

Northern Planning Committee

Agenda

Date: Wednesday, 26th September, 2012
Time: 2.00 pm
Venue: Council Chamber - 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 - 4)

To approve the Minutes 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. **12/2566M-Alterations and extensions (2 storey side extensions to both side elevations) in connection with the change of use of the premises from Offices to 4 no. dwelling houses and alterations to access, The Moss, 4 & 6 Congleton Road, Macclesfield for Rachel Hollins, Equity Housing Group (Pages 5 - 14)**

To consider the above application.

6. **12/0190M-Replacement of Existing Indoor Arena Building with a new Building to be used as an Indoor Riding Arena and the Erection of a General Purpose Storage Building for Pinfold Stables, Pinfold Lane, Marthall for Mr D Lilley (Pages 15 - 22)**

To consider the above application.

7. **12/2634M-Proposed Alterations to Link Two Existing Footpaths, Disley CP School, Dane Bank Drive, Disley for H Taylor, Disley Primary School (Pages 23 - 26)**

To consider the above application.

8. **12/3317T -Application to remove a protected Willow tree at 3 Brooklands Mews, Oxford Road, Macclesfield (Pages 27 - 32)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 5th September, 2012 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, H Gaddum,
A Harewood, O Hunter, L Jeuda, J Macrae, D Mahon, D Neilson, P Raynes
and D Stockton

OFFICERS IN ATTENDANCE

Miss J Adeniran (Lawyer), Mr P Hooley (Northern Area Manager) and Ms S
Orrell (Principal Planning Officer)

43 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Livesley.

44 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness, Councillor Mrs H Gaddum declared that in
relation to application 12/1513M Birtles Bowl Pavilion, Birtles Lane, Over
Alderley, SK10 4RS - Demolition of pavilion and store, construction of
stables, manege and horse walker and the associated use of land for the
keeping of horses she knew the speaker.

45 MINUTES OF THE MEETING

RESOLVED

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

46 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

47 12/2578M OAKDEAN COURT, WILMSLOW SK9 4ED - DEMOLITION OF EXISTING REDUNDANT SHELTERED HOUSING BLOCK AND CONSTRUCTION OF 29 NO DWELLINGS, CONSISTING OF 6 NO

BUNGALOWS, 6 NO 2 BEDROOM HOUSES AND 17 NO 3 BEDROOM HOUSES

Consideration was given to the above application.

RESOLVED

That for the reason set out in the report and in the Officers update to Committee the application was approved subject to the completion of a Section 106 agreement comprising the following Heads of Terms:-

- Provision of commuted sum in lieu of on site provision of Childrens off site Play - £45,000
- Provision of Education contribution of £65,371
- Provision of a Cascade for the occupation of the dwellings -

1 Wilmslow,
2, Former borough Macclesfield boundary,
3, From within Cheshire east.

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A05EX - Details of materials to be submitted
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement
9. A12LS - Landscaping to include details of boundary treatment
10. A06NC - Protection for breeding birds
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. A32HA - Submission of construction method statement
14. dust control
15. phase ii contaminated land survey
16. removal of pd rights - extensions
17. 10% renewable energy provision

48 12/1513M BIRTLES BOWL PAVILION, BIRTLES LANE, OVER ALDERLEY, SK10 4RS - DEMOLITION OF PAVILION AND STORE,

CONSTRUCTION OF STABLES, MANEGE AND HORSE WALKER AND THE ASSOCIATED USE OF LAND FOR THE KEEPING OF HORSES

Consideration was given to the above application.

(Mr Sparrow 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 to Committee, that the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A18GR - No commercial use of stables or manege
4. A03HA - Vehicular visibility at access (dimensions)
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A16LS - Submission of landscape/woodland management plan
8. A02TR - Tree protection
9. A03TR - Construction specification/method statement
- 10.A04TR - Tree pruning / felling specification
- 11.A06TR - Levels survey
- 12.A01AP - Development in accord with approved plans
- 13.No use of limestone chippings
- 14.No floodlighting
- 15.Details of lighting other than floodlighting to be approved
- 16.Elevational details of horse walker, fencing around perimeter of manege and gates to be agreed
- 17.Provision of Two Barn Owl Boxes
- 18.Retention of wooden building as bat roost
- 19.Demolition of existing brick building on site

