.

Design

The chimney stack is situated on the northeast facing elevation of the dwellinghouse. It is positioned towards the western end of this elevation, set approximately 5m behind the principle elevation.

The chimney stack extends to a depth of 680mm and measures 2m in width at its widest point, tapering in to a width of approximately 600mm at first floor level. The chimney would extend 1m above the roof slope of the dwellinghouse and would project 300mm above the ridge line.

External materials are stated to match the existing building and are considered acceptable.

Though no other properties within the immediate vicinity of the site have a chimney, taking account of the siting of the chimney, it is not considered that the development would appear imposing within the wider streetscene.

Taking into consideration the scale and siting of the proposed chimney stack it is not considered that the development would detract from the character or appearance of the application site or of Ashford Road.

Amenity

Due to the location of the proposed chimney relative to neighbouring properties to the southeast and southwest, there would be no harmful impact on residential amenity of these neighbouring sites by virtue of overbearing impact or overshadowing.

The proposed chimney would be positioned on the northeast facing elevation of the dwellinghouse. Though it would be visible from the rear garden of no.25 Ashford Road it would not be considered to appear overbearing or intrusive and the impact on this neighbouring property is considered acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Approval is sought for a chimney stack to the northeast facing elevation. The proposed development would not be considered to detract from the character or appearance of the application site nor present a prominent addition within the wider street scene. The proposal would not result in significant injury to the amenity of nearby residential properties by virtue of overshadowing or overbearing impact. In conclusion, this application is considered to adequately accord with the relevant design and amenity policies of the Macclesfield Local Plan and with Chapter 7 of the National Planning Policy Framework.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Commencement of development (3 years)

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Northern Area Planning Committee 4th July 2012**COMMITTEE REPORT****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 2nd February 2012 at Ford House, Prestbury SK10 4DG. Members are invited to consider the following objections and representations and to determine whether to confirm or not to confirm the Order or confirm the Order with modifications.

SUMMARY RECOMMENDATION:

The Development Management and Building Control Manager recommends that the Northern Area Planning Committee confirm the Tree Preservation Order at Ford House, Prestbury SK10 4DG without modification.

WARD AFFECTED

Prestbury

POLICIES

Saved MBLP Policy DC9 Tree Protection is relevant to this report.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

The loss and threat to trees could have a significant impact upon the amenity and landscape character of the Conservation area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

CIRCUMSTANCES

On 23rd December 2010 the Council received a full planning application to demolish Ford House and erect a replacement building for parish offices and 3 apartments associated with the Church, and the construction of 6 town houses and 2 apartments within the grounds of Ford House and alterations to the existing access (App 11/0107M).

The planning application was supported by an Arboricultural Report including a Tree Survey which considered the impact of the development proposal on existing trees within the grounds of Ford House. The report identified that high and moderate category trees comprising a Copper Beech, Horse Chestnut and a number of Yew trees, together with some lower category Holly and Cypress will require removal to accommodate the development. The report proposes that the loss of these trees could be mitigated by a scheme of tree management works within St Peter's churchyard and the Ford House site, together with provision of shared amenity space for the new dwellings to enable the sustainability and management of tree cover within both sites.

The Forestry and Arboricultural Officer is of the view that these trees contribute significantly to the amenity of the area and contribute to the character of the Conservation Area within which they are sited. An assessment also identified that the proximity of the proposed mews townhouses and their social proximity and relationship to various trees would inevitably lead to future requests for regular pruning or felling.

A revised scheme was submitted which relocated the mews townhouses a further 2 metres further west from the trees, and further discussions took place with the Arboricultural Consultant with regard to new planting within Ford House and St. Peters Churchyard.

The Forestry and Arboricultural Officer was of the opinion that the revised scheme and proposals for new planting did not sufficiently mitigate the loss of trees such that the requirements of saved Policy DC9 could be satisfied. In view of the potential tree loss and threat to remaining trees a recommendation was made to the Development Management and Building Control Manager that it would be expedient to make a Tree Preservation Order. Under powers delegated to the Development Management and Building Control Manager a Tree Preservation Order was made on 2nd February 2012.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the

interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 2nd February 2012. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Prestbury Parish Council and Ward Members for Prestbury.

VIEWS OF THE PARISH/TOWN COUNCIL

Prestbury Parish Council has sent comments by letter dated 7th March 2012 supporting the Order.

