

Northern Planning Committee

Agenda

Date:	Wednesday, 7th November, 2012
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any 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 of the meeting held on 17 October 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. **12/0127M-Mixed Use Development of Assisted Living Residential Apartments (61 no.) and a Cafe, Both With Associated Landscaping and Servicing. Undercroft Parking is Provided for Residents. Existing Office Block to be Demolished, Land at Park Green, Park Street, Macclesfield, Cheshire for Mr Alistair Watson (Pages 5 - 16)**

To consider the above application.

6. **12/0242M-Conservation Area Consent for Removal of Existing 5 Storey Office Block Which Has Been Vacant for Over 10 Years, Building is Unlisted, Existing Boundary Wall to Park Street To Be Retained, Land at Park Green, Park Street, Macclesfield, Cheshire for Mr Alastair Watson (Pages 17 - 20)**

To consider the above application.

7. **12/3481M-Removal of conditions 1 and 2 of planning consent 5/5/O.8863 to allow 12 month holiday season, Eastwood Caravan Park, Schoolfold Lane, Adlington, Macclesfield, Cheshire for Lisa Firbank (Pages 21 - 28)**

To consider the above application.

8. **12/3264T-Application to prune protected Scots Pine trees at Yew Tree House, Wrexham Road, Bulkeley, Cheshire (Pages 29 - 32)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 17th October, 2012 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors L Brown, B Burkhill, 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) and Mr P Hooley (Northern Area Manager)

58 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Miss C Andrew.

59 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness, Councillor Mrs H Gaddum declared that she was a former Cabinet Member for Children and Family Services in relation to application 12/2997M.

60 MINUTES OF THE MEETING

RESOLVED

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

61 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

62 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

Consideration was given to the above application. It was noted that the request for the erection of a general purpose storage building had been withdrawn by the applicant and that the proposal was now for the replacement of an existing indoor arena building.

(The Northern Area Manager read out a statement on behalf of the Ward Councillor, Councillor G Walton. Susan Jones, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Development Manager and Building Control Manager in consultation with the Chairman and Ward Councillor for approval subject to the following conditions:

Indoor riding arena to be demolished if ceases to be used as an equestrian facility within 10 years and if no re-use granted by the LPA within 2 years of it ceasing to be used as such.

The reasons for this were that whilst it was inappropriate development in the Green Belt, it was considered very special circumstances existed based on a combination of:

- a) Replacement of building and modernisation of facilities
- b) Limited impact on openness and no harm to visual amenity due to location of building within existing complex
- c) Benefit to rural economy and access to equestrian facilities

(This decision was contrary to the Officers recommendation of refusal).

63 12/2997M-TWO STOREY EXTENSION TO EXISTING SIXTH FORM TEACHING BLOCK TO PROVIDE LEARNING SUPPORT CENTRE AND ASSOCIATED SOFT AND HARD LANDSCAPING WORKS, WILMSLOW HIGH SCHOOL, HOLLY ROAD NORTH, WILMSLOW, CHESHIRE FOR MR R DAVIES, THE BOARD OF GOVERNORS

Consideration was given to the above application.

(Jill Dudley, the architect for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the 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. A01LS - Landscaping - submission of details

5. A04LS - Landscaping (implementation)
6. A32HA - Submission of construction method statement
7. A22GR - Protection from noise during construction (hours of construction)
8. Development in accordance with tree report and tree protection drawing
9. Phase II contaminated land survey to be submitted
10. Development carried out in accordance with tree report and tree protection details / drawings

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor R West (Chairman)

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Application No: 12/0127M

Location: Land At, PARK GREEN, PARK STREET, MACCLESFIELD, CHESHIRE, SK11 7GY

Proposal: Mixed Use Development of Assisted Living Residential Apartments (61 no.) and a Cafe, Both With Associated Landscaping and Servicing. Undercroft Parking is Provided for Residents. Existing Office Block to be Demolished

Applicant: Mr Alistair Watson

Expiry Date: 16-May-2012

Date Report Prepared: 25 October 2012

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

MAIN ISSUES

- Impact upon the character and appearance of the Conservation Area
- Impact upon the amenity of neighbouring properties
- Impact upon highway safety
- Affordable housing provision

REASON FOR REPORT

The proposal is a major application, and therefore qualifies to be considered by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a prominent office block, which has been vacant for some time and parking area with soft landscaping fronting onto Park Green. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing office block and the construction of a mixed use development comprising 61 assisted living apartments and a café with undercroft parking.

