

Northern Planning Committee

Agenda

Date: Wednesday, 15th August, 2012
Time: 2.00 pm
Venue: The Assembly 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 disclosable pecuniary and non-pecuniary 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 25 July 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. **12/1361M-Alterations & Extensions To Create Medical Practice (D1 Use) And Ancillary Facilities And New Entrance To The Hall, Festival Hall, Talbot Road, Alderley Edge for Dr S Merchant (Pages 7 - 24)**

To consider the above application.

6. **12/1532M-Erection of 8 No Affordable Houses, Associated Parking and Landscaping, Construction of Vehicular Access, Land off Trouthall Lane, Plumley for MCI Developments Ltd and Peaks & Plains Housing Trust (Pages 25 - 40)**

To consider the above application.

7. **12/0596M-Redevelopment of existing golf club comprising demolition of clubhouse and associated buildings, erection of single detached country manor house with ancillary granny annex, detached garage building, landscaping, associated external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed country manor house dwelling, Mobberley Golf Club, Burleyhurst Lane, Mobberley for Ollerton Leisure LLP (Pages 41 - 52)**

To consider the above application.

8. **12/2073M-Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works, (Pages 53 - 64)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 25th July, 2012 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

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

OFFICERS PRESENT

Miss J Adeniran (Lawyer), Mrs N Folan (Planning Solicitor), Mr P Hooley
(Northern Area Manager), Mr N Jones (Principal Development Officer) and
Mr R Law (Senior Planning Officer)

28 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H Gaddum,
Mrs O Hunter, D Neilson and P Raynes.

29 DECLARATIONS OF INTEREST/PRE DETERMINATION

None.

30 MINUTES OF THE MEETING

RESOLVED

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

31 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

**32 12/0410C-RESIDENTIAL DEVELOPMENT OFF BROOK STREET,
CONGLETON FOR 54 NO. RESIDENTIAL DWELLINGS WITH PUBLIC
OPEN SPACE AND A NEW FOOTBRIDGE CROSSING OVER RIVER
DANE TO CONGLETON PARK, LAND OFF BROOK STREET,
CONGLETON, CHESHIRE FOR MRS NICHOLA BURNS, MORRIS
HOMES LTD**

(During consideration of the application, Councillor B Burkhill arrived to the meeting and in accordance with the Code of Conduct he did not take part in the debate or vote on the application).

Consideration was given to the above application. The Officer clarified that, in respect of the 5 year housing land supply, the 5 % buffer is applicable in Cheshire East, as the report could be interpreted in two ways in this regard.

(Nichola Burns, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the Officers update report to Committee the application be approved subject to the completion of a S106 Agreement comprising the following Heads of Terms:-

- a) Provision of 20% affordable housing, with a tenure split of 55% social rent and 45% intermediate tenure
- b) Financial contribution of £24,000 towards the provision of two quality partnership standard bus stops;
- c) Financial contribution of £20,000 towards improvements to local sustainable links including existing footways;
- d) Provision of a financial contribution of £16, 024.75 towards enhancement of Children and Young Persons off site play equipment in Congleton Park and an associated maintenance contribution of £52,237.50;
- e) Applicants to purchase and install a bridge between the application site and Congleton Park with the precise design, specification and timescale for implementation to be first agreed by Cheshire East Council (the maintenance and upkeep of which shall be the applicant's responsibility); and
- f) Private Management Plan for the on-site amenity green-space and proposed bridges (to Congleton Park and within the application site itself) to be submitted and approved by the Local Planning Authority.

g) A commuted sum for improved highway signage surrounding the access to the site.

And subject to the following conditions:-

1. 3 year time limit
2. Development in accordance with submitted plans inc. access
3. Hours restriction – construction including delivery vehicles.
4. Hours restriction - piling activity.
5. Contaminated land Phase 2 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats
12. Submission/approval and implementation of a programme of remedial works to retained trees.
13. Levels in accordance with submitted details
14. Materials to be submitted to and approved
15. Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
16. Detailed scheme for dust mitigation during demolition and construction
17. Details of external lighting strategy to be submitted and agreed
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
21. Surface water regulation to be submitted and agreed
22. Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
23. Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing

- 24. New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
- 25. Site Waste Management Plan to be submitted and agreed
- 26. Scheme to generate 10% of its energy requirement from low carbon sources in accordance with Policies EM17 and EM18 of the North West Regional Spatial Strategy
- 27. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
- 30. Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
- 31. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam.
- 32. Details of bin storage to be submitted to and approved
- 33. Removal of PD Part 1 classes A-E and Part 2 (gates, walls, fences) for plots 48 – 52

33 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

Consideration was given to the above report. As Councillor Mrs L Smetham was unable to attend the meeting to speak on the application, the Officer read out her comments.

RESOLVED

That the application be deferred in order for the applicant to be given the opportunity to submit revised plans for the Committee to consider.

(This decision was contrary to the Officers change in recommendation from one of refusal to one of delegation to the Development Management and Building Control Manager in consultation with the Chairman for approval subject to receipt of revised plans as set out in email from the applicant's agent and subject to any conditions required. This change in recommendation from the Officer was as a result of the agent for the applicant confirming at a very late stage that his client was happy to agree to all of the requests that the Planning Officer had made, therefore the Planning Officer changed his recommendation on the basis of this new agreement).

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor R West (Chairman)

This page is intentionally left blank

Application No: 12/1361M

Location: Festival Hall, TALBOT ROAD, ALDERLEY EDGE, SK9 7HR

Proposal: Alterations & Extensions To Create Medical Practice (D1 Use) And Ancillary Facilities And New Entrance To The Hall

Applicant: Dr S Merchant

Expiry Date: 10-Jul-2012

DATE REPORT PREPARED

6TH August 2012

SUMMARY RECOMMENDATION – Approve subject to conditions and a legal agreement

MAIN ISSUES

- The detailed design of the proposal – impact of height, mass, bulk, character and appearance of the area
- Justification for the partial loss of the Locally Listed Building in policy terms
- Impact on residential amenity
- Impact upon parking congestion and highway safety in locality
- Green Travel Planning
- Heads of Terms for a Legal Agreement pertaining to the Travel Plan

REASON FOR REPORT

The proposal has been referred to the Northern Planning Committee at the discretion of the Development Management and Building Control Manager under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The Festival Hall is a Locally Listed Building. The Hall was built in 1927 having been designed by Manchester Architects, Halliday and Agate for the Alderley Edge Music Festival.

The building has long served as the home to the music festival and various other community uses. The significance of the building, whilst having some limited architectural interest, lies

largely in the historical associations with the Music Festival and its long standing community function within Alderley Edge. The proposed development will result in the loss of the frontage of the Festival Hall, including the entrance foyer, existing toilet areas and upstairs offices whilst maintaining the majority of the hall behind a new building attached to the front.

The building sits at the end of Talbot Road and Stamford Road and is immediately adjoined by allotment gardens to the north, residential properties to the south and eastern boundaries. The general character of the wider area varies in nature from detached houses to semi detached villas and terraced properties, mainly in residential use. St Pius Catholic Church with car parking is opposite on Stamford Road. With the exception of the 'Talbots', a detached dwelling immediately to the south of the site, this corner of the Stamford Road/Talbot Road area is in use for community based purposes.

The Festival Hall presently contains a long term pay and display car park which can accommodate circa 50 vehicles for a maximum of 10 hours, with no overnight parking. This is presently operated under a 25 year lease by the Borough Council. The lease would need to be revoked to enable this proposal to be implemented. Alderley Edge Parish Council are the freehold owner of the Festival Hall site. The Parish Council issues a number of complimentary parking permits for use on the car park. There is a one way traffic system in operation with separate access and egress on to Talbot Road.

On street parking control measures are in operation upon the streets surrounding the site. Demarcated on street parking bays allow for pay and display parking.

DETAILS OF PROPOSAL

It is proposed to erect an extension to the frontage of the Festival Hall, following the partial demolition of the existing frontage of the Hall, the areas to be demolished comprise the foyer, w.c's and offices within the Hall. The extension will comprise ground and 2 upper stories comprising a medical centre with 19 consultation / treatment rooms for use by the Alderley Edge Medical Practise and additional medical specialism's such as physio and a skin lesion clinic. The Practise is also a teaching practise and provision is also made for trainee doctors within the scheme. The proposal also incorporates an ancillary pharmacy on the ground floor, back of house offices/ district nurses accommodation, patient lift, minor surgery rooms and ancillary facilities. The proposal incorporates an enlarged car park, which extends further into the rear, a one way system and relocated access adjoining the boundary of the site with the allotments.

The front extension for the medical centre will extend to the back of the pavement on Talbot Rd (floor area circa 28m width x 14m depth). The ground floor entrance portico columns will be sited on the pavement. The scheme has been amended , during the course of the applciation.

The amended scheme incorporates a part flat roof design and is 10m high at its closest point to the neighbouring residential property at the Talbots. The roof is centralised and has a central portico type feature which is inspired by a similar feature in the existing roof.

The opening hours of the GP practice are between 0800 to 1830

Mon to Fri with patient consultation times generally from 0815 to 1200 and 1430 to 1830 Mon to Fri. An ancillary pharmacy is also proposed which would be open at the same times as the medical practise. The pharmacy operator will be relocating from the village centre.

The facility will employ approx 40 full and part time members of staff, an increase in 5 staff members from the current George Street facility. The physiotherapy service to be located on the second floor is an NHS service. The physiotherapists are not employed by the practice, but they are currently delivering an NHS service to patients at other premises in the area. They are looking to re-locate to the proposed medical centre. The service is a full time service and will employ their own staff at the site who will not be part of the Alderley Edge Medical Practise. A skin lesion clinic will also utilise part of the second floor for consultations and minor surgery with associated waiting room and reception.

The proposal also incorporates a separate access point for the Festival Hall. This is a discreet extension to the side elevation, facing the allotments and will require the removal of a telecoms mast presently in situ. The entrance will replace the existing front entrance, which will be lost to the formation of the Medical Practise and will comprise ancillary facilities (toilets and entrance foyer) for the sole use of the Festival Hall.

The scheme has been amended since original submission and more information has been provided in the form of a rigorous Heritage Assessment, from a suitably qualified expert, of the heritage asset to be lost by the development have been received. A Business Case for the proposal and a Travel Plan have also been received. This scheme now proposes a reduced second storey element and the use of brick facing materials to match the existing building as opposed to the use of render.

RELEVANT HISTORY

97/0991P 15m Telecommunications tower, equipment cabin, antennae and dish - Prior Approval Not Required 02 July 1997

POLICIES

DP1- Spatial Principles, promoting sustainable development
DP2- Promote Sustainable Communities
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
L1 (Health, Sport and Community Provision)
EM18 – Decentralised Energy Supply

Macclesfield Borough Local Plan (2004)

BE1- Design Guidance
BE20 Locally Listed Buildings
H13- Protecting Residential Areas
T3 Pedestrians;
T4 Access for people with restricted mobility;

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

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

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Other Material Considerations

National Planning Policy Framework

Supplementary Planning Document Local List Of Historic Buildings – adopted Oct 2010

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection is raised to the proposals subject to the provision of a Green Travel Plan and its subsequent monitoring. The current use of the site is a long stay pay and display car park and this use will cease should this development be implemented, whilst the loss of the car is likely to increase demand for car parking in other locations the surrounding roads are all already controlled through parking restrictions and also there are other locations available for limited stay parking. As the GP practice is relocating to the proposed site some on street parking will become available at the previous location around George Street.

There would likely be a maximum of 31 staff at the medical facility at any one time and although there are 14 GP consulting rooms at ground and first floors(not all of these rooms will be used at once and therefore the number of patients will be reduced). The Transport statement considers there to be 31 staff members to be present on all floors when up to 40 visitors are present , given the available car parking on the site and the dual use nature of the site, the travel plan to be agreed when the development is occupied.

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

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council: Are the freeholders of the site and wish to make no comment upon the application

OTHER REPRESENTATIONS

Approximately 497 copies of the same generic letter have been submitted. This letter supports the proposal as originally submitted and was provided by the Surgery for signature of patients of the surgery. The letter states that the proposal will improve access and facilities/

range of services for patients including the provision of a lift and access suitable for wheelchair users and provide a modern, easily accessible pharmacy. Signatories of the letter in the main have addresses in Alderley Edge and Wilmslow although other addresses have been quoted. They also consider that the current facilities in George Street will not be able to meet the needs of the local population.

A total of 14 individually written letters/emails of support have been received. The general tone is the support for medical provision within the village.