49 12/2883M BEXTON PRIMARY SCHOOL, BLACKHILL LANE, KNUITSFORD WA16 9DB - APPLICATION TO VARY CONDITION 7 (REMOVAL OF EXISTING CLASSROOMS) OF PLANNING PERMISSION 12/0313M

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the Officers update to Committee, the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
3. A04EX - Materials to match existing
4. Noise
5. Pile Driving
6. Float Floor Finishing
7. Demolition

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor R West (Chairman)

Application No: 12/2566M

Location: The Moss, 4 & 6 Congleton Road, Macclesfield, SK11 7UE

Proposal: Alterations and extensions (2 storey side extensions to both side elevations) in connection with the change of use of the premises from Offices to 4 no. dwelling houses and alterations to access.

Applicant: Rachel Hollins, Equity Housing Group

Expiry Date: 28-Aug-2012

Date Report Prepared: 12 September 2012

SUMMARY RECOMMENDATION - Approve subject to conditions

MAIN ISSUES

- Housing policy and supply
- Impact of character and appearance of the area
- Impact on residential amenity
- Impact on trees
- Impact on bats
- Access and parking

REASON FOR REPORT

The application, which concerns a Council owned property, has been the subject of third party objections and on this basis, in accordance with the Scheme of Delegation, the Application must be determined by Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a pair of semi detached dwellings which are located approx 70 m to the south of the Flowerpot Cross-roads, opposite the Flowerpot public house. The premises are currently vacant and were last in use by Adult Services as Council offices (Class B1) It was agreed in January 2008 to close the business, and dispose of the building, as it was surplus to requirements.

The premises were originally built as a pair of semi detached dwellings with accommodation on ground, first and second floors. The appearance remains domestic despite the last lawful use of the site being as offices. The gardens contain a number of mature shrubs and trees to the boundaries. The rear garden is circa 30m in length and backs on to Open Space and a

footpath link to the Moss estate. The small front garden contain 2 access points, one for each pair of the semis and is mostly laid out to hardstanding. The application site is located in the predominantly residential area. A bus stop is located in front of the site. Congleton Road has traffic control orders (double yellow lines) in front of the properties. The Flowerpot crossroads and traffic lights are located circa 50m to the north of the site.

The site is relatively flat, however, there is a slight slope to the garden. No 2 is located a lower land level, being circa 1m lower at the frontage than the application site.

DETAILS OF PROPOSAL

It is proposed to convert the office premises into 4 no single dwellings. 2 no two storey side and rear extensions (part flat roof/part pitched roof) are proposed to provide sufficient floor space to allow for that conversion. It is also proposed to create one central access point form the public highway, with 4 no car parking spaces. The rear gardens will be divided into 4 with landscaping and each house having its own provide rear amenity space.

The design of the 2 storey side extensions has been significantly amended during the course of the applcaition to address concerns expressed by neighbours and Officers.

RELEVANT HISTORY

11/2771m – Extension of time limit of planning permission 08/1806m –Approved 21 .09.2011

08/1806P – Change of use from offices to 2 no dwellings – Approved 19.08.08

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP4 Making the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

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

Local Plan Policy

DC40 – Children's Play Provision and Amenity Space

BE1 Design Guidance

NE11 Nature Conservation

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC38 Space, Light and Privacy

DC41 Infill Housing Development or Redevelopment

H13 – Protecting Residential Areas

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways: No objection subject to a condition concerning provision of car parking before the use commences

Environmental Health: No objection subject to conditions concerning hours of building works

United Utilities: No objection

REPRESENTATIONS

Two representations were received from neighbouring residents. They raised the following concerns in respect of the original scheme:

Design/Character of the Area

The design and scale of the extensions are out of keeping with the area

Highways

The site is close to a busy junction. Access will be a danger to other road users and pedestrians. Four car parking spaces for the dwellings is not sufficient. Increased likelihood of vehicles servicing the properties stopping on Congleton Road and causing an obstruction. Redesign of the entrances for vehicle parking will not allow for manoeuvring of vehicles at the front of the property to allow forward entrance and exit. The pavement in front is narrow and not suitable for prams. The relocation of the bus stop necessary will lead to the bus stop being on a narrow unsuitable part of the pavement. The main road, Congleton Road, is intimidating for cyclists and pedestrians. No redesign is planned. 14 bedrooms will eventually require up to 14 cars, in line with the Cheshire East Council earlier Standards. This is impossible to provide and cannot be offset with provision for cycling as there is none.