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order dated 13th February 2012 from Cheshire Woodlands Arboricultural Consultancy acting on behalf of St. Peter's Parochial Church Church, Prestbury. A copy of the Council's Amenity Evaluation Checklist was sent to the objector at their request. The checklist was used by the Council to assess the amenity of the trees in accordance with Government guidance. The objector refers to the checklist in their reasons for objection which are as follows:

- Planning permission has not been granted and the Council's motivation and reason for serving the Order as set out at Section 2 (a) of their Amenity Evaluation Checklist and items (a) and (e) of the Regulation 3 Notice do not therefore apply.
- All three listed trees in group G1 of the Order, fourteen of the sixteen listed trees in Group G2 and one of the four listed trees in group G3 were identified as being retained on the plans and particulars submitted with the planning application. These trees retain the statutory protection afforded by Section 211 of the Town and Country Planning Act 1990 and cannot be removed or pruned without the consent of the LPA. There is therefore no justification for the Council's suggestions that these trees are under immediate threat.
- The current owners of the land have no intention and never had any intention of removing trees without prior agreement of the Council. This is evidenced by the fact that none of the five trees identified for removal as part of the planning application (two trees in group G2 and three trees in Group G3) have to date been felled. There is therefore no justification for the Council's suggestion that the trees are under 'immediate threat' or at 'risk of being cut down or pruned' The Council's motivation and reasons for serving the Order as set out in section 2 (c) of their Amenity Evaluation Checklist and items (b), (c) and (e) of the Regulation 3 notice do not therefore apply.

- An Irish Yew in Group G1 of the Order and two Holly and four Sycamore trees in group G2 are identified as 'low value' category C trees in the Tree Survey submitted with the planning application. These seven trees are not 'high or moderate quality trees of amenity' and their removal would not have 'a significant impact on the amenity of the area'. The Council's motivation and reasons for serving the Order as set out at section 2 (c) of their Amenity Evaluation Checklist and items (d) and (e) of the Regulation 3 Notice do not therefore apply in respect of these seven trees.
- The Order is unhelpful in respect of the ongoing planning negotiations with the Council.

The Council have received also received further letters of support for the Order from Prestbury Amenity Society and Save Ford House Group.

APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

Objection - Cheshire Woodlands Arboricultural Consultancy acting on behalf of St. Peter's Parochial Church Church, Prestbury

The Regulation 3 Notice included in the letter accompanying the TPO states the Council's reasons for making the Order and included as one of the reasons, the requirement that the Council fulfils its statutory duty under Section 197 of the Town and Country Planning Act 1990. Section 197 allows for planning authorities to ensure when granting planning permission they make adequate provision for the preservation and planting of trees and provides the power to make Orders. The Forestry and Arboricultural Officer acknowledges that whilst planning permission had not been granted, the impact of the proposed development on trees is a material consideration when deciding to give such permission and the Council had to adequately consider the importance of protecting the trees on the site in the event that planning permission may have been given. It is the Forestry Officers advice that in this context and for the other reasons stated in the Regulation 3 notice, the making of the Order is expedient.

The objection suggests that the Order is not justified as the trees are not under immediate threat. Government advice provided in *Tree Preservation Orders – A Guide to the Law and Good Practice (DETR March 2000 – para 3.4; 3.5)* states that it is not necessary for the risk to be immediate, but that certain trees may be at risk from development pressures. The submitted planning application identified a number of high and moderate category trees for removal (a Copper Beech, three Yew and a Horse Chestnut) and that other trees which were shown for retention present an unsatisfactory relationship close to the proposed Mews properties. The Forestry Officer advises for this reason the trees are considered to be under threat.

The Tree Survey submitted with the planning application identified certain individual trees as 'low value' C category. The Forestry and Arboricultural Officer is of the view that whilst some of these trees may be identified within lower category designation, when considered as individual trees, the trees have collective merit as a protected group as designated within the TPO in terms of their overall impact upon the amenity of the area, their contribution to the character of the Conservation Area and association with the original landscaping of Ford House.

The Forestry and Arboricultural Officer has undertaken a reappraisal of the trees including the four Sycamores within G2 of the Order referred to in the objection to the east of the site. Reference is made in the Arboricultural Report supporting the planning application that *'tree cover along the highway frontage along the eastern boundary is the most significant in amenity terms'*. The four Sycamore trees within G2 of the Order are clearly visible from Bollin Grove along the eastern boundary of the site and also contribute to the collective merit of the group. The Forestry and Arboricultural Officer therefore advises that these trees fulfil the criteria for making the TPO.