The Edge Association support the proposal. They consider that the proposal will safeguard the future viability of the Festival Hall as a community facility whilst also providing a medical facility for the community within the village. They acknowledge the concerns that have been expressed about the scheme as originally submitted and would agree that the Committee should carefully weigh the issues up when reaching a view.

The Chairman of the Edge Association has written in support in a personal capacity. This letter considers that the impetus for the Festival Hall being put forward by the Edge Association for local listing was to safeguard the asset as a community asset, rather than as a building of exceptional architectural or historic merit. Also considers there to be little hope of the surgery finding any other site in the village and the revenue stream from the surgery rent to the Parish Council will provide the financial security to safeguard the future use of the Festival Hall as a community facility.

A total of 50 letters/emails of objection have been received. In general terms most respondents do not object, in principle, to the creation of additional medical facilities for the community on the site. However, they raise objection and concern about matters of detail pertaining to this proposal.

These are précised as being;

- the loss of the historic frontage/foyer to the Festival Hall (locally listed building)
- the medical practise should utilise the rear part of the site rather than the front
- design , scale , height and dominance of the front extension for the medical practise
- inappropriate use of materials
- impact upon residential neighbour at Talbot Cottage
- Non conformity to a building line on Trafford Road
- noise and disturbance
- traffic generation
- concern about parking congestion on the site and on the Adjoining Road
- increased commercialisation of the area
- concern about the use of the 2nd floor as commercial offices and the additional car parking it would generate
- Impact on trees to the rear of the site
- Entrance of the revamped Festival Hall to the less obvious side elevation, relegating the important public entrance to the less well lit side elevation. Some people question the future viability of the Hall on this basis
- The submission should incorporate plans for the future use of the Hall

In addition to these comments raised, additional comments have been received that are concerned with land adjacent to the site outside the red edge of this application, including the future intentions for the neighbouring allotments.

In respect of the neighbour re –consultation upon the revised proposals and further information provided, the following comments have been received :-

Six letters/emails of support for the revised proposal from members of the public. These generally consider there to be a need for better medical facilities in the Village. One of these letters considers the revisions have sought to address the community concerns and that the proposal will safeguard the future of the Festival Hall whilst providing for medical needs in the community.

Seven emails of support have been received from employees and doctors of the existing George Street premises. They consider the existing premises to be outdated and not up to modern standard and do not comply with DDA standards.

Ten letters/emails of objection to the revised scheme have been received which in the main, retain the same concerns as expressed originally;

- Too many consultation rooms and the rooms are too spacious
- Front extension is too big for site and the area
- Relocated Festival Hall entrance to side elevation will make the Hall a less desirable place to visit – and thus impact on Hall's viability as a community facility
- Pharmacy will be a retail facility in a residential area,
- Noise and disturbance and traffic generation as a result of the pharmacy when surgery not in use
- Highway safety concerns on existing road network will be exacerbated by additional traffic drawn to the Doctors surgery use.
- Increase in parking and loss of public car parking space as a result of the loss of the long stay car park at the site
- The submitted travel plan does not address existing or potential problems posed by traffic.
- None of the four uses of the second floor of the proposed building are justified by the Business Case. The top floor remains an essentially commercial proposal – not an integral part of the medical services needed for the population of Alderley Edge.

APPLICANT'S SUPPORTING INFORMATION

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

- Design and Access Statement
- Planning Statement
- Transport Statement
- Heritage Statement including Heritage Assessment of the Asset and proposal
- Business Case for the Surgery expansion
- Statement of Community Involvement

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

It is the Applicants essential case that -

The Festival Hall was purpose designed for the festival and was plain in character apart from the entrance facade which has been substantially altered. Originally the front elevation had a glazed canopy and at ridge level was a tall louvred vent with a pyramid roof. The loss of these features has affected its aesthetic character.

The proposal will be in a highly sustainable location close to a larger residential catchment than the current premises.

The practice will be open for patient consultation from 0800 – 1830 Mon Fri. Limited sessions may occur on Saturdays (seasonal flu clinic or stopping smoking groups) Site access is as the existing arrangement with a one-way system in operation around the building, the number of parking spaces is 43 including 3 disabled spaces. Access to the car park will be controlled to only allow patients to enter and other authorised vehicles.

There are 7700 patients on the practice list (March 2012). The age breakdown shows a high percentage of elderly people in-patient demographics. There is no proposal to expand the numbers of patients.

The on street parking in George Street/ South/West Street freed up by the vacation of the premises on George Street will be available for use to people visiting the village centre thus there will be a neutral impact to general parking facilities in the wider area.

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

The pharmacy will be ancillary to the function of a modern medical facility and will incorporate a consultation room patients to advise patients privately .

The existing public car park will cease operations. A Green Travel Plan for staff and visitors will encourage non-car borne travel, this will be a evolving document

The site is in a more sustainable part of the local catchment area to encourage patients to walk to the site, as opposed to the existing George Street premises.

OFFICER APPRAISAL

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

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

Principle of Development

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy within the Local Plan.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development in its Core Principles through, inter alia, proactively driving and supporting economic development to deliver homes, jobs, conserving heritage assets in a manner appropriate to their significance, seeking good design and a good standard of amenity, and also recognising the intrinsic beauty and character of the countryside and creating healthy communities

Paragraph 56 of the NPPF concerns the requirement for good design and its importance to achieving sustainable development. Paragraph 58 states that 'Policies and decisions should aim to achieve a number of design objectives: function and adding to quality of the area, establish a strong sense of place, optimise the site's potential, respond to local character/history, create safe and accessible environments, visually attractive through good architecture and landscaping'...

Paragraph 65 states that permission should not be refused for developments which promote high levels of sustainability because of concerns about incompatibility with an existing townscape and Paragraph 66 requires developers to work closely with those affected by their proposals to evolve designs which take account of the views of the community.

The proposal would facilitate the expansion of the existing Village Doctors Surgery into a modern purpose built health care centre on a site that has a long established community focus. In land use terms therefore, the uses are compatible with the site and are within an accessible and sustainable location. With regard to the intensification of the use, it must be borne in mind that the present Non Residential Institutional use of the Festival Hall (Class D1) is low key use but one that could significantly intensify without requiring planning permission and the proposal would bring wider community benefits in the form of a modern up to date purpose built medical facility with ancillary pharmacy and would help to reduce present inequalities in health care service provision in this area which is an agenda promoted by RSS policy DP2.

Loss of Part of the Heritage Asset – Consideration and Justification

The Festival Hall is identified within the Council's SPG as a Locally Important Building which describes the building as;

'The Regal' as the building was originally known was constructed in 1928 for the Alderley Edge Musical Festival. Later, Festival Hall became the Regal Cinema and Dance Hall in 1938.

Policy BE20 of the Local Plan seeks to preserve Locally Important Buildings which are valuable due to their contribution of the local scene or their historical associations. The policy states that developments which would adversely effect architectural or historic character will only be allowed if the Borough Council is satisfied that the buildings is beyond reasonable repair.

The Locally Listed Buildings SPD makes it clear that Cheshire East Council is committed to protecting local heritage and as such will always favour the retention of a locally listed building where practicable. It states that redevelopment proposals for buildings on the Local List should consider how such buildings can be incorporated into the development rather than demolished. The SPD states that planning permission will not normally be granted for alterations, extensions or development which adversely affects the architectural or historic character of the building or its setting.

The building has long served as the home to the music festival and various other community uses. The significance of the building, whilst having some architectural interest, is considered to lie largely in the historical associations and community function that it serves within Alderley Edge.

The proposed development will result in the loss of the frontage (art deco front incorporating the foyer and toilets) of Festival Hall. The proposal will retain the dance-hall part of the Festival Hall behind the frontage, for the purpose it was originally intended. In addition, the new entrance to the side elevation for the sole use of the Hall will facilitate a level site access to the dancehall and will enable all members of the community access to the community facility.

When considering applications that affect locally designated Heritage Assets, Policies 128 and 129 of the NPPF require an assessment of the significance of any heritage assets affected by a development, including any contribution made by their setting. The level of detail should be appropriate to the assets' importance and no more than sufficient to understand the potential impact of the proposal on their significance. Local planning authorities should take this assessment into account when the potential impact of proposed development to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

A Heritage Assessment has been submitted in support of this application. The building is strategically located at the terminus of Stamford Road, is an interesting visual feature of the area, being surrounded by largely domestic properties, this building stands out as having a different function. The building terminates the vista down Stamford Road.

The building is H-shaped on plan, with the single storey hall forming the large central section. The frontage block serves as an entrance foyer and cloakrooms on the ground floor, with the former Council Chamber, clerk's office and kitchen above. Within the rear block are green rooms, offices and toilets. The area below the stage has been adapted as a bar, store rooms and kitchen.

It is constructed of brick laid in a stretcher bond with a slate roof. The roofs to the front and rear blocks are steeply pitched, the former being set behind a tall parapet. The frontage block has five bays, of which the central three project slightly forward with a recessed entrance having a pair of fluted painted stone columns and a projecting canopy. The side elevations to the hall and the rear block are plain in character and appearance.

The assessment of the cultural significance of the Hall Undertaken by the Applicant is accepted. The Architectural and Historic Value of the Building is considered to be directly linked to the affluent development of Alderley Edge.

The Assessment states

..'Alderley Edge developed in the late 19th and early 20th centuries as an affluent suburb for wealthy Manchester businessmen and their families, many of whom were active supporters of music and the arts. The Festival Hall was originally built as a venue for the successful annual music festival which was commenced in 1911. The festival was instigated by the textile manufacturer Philip Godley, who was an amateur musician, and enthusiastic promoter of concerts. The hall was funded by public subscriptions, and opened in 1928...'

In terms of the Aesthetic Value,

..' The building is located at the end of Stamford Road, and terminates the vista from Trafford Road. It was purpose designed for the festival and was plain in character apart from the entrance facade which has been substantially altered. Originally the front elevation had a glazed canopy and at ridge level was a tall louvred vent with a pyramid roof. The loss of these features has affected its aesthetic character. The replacement of the small paned windows, and the cement render facing to the parapet have also harmed its aesthetic value. The interior of the building has been changed...'

In terms of the value Communal Value,

...'The building has served as a social and cultural focus for the local community since its construction, and has particular value for its association with the annual music festival...'

This proposal will not adversely effect the Music Festival, the majority of the Hall is retained and the music festival will still have an available venue. The side access will be fully accessible and whilst it is no longer on the front of the building, the access is not remote and a high quality scheme of hard landscaping would add to the communal areas to make them more welcoming than the presently uneven and potholed public car park. The improvements in access for all the community is a benefit of the proposal.

With respect the Setting of the Building, the Heritage Assessment opines:

..' The present condition of the building and the poor character of the site detract from the character of the immediate area, which is partly within the Alderley Edge Conservation Area. Opportunities exist for enhancement of its immediate setting..'...

Its architectural value relates mainly to its location, terminating the vista along Stamford Road. The proposed development will also terminate the vista on Stamford Road. The aesthetic appearance of the front elevation has been compromised by the alterations that have been carried out, and the building is otherwise considered unremarkable architecturally.

The principal aspects of significance of the Festival Hall as a Heritage Asset are therefore its historical associations, its community focus, both of which are retained by this proposal and its setting.

The justification for the partial loss of the building rests on three factors:

- The limited level of significance of the Festival Hall itself
- The poor condition of the building itself and its accessibility problems (a steep flight of stairs leads from the foyer to the hall)
- The public benefits offered by the proposal for the delivery of health related items for the community and the retention of the community focus for the existing building in future

This is considered to be a robust assessment of the importance of the Non Designated Heritage Asset and forms a satisfactory justification for the loss of the frontage of the Festival Hall.

In the light of the above, the proposal is considered to comply with Local Plan policy BE20, and other material considerations in the form of the NPPF with respect to non designated Heritage Assets and Cheshire East Locally Listed Buildings SPD.

Design and Street Scene Impact upon Character and Appearance of the Area

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

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

Paragraph 56 of the NPPF concerns the requirement for good design and its importance to achieving sustainable development. Paragraph 58 goes on to state that decisions should aim to achieve a number of design objectives by adding to quality of the area, establish a strong sense of place, optimise the site's potential, respond to local character/history, create safe and accessible environments, visually attractive through good architecture and landscaping.

This proposal has been amended since it was originally submitted. The proposal effectively concerns two extensions for two different purposes. The single storey side facing extension which will form the new side entrance for the Festival Hall is a minor part of this proposal which is discreetly located on the side elevation overlooking the allotments. The extension will incorporate brick facings and will provide a level threshold. It is considered to be design neutral and to have no material impact upon the character and appearance of the locality.