Amenity

The creation of 4 dwellings from 2 will lead to greater intensity of use and more noise and disturbance. The extensions will overshadow and over dominate and will result in a loss of privacy for those adjoining. Extensions will result in a material loss of daylight for neighbouring windows. Existing private gardens will be overlooked by more people

Drainage and sewerage

Increased water run off to the garden of No 2. The proposed use will put undue strain on infrastructure.

Other comments are noted concerning the ownership status of the Council and bias within the determination of the application but are not material to the determination of the application by the Local Planning Authority.

These comments are made in respect of the scheme as originally submitted. The neighbours have been re-consulted upon the amended scheme, however, no further comment has been

received about the detail of the application from either neighbour. Further comments will be provided via an update report should they be received.

APPLICANT'S SUPPORTING INFORMATION

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

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment (Bat Report)
- Arboricultural Impact assessment

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

OFFICER APPRAISAL

Principle of Development

The application is for the conversion of these two properties that have most recently been occupied as offices within Class B1 and the erection of two side extensions to each property to form 4 self contained dwellings on a site within the predominantly residential area of Macclesfield. The design of the two storey side extensions has been significantly changed during the course of the application.

The principle of residential use and extension is acceptable.

National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises 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”

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme which is located within an existing residential area, with a bus stop directly outside and easy access to a range of local amenities, as such the site is considered to be in a highly sustainable location. The proposal also involves the redevelopment of a previously developed site within the existing urban area. As such, the proposal comprises sustainable development in NPPF terms.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the benefits of the proposal to the housing land supply.

Impact of character and appearance of the area

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

The existing semi-detached properties are of traditional Edwardian design and appearance and sit centrally within their site, with single storey outbuildings to either side behind the building line. The outbuildings are to be demolished to make way for the extensions.

Within the streetscene, the extensions sit behind the building line and are of subservient design and scale to the existing houses. The major component of the extensions, which are mirror images of each other, are to the back of the properties. To the rear the extensions wrap around the existing buildings to create the additional residential accommodation necessary to form the 2 additional unit on site. The rear elements of the extensions, which are 2 storey in height, are flat roofed to minimise the impact upon the impact upon the neighbouring dwellings. These elements comprise parapets and are not visible from public vantage points. The extensions will comprise brick facings as a contrast to the existing brick and render finishes to the existing buildings. Side access is created for both properties to enable bins to be stored in rear gardens

Subject to a condition requiring the submission of materials it is not considered that the proposed extensions would have a detrimental effect on the character or appearance of the surrounding area. The intensification of the use of the site for 4 dwellings, as opposed to the 2 dwelling previously granted permission is not considered to be detrimental to the predominantly residential character of the area. The amended plans have overcome the issues of scale of raised by Officers and are considered to address the concerns expressed

by neighbours and is considered to comply with policies BE1, DC1 and DC41 of the Local Plan.

Amenity

The proposed extensions have been significantly amended during the application. They are now proposed to be off the side boundaries of the site. No element of the extensions would contravene a 45 degree angle from either neighbouring property's rear facing principle windows by a considerable margin. A side facing window within No 8 looks out upon the extension, however, this window is a secondary window. The amended design of the extensions have reduced their height and been made into flat roofed extensions. The wrap around element of the scheme, which retains a one metre gap to the boundary runs for a depth of circa 4m from the rear building line. Both neighbouring properties have sizeable rear gardens and it is not considered that their amenity or outlook from either within their gardens or within their properties would be dominated by the extensions as now proposed

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

Highways

The existing driveways to both existing premises would be closed off. A new access would be created centrally within the site frontage that would provide vehicular access for both properties. This is considered to be an improvement to the visibility over the access points, which are obscured by foliage within the neighbours front gardens. The centralised access point also allows access and egress in a forward gear. Separate pedestrian accesses would be created. The bus stop outside the premises will need to be relocated, this is a separate matter which will need to be addressed by the Applicant with the Bus provider before the access could be created

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles

Parking is proposed at 100%. For a 3 bedroomed property, the Strategic Highways Manager would normally request 200% parking, however, this could not be accommodated on this site. On this basis, having regard to the highly accessible location of the site, the affordable nature of the proposed dwellings and the likely level of their car ownership and the advice of Paragraph 39 of the NPPF, the Highways Manager raises no objection to the proposals provided that the parking is provided before the use of the site first commences

A central parking and turning area would be created to be used by all properties and separate areas would be provided beside each property for the parking of a minimum of two vehicles.