RELEVANT HISTORY

There is no planning history specifically relevant to the current proposal.

POLICIES

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

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

Local Plan Policy

Relevant policies of the Local Plan include: NE11 Nature Conservation; BE1 Design Guidance; BE2 Historic Fabric; BE3 Conservation Areas; BE16 protecting the setting of listed buildings; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC38 Space, light and privacy; DC63 Contaminated Land, MTC12 Mixed Use Areas, MTC13 and MTC14 Park Green Area, MTC19 Town Centre Housing

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections to the proposed use of the site when compared to the former use. Having regard to other similar care establishments, the number of spaces being provided on other sites are similar in ratio to this proposal, as residents do not tend to have a high car ownership rate especially when the site is located in a town centre.

Environmental Health – No objections subject to conditions relating to sound insulation, plant and equipment details (including extraction equipment for cafe), hours of operation for service vehicles, hours of construction, environmental management plan and contaminated land.

Leisure Services – No objections subject to financial contribution towards the provision of offsite open space, and outdoor sport and recreation facilities.

Housing - The affordable housing requirement would be 30% which equates to 18 units as there is identified affordable housing need.

United Utilities – No objections subject to conditions relating to drainage.

Environment Agency – No objections.

Strategic Crime Reduction Officer (Cheshire Constabulary) – Makes a series of safety recommendations that can be forwarded to the developer.

English Heritage – No comments, but offer general observations on the proposal, noting that it is a significant improvement to the existing layout of the site.

OTHER REPRESENTATIONS

One letter of representation has been received from the Macclesfield Civic Society making the following comments on the application:

- Removal of the existing building is welcomed
- Concern over the removal of trees
- Flat roof to Park Green frontage could be improved
- Do contrasting colours add to the street scene?
- Lack of parking
- Design and scale of building not in keeping
- Loss of light, outlook and privacy for neighbours
- Loss of green space

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Design & Access statement, a Heritage Statement, a Phase I Contaminated Land report, a site waste management plan, a design and access statement for the landscape proposals, a transport statement, an air quality statement and a Planning Statement. The planning statement concludes that:

- The proposal will result in an attractive residential development and will enhance the character of the area in this key location.
- The proposals are at the minimum density to make the scheme viable.
- The café and active frontage to Park Green are deemed to be a mutually supportive use to the assisted living development.
- The proposal will regenerate a disused brownfield site and will place no further demand on the existing transport infrastructure.
- The proposal is supported by policies which encourage the redevelopment of previously developed land and the efficient and sustainable use of the site.
- Respects the heritage of Macclesfield

OFFICER APPRAISAL

Principle of Development

The principle of this mixed use development which comprises 61 assisted living residential apartments (use class C3) and the ground floor café (use class A3) fronting onto Park Green is acceptable within a Mixed Use Area and is compliant with policy MTC12 of the Local Plan.

Design / Conservation Area

Historic plans for the locality indicate that the site was formerly densely developed with properties fronting directly onto Park Green, Parsonage Street and although of lesser density directly onto Park Street. Taking into account this historic pattern of development and the existence of the open space around the green, no objections are raised in principle to a fairly dense form of development which largely follows the footprint suggested.

The scale of the proposed development has been carefully considered in relation to that of surrounding buildings in both conservation areas. The proposed building would comprise 3 main storeys of living accommodation above ground level along Park Street, with an additional lower ground floor level towards the Park Green end of the site taking advantage of the slope of the land.

The proposed development sits below the height of the existing 5 storey building on the site, and below the level of the highest part of the listed Paradise Mill to the North. Although the elevations indicate the mill building to the south of Chapel Mill which is in fact no longer in existence, this is useful in that it shows the scale of the development is similar to that of surrounding former as well as remaining mills. Whilst the block would be taller than the domestic properties within High Street Conservation Area, taking into consideration the width of the highway, and the height of the existing building, it is not considered that the overall scale of development is inappropriate, or would, in itself have any detrimental impact on the character or appearance of either conservation area. The design incorporates breaks in the proposed roofscape along Park Street, visually breaking up the line of the roof, which is welcomed.