The larger extension to the frontage of the Festival Hall however, is a significantly larger extension which will impact upon the character and appearance of this locality and be of greater significance and impact within the street scene than the current Festival Hall.

The current building has a spacious setting, albeit poorly maintained and of poor quality in terms of car park/ frontage surface treatment. The spaciousness of the site is a positive feature. Given the scale of the proposed extension, an element of the spacious setting will be lost as a result of the proposed new frontage, which extends the frontage of the Hall to the back of pavement by circa 8 m from its current position, the building will come forward of the neighbouring dwelling, which is sited circa 2m from the pavement. The width of the extension is 10 m greater than the current frontage, leaving approx 10m of site frontage not incorporating the building. The Applicant has amended the design to reduce the impact of the height and width of the extension, by creating a part flat roof to the second floor.

The existing Festival Hall building is the largest building in the area and forms a vista within the termination point in the street scene, when looking down Stamford Road towards Talbot Road. The open allotments to the immediate northern boundary are unaffected by this proposal. The allotments assist in the maintenance of a degree of spaciousness within the vista in the long view

Undoubtedly the streetscene will change, and the adjoining single dwelling will be of lesser domestic scale. However, this medical extension will help to create its own civic identity through its architectural style and elevation treatment. This new identity and increased prominence will, in part, be shared by the Festival Hall.

It is considered that given the spacious setting is being reduced by an increased footprint and height of building to the site frontage, that hard and soft landscaping will need to be substantial and be of high quality to compensate for the impact upon the spacious setting of the site. Likewise materials should be of very high quality. All these matters could be controlled by condition.

Highways and parking

Since this application was first submitted, the car parking layout has been amended to provide 43 car parking spaces, 3 allocated spaces for the sole use of drivers with disabilities. 6 of the spaces are tandem spaces for the use of long term parkers (staff – presumed to be the Doctors and medical professionals e.g. the physiotherapists/pharmacist of the medical premises).

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport choices can be maximised.

It should be borne in mind that the existing medical premises in George Street contains no off street car parking spaces, so it is reasonable to assume that patients when visiting the current practice either walk, use public transport or park on a public car park in the village. This proposal, however, includes off street car parking for use of users and visitors of the site. This will be controlled via a barrier system to which patients will be given a daily code to exit

Whilst a general rule would set a parking requirement of 3 car parking spaces per consulting room, the NPPF does not set fixed car parking standards and advocates a flexible approach in seeking to encourage sustainable development. Issues such as, accessibility, type and mix of development, availability and flexibility of public transport and the need to reduce emissions are considered to be key issues.

It is considered that walking is the most important mode of travel at the local level and has the greatest potential to replace short car trips, particularly under 2km. The site is close to the public transport network, in a very sustainable location being close to the village centre and closer to a significant part of the residential area within the village than the existing medical practise in George Street. A part of any Green Travel Plan that is fit for purpose is to place the onus of the Operator to encourage visitors to utilise a choice of means of transport.

The Highways Engineer raises no objection to the proposal subject to Travel Plan initiatives being undertaken. He does, however, consider that the numbers of consulting rooms, treatment rooms and additional accommodation within the 2nd floor for other users such as the physiotherapist and skin lesion clinic should be limited to such users specifically unless and until work is done on the travel plan to critically assess this floor of medical accommodation. The Applicant is happy to accept a condition that would limit the use of the consulting rooms on the second floor to the skin lesion clinic and the physiotherapy service. The skin lesion clinic, it is understood, is currently only proposing to operate on Thursday afternoons initially and it is on this basis that the information within the application has been assessed.

Additionally, it must be recognised that given the aging nature of the population and the Medical Practise has a higher proportion of elderly patients than other groups within its catchment. Accordingly those in need of medical treatment may be less mobile than many in the community, and are therefore more likely to travel to the site by car either driving themselves or being driven to the site, there are up to 34 car parking spaces proposed for use by patients/ users of the Hall during the day.

The Applicant advises that the car park will, during the daytime, be primarily for the use of the Medical Practice and the low key users of the Festival Hall (they have very few daytime bookings). The intention is to have a one way flow system around the building with a barrier exit which will have a daily key code which will be given to patients and other users of the Hall by the receptionists at the Medical Practice to raise the barrier. The entrance will have a one way ramp/flap operation to ensure that the one way system is observed. This will prevent use of the car park by non bona fide visitors.

It should also be borne in mind that the Festival Hall as a public meeting place, is rarely utilised for activities that would generate significant traffic movements during the hours of operation of the medical centre. The medical user of the site will be open to patients from 8 am to 6.30pm on weekdays. These are times when the Festival Hall itself is rarely in use, however, it should be borne in mind that the improved accessibility to the Festival Hall would enable greater use should the Parish Council choose to offer its facilities out to the community in a more intensive way. A travel plan which is responsive to such changes in circumstance would assist in negating conflict in this regard.

The Transport Statement submitted in support of the application applies the car park standard for staff and visitors generated within every room and reaches the conclusion that not all treatment rooms/consultations rooms will be in use concurrently and that on average (based of TRICS database) there will be 24 staff members and 19 patients in situ at any one time throughout the consultation period and that 32% of visitors to the surgery will make their via non car methods

A framework travel plan has been submitted during the course of the application. A travel plan will incorporate green travel measures that should not be solely directed at staff but also at patients. All these measures are considered to be sustainability benefits which weigh in favour of the development.

Overall, the practises that are likely to be adopted as a direct consequence of this scheme are considered to be in accordance with the objectives of policies DC6 of the local plan.

Amenity

The siting of the 3 storey front extension is circa 2m closer to the side boundary with the adjoining dwelling and is a somewhat taller and deeper structure than the current Festival Hall frontage. The extension at this point has been amended to contain a flat roof to minimise the impact upon the neighbour. This enables the Applicant to retain the medical accommodation and expansion space on the 2nd floor whilst seeking to minimise the impact upon the neighbour.

The Talbots side elevation is screened by mature trees and foliage, however, the occupier of this dwelling will be able to see the scale of the extension from their property and oblique views will be apparent from rear facing windows from within the Talbots of the rear portion of the front extension. This will be most apparent during the winter months.

There are no principal room windows directly affected by the development. The proposed extension is sited 12m from the 2 storey end gable of the Talbots does not compromise the amenity/ outlook or privacy enjoyed by the residential occupier from within the dwelling.

Undoubtedly, the front/side extension will be very visible from within the garden/outside amenity space of the 'Talbots', and the outlook enjoyed will be diminished however, the garden is sizeable and given its north-east orientation, the daylight/sunlight enjoyed within this garden area would not be materially altered.

The rear and side facing windows within the medical extension can be conditioned to be obscurely glazed and non opening, other than for limited ventilation to safeguard the privacy and sense of being overlooked for the adjoining resident.

On balance, whilst there will be an impact upon the neighbouring residential property by virtue of the height and proximity of the extension, conditions can be imposed that will mitigate that impact. The resulting impact would not cause significant injury to the amenity enjoyed within the garden space of that dwelling. The proposal is therefore in accordance with policy DC3 of the Local plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal will help meet the changing Primary Health Care requirements to deliver more services to patients locally against a changing demographic where the population is aging and living longer. This is considered to be a significant community benefit. The proposal also allows the existing community based asset to bring itself into line with DDA legislation and to continue to provide medical care for the community in the future.

The site is in a highly sustainable location and is readily accessible by a choice of means of transport and the extensions have been significantly amended to reduce the scale of the front extension

The partial loss of the locally listed building is justified and whilst the development is sizeable, the impact upon the street scene is considered to be acceptable. Subject to conditions, the amenities of neighbours can be adequately safeguarded.

The provision of a Green Travel Planning will off-set the additional demands likely to be placed upon parking by virtue of the greater intensity of use.

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

The proposal also complies with guidance within the National Planning policy Framework by providing a sustainable form of development environmentally, socially and economically.

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

SUBJECT TO

HEADS OF TERMS

- Monitoring costs for the Travel (£5000 in total over 5 years in the form of £1000 per annum)

Levy (CIL) Regulations

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

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

The provision of a Travel Plan underpins the commitment to sustainable travel choices. The nature of the provision of medical services, particularly where the catchment is aging can lead to an over- reliance on car parking. This initiative will assist in reducing carbon emission by challenging behaviour through yearly monitoring by the Travel Plan Co-ordinator with a view to encouraging and supporting accessibility of the site to other modes of transport.

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

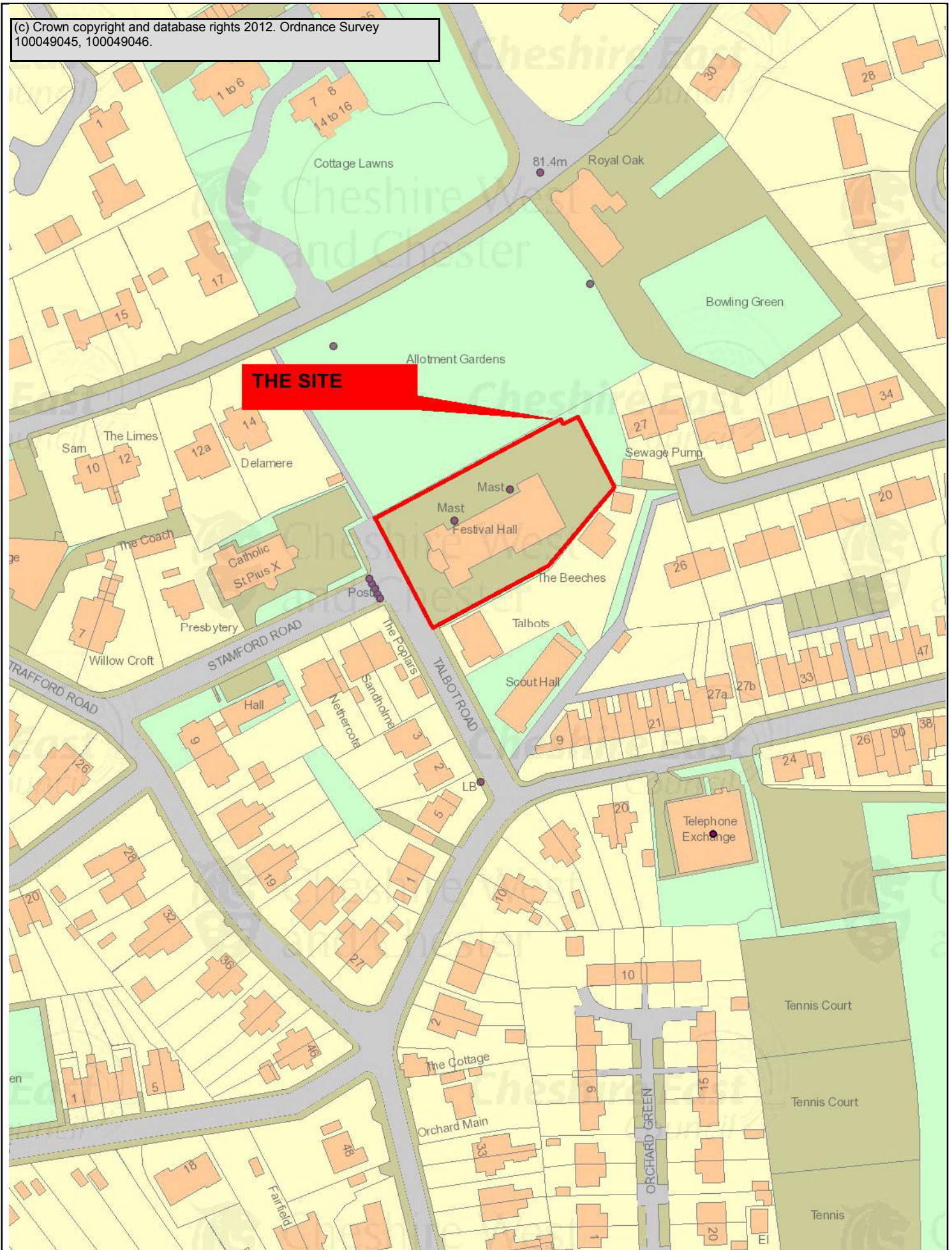
Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A03EX_1 - Medical extension - materials to be submitted
3. A03EX - Materials to match existing Festival Hall entrance
4. A02LS - Submission of landscaping scheme (hard and soft)
5. A04AP - Development in accord with revised plans (numbered)
6. A04LS - Landscaping (implementation)
7. A03TR - Construction specification/method statement
8. A06GR - No windows to be inserted
9. A06LP - Front extension to be used for medical purposes only
10. A14GR - Business hours for medical user (excluding Sundays)
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. A25GR - Obscure glazing requirement (side and rear facing windows of medical uses adj to the Talbots)
14. Window fabrication, roof materials, door fabrication, portico details of front extension to be submitted prior to commencement
15. 2nd floor internal layout as submitted plans without further permission
16. refuse store for medical user - details inc elevation to be submitted and implemented prior to first use
17. details of any air conditioning units for medical centre to be submitted for medical user/pharmacy
18. details of car parking barrier to be submitted prior to medical use commencing
19. Pharmacy use only (permitted development rights removed within Class A1)
20. lighting scheme to be submitted
21. details of long term cycle storage for staff of medical extension part of development to be submitted
22. travel plan



(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/1532M

Location: LAND OFF TROUTHALL LANE, PLUMLEY, WA16 0UG

Proposal: ERECTION OF 8 NO. AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING. CONSTRUCTION OF VEHICULAR ACCESS.