Whilst the comments raised regarding highway matters in the objections raised by neighbours have been taken into consideration, the Strategic Highways Engineer has assessed the application and considers that the layout accommodates access and egress in a forward gear. Accordingly, it is considered that the application would comply with policy DC6 of the Local Plan.

Ecology

The Ecology report identifies a minor bat roost on site. Bats are a European Protected Species and the results of further internal inspections are necessary before the application can be determined in line with the European Habitats Directive. The results of the surveys will be subject to an update report.

Trees

An Arboricultural Statement was assessed by the Forestry Officer. Whilst none of the trees on the site are protected by a TPO, there are some sizeable trees, particularly to the rear boundary. Low value trees and shrubs are removed to allow for the formation of the individual back gardens. The main trees to the rear boundary are of benefit to the wider amenity of the footpath and open space link to the rear of the site, are unaffected by the proposals.

Landscape

A detailed landscaping scheme was submitted with the planning application. In the main, boundary fencing will be 2m high between the plots and the rear gardens are mostly laid out to lawn. The front garden is mainly hardstanding laid out to car parking, which is not dissimilar to the current site frontage. It is recommended that landscape conditions in respect of the submission of a landscaping scheme and its implementation should be attached should permission be granted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments of the neighbours have been taken into consideration. The revisions have satisfactorily addressed the concerns expressed about the original design. The proposed extensions and the use of the site as four dwellings is considered to be of an acceptable design, scale, density and materials that would not be out-of-character with the surrounding area. Furthermore, it is considered that the extensions and the creation of the additional residential accommodation will not materially impact upon the outlook/privacy or daylight/sunlight and amenity of the adjoining residential neighbours.

The proposed 4 car parking spaces are considered to be sufficient noting the sustainable location of the site and the nature of the housing proposed.

The application is considered to comply with the relevant policies in the Local Plan and deliver the sustainable housing development required by the NPPF, a very important material consideration.

Subject to the outstanding Bat report being received concerning internal inspections within the building and the views of the Council's ecologist, the results of which will be the subject of an update report, this application is recommended for approval subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01GR - Removal of permitted development rights
2. A02TR - Tree protection
3. A03AP - Development in accord with revised plans
4. A03FP - Tree protection
5. A04LS - Landscaping (implementation)
6. A05EX - Details of materials to be submitted
7. A06GR - No windows to be inserted
8. A12HA - Closure of access
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. parking to be laid , provided and retained

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Application No: 12/0190M

Location: PINFOLD STABLES, PINFOLD LANE, MARTHALL, WA16 7SN

Proposal: REPLACEMENT OF EXISTING INDOOR ARENA BUILDING WITH A NEW BUILDING TO BE USED AS AN INDOOR RIDING ARENA AND THE ERECTION OF A GENERAL PURPOSE STORAGE BUILDING

Applicant: MR D LILLEY

Expiry Date: 12-Sep-2012

SUMMARY RECOMMENDATION: REFUSE**MAIN ISSUES**

- **Impact on the Green Belt**
- **Protected Species**
- **Highway Safety**
- **Amenity**
- **Design Standards**

Date Report Prepared: 11 September 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 equestrian development with floorspace exceeding 1,000 sq. m.

DESCRIPTION OF SITE AND CONTEXT

The application site is known as Pinfold Stables which is a commercial livery yard located on Pinfold Lane in Marthall within the North Cheshire Green Belt. The complex comprises a U shaped stable building with grooms accommodation, a number of modern storage buildings and an outdoor manege.

The complex lies adjacent to Pinfold House which is to the south east and is also within the applicants ownership.

DETAILS OF PROPOSAL

The proposals relates to the demolition of the existing indoor manege and the construction of two equestrian buildings:- one comprising an indoor manege measuring 40.5m x 22.5m and a storage building measuring 10.5m x 23.25m.

The indoor manege was demolished prior to the site visit.

RELEVANT HISTORY

There is no planning history for the commercial stables, associated buildings or the groom's accommodation however a retrospective application for the outdoor manege was approved in 1997 and a retrospective application for lighting to that manege was refused in 1998.