The proposed materials of English bonded brickwork, ashlar and slate are clearly designed to complement the materials of the Victorian and earlier buildings within Park Green Conservation Area and to a lesser extent those in High Street Conservation Area. Although the use of ashlar on domestic properties is not typical in this locality, the fact that high quality finishes are proposed is a critical determinant in considering impact on the character of the conservation area.

The element of the proposal fronting onto Park Green would be prominent and would sit forward of the adjacent buildings to the west. The proposed flat roof on this element has been very carefully considered. There are a number of flat roofs to buildings and elements of buildings within and close to the boundary of Park Green Conservation Area some of which have a negative impact (particularly the existing building on this site, the Royal Bank of Scotland building on the corner of Park street and the Natwest sited just outside the NW boundary) Others however have no negative impact such as the Bath Store building on the corner of Sunderland Street and elements of Gradus Mill and Weatherspoons.

Having regard to the proposed use of high quality facings (predominantly ashlar for this element) the overall building scale and flat roof design is considered to be acceptable. However, some of the proposed detailing gives cause for concern.

Firstly the proposed landscaping proposals originally indicated a number of angled structures projecting up above the roof line with tensile shade structures. It is considered that these would appear as incongruous features in the conservation area. It has been requested that these elements are removed from the proposal.

Secondly there are concerns over the ad hoc position of windows in this element of the proposal and the horizontal emphasis of the front elevation to Park Green which is considered to be in contrast with the general pattern of fenestration and building proportion which has a more vertical emphasis. The NPPF makes it clear that local authorities should seek to reinforce local distinctiveness and to do this, more vertical emphasis and regularity of fenestration is required.

English Heritage has not objected to the proposal but has suggested the incorporation of more brickwork. As a compromise it has been suggested that the buff sandstone is changed to red, a similar colour to the brick. Revised plans are currently awaited to address all these points. The revisions will be reported to Members in an update.

Overall, subject to the receipt of these amendments the proposal would not have an adverse impact on the significance of the existing heritage assets.

Amenity

The nearest properties to the application site are those on the opposite side of Park Street. The nearest of these properties will be approximately 19 metres from the proposed building, which is closer than the existing. However, it is considered that due to the reduction in height from the existing, the impact upon this property is acceptable. Properties further to the north on Park Street are approximately 24 metres from the proposed development, which is considered to provide a commensurate degree of space, light and privacy for adjoining neighbours and the future occupants of the proposed development.

Relationships with all other surrounding properties are considered to be acceptable and no significant amenity issues are therefore raised. The proposal is therefore considered to comply with policies DC3 and DC38 of the Macclesfield Borough Local Plan.

Highways

The Strategic Highways Manager has assessed this application and notes that the proposed development consists of 61 assisted living apartments in total, which is split into 39No. 1 bed and 22No. 2 bed apartments. The site will also incorporate a small café on the ground floor. Having regard to the existing lawful use of the site as offices, the proposed use raises no significant issues regarding the traffic impact of the development. In terms of the level of car parking, the site will provide 20 parking spaces in total, 13 spaces for residents and 7 for staff. There is also public car parking very close to the site. Other similar care establishments, have similar levels of on site parking provision as residents do not tend to have a high car ownership rate especially when the site is located in a town centre. The proposed café would be adequately served by existing public car parks.

It should be noted that some of the outdoor seating area is within highway land, but no objections have been raised by Highways over the principle of this use, given that an adequate footpath will remain.

Housing

The Council's Interim Planning Statement on Affordable Housing states that Cheshire East will seek 30% affordable provision on all sites over 15 units. The affordable housing requirement would therefore equate to 18 units as there is identified affordable housing need.

This site is located in the Macclesfield and Bollington sub-area for the purposes of the Strategic Housing Market Assessment 2010, this shows that there is a need for 245 new 1 or 2 bed older persons affordable units between 2009/10 – 2013/14. This equates to an annual requirement for 49 x 1, or 2 bed older persons affordable units.