Applicant: MCI DEVELOPMENTS LTD & PEAKS & PLAINS HOUSING TRUST

Expiry Date: 13-Jun-2012

Date Report Prepared: 31 July 2012

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

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

REASON FOR REPORT

The application has been called to Committee by the local ward Member, Councillor Walton for the following reasons:

- Development within the Green Belt
- Actual community need for these houses not proven and the houses are not exclusively for the community
- Development out of character with immediate local streetscene
- Over development of site

- Only one parking space per dwelling which will lead to parking on narrow Trouthall Lane adjacent to site entrance
- Application is not community led in line with NPPF and Localism Act and pre-empts the possible neighbourhood plan
- The provision of public open space in Plumley is inadequate at present. The proposed development creates an even greater demand for such space and does not provide any practicable solution
- Significant impact upon openness of Green Belt
- Road safety concerns: access / egress is on the inside bend of a narrow lane with limited sight lines in both directions and near another junction. The risk would be further exacerbated by likely additional parking and traffic congestion on Trouthall Lane
- Inadequate sustainability and reliability of local water supply including size of local pumping station
- The application is contentious and of considerable public interest

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open land between two residential properties. 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 erect 8 affordable dwellings.

RELEVANT HISTORY

There is no planning history on the site of relevance to the current proposal.

POLICIES

Regional Spatial Strategy

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

Local Plan Policy

NE11 Protection and enhancement of nature conservation interests
BE1 Design principles for new developments
GC1 Control over new buildings in the Green Belt
H1 Housing phasing policy
H2 High quality living environment in housing developments
H5 Criteria for the development of windfall housing sites
H8 Provision of affordable housing
H9 Affordable Housing
H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 High quality design for new build
DC3 Protection of the amenities of nearby residential properties
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 Requirements to provide and maintain landscape schemes for new development
DC9 Tree protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Guidelines for space, light and privacy for housing developments
DC40 Children's Play Provision and Amenity Space

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways - The development should provide 200% parking as a minimum and I would request that at least two more car spaces are provided within the site or the number of units is reduced.

Environmental Health – No objection subject to conditions relating to hours of construction and contaminated land

United Utilities – No objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Plumley with Toft & Bexton Parish Council - The Parish Council objects to the application for the following reasons:

- The development is within Green Belt and has a significant impact on the openness of the Green Belt.
- Peaks and Plains (P&P) did not follow the correct process of consultation with the residents for this development.
- Actual community need for these houses has not been proven, and the houses are not exclusively for the community.
- Development out of character with immediate local streetscene
- Overdevelopment of site
- Only one car parking space per dwelling is inadequate, which will lead to parking on narrow Trouthall Lane adjacent to site entrance

- Application is not community led, does not accord with National Planning Policy Framework (NPPF) and the Localism Act, and pre-empt the possible Neighbourhood Plan.
- The provision of public open space in Plumley is inadequate at present. This proposed development creates an even greater demand for such space and does not provide any practicable solution or alleviation as the land specified in the application is not available to be used as open space.
- Road safety concerns: access/egress is on the inside of a bend on a narrow road with limited sight lines in each direction and near another junction. This risk would be further exacerbated by likely additional parking and traffic congestion on Trouthall Lane.
- The historic and protected hedgerow on Trouthall Lane forming the roadside boundary to the site would be needed to be totally removed for the development to take place (as stated by P&P at their drop-in session on 12th April, 2012 at Plumley Village Hall).
- The development will affect the setting of Malt Kiln Farm which is a grade II listed building adjacent to the proposed development land. (As the land was originally part of Malt Kiln Farm the development would be within the original curtilage of the listed building).

Following receipt of additional information the Parish Council notes:

The proposal is still not acceptable in principle, although some detail changes have been made. The applicants have still not provided any proof that there is a community need for the proposed houses; the Parish Council requested information such as the names and addresses of the proposed tenants, and why they need to live in Plumley on the 31st May, but Cheshire Peaks and Plains have not provided this information as yet. The site is Green Belt, Green Field, next to a Listed Building, and far too small for eight properties. No attempt has been made to consider other sites. The design and density of the development is not in keeping with the village, or the street scene and there is no provision for additional public space of which Plumley is already lacking. We do not see any reason to revise or remove our objections to the proposal.

OTHER REPRESENTATIONS

47 letters of representation have been received, which can be viewed on the application file. These letters object to the proposal on the following grounds:

- Adverse impact upon setting of Listed building
- No modern development on this side of Trouthall Lane
- Applicant's tool for assessment of impact upon listed building is subjective and wrong
- The people of Plumley have already rejected proposals for affordable dwellings
- Not a rural exception site in the Green Belt
- Not in accordance with Interim Planning Statement on Affordable Housing
- Houses will not only be for the people of Plumley
- No shortage of low cost housing in the area
- Plumley is the wrong place for affordable housing
- Impact upon drainage and sewers
- Detrimental to highway safety
- Disruption during construction
- Loss of important hedgerow

- Inadequate parking
- Out of character
- Little consultation with village residents
- Green Belt land should not be used
- No evidence of local need
- Lack of services in Plumley
- Density of development is too great
- Proposal prejudices local neighbourhood plan
- Does register of interest meet NPPF rural exception site criteria?
- Loss of outlook onto neighbouring land
- Light pollution
- Noise and disturbance
- Overlooking
- Plumley Local Plan identifies the protection of the Green Belt as its priority
- Lack of open space in the village – the space referred to in supporting documents is not public open space
- Inadequate waste removal access
- Site forms an intrinsic part of adjacent listed building
- Site not chosen for its suitability or to meet a need, but for commercial profit
- No evidence to show that brownfield sites have been explored
- Inaccuracies in application form
- Insufficient information submitted to consider all matters of public interest
- This is not “limited” affordable housing
- Detrimental to openness of Green Belt
- Loss of sunlight and daylight to existing properties

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents in support of the application:

- Tree survey
- Design and access statement
- Copy of the consultation letter sent to local residents
- Climate change statement
- Copy of the register of interest form used at the consultation event
- Affordable housing statement
- Utilities statement
- Planning statement
- Ecological assessment
- Heritage impact assessment
- Hedgerow assessment

The full documents can be viewed on the application file. The planning statement concludes that:

- The proposal is in accordance with the development plan.
- Location adjacent to the developed area of Plumley and identified need for affordable housing makes it an ideal rural exception site.

- The housing will remain affordable in perpetuity and occupancy will be restricted to favour those who are either current residents of the area or have family or employment connections.
- The development will integrate into the existing settlement fabric and is located in a sustainable location within close proximity of the village's community facilities, services and infrastructure.

OFFICER APPRAISAL

Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate unless it is for one of the six identified exceptions. This includes "limited affordable housing for local community needs under policies set out in the Local Plan". Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes including "limited affordable housing for local community needs in accordance with policies H8 – H10". Policy H10 specifically referred to affordable housing in rural areas and included a list of 4 criteria to be met before permission would be granted for affordable housing in rural areas. However, policy H10 is not a saved policy and cannot therefore be referred to in the determination of applications for rural affordable housing. The reason why the policy was not saved is because it was considered that it was similar to paragraph 30 of the now superseded PPS3 and the issue is also now covered by the Council's Interim Planning Statement on Affordable Housing (IPSAH). Paragraph 7.1 of the IPSAH states:

"In certain circumstances planning permission may be granted for small schemes of affordable housing where;

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

It is paragraph 54 of the NPPF, which makes reference to affordable housing in rural areas. This states that:

"Local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."

Paragraph 14 of the NPPF states that at its heart there is a "presumption in favour of sustainable development", and paragraph 55 states that, "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Local Plan policies H5 and T2 also seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This is also acknowledged within the IPSAH, where it identifies that priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport.

It is acknowledged that Plumley is limited in terms of the services / facilities that are available. With the exception of a pub, village hall, shop / post office and a church the nearest facilities are located in Knutsford Town Centre. Public transport options are limited to the train service from Plumley. The railway station is approximately 500 metres from the site, and Plumley is situated on the mid Cheshire line from Manchester Piccadilly to Chester via Stockport, Altrincham, Knutsford and Northwich.

It is evident therefore that essential facilities are not readily accessible from the site, and it is the site is clearly less sustainable than a brownfield town centre location. However, given that this is a scheme for rural housing for people with a connection with the parish of Plumley with Toft & Bexton to meet an identified need, it is considered that the sustainability of the site in terms of location and access to services should be given less weight as this is dictated by the identified need for affordable housing in this location (this need is examined later in the report).

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

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

Assessment of Need

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

The Housing Strategy and Needs Manager has commented on the application. They note that a rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes. The survey was conducted by sending out a questionnaire to all the households in the survey area and produced a return rate of 35% in the Plumley parish. The rural housing needs survey for Plumley identified that there were 10 hidden households (households which have at least 1 adult in the household who wished to form a separate household) who would consider either a rented tenure or shared ownership. The survey also established that there are 6 people who have moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return, and again would consider a rented property or shared ownership. Therefore, the rural housing needs survey has identified a total of 16 persons with a direct local connection who could be potential occupiers of affordable housing in Plumley.

Cheshire Peaks and Plains held a consultation event on 12 April 2012 to establish a register of interest for the proposed affordable housing. 10 people registered an interest at this event.

The Cheshire East Housing Options team have reviewed the details of the 10 people and confirm that all of them would qualify under the Cheshire homechoice community connection criteria for Plumley with Toft & Bexton. Cheshire homechoice is a partnership between the local authority and social housing providers in the Cheshire East area. All those registering an interest would also qualify under the local connection criteria set out in the s106 agreements utilised on developments of this type.

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

- 10/0436M – Woodside Poultry Farm, Over Peover, 15 units,
- 10/3448M – Chelford Agricultural Centre, Chelford – 26 units (this is 30% of the total units at the site)
- 10/3239M – Chelford Cold Storage, Chelford – 18 units (this is 30% of the total units at the site)
- 11/2091M – Marthall Lane, Ollerton, 14 units
- 11/3828M – Holly Grove, Tabley, 8 units

If these 5 sites progressed (only Marthall Lane and Holly Grove are currently under construction) and the units were developed there would be a total of 81 affordable units provided, this would still leave a shortfall requirement of 74 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14.

There are currently 27 affordable homes in the Plumley Parish managed by Peaks and Plains, of which 4 are bungalows and 24 are 2 and 3 bed houses. However, due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objections to the application. They note that all the housing is to be provided as Affordable Rent and Shared Ownership, although the actual split of the tenure mix of the properties is to be agreed with the Local Planning Authority.

It should also be noted that the NPPF states at paragraph 49 that:

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

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

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

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

Members will be aware, that the Council cannot identify a five year supply of deliverable housing sites.

Green Belt policy within the framework restricts the type of development that can take place, but as noted above affordable housing can be an exception. A key question in understanding the weight to be given to the presumption in favour of the development is whether or not the proposal is inappropriate development in the Green Belt.

Green Belt

As previously stated, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, it is considered that a need has been demonstrated for the proposed 8 affordable dwellings in Plumley with Toft & Bexton and it is not considered that a residential development of that number would be out of scale with the village. The proposal is therefore not considered to be inappropriate in the Green Belt and is compliant with Local Plan policy GC1. However, it is still necessary to consider whether there is any other harm to the Green Belt arising from the proposal, including harm to openness.

The site is currently relatively open and occupied by a brood of chickens, therefore the provision of 8 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that extending the existing ribbon by infilling an existing gap will have some visual impact. However, although in the Green Belt, the built up area of Plumley is well defined, and the application site is within this built up area with buildings either side and opposite. The development would infill an existing gap on Trouthall Lane, and by doing this the overall impact upon openness and visual amenity is considered to be adequately limited, when compared to the alternative of locating it on the edge of the village, where it would encroach further into the countryside.