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
Policy DP 6 Marry Opportunity and Need
Policy DP 7 Promote Environmental Quality
Policy DP 8 Mainstreaming Rural Issues
Policy DP 9 Reduce Emissions and Adapt to Climate Change
Policy RDF 1 Spatial Priorities
Policy RDF 2 Rural Areas
Policy RDF 4 Green Belts
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy RT 2 Managing Travel Demand

Local Plan Policy

NE11 Nature Conservation
BE1 Design
GC1 New Buildings
DC1 New building
DC2 Extensions and alterations
DC3 Amenity
DC6 Circulation and access
DC8 Landscaping
DC9 Tree protection
DC13 Noise
DC32 Equestrian facilities
DC37 Landscaping

Other Material Considerations

National Planning Policy Framework
Equestrian Strategy

CONSULTATIONS

United Utilities – no objections

Parish Council – no objections and have not been informed of any objections from neighbouring properties.

Strategic Highways Manager - The proposed building is larger replacement of an existing facility and in highway terms this will not have a material change in traffic using the site. No highway objections are raised.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the application:

Design and Access Statement
Ecological Survey
Additional Information

OFFICER APPRAISAL

Principle of Development – Indoor Manege

The proposals relate to a replacement equestrian building and a new build equestrian building within the Green Belt. Para 89 of The Framework states that the replacement of a building is not inappropriate development providing that it is in the same use and is not materially larger than the one it replaces. The existing manege building measures 23m x 20m and the replacement building would measure 40.5m x 22.5m. This is an approximate doubling of the footprint and is materially larger than the building it is to replace. As a replacement building the proposal is therefore inappropriate development in the Green Belt.

Noting that the existing building has already been demolished the proposal must now technically be considered as a new building rather than a replacement. Para 89 also states that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this instance the building is for an indoor manege. It is not considered that an indoor manege would represent an appropriate facility for outdoor recreation by virtue of the fact that it is an indoor facility. This approach has been supported by Inspectors at appeal.

The indoor manege is therefore considered inappropriate development within the Green Belt. Para 87 and 88 state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm is outweighed by other considerations.

In addition to the harm by reason of inappropriateness, the building would have a visual impact upon the Green Belt. Whilst it has the appearance of an agricultural building and would be grouped with existing buildings, the building would be 6.5m high with a floor area of 911.25 sq. m and would sit forward of the existing building line only 22m back from the edge of the highway. This building would therefore impact upon the openness of the Green Belt.

Policy DC32 is compliant with The Framework and states that new large scale facilities should utilise redundant buildings or be sited within an existing complex of buildings, form part of a farm diversification scheme, and remain as part of the original holding. The proposals would not accord with this.

The applicant has put forward additional information in respect of very special circumstances to justify the development.

The supporting information likens the visual impact to that of the existing building and considers that this coupled with the presence of the existing hedge would ensure that there is no harm to openness. The justification for the building states that the existing indoor manege is in a state of disrepair and is required to support the equestrian activity of the unit and is the size of a small dressage arena - 40m x 20m. The additional information submitted also states that the indoor manege was unsafe and this was putting off customers from locating at the site. It then goes on to state that riders expect to be able to ride all year and the outdoor manege freezes during winter making it unusable. The indoor manege is essential to the viability of the business and cannot be located elsewhere as this would be impractical. The submission is supported by letters from a Veterinarian and a Riding Instructor.

Under similar applications very special circumstances have only existed where specialist activities have been taking place and the proposals would contribute towards the achievement of other significant planning objectives. In this instance, the premises are utilized as a livery yard for approximately 22 horses – there are numerous livery yards across the Borough which do not have indoor maneges. Restricted riding during winter, is a normal part of equestrian hobbies and is not considered to represent very special circumstances. It has not been demonstrated that it is essential to the continuing development and success of the business or would contribute towards the achievement of other significant planning objectives.

The indoor manege is an inappropriate form of development and there are no very special circumstances which would justify this.

Principle of Development – General Storage Building

The storage building would be a new building. Para 89 of The Framework indicates that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy GC1 of the Macclesfield Borough Local Plan sets out categories of new building that can be permitted in the Green Belt. This is broadly compliant with The Framework although it requires facilities for outdoor sport and recreation to be “essential” rather than “appropriate”. The Framework would take precedence on this point.

Policy DC32 is compliant with The Framework and states that new large scale facilities should utilise redundant buildings or be sited within an existing complex of buildings, form part of a farm diversification scheme, and remain as part of the original holding. The proposals would be set against the existing complex of buildings.