In addition to the housing need identified in the Strategic Housing Market Assessment; Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 46 applicants on Cheshire Homechoice who require accommodation for over 55's, these applicants require 26 x 1 bed, 8 x 2 bed and there are 12 applicants who have not specified the number of bedrooms required.

The required tenure split would be as required by the Affordable Housing Interim Planning Statement, which is 65% social, or affordable rent, and 35% intermediate tenure units. This would equate to 12 units for social or affordable rent and 6 units as intermediate tenure. The preferred option for the Housing section is that the developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

In response to being advised of this requirement, the applicants have submitted a viability assessment of the proposed development which concludes that the development cannot provide any affordable housing and be viable. Given the need identified above for older persons affordable accommodation, the Council has employed the services of a consultant to independently appraise the applicant's viability assessment. These comments are awaited, but could potentially have a significant bearing on the recommendation. For the purposes of this report, the recommendation will include a requirement for the provision of 18 affordable units.

Ecology

The nature conservation officer does not anticipate there being any significant ecological issues associated with the proposed development.

Trees / landscaping

The submitted Landscape Appraisal appears to show only three trees of the 13 trees within the application site will be retained. These three trees comprise of one flowering Cherry and two semi mature Norway Maple fronting Park Street. All the existing trees within the site present a low to slightly moderate contribution to the visual amenity of the area. In terms of the historic character of the Conservation Area, all the trees are recent plantings and therefore their contribution to the Conservation Area is considered to be relatively low.

However, the group of trees fronting onto Park Green do provide continuity of the landscape character in the street scene linking existing mature planting to the north east of Parsonage Street and opposite the site through the Park Green Memorial Gardens. The possibility of

setting the building back to retain these trees has been investigated with the applicant, however, it has not been possible to provide this set back.

The visual impact of the tree line in this location does make a positive contribution to the appearance of the Conservation Area, and is considered to be a crucial aspect of the development. Therefore, whilst the loss of the trees cannot be resisted, proposals for replacement planting will have to be carefully considered both in relation to the future use of the site at this location and to ensure that new planting is in harmony with the existing tree lined character of Park Green. Underground services in the vicinity will also need to be checked to ensure that it is feasible to plant the replacement trees where indicated. Appropriate landscaping conditions are therefore recommended.

Leisure

The development does trigger the need for the provision of open space and recreation / outdoor sport, or a commuted sum for the provision of off site facilities.

The residents of town centre developments, where little or no on site amenity space is provided, need good access to outdoor amenity space and opportunities. Providing such access is part of building healthy and sustainable communities and assists in integrating the development and its new residents into the local area.

Based on the requirements of the Council's SPG on planning obligations, which is triggered on all housing developments of 6 or more dwellings of 2 or more bedrooms, the de. This is derived from a requirement of £1500 per bed space in apartments for offsite provision of open space (applicable to the 22 two-bed apartments only), which equates to £66,000, and a requirement for £500 per two-bed (or more) apartment again for off site provision, which comes to £11,000. This results in a total sum of £77,000.

The commuted sums could be used to make additions, enhancements and improvements to existing facilities within easy reach of the development and which between them provide a range of opportunities for the new residents. South Park and Victoria Park are the nearest major town parks. Allotments are located at South Park and there are amenity areas at park green Cenotaph and Christ Church.

The Council's SPG on planning obligations and policy IMP4 of the Local Plan also seek to secure contributions towards environmental improvements in town and district centres, in respect of significant developments within the town or district centres. This is one such development. The site occupies a key location in terms of the contribution it makes or could make to the wider public realm in this area, and work has been done by the Council looking at public realm in this area in particular. Given the particular nature of the proposal and the likely requirements of the development, it is considered that improvements to public realm within the immediate area would better satisfy the needs of the development. Again, having regard to the specific nature of the proposal, and the current economic climate it is proposed to waive the contribution required for environmental improvements, but to use the commuted sums received for open space and recreation primarily for public realm improvements in the area.

Noise

The submitted Noise Assessment Report has identified that the site is subject to relatively high levels of externally generated noise. If planning permission is granted in such locations, then conditions should be imposed to ensure a commensurate level of protection against noise. The report advises that noise mitigation measures should be provided throughout the proposed development, based on the highest externally recorded noise levels. Environmental Health agree with this recommendation.