The Council has undertaken extensive planning negotiations with the applicant over a considerable period to overcome the various objections and complex issues raised. It was considered that until all the required information was received and addressed a recommendation for the refusal of the planning application had to be made following the service of the Order.

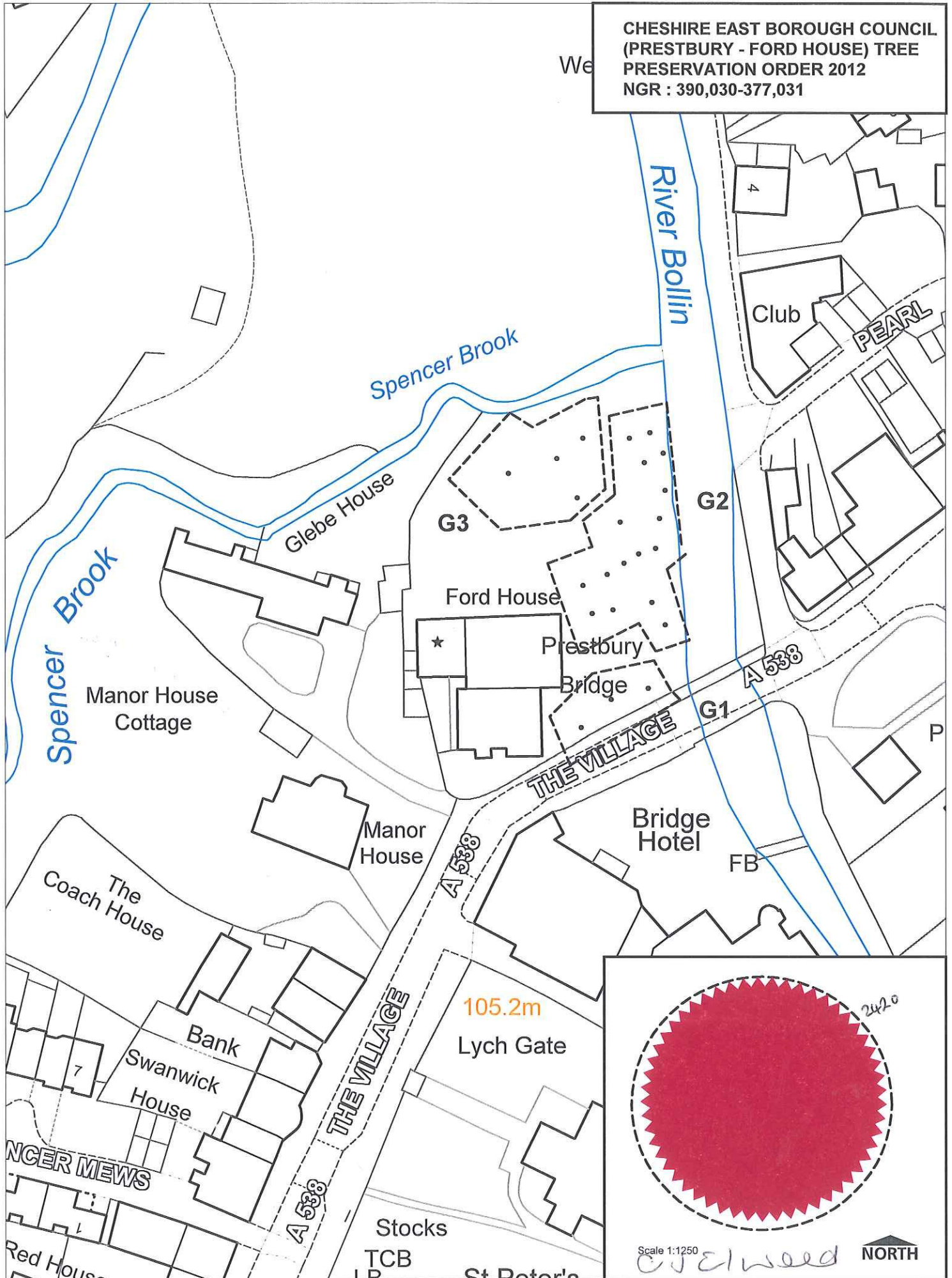
CONCLUSION

Following the submission of a planning application for development at Ford House, Prestbury which identified the removal and threat to trees that contribute to the amenity of the area and character of the Prestbury Conservation Area it is considered expedient for the Council to make the TPO in accordance with Section 198(1) of the Town and Country Planning Act.

RECOMMENDATION

That the Cheshire East Borough Council (Prestbury – Ford House) Tree Preservation Order 2012 is confirmed without modification.

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