The policy is clear that the use of existing buildings should be considered first. This is consistent with whether the building is an “appropriate” facility. The justification statement indicates that the new building is justified and that the existing building only appears underused as the site was vacant. The supporting statement submitted with the application explains what would be stored within the building but this does not take into consideration the availability of existing buildings. It has therefore not been demonstrated that the scale of the building would be appropriate. This would be contrary to para 89 of The Framework. The building is therefore considered to be inappropriate development in the Green belt for which there is a presumption against.

The building would also have an adverse impact upon the openness of the Green Belt. This building would have a floor area of 244.125 sq. m and would be located on an undeveloped Greenfield part of the site which would be visible from the public footpath which runs to the south of Pinfold House. It is not considered that grouping the building with the existing complex would fully mitigate for this impact.

It is considered that this building is an inappropriate form of development within the Green Belt and there are no very special circumstances put forward to justify this.

Protected Species

The existing ponds are potentially suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

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

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The Framework encourages the use of planning conditions or obligations where appropriate. The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The protected species survey indicates that there would be no impact upon Bats, Great Crested Newts, Barn Owls and Nesting Birds. The Council’s ecologist has no objections to the proposals and therefore it is considered that in the event of approval, the recommendations of the report would be conditioned.

It is therefore considered that the proposals would accord with policy NE11 and guidance within the Framework.

Highway Safety

The access arrangements are to remain as existing and the plans submitted demonstrate that there is sufficient space for vehicles to maneuver and exit the site in a forward gear within the confines of the site. The floorspace of the equestrian element would remain similar and it is considered that the resultant increase in vehicles resulting from the increased floorspace would not have a adverse impact upon highway safety. In this regard it should be noted that there are no objections from the Strategic Highways Manager.

The proposals would therefore not raise any concerns in respect of highway safety.

Amenity

The site is within the ownership of Pinfold House and therefore it is not considered that this development would impact upon the amenity of the occupants of this property. The isolated nature of the location and the proximity of other neighbours negate amenity issues.

Design Standards

The proposed buildings are agricultural in appearance which is in keeping with the rural character of the surroundings. That said, the new storage building would encroach into an undeveloped area of Green Belt and the replacement manege would have a greater impact on the openness of the Green Belt than the existing/previous building.

As such the proposals would have an adverse impact upon the character of the Green Belt.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposals represent an inappropriate form of development within the Green Belt and there are no very special circumstances to justify this. In addition, the proposals would harm the openness of the Green Belt contrary to policy DC32 and GC1 within the Local Plan and guidance within The Framework.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development in the Green Belt and harm to openness of the Green Belt

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PEDLEY LANE

61m

THE SITE

Pinfold Stables

PINFOLD LANE

Pinfold House

68m

Oakside Cottage

Enfield House

MARTHALL CP

Collects

Spreads

Application No: 12/2634M

Location: DISLEY CP SCHOOL, DANE BANK DRIVE, DISLEY, STOCKPORT, CHESHIRE, SK12 2BD

Proposal: PROPOSED ALTERATIONS TO LINK TWO EXISTING FOOTPATHS

Applicant: H Taylor, Disley Primary School

Expiry Date: 03-Sep-2012

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

- Impact on open space
- Impact of the development on character and appearance of the site and surroundings
- Impact of the development on residential amenity

1. REASON FOR REFERRAL

This application is included on the agenda of the Northern Planning Committee as Cheshire East Council is the landowner and an objection has been received from a member of the public.

2. DESCRIPTION OF SITE AND CONTEXT

The application site consists of an existing primary school within designated open space. The site is located at the end of Dane Bank Drive.

3. DETAILS OF PROPOSAL

This application seeks permission for a footpath link between two existing footpaths in the school grounds. The purpose of the development is to improve circulation around the school with pedestrian access also being available from Buxton Road and Chantry Road.

4. RELEVANT HISTORY

No relevant planning history

5. POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)
DP7 (Criteria to promote environmental quality)

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
RT1 (Protection of open space)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Circulation and Access)

Other Material Considerations

National Planning Policy Framework

6. CONSULTATIONS (External to Planning)

Public Rights of Way

The development would not affect a public right of way

7. VIEWS OF THE PARISH COUNCIL:

No objections.