The British Standard 8233:1999 'Code of practice for sound insulation and noise reductions for buildings' provides two design ranges of 'Good' and 'Reasonable' standards. In view of the high levels of externally generated noise at the application site, Environmental Health recommend that a condition is attached to an approval that the structural design criteria throughout the proposed development should achieve the 'Good' standard as specified in BS8233.

Air Quality

An Air Quality Assessment has been submitted with this application due to its proximity to the London Road Macclesfield Air Quality Management Area. The assessment considers the proposals likely impact on traffic in the area and predicts potential changes in air pollution concentrations as a result. In addition the potential for dust generation during the construction phase is considered.

The report confirms that the development will have a negligible impact on local air quality, however recommends mitigation to ensure that dust is not generated during construction to ensure that amenity of nearby surrounding residential properties is not adversely affected. An appropriate condition is therefore recommended.

Contaminated land

The application area has a history of use as a Brewery, Coal Yard and Works and therefore the land may be contaminated. Also having regard to the fact that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, and the report submitted in support of the application has identified potential sources of contamination and recommends that an intrusive investigation is required, a condition requiring a phase II contaminated land condition is recommended.

Heads of terms

Should Members be minded to approve the application, then it will be subject to a section 106 legal agreement to secure:

- 18 units of accommodation to be made affordable, in perpetuity.
- A commuted sum of £77,000 to be paid to the Council in lieu of on site public open space and / or for public realm improvements

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 community of Macclesfield as it would provide additional affordable housing for a specific group of people where there is an identified need

The commuted sum to be paid to the Council to enhance open space / public realm 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 principle of the development in this Mixed Use Area is considered to be acceptable. The impact of the proposal upon the significance of the nearby heritage assets (conservations areas and listed buildings) is not considered to be significant, and subject to the requested amendments, the proposal will help to reinforce local distinctiveness. Subject to appropriate replacement planting, the proposal will have an acceptable impact upon the appearance of the Park Green Conservation Area. The other outstanding issue relates to the viability of the scheme. The applicant's contention that the scheme cannot be viable and provide affordable housing is being investigated, and will be reported to members in an update. However, for the reasons outlined above, the application is recommended for approval.