Character & Design

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. In addition policy BE16 relates to the protection of the setting of listed buildings.

There is no single distinctive style of property within the immediate area. There are 1930s style detached and semi-detached properties, 1960s detached houses, bungalows, terraced properties (some of which are under the control of Peaks & Plains), as well as more traditional cottages, including the adjacent listed building, and converted barns. The properties also have a variety of materials and a variety of relationships with the highway in terms of visual prominence and distance from it. The character of the area can only therefore be described as unequivocally varied.

It is considered that the proposed siting of dwellings represents a logical infill within the parameters of the existing village. The properties are set out in a courtyard style, which is to reflect the layout of the adjacent property at Malt Kiln Farm. The nearest property to Trouthall Lane is approximately 8 metres from the pavement. Malt Kiln Cottage, next door, is set 6 metres

back from the pavement, and the side elevation of the next property, Malt Kiln Cottage, actually abuts the pavement. The set back of the proposed dwellings is considered to be acceptable in this context, subject to the provision of soft landscaping to the front boundary

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality. Indeed the dwellings are at a higher density than some dwellings, but at a lower density than others in this very varied residential part of the Green Belt.

The loss of the existing boundary hedgerow and opening up of the site frontage for the access drive would also have an impact on overall character. At the time of writing the materials for the driveway and courtyard were still being discussed, and therefore the final proposal for the hard surfacing will be reported to Members as an update. It is also recommended that permitted development rights are removed for walls and fences to ensure the soft landscaping to the front is retained in perpetuity. Consequently, no design objections are now raised subject to conditions.

Setting of Listed Building

Paragraph 128 of the NPPF states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected”*. The applicant as now submitted such a statement of significance. Paragraph 132 notes *that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*. Policy BE16 of the Local Plan states that development which would adversely affect the setting of the listed building will not normally be permitted.

The listed building is a late 17th century timber framed farmhouse. Original outbuildings / barns exist to the south of the principal building, which have now been converted to separate residential use. There is no specific mention of its setting with the Listing. Formal comments from the Conservation Officer on the impact of the proposal upon the setting of the listed building are awaited. These comments will also be reported in an update, however, it is noted from historical maps that the listed building has been altered over the years; therefore its historical significance will have been diluted by these changes. The northern section (closest to the application site) is the part of the house where the more recent intervention is evident. The building appears to be in relatively good condition for such an old building, and whilst it is clearly visible and appreciated from public vantage points it is not considered to be a main focus of the area. The site is clearly defined from the adjoining application site with additional landscaping proposed, and the proposed development is set back from the listed building, and is not considered to dominate it. Having regard to the distance to and relationship with the adjacent listed building, subject to the outstanding comments from the Conservation Officer, the proposed dwellings are unlikely to be considered to have a significantly harmful impact upon its setting.

The particular choice and quality of materials will be crucial to the success of the development. A condition is recommended requiring the submission of details, however suggested materials will include painted timber windows and doors, fenestration to be set behind a 100mm reveal, metal rainwater goods, and natural Blue Slate. This is to preserve the setting of the listed building and rural character of the area.

Amenity

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

The application site lies between Oak House (formerly Chalon) and Malt Kiln Farm on Trouthall Lane. The rear elevations of five of the properties face towards the side elevation of Oak House, which is approximately 33 metres away. There is also intervening vegetation and the separation distance exceeds the guidelines set out in policy DC38. There will be some increase in activity arising from the dwellings and the associated parking of cars, however, again due to the separation distance with neighbouring dwellings, any increase in noise to rooms or sensitive outdoor amenity areas is not considered to be sufficiently harmful to justify a refusal of planning permission. A blank gable wall will face towards the listed property at Malt Kiln Cottage, with a nearest separation distance of approximately 15 metres. The properties that face towards the first floor gable window of Malt Kiln Farm are over 30 metres away. No significant amenity issues are therefore raised.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the proposed development consists of a 7no. 2 bed dwellings and 1No. 3 bed dwelling with 14 car parking spaces initially being proposed. The main highway issue is the availability of parking within the site, as it is likely that most trips to and from the site will be made by car. It is therefore important that adequate parking is provided within the site. Trouthall Lane is narrow and will not support any on-street parking and this reinforces the need to provide sufficient parking. The development should provide 200% parking as a minimum. Revised plans have therefore been submitted that provide two additional parking spaces within the site, taking the total to 16. No significant highway safety concerns are now raised.

Trees / Landscaping

An Arboricultural Statement has been submitted with the application. The most notable loss is that of the hedgerow along the front boundary of the site. This hedge is not formally protected, and whilst comments from the Council's Arboricultural Officer are awaited, it is understood that the hedge could not be protected under the hedgerow regulations, due to the properties either side being residential. The hedgerow regulations do not apply to dwellinghouses or their curtilages. Therefore, the hedgerow concerned is an isolated section, and as such its retention cannot be justified under the hedgerow regulations.

The hedgerow will be replaced by a mixed native hedge and additional planting will take place within the site to soften the impact of the development. The landscape officer raises no objections to the proposal.

Ecology

The Nature Conservation Officer has commented on the application and has noted that the only potential issue the submitted ecological assessment has raised is the potential need for a water vole survey of the stream which is located on the site boundary. The submitted ecological assessment does suggest that there is an 8m stand-off from the stream where no machinery is used. If this recommendation is implemented it would negate the need for a

water vole survey. A condition is therefore recommended to ensure the development is carried out in accordance with the recommendations set out within the ecological report.

The loss of hedgerow from the site frontage will be compensated for by the proposed hedgerow creation. Additional conditions are therefore recommended to safeguard breeding birds. This will ensure an acceptable impact upon nature conservation interests and compliance with relevant local plan policies.

Leisure Provision

The Proposed development triggers the requirement for the provision of open space and in lieu of on site provision, which is not considered to be appropriate in this case, a commuted sum for off site provision will be required.

Formal comments are awaited from Leisure Services, however, the commuted sum for open space provision based on 8 family dwellings would be £24,000. This commuted sum would be due prior to commencement of development, however clarification is required from Leisure Services on exactly what it would be used for. It is anticipated that in line with the SPG on S106 (planning) Agreements, the commuted sum for open space provision will be used to provide formal and informal play and amenity opportunities.

The commuted sum for Recreation and Outdoor Sports based on 8 family dwellings would be £8,000. However, as the development is providing 100% affordable housing this element will be waived. Therefore the total commuted sum required from this development will be £24,000

This sum is reflected within the unilateral undertaking submitted with the application.

Other considerations

The Contaminated Land Officer has advised that the application site is within 250 metres of a known area of ground that has the potential to create gas, and since the application is for new residential properties which are a sensitive end use they could be affected by any contamination present. Therefore, a phase 1 contaminated land survey is required, which can be dealt with by condition.

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

Heads of Terms

Should Members be minded to approve the application, then it will be subject to the unilateral undertaking which includes the following matters:

- All eight dwellings are to be made affordable, in perpetuity. The dwellings shall be made available through a Cascade Provision to residents who have a Local Connection, as set out below.

It is recommended that the following Cascade Provision is incorporated into the legal agreement:

1. Residents of Plumley
1. Residents of adjoining parishes within Cheshire East

2. Residents of parishes within Knutsford rural sub area as identified in the Council's SHMA 2010.
3. Residents of Knutsford
4. 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
- i. 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
- ii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iii. 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.

- commuted sum of £24,000 to be paid to the Council in lieu of on site public open space

Levy (CIL) Regulations

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

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

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

The commuted sum to be paid to the Council to enhance open space facilities in the local area to provide opportunities for all parts of the community including the new residents.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

It is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 8 dwellings in Plumley on an existing Greenfield site is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least this number of dwellings. The siting, layout and design of the scheme is considered acceptable as are the access and parking arrangements and the impact upon the Listed Building. It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents or on protected species. There are no other material planning considerations that would warrant the refusal of the application which for the reasons outlined within the report, is considered acceptable subject to conditions and the submitted unilateral undertaking.

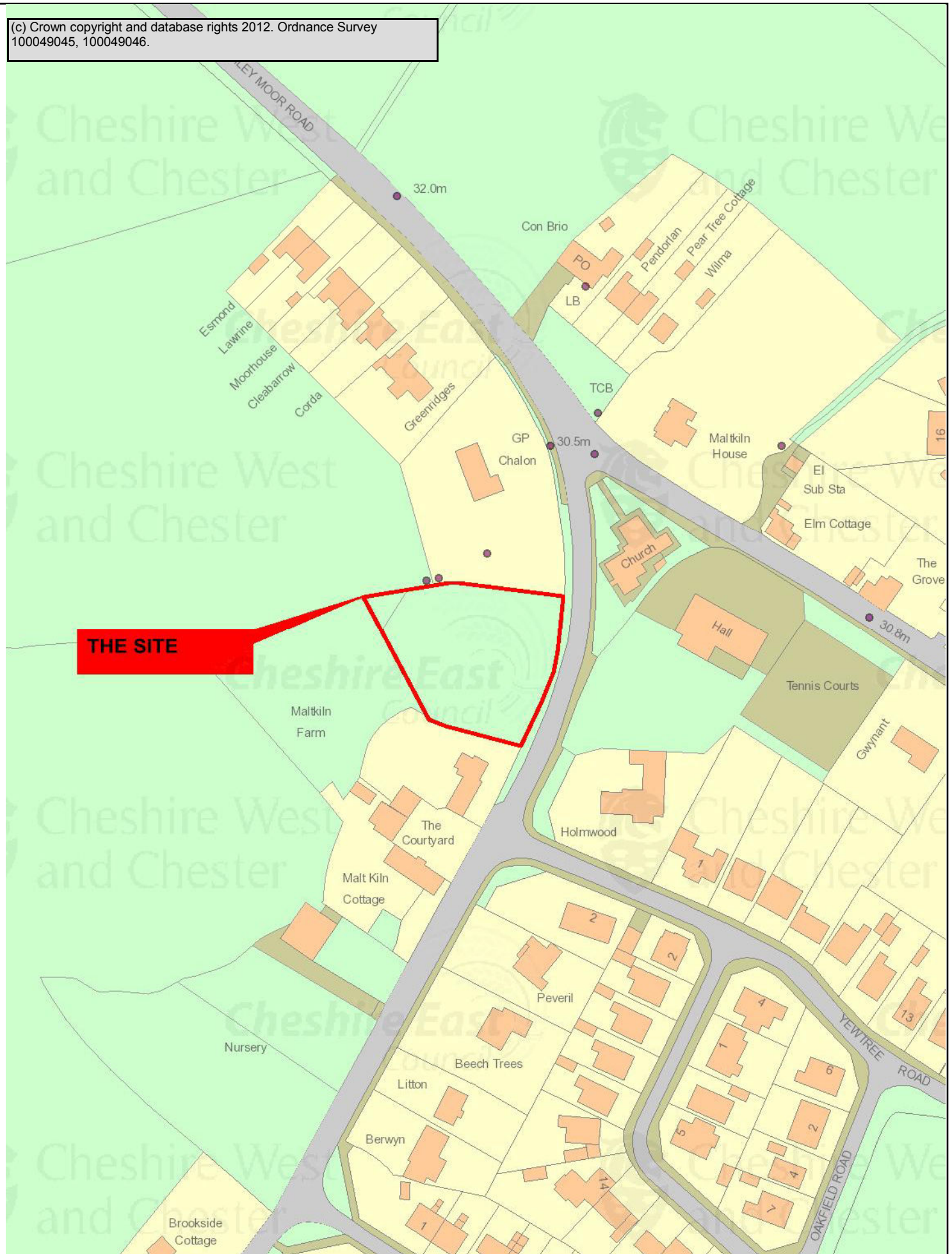
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A23GR - Pile Driving
7. A17MC - Decontamination of land
8. A11LS - Implementation of landscaping scheme submitted with application
9. A04NC - Drainage details to be submitted
10. A17EX - Specification of window design / style (timber)
11. A12EX - Fenestration to be set behind reveals
12. A10EX - Rainwater goods
13. Lighting details to be approved
14. Development carried out in accordance with Ecology statement
15. Safeguarding breeding birds
16. Details of features for breeding birds to be submitted



(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/0596M

Location: MOBBERLEY GOLF CLUB, BURLEYHURST LANE, MOBBERLEY, WA16 7JZ

Proposal: Redevelopment of existing golf club comprising demolition of clubhouse and associated buildings, erection of single detached country manor house with ancillary granny annex, detached garage building, landscaping, associated external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed country manor house dwelling

Applicant: Ollerton Leisure LLP

Expiry Date: 03-Jul-2012

Date Report Prepared: 1 August 2012

SUMMARY RECOMMENDATION	Refuse
-------------------------------	---------------

MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not, whether there are any very special circumstances that outweigh the harm caused by inappropriateness and any other harm
- The impact of the proposal on the openness of the Green Belt
- Whether the scale and design of the proposal and its impact on the visual amenity of the area is acceptable
- The impact on nature conservation interests
- Whether the proposed access and parking arrangements are acceptable
- The impact of the proposal on public rights of way
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on the amenity of nearby residents

REASON FOR REPORT

This application is referred to Committee at the discretion of the Development Management and Building Control Manager.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of Mobberley Golf Club, an existing 9 hole golf course located in a relatively isolated rural location in the Green Belt. The application site contains the existing vehicular access off Burleyhurst Lane, the existing car park, club house and green keepers shed. The existing club house is a modest single storey brick building

containing limited office facilities at first floor in the roofspace. The green keepers shed is located to the rear of the clubhouse, adjacent to the car park and has the appearance of an agricultural building, constructed from a brick plinth with timber boarding above under a corrugated roof.