8. OTHER REPRESENTATIONS:

An objection has been received from a resident of Dane Bank Drive. The main points raised are:

- Questions 2 of the application form is incorrect as it does not link with a public highway.
- Question 4 of the application form states that a new public right of way would be created.

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

10. OFFICER APPRAISAL

Open Space

The proposed footpath would be on an existing grassed area forming part of the southern playing field. It would however be located close to the edge and adjacent to the playground and a steep bank adjacent to the school building. In this position, and given the minor nature of the works, the integrity of the open space would not be harmed.

Character and Appearance

The proposed footpath would have a limited visual impact. It is noted some fencing would be erected for health and safety reasons. Adjacent to the bank this would be 2 metres high which would be acceptable given its location and would ordinarily be permitted development.

Residential Amenity

The proposal for a short stretch of footpath would not be in close proximity to residential properties and does therefore not raise any concerns in respect of amenity.

Other Matters

Concerns have been raised regarding answers to questions in section 6 of the application form. The applicant's agent has confirmed in writing that it is not the intention to create a public footpath and this was a mistake on the form. There is no reason to require amended forms in light of this, and furthermore the granting of planning permission for a footpath would have no bearing on public right of way legislation. The application is clearly for an internal footpath for circulation around the school grounds linking various access points and in granting planning permission would not create a public right of way.

11. CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not harm the integrity of the open space given it is minor operations and located at the edge of the playing field. The visual impact on the site and surroundings would be acceptable and there would be no significant injury to residential amenity. The proposal is acceptable in all other respects and is therefore recommended for approval.

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. reason

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Northern Area Planning Committee 26th September 2012**COMMITTEE REPORT**

Application to remove a protected Willow tree at 3 Brooklands Mews, Oxford Road SK11 8JY (App. 12/3317T)

PURPOSE OF THE REPORT:

To consider an application (App 12/3317T) to fell or pollard a protected Willow tree at 3 Brooklands Mews, Oxford Road, Macclesfield SK11 8JY which is subject to the Macclesfield Borough Council (Macclesfield – Brooklands, Oxford Road) Tree Preservation Order 1975, and to determine if the proposed works should be approved. The application is from an employee of Cheshire East Council at Tier 2 or above and is being presented to Committee in accordance with the scheme of delegation to ensure appropriate decision making and in the interests of openness and probity as determined by the Councils constitution

SUMMARY RECOMMENDATION:

It is recommended that consent is granted to:

Fell the protected Willow tree identified as T1 within the submitted application, subject to a condition that a replacement tree comprising of either an Ash or Oak shall be planted close to the base of the felled tree in the first planting season following removal.

WARD AFFECTED

Macclesfield West and Ivy

POLICIES

Corporate Plan (Objective four)

To protect the natural and recreational environment, for the benefit of local communities.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is an employee of the Council at Tier 2 or above, or is an elected member of the Council.

RISK MANAGEMENT

Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape. The declining condition of the Willow tree, loss of structural integrity and consequential reduction in the trees future life expectancy outweighs the tree's current modest contribution to the wider public amenity of the area.

A condition requiring replacement planting will be included as part of the decision in order to secure the long term continuation of amenity in the area.

CONSULTATIONS

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town Councils and Parish Councils on the weekly planning list

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received.

OBJECTIONS/REPRESENTATIONS

None

APPRAISAL AND CONSIDERATION OF THE NOTIFICATION

The applicant has requested the felling or pollarding of the Willow tree identified as T1 located on the left hand side of the driveway to Brooklands Mews, stating that the tree is diseased and shedding branches and leaves. The tree is located on land that is partly owned by the Applicant and other residents of Brooklands Mews.

The Council's Senior Arboricultural Officer carried out a pre application site visit on 30th May 2012 with a local Tree Surgeon. The inspection confirmed that the Willow tree has deadwood within the canopy, a characteristic of reduced vitality.

Examination of a significant cavity on the main trunk confirmed that decay extends approximately one third into the stem of the tree and that there is a high likelihood that this decay will continue to progress rendering the tree structurally unsound.