Application for Full Planning

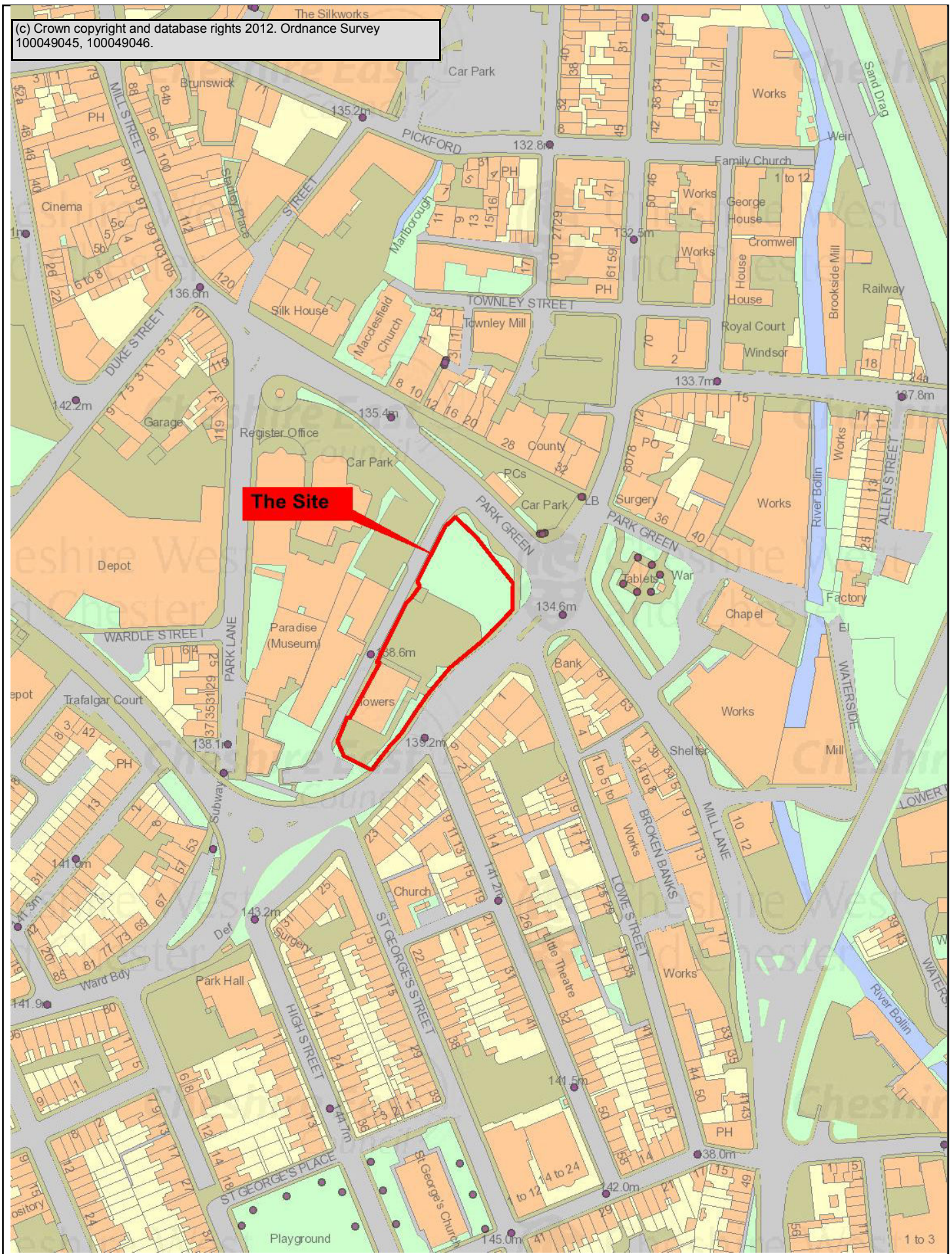
RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A02EX - Submission of samples of building materials
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A04NC - Details of drainage
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile Driving - details to be submitted
10. Detailed scheme of sound insulation / noise control measures to be submitted
11. Details of plant and equipment to be submitted

- 12. Details of filtration and extraction system to be submitted
- 13. Service vehicles - restriction on hours
- 14. Environmental Management Plan to be submitted
- 15. Phase II investigation to be submitted



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Application No: 12/0242M

Location: Land At, PARK GREEN, PARK STREET, MACCLESFIELD, CHESHIRE, SK11 7GY

Proposal: Conservation Area Consent for Removal of Existing 5 Storey Office Block Which Has Been Vacant for Over 10 Years. Building is Unlisted. Existing Boundary Wall to Park Street To Be Retained.

Applicant: Mr Alastair Watson

Expiry Date: 13-Apr-2012

Date Report Prepared: 25 October 2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Impact upon the character and appearance of the Conservation Area

REASON FOR REPORT

The proposal is linked to application 12/0127M, which is a major application and appears elsewhere on the agenda.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a prominent office block, which has been vacant for some time and parking area with soft landscaping fronting onto Park Green. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street,

DETAILS OF PROPOSAL

This application seeks conservation area consent to demolish the existing building on the site.

RELEVANT HISTORY

There is no planning history specifically relevant to the current proposal.

POLICIES

Local Plan Policy

BE4 Demolition within Conservation Areas

Other Material Considerations

National Planning Policy Framework (The Framework)

CONSULTATIONS (External to Planning)

None

OTHER REPRESENTATIONS

One letter of representation has been received from the Macclesfield Civic Society making the following comments on the application:

- Removal of the existing building is welcomed
- Concern over the removal of trees
- Flat roof to Park Green frontage could be improved
- Do contrasting colours add to the street scene?

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Design & Access statement, a Heritage Statement, and a Planning Statement. The Planning Statement concludes that:

- The proposal will result in an attractive residential development and will enhance the character of the area in this key location.
- The proposals are at the minimum density to make the scheme viable.
- The café and active frontage to Park Green are deemed to be a mutually supportive use to the assisted living development.
- The proposal will regenerate a disused brownfield site and will place no further demand on the existing transport infrastructure.
- The proposal is supported by policies which encourage the redevelopment of previously developed land and the efficient and sustainable use of the site.
- Respects the heritage of Macclesfield.