There are a number of public footpaths in the immediate surrounding area, one of which is to the south of the application site, cutting across the 9 hole course. The nearest residential properties are located to the east of the site at Hollingee, with another residential property, Coppack House Farm, located to the south east of the application site and surrounded by the existing 9 hole course.

DETAILS OF PROPOSAL

Permission is sought for the demolition of the club house and green keepers shed and the erection of a detached two storey dwelling with basement and attached two storey garage/granny annexe. Part of the dwelling would appear three storey as a sunken terrace is proposed at the rear of the dwelling. A detached single storey coach house providing garaging for 3 additional vehicles is also proposed to the north of the granny annexe. Additionally a detached garden building is proposed to the south of the proposed dwelling. The existing access drive would be retained and land included within the application site (the site edged red) would become residential curtilage. The existing 9 hole golf course would be retained for use by the occupiers of the proposed dwelling.

RELEVANT HISTORY

There have been a number of planning applications relating to the site, with the ones most relevant to this application listed below.

09/2857M - EXPANSION AND IMPROVEMENT OF EXISTING 9 HOLE GOLF COURSE AND ASSOCIATED FACILITIES (PART RETROSPECTIVE). Approved 24.06.10

06/0053M - ALTERATIONS TO EXISTING GOLF COURSE; CHANGE OF USE OF 2 AREAS OF AGRICULTURAL LAND TO FORM ADDITIONAL 9 HOLES TO COURSE AND EXTENSIONS TO CLUBHOUSE. Approved 27.03.06

77776P - 9-HOLE GOLF COURSE WITH ASSOCIATED BUILDINGS AND CAR PARK. Approved 19.08.94

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP7 Promote Environmental Quality
- RDF4 Green Belts
- EM1 Integrated enhancement of the region's environmental assets

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC1 New buildings in the Green Belt
H1 Phasing policy
H5 Windfall housing sites
DC1 New build
DC3 Amenity
DC6 Circulation and access
DC9 Tree protection

Other Material Considerations

National Planning Policy Framework (NPPF) 2012.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

CONSULTATIONS (External to Planning)

Strategic Highways and Transportation Manager: no comments received to date.

Environmental Health: no objection subject to a condition regarding contaminated land.

Manchester Airport: no safeguarding objections.

Public Rights of Way Unit: object – the proposal may affect public footpath Mobberley No.55. A diversion Order for this footpath is currently with the Planning Inspectorate for determination. If the diversion Order is confirmed, the new definitive line of the footpath will be obstructed by the proposed development and we therefore have no option but to object to application.

Sport England: do not wish to comment.

United Utilities: no objection.

Leisure Services: no comments received to date.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: no objection subject to a S106 legal agreement tying the use of the golf course to the new dwelling and ensuring that it is not sold off separately. Also mindful of the applicant's previous decided applications and would ask that Cheshire East Council legally safeguard all eventualities so that the applicant cannot pick and choose from each application.

OTHER REPRESENTATIONS

A number of representations have been received from the occupiers of three residential properties located near to the application site raising a number of queries and concerns. The main points raised in representation are summarised below:

- Uncertainty regarding the golf club owners intentions
- Present application unclear in its intent and relationship to previous permissions on the site
- Do not know the Council's position regarding the status of the 2010 permission
- Despite assurances from the applicant, no S106 legal agreement has been submitted linking the proposed dwelling with the existing course
- The application is still not correct and contains several errors
- Principle arguments relating to fallback position and reusing brownfield land advanced as very special circumstances are flawed
- Reference to case law within the Planning Statement Addendum is inappropriate as the case referred to is not directly relevant to this proposal
- Building immediately adjacent to boundary with Hollingee would necessitate the removal of the screening bund
- Consider that the determination of the application be deferred until there is clarification or correction or that it be refused
- In the event that permission is granted, request conditions regarding no vehicular access from Moss Lane, maintenance, use and ownership of the golf course, no development until membership of the club wound up, no further development on the golf course once permission lawfully implemented, no floodlighting and any security lighting to be agreed beforehand, submission and approval of ecological and landscape management plan
- 1994 permission required the site to be returned to agricultural use in the event that the golf club failed
- Inappropriate development in the Green Belt
- Question whether the economic state of the golf course can be used as a very special circumstance
- Concern that the proposal is a means to secure a much larger club house than previously approved
- Question ownership information submitted
- Query where maintenance equipment would be stored

APPLICANT'S SUPPORTING INFORMATION

A Planning Statement (and addendum), a Design & Access Statement (including visual impact assessment), a tree survey and ecological report have all been submitted in support of the application and can be viewed in full on the Council's website. In addition a number of additional documents have been submitted but are not available for public view due to the nature of the financial information contained within them.

As originally submitted, it was stated within the Planning Statement that the proposal was for inappropriate development in the Green Belt but that very special circumstances existed to outweigh the harm caused by inappropriateness and any other harm.

However, the publication of the NPPF during the course of the application means that the applicant's case is now that the proposal complies with paragraph 89 of the NPPF and is not therefore inappropriate development in the Green Belt.

OFFICER APPRAISAL

Principle of Development

As stated, the site lies in the Green Belt. Paragraphs 79 to 92 of the NPPF deal with the Green Belt and allow for the erection of new buildings and certain other forms of development subject to criteria outlined within the relevant paragraphs. Paragraph 87 states "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". New development can therefore be acceptable in principle in the Green Belt subject to relevant criteria and subject to compliance with other relevant policies relating to design, amenity, nature conservation, housing and highways.

Policy

Green Belt

The proposal involves the erection of new buildings and the change of use of land to form a residential garden area. No change of use is necessary for the existing 9 hole golf course as both public and private golf courses fall within the same use class (D1).

Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless the construction falls within one of the exception categories. One of the exception categories is *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*. Annex 2 of the NPPF states that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Local Plan policy GC1 also deals with new buildings in the Green Belt, though does not allow for the redevelopment of brownfield sites.

The application site is considered to be brownfield. The proposal would involve the partial redevelopment of the existing golf course. The existing club house, green keepers shed, access and car park would be affected by the proposal together with small areas of adjacent ancillary land that forms part of the wider site. The existing buildings on the site would be replaced by the dwelling, detached garage and garden building. According to figures submitted by the applicant, the floorspace of existing buildings/structures on the site is 528 sq metres, with the floorspace of the proposed (excluding the garden building) being 1103 sq metres. This is a floorspace increase of 575 sq metres (109% increase). This floorspace increase together with an increase in height, bulk, massing and spread of built development on the site means that the proposed new buildings would have a greater impact on the openness of the Green Belt than the existing development on site. Whilst it is acknowledged that the proposed built development appears to be wholly within the existing developed part of

the site (either over the footprint of existing buildings or over the existing car park), and whilst it is accepted that when in use, car parks can impact on openness, it is considered that when considered as a whole, the proposed new buildings and change of use would not comply with paragraph 89 of the NPPF.

With regard to the purposes of including land within the Green Belt, the existing use of the site as a golf course available for use by members of the club and paying members of the public, is considered to assist in safeguarding the countryside from encroachment and this is one of the purposes of including land within the Green Belt. Conversely the redevelopment of the site by the construction of a large, country manor house and associated change of use of land to residential curtilage is considered to involve encroachment.

The proposal is considered to be inappropriate development in the Green Belt that would have an adverse impact on openness. Very special circumstances are therefore required to outweigh the harm caused by inappropriateness, the impact on openness and any other harm.

Whilst the applicant's view is that the proposal would have no greater impact on the Green Belt than the existing development on site, reference is also made to the relative impact of the proposal when compared to the schemes approved under application references 06/0053P and 09/2857M. Both of these schemes involved the creation of 18 hole golf courses and extensions to the existing club house building. 09/2857M also involved the erection of a golf driving range building and green keepers shed. The status of these consents and the bearing that they have on the determination of this application will be considered under the very special circumstances section of the report.

Design & Scale of the proposal and Impact on the visual amenity of the area

Existing screening along the site boundary with Burleyhurst Lane and to the west of existing buildings on site means that views of application site from the road are limited, particularly during the summer months. Similarly views are limited from the track to Hollingee (FP 56), though there are some gaps in the existing screening allowing some views into the site from the east. However, the site is highly visible from the public footpath which runs to the south of the site (FP 55). The proposed development would be highly visible and prominent when viewed from FP55 where the additional scale and bulk of development proposed would clearly be apparent.

The proposed dwelling and associated outbuildings have been designed as a country manor house, though it appears that in attempting to keep the relative difference in height between existing and proposed to a minimum, the proportions of the proposed buildings appear somewhat squat. Nevertheless, it is considered that what is being proposed is a substantial detached dwelling and that this would adversely affect the visual amenity of the area and would be contrary to Local Plan policies BE1 and DC1 and to guidance contained within the NPPF.

Ecology

An ecological assessment has been submitted with the application and the Council's Nature Conservation officer has been consulted.

The ecological assessment concludes that the proposal will have minimal impacts on wildlife and according to Natural England license risk assessment no offence in respect of great crested newts is likely. Precautionary amphibian fencing is recommended however, to prevent great crested newts straying into the construction site. The formal comments of the Council's Nature Conservation Officer are awaited.

Highways

No changes are proposed to the vehicular access point onto Burleyhurst Lane. Parking for six vehicles would be provided within the proposed garage/granny annex and detached garage with additional areas for parking available within the courtyard between the proposed buildings.

To date no comments have been received from the Strategic Highways and Transportation Manager, though given that no changes are proposed to the access point and given the existing and proposed use of the site, no highways objections are anticipated. Any comments received will be reported to Committee.

In terms of sustainability, the site is not located in a particularly accessible location with the nearest services being located some distance away. However, given the existing use of the site and the number of vehicle journeys that the current use generates, it is not considered that objections could be raised to a single dwelling on sustainability grounds.

Public rights of way

As things exist on site at the moment, the proposed development would not directly affect any public rights of way. However, following the approval of application 09/2857M, an application was made to divert FP55 and this application is currently being considered by the Planning Inspectorate. Given this, an objection has been raised by the Council's Public Rights of Way Unit because if the footpath diversion order is granted and implemented, the proposed development would obstruct the line of the diverted footpath.

Whilst the comments of the public rights of way unit are noted, it is not considered that the fact that a footpath diversion order has been applied for is grounds to refuse the application. The application to divert the footpath has been made by the applicants and it is clear that if permission is granted for the proposal and if the applicant chooses to implement this permission rather than 09/2857M, there would be no need to divert the footpath.

Trees and Landscaping

A tree survey plan has been submitted with the application and the Council's forestry officer has been consulted. Formal comments are still awaited from the forestry officer.

Whilst it appears that most of the trees and landscaping on the site would be retained, with the exception of some privet hedging and Leylandii in the vicinity of the club house and car park, there is some concern regarding the close proximity of the proposed detached garage to boundary hedging and trees. This issue is being investigated and any further update on this issue will be reported directly to Committee.

Amenity

The nearest residential property is located some distance from the application site and the proposed development. There would therefore be no adverse impact on residential amenity arising from the proposal.