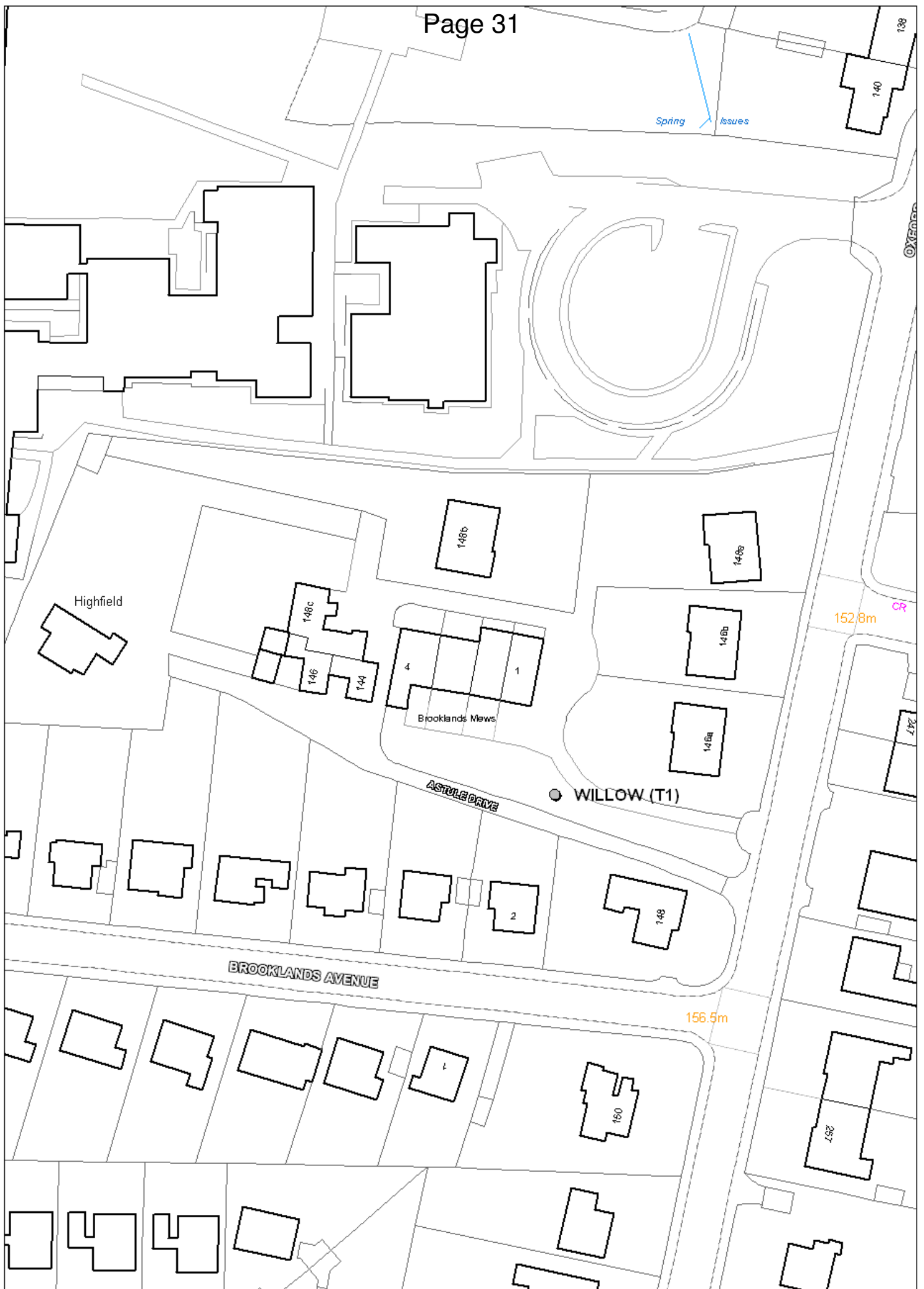
Advice has been provided to the applicant on the merits of retaining the tree by pollarding, rather than felling. Whilst this is a less expensive option it is considered that any subsequent re-growth may not be guaranteed and will be dependent on the trees stored energy reserves. As the long term viability of the tree cannot be guaranteed, felling of the tree is considered the most appropriate option in terms of

arboricultural management and will also allow replacement planting securing long term continuation of amenity in the locale.

RECOMMENDATION

It is recommended that consent is granted to fell the protected Willow tree (referred to as T1) at 3 Brooklands Mews, Oxford Road, Macclesfield subject to a condition requiring the planting of a replacement Ash or Oak tree.

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WILLOW TREE AT 3 BROOKLANDS MEWS, OXFORD ROAD, MACCLESFIELD

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