OFFICER APPRAISAL

When considering impact on the character and appearance of Park Green and High Street Conservation Areas, the starting point is to understand the characteristics of those areas and in particular the elements which contribute positively to the special character of the area. Neither conservation area has an adopted appraisal document.

The Park Green Conservation Area centres around a triangular area of open land used part as a car park and part as a memorial garden subdivided by the junction of Park Street, Sunderland Street and Park Green. This open area is surrounded by buildings of considerable variety in terms of scale, size and design, some of which make positive contributions to the character of the area, some which have a neutral impact and others which

have a negative influence. Amongst those buildings which positively contribute are an array of listed buildings of varying ages and styles, including several Victorian ornately decorated Gothic style stone buildings (including the former Library on the corner of Park Lane and Park Green and the adjacent similarly styled and aged arts college building), the stone United Reform Church to the north western edge of the conservation area, several simpler brick and slate late Georgian and Victorian former mills including Paradise Mill on Park Lane and Chapel Mill (Gradus) to the east of the memorial garden, 82 Park Green a Georgian grade II* brick and stone property with dutch gable, the Grade II* early Victorian ashlar former bank with classical portico as well as a number of Georgian town houses fronting onto the north side of the memorial gardens. The unlisted terraced properties on the north side of the green largely have a neutral impact. There are several properties considered to have a particularly negative impact and these are, the public convenience sited centrally within the green, the Natwest bank building sited just outside the western boundary adjacent to the United Reform Church, the building currently on the application site and the Royal Bank of Scotland building on the corner of Park Street and Park Green. There are a number of trees within the Park Green Conservation Area which also contribute positively to the general character and ambiance including those trees along the boundaries of the application site.

The High Street Conservation Area which lies to the south of the application site has a completely different character with a relatively cohesive style of 19th century buildings and a clear common palette of materials (predominantly brick and slate) and a relatively common scale (2-3 storeys). No 1 Park Street, which sits directly opposite the site within the High Street Conservation Area is Grade II Listed.

The existing building is not of any architectural merit and is considered to have a negative impact upon the overall character of the Park Green Conservation Area and views of and from the adjacent High Street Conservation Area. No objections are therefore raised over the proposed demolition, and planning application 12/0127M is considered to represent a scheme for the redevelopment of the site. Although it should be noted in this instance that a replacement scheme is not considered to be necessary.