Very Special Circumstances

As the proposal is considered to be inappropriate development in the Green Belt, very special circumstances are required to outweigh the harm caused by inappropriateness and by the adverse impact on openness and on the visual amenity of the area. The very special circumstances put forward by the applicant are numerous and can be summarised as follows:

- Fall back position of previously approved schemes 06/0053M and 09/2857M
- The proposal would provide additional housing at a time when the Council has a housing supply shortage
- The proposal would not result in any reduction in the openness of the Green Belt
- The proposal would not adversely impact on the purposes of including land in the Green Belt
- Would involve the use of brownfield land
- The proposal would improve the visual amenities of the Green Belt
- The proposal represents a welcome alternative for development of the existing club which is unviable and continually returning considerable losses in revenue
- Efforts to find new investment and prospective buyers or other partners to take over the existing club have resulted in next to no interest whatsoever
- The proposal provides an opportunity to remove a land use which has caused some of the neighbouring residential properties to complain
- Opportunity to dramatically improve the climate change credentials of the site and the ability of the site to contribute to reduction in carbon emissions, sustainability and energy efficiency through the removal of hundreds of car movements and a new building that will be designed to the highest environmental standards
- Proposal provides an opportunity to create a country estate set within high quality landscaping to enhance the visual amenity of the area and the biodiversity and nature conservation interests

Whilst the very special circumstances put forward by the applicant have been carefully considered, none of them either individually or cumulatively are considered to outweigh the harm resulting from the proposal.

With regard to the fall back position put forward, it is considered that there are two extant consents, 06/0053P and 09/2857M. 06/0053P has been lawfully implemented and therefore remains extant in perpetuity, whilst 09/2857M doesn't expire until 24 June 2013. However, it is considered that these consents carry only very limited weight. This is because it is not considered that there is a realistic possibility of these consents being carried out. In the supporting information submitted it is stated that without the approval of this application, the approved golf developments could not be carried out. It is therefore illogical to use the previous consents to justify inappropriate development in the Green Belt. Additionally, both of

the previous consents involved the formation of 18 hole courses which required the use of additional land not in the ownership of the applicants. It is understood that this land is no longer available to the golf club. No attempts have been made to further implement 06/0053P beyond the formation of foundations and no attempt has been made to discharge conditions or implement 09/2857M. In any event, even if the previous consents were given significant weight, both of those schemes were considered to be for appropriate development in the Green Belt whereas the current proposal is inappropriate. It is not therefore considered acceptable to trade one off against the other.

Whilst some weight is attached to the provision of new housing and the potential climate change credentials of the scheme, this is limited and is not significant enough to outweigh the harm identified. The Framework is clear at paragraph 14 that there is a strong presumption in favour of sustainable development, particularly noting the housing supply being less than 5 years. However, decisions to refuse permission may be justified where a proposal conflicts with policies in the Framework that exist to restrict development. Green Belt policy is one such restriction and the proposal fails to comply with guidance in the Framework in this respect.

Other Matters

Whilst the application is recommended for refusal, should Committee be minded to approve it, a S106 legal agreement is considered to be required to include the following Heads of Terms.

- The proposed new dwelling and existing 9 hole golf course should remain in the same ownership with the golf course use being incidental to the occupation of the dwelling. At no time should the golf course be used for commercial purposes
- Upon commencement of the dwelling scheme, any other consents that remain extant at that time i.e. 06/0053P and 09/2857M, shall be rescinded

Other planning related concerns raised in representation not already dealt with in the report relate to inaccuracies contained within the submission, storage of maintenance equipment and the impact of 1994 permission. Each of these will be dealt with in turn.

There have been a large number of inaccuracies within the submission, most of which are considered to have been resolved. Additional consultation has taken place during the course of the application in order to allow third parties the opportunity to comment on additional and corrected information received. The only remaining concerns regarding the accuracy of the submission at this stage relate to the position of the proposed detached garage and the impact of this on existing trees and landscaping. Further information has been received on this issue and this is currently being considered by the Council's forestry officer. Any update received will be reported to Committee.

The applicants have confirmed that no further buildings are proposed other than the dwelling and attached granny annexe, detached garage and garden building. As originally submitted, reference was made to a detached green keepers shed that was approved under 09/2857M. This was an error in the original submission.

Some representations have referred to a clause in the 1994 permission (77776P) which requires the use of the site to be returned to agriculture should the golf use cease. There is no such clause attached to the 1994 permission.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development represents inappropriate development in the Green Belt. Due to the size, scale and design of the proposed dwelling and associated outbuildings, the proposal would have an adverse impact on the openness of the Green Belt and visual amenity of the area. No concerns are raised with regard to amenity and none are anticipated with regard to ecology or highways. There is some concern regarding the impact of the proposed detached garage on existing trees and landscaping and further information on this has been provided by the applicant. This is being considered. None of the very special circumstances put forward are considered to outweigh the harm caused by inappropriateness and by the adverse impact on openness and visual amenity. The application is therefore recommended for refusal.

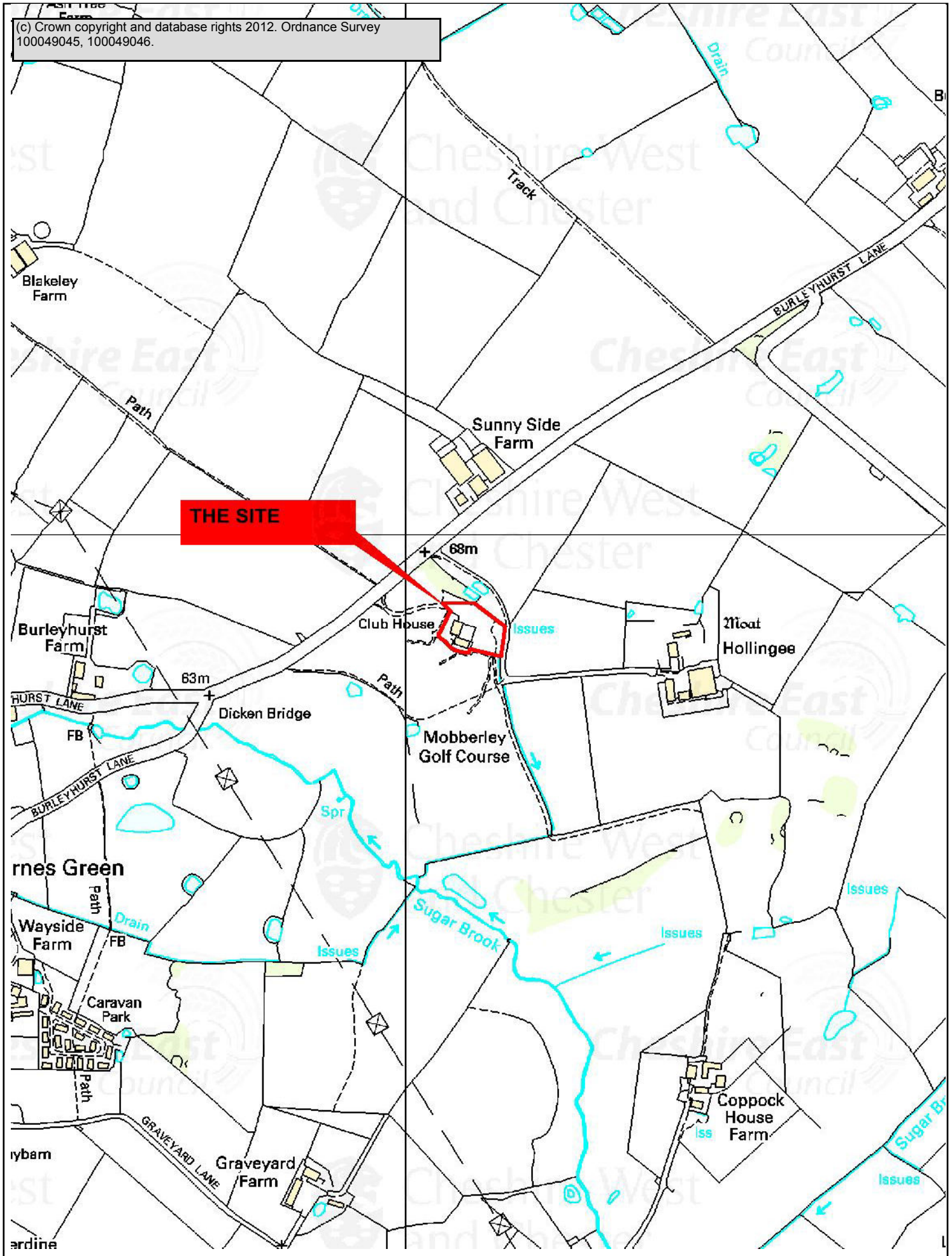
Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R05LP - Harmful to appearance of the countryside
2. Inappropriate development in the Green Belt



(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 12/2073M

Location: 22, 24, 26 & 36 CASTLE STREET; 25, 25B & 25C CASTLE STREET MALL; MACCLESFIELD

Proposal: Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works.

Applicant: Eskmuir Securities Limited

Expiry Date: 29-Aug-2012

SUMMARY RECOMMENDATION: Approve subject to receipt of amended plans and S106 agreement relating to a commuted sums payment for

MAIN ISSUES

- Principle of Development
- Heritage & Design
- Sustainability
- Regeneration
- Highway Safety and Traffic Generation
- Heads of Terms for Legal Agreement

Date Report Prepared: 3rd August 2012

REASON FOR REPORT

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the proposed floorspace would comprise retail/commercial and other floorspace exceeding 1,000 sq. m.

DESCRIPTION OF SITE AND CONTEXT

The application site measures approximately 2768 sq. m. It comprises a three to four storey B1 office building (former Cheshire Building Society premises) located at the junction of Churchill Way and Castle Street in Macclesfield Town Centre and a two storey section of the Grosvenor Centre in the south west corner which lies adjacent to the former Cheshire Building Society premises.

The section of the Grosvenor Centre included within the site boundary comprises five ground floor retail units with storage and servicing above, plus a projecting canopy above and the entrance into the Grosvenor Centre taken from Castle Street. All of the retail units are currently occupied.

The entire site lies within the designated Primary Shopping Area, an area of archaeological potential and adjacent to the High Street Conservation Area. The building formerly occupied by Cheshire Building Society is also a locally listed building.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of five retail units contained within the Grosvenor Centre and construction of a replacement two storey building forming an extension to the former Cheshire Building Society premises.

This would facilitate a change of use to the former Cheshire Building Society premises from B1 offices to mixed use A1 and B1 use comprising ground and first floor retailing with offices above.

RELEVANT HISTORY

The former Cheshire Building Society premises were constructed circa 1927 and the Grosvenor Centre was constructed latterly around 1970. There have been 46 applications submitted within the application site boundary including an extension to the former Cheshire Building Society premises in the 1990s. None of these applications are relevant to the proposals.

POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy W 5 Retail Development
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy RT 2 Managing Travel Demand
Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets
Policy EM 18 Decentralised Energy Supply

The Cheshire 2016: Structure Plan Alteration:
Policy T7: Parking

Local Plan Policy

Policy BE1 - Design Guidance
Policy BE2 - Preservation of Historic Fabric
Policy BE20 - Locally Important Buildings
Policy BE22 – Sites of Archaeological Potential
Policy T9 - Traffic Management and Traffic Calming
Policy S1 - Town Centre Shopping Development
Policy MTC1 - Prime Shopping Area
Policy MTC22 - Offices
Policy DC1 - Design and Amenity
Policy DC2 - Design and Amenity
Policy DC3 - Design and Amenity
Policy DC5 - Design and Amenity
Policy DC6 - Design and Amenity
Policy DC13 - Noise
Policy DC14 – Noise
Policy IMP4 – Environmental Improvements in Town Centres

Other Material Considerations

PPS4: Planning For Sustainable Economic Growth – Companion Guide
National Planning Policy Framework (The Framework)
SPD List of Locally Important Buildings
SPG S106 Agreements/ Planning Obligations
Cheshire Retail Study Update
Macclesfield Town Centre Public Realm Strategy
Macclesfield Town Vision
Ministerial Statement – Planning for Growth (March 2011)
Draft Planning Obligations SPD
Circular 5/05

CONSULTATIONS

United Utilities

No comments received at the time of writing report

Cheshire Constabulary

No comments received at the time of writing report

Environmental Health

No comments received at the time of writing report

Town Centre Manager (Macclesfield)

No comments received at the time of writing report

Strategic Highways Manager

No comments received at the time of writing report

Archaeology Planning Advisory Service

Does not think that any significant archaeological deposits are likely to have survived and advises that further archaeological mitigation would not be required.

Macclesfield Civic Society

The Civic Society welcome the re-use and conversion of the former Cheshire Building Society offices to mixed retail and office purposes and for improvements to the Grosvenor Centre. It is considered that the new development fell within the NPPF guidelines for town centre development and also accorded, broadly, with the current Local Plan.

However, there is one point which gave rise to concern, namely the integration of the proposals with the existing Grosvenor Centre buildings. A transitional design is required, but it is not considered that the scheme was of sufficient quality and that more work needs to be done in respect of facade treatment, scale and materials vocabulary. The Civic Society hope that a design appraisal would be undertaken before a decision is reached. As it stands, the Macclesfield Civic Society object to this element of the scheme.

OTHER REPRESENTATIONS

Letter of representation from 57 Ivy Lane, Macclesfield. The main concerns are as follows:

-wish to know the impact of the application on the town centre redevelopment proposals by Wilson Bowden

The following comments were received from the **Macclesfield Guild & Chamber of Trade**:

At a meeting of the Macclesfield Guild & Chamber of Trade held 10th July 2012 it was minuted that the application be given full support.

The consolidation of retail within the Prime Shopping Area is in line with their Constitution Policy to promote and protect the prosperity of Macclesfield and is in accordance with current NPPF and saved Local Plans to protect and enhance the vitality and vibrance of the primary centre. The **Macclesfield Guild & Chamber of Trade** also welcome the change of use to facilitate protection of the iconic Kerridge Stone Building, in line with their policies and aims to promote the re-use of vacant buildings and protect the heritage identity of Macclesfield.

Their only concern is that the current redevelopment proposals by others - relating to loss of adjacent/nearby convenient car parking spaces which currently serves this area - are not in accordance with a policy supporting the Prime Shopping Area.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and a Planning Statement were submitted with the planning application.

OFFICER APPRAISAL

Principle of Development

At the heart of the new NPPF is a presumption in favour of 'sustainable development', which should be seen as a "thread" running through both plan-making and decision-taking. For decision-taking this means:

- i) approving development proposals that accord with the development plan without delay; and
- ii) where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF or specific policies in the NPPF indicate development should be restricted.

The relevant policies within the development plan relating to the principle of development within the town centre pre-date the publication of The Framework. However, it is considered that policies S1 and MTC1 accord with chapter 2 within The Framework which also provides guidance on the principle of development in town centres.

The Framework indicates that LPAs should require applications for main town centre uses to be located in town centres. In this regard, the proposals are compliant with The Framework as the proposals relate to a combination of A1 retail and B1 offices, which are considered main town centre uses and are proposed within the defined Primary Shopping Area. On that basis, there is no requirement to apply the Sequential Test or undertake a Retail Impact Assessment. Policy S1 reaffirms the desirability of locating main town centre uses in centres (and specifically mentioned Macclesfield) but also notes that development should be on a scale appropriate to the character and function of the centre.

In this regard, it should be noted that several comments received have queried the cumulative impact of these proposals, coupled with other applications for main town centre uses within the Town Centre boundary. The Framework and other extant guidance (such as PPS4: Planning for Sustainable Economic Growth – Companion Guide) do not contain any requirement for the LPA to undertake a 'need' test for proposals such as these.

Policy W5 within the Regional Spatial Strategy seeks to encourage retailing in Macclesfield in order to ensure a sustainable distribution of high quality retail facilities. Policy S1 also notes that the vitality and viability of town and district centres depends on retaining and developing a wide range of attractions.

Turning to the appropriateness of the proposals in relation to the character of Macclesfield, the proposals would remove five ground floor retail units and provide three large two-storey retail units along with office accommodation above. As the Primary Shopping Area in Macclesfield has developed around a historic core, the main shopping areas along Cheestergate and Mill Street and to an extent the Grosvenor Centre comprise smaller retail units and there are few units available for retailers with larger floorspace requirements, such as national multiples. Providing larger retail units would improve competition and choice within the Town Centre, enhancing its vitality and viability.

Offices are considered a main town centre use appropriate to a town centre. In this regard, policy MTC22 within the Local Plan encourages the use of upper floors in shopping areas as offices providing that no housing accommodation is displaced. In this instance, the upper floors of the Grosvenor Centre are utilised for storage and servicing which would be relocated.

Given that the site is within the Primary Shopping Area of Macclesfield where town centre uses are actively encouraged, and is on a scale appropriate to the character and function of Macclesfield, promoting competition, choice and diversifying the existing retail offer, the proposals accord with policies MTC1, MTC22 and S1 within the Local Plan, policy W5 within the Regional Spatial Strategy and guidance within The Framework. On that basis, there is a clear presumption in favour of this development.

Heritage & Design

The site does not lie within a Conservation Area and the buildings that are the subject of this application, are not listed buildings. It should however be noted that the site lies within an area of archaeological potential and the former Cheshire Building Society premises is a locally listed building.

Local list status is a material consideration in the determination of the planning application and proposals should take into consideration the local significance of the building. Proposals should also be considered in light of the contribution that the building already makes to the local environment, as well as the impact any new or replacement development may have upon the visual amenity and local character of an area.

The list description notes that it is an imposing building, constructed in 1925, as the main post office for Macclesfield. The design incorporates stone with an ashlar base. It also features a slate Mansard roof with stone detailing.

In contrast, the adjacent Grosvenor Centre was constructed circa 1970. It has a flat roof and is constructed of dark brown brick with rendered pillars and modern shop fronts. A projecting glazed canopy and entrance features from Castle Street into the Grosvenor Centre. These were added latterly.

Paragraph 131 of The Framework highlights the desirability of sustaining and enhancing heritage assets by putting them in viable use and the contribution this can make to economic vitality and local character and distinctiveness. Moreover, policies DP4 and EM1 also support the re-use of existing heritage assets.

The proposals represent a traditional approach, rather than a modernist approach. This is considered appropriate given the successive extensions to the building and given that this would achieve consistency with the original building and its extensions.

Guidance within the SPD - List of Locally Important Buildings indicates that extensions should be designed to conserve or enhance the appearance, scale and character of the building. They should normally be subservient to the host building in height and massing.

In this regard, the proposals seek to ease the transition between the Grosvenor Centre, and the former Cheshire Buildings Society premises which are distinctly different in character. The proposed extension would replicate the flat roof and bay rhythm of the Grosvenor Centre, but reflect the proportions and materials of the former Cheshire Building Society which has a Georgian influence. The staggered roof line and the amount of glazing give the extension a modern twist to the traditional approach.

It is considered necessary to condition details of the windows and materials proposed to ensure that the windows are recessed and constructed of high quality materials.

It is considered that the proposed extension provides an interesting transition from the former Cheshire Building Society building (which is a locally listed building with historic and architectural value) and the Grosvenor Centre (which is a 1970s shopping centre with limited architectural merit). It is considered that the alterations would have a minimal impact upon the character of the former Cheshire Building Society premises and would reflect local character, represent a high standard of design and would contribute positively to the vitality of the area.

That said, there are concerns regarding the functionality of the building. The Design & Access Statement makes specific reference to the possibility of future retailers filming over the windows on the Churchill Way elevation which would involve putting a transfer on the window to facilitate the installation of shop fittings behind. This would have an adverse impact upon the streetscene.

At present, the former Cheshire Building Society premises is an outward facing building with all servicing internalised and the building retaining an active frontage to both Churchill Way and Castle Street. In addition, the existing retail units within the Grosvenor Centre scheduled for demolition face onto both Castle Street and Castle Street Mall, which also have active frontages. The absence of entrance points and the possibility of future filming over of windows would have an adverse impact upon the character of the streetscene. It would also discourage shoppers from the search and comparison of goods along the high street which could impact upon the vitality and viability of the wider town centre. It is considered necessary to condition that details of any filming / transfers are submitted to and agreed in writing by the Local Planning Authority in order to mitigate this issue.

In respect of the loss of entrance points along Castle Street and Churchill Way elevations, the Georgian style proportions of the former Cheshire Building Society premises ensures that modern shop fronts could be installed within the existing openings with limited impact upon the character of the building. It is considered necessary that these amendments are secured

before any positive resolution on the application is made. These changes have been requested from the applicant's agent.

Provided that satisfactory amended plans are received which address the issues noted above, it is considered that the proposals would accord with guidance within The Framework and policies BE1, BE2 and BE20 within the Local Plan.

Sustainability

The Design & Access Statement indicates that a key benefit of the scheme is that it would re-use an existing building and constitutes a brownfield site within the urban area of Macclesfield. The Design & Access Statement also notes that the proposals would meet current Building Regulation standards.

Policy EM18 states that in advance of local targets being set, new non residential developments above a threshold of 1,000m² should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant that this is not feasible or viable. No such information has been forthcoming and therefore at the time of writing this report, it is recommended that a condition be imposed relating to this requirement.

Regeneration

The Cheshire Retail Study update states that the Council should promote the redevelopment of the existing town centre to reverse current shopping behaviours to out-of-centre destinations through strengthening the comparison goods and leisure offer in the town centre, in accordance with the emerging economic master plans. The proposals would help to achieve this goal and accords with Cheshire East's Town Vision.

The site lies within the central retail quarter of the town centre, and provided that entrance points are proposed along Churchill Way and Castle Street, the proposals would aid movement along the retail circuit between the traditional heart and central retail quarter.

The Town Vision also notes that proposals should take opportunities to rectify areas of weak urban form created in the 1960s. In this regard, not only would the proposals bring back a significant building which is currently vacant into viable economic use, but would also involve the partial removal and improvement of the appearance of the Grosvenor Centre.

The proposals would therefore bring about regeneration benefits.

Highway Safety and Traffic Generation

The proposals relate to a change of use which would result in an increase in retail floorspace and a reduction in office floorspace as the internal alterations would reduce the internal storeys from four to three.

Whilst formal comments from the Strategic Highways Manager have not been received, given the central nature of the location and that it is easily accessible by a range of means of transport, the proposals would be unlikely to result in on street car parking problems. Given that the maximum car parking requirements for the development would fall short of those generated by the existing use, it is understood that the proposals would not result in a significant adverse impact upon highway safety or traffic generation.

Public Realm

The proposals relate to a large commercial development located within Macclesfield Town Centre where there is both a Public Realm Strategy and a Town Centre Vision both of which seek to improve existing open space facilities and seek to improve the existing facilities and environment.

Policy IMP4 within the Local Plan sets out the policy position in respect of contributions towards environmental improvements in town centres.

Because this is a major commercial development, the SPG – Planning Obligations (2004) and the emerging SPD – Planning Obligations, both indicate that there is a requirement for a contributions towards recreation and open space facilities. As provision cannot be met on site, the developer would be required to make a commuted payment towards the provision of new open space or to the improvement of an existing area of open space or facility elsewhere in the locality. Guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period.

The open space/recreation commuted sums payment for a scheme of this size has been calculated as £198,600 with additional commuted sum payment for maintenance period of 15 years in perpetuity.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in circular 5/05 continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

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

Both policy IMP4 and Cheshire East's Town Centre Vision and the Public Realm Strategy indicate that improvements to open space and public realm are necessary in Macclesfield. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the commercial development, it is considered that a financial contribution towards open space and public realm works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the pedestrian environment.

Such a financial contribution would therefore meet the tests set out in Circular 5/05.

Other Material Considerations

Archaeology

It is noted that the site lies within an area of archaeological potential as the area was thought to lie within that part of the town developed in the medieval period and subsequently used in the post-medieval period for residential and industrial purposes.

As the area of archaeological potential covers the entire town centre and the area has already been seriously disturbed by the construction of the 1970s shopping mall, significant archaeological deposits are unlikely to have survived. On that basis, the Cheshire Archaeology Planning Advisory Service has advised that further archaeological mitigation would not be required.

As it has been demonstrated that there would be no harm to sites of archaeological importance as a result of these proposals, the proposals would accord with policy BE23 within the Local Plan.

Amenity

There are no nearby residential properties affected by the proposals and given that the uses proposed would not generate significant levels of noise, it is not considered necessary to remove permitted development rights for flats above shops. The proposals would therefore accord with policies DC3, DC5, DC6, DC13 and DC14 of the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposals would represent a sustainable form of development as it would improve the retail offer and improve the vitality and viability of Macclesfield Town Centre, re-use a brownfield site and bring back a vacant heritage asset into active use whilst improving the historic setting and architectural character of the building. In addition, the proposals would bring about some improvements to town centre regeneration and would have no discernable impact upon amenity or archaeology. The financial contributions required would also seek to mitigate the impact of the development upon the public open space/ public realm and highways network. As the scheme would deliver a number of key benefits, the application is

therefore recommended for APPROVAL, subject to receipt of amended plans and entering into a section 106 agreement relating to public open space/ public realm and highways works.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. No further subdivision or amalgamation of the new retail units unless a further planning application has been submitted to and approved in writing by the Local Planning Authority
6. No films or transfers shall be attached to the windows internally or externally without the prior written consent of the Local Planning Authority
7. details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
8. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
9. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
10. Drainage details to be submitted to and approved in writing by the Local Planning Authority



(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.