CONCLUSION

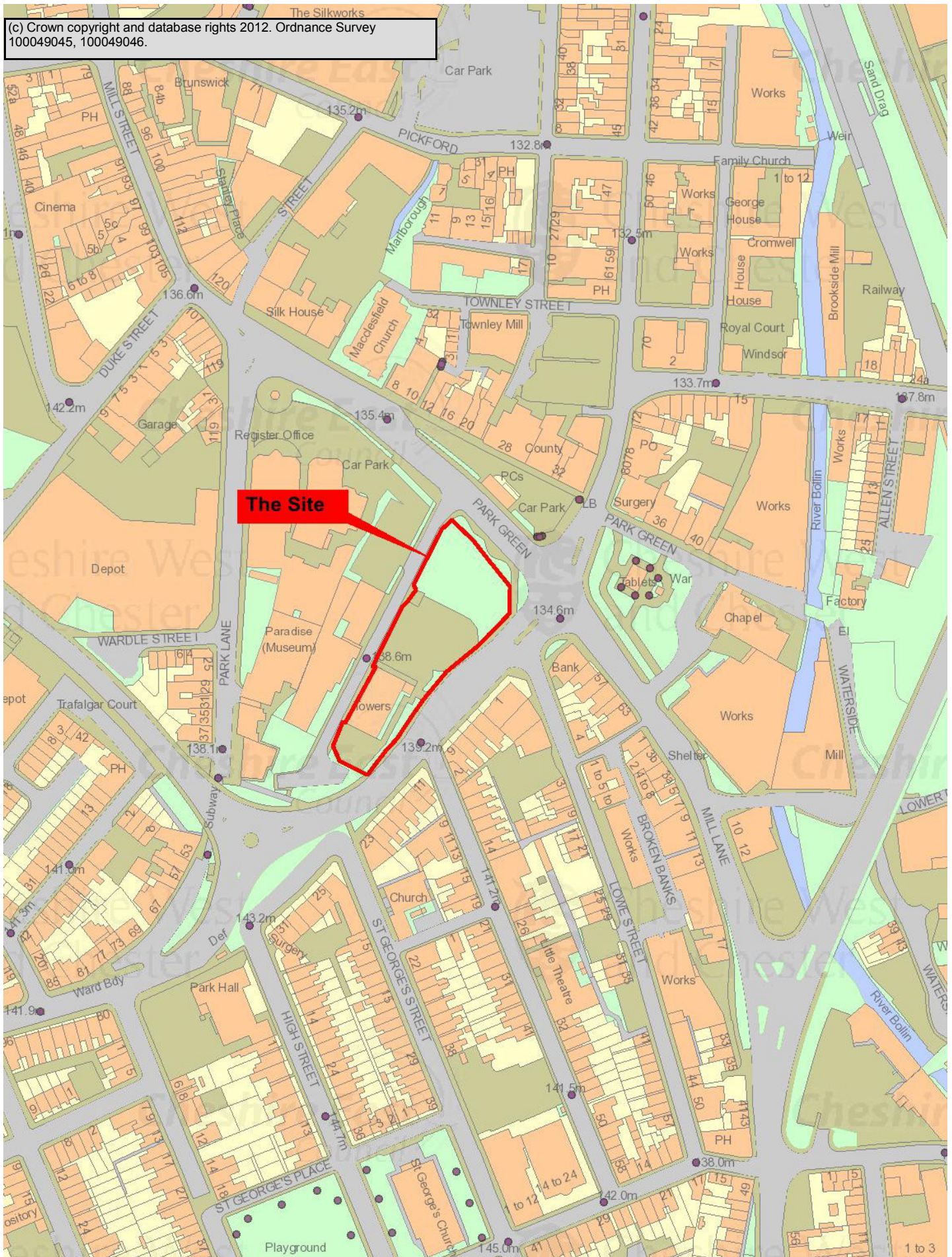
The removal of the existing building from the site would improve the character and appearance of the Conservation Area. Accordingly, a recommendation of approval is made.

Application for Conservation Area Consent

RECOMMENDATION: Approve subject to following conditions

1. A03CA - Standard Time Limit
2. A scheme of site restoration works, or contract details and timescales for redevelopment shall be submitted to and approved in writing prior to demolition

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Application No: 12/3481M

Location: EASTWOOD CARAVAN PARK, SCHOOLFOLD LANE, ADLINGTON, MACCLESFIELD, CHESHIRE, SK10 4PL

Proposal: Removal of conditions 1 and 2 of planning consent 5/5/O.8863 to allow 12 month holiday season

Applicant: Lisa Firbank

Expiry Date: 04-Nov-2012

SUMMARY RECOMMENDATION:
Approve subject to conditions

MAIN ISSUES:

Whether the removal of conditions 1 and 2 would lead to permanent residential occupation of the caravans.

1. REASON FOR REFERRAL

This application has been called in to Northern Planning Committee by the Local Ward Councillor for the following reasons:

- the caravans would be more akin to permanent residential use, which could impact on local services;
- it may encourage businesses being run from the site;
- loss of tourist accommodation;
- Impact on character and appearance of green belt and ASCV;
- cumulative impact of additional traffic movement.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to an existing caravan park of approximately 2.69 hectares. It consists of 72 static holiday caravans and 3 touring pitches. The site is located to the south east of Poynton in an isolated countryside location adjacent to the Macclesfield Canal. Access is from Schoolfold Lane which connects to Wood Lane South/Pedley Hill.

The site is within the North Cheshire Green Belt and Peak Park Fringe Area of Special County Value (ASCV). A public footpath runs through the site and connects to the wider network. The site is adjacent to the Macclesfield Canal Conservation Area.

3. DETAILS OF PROPOSAL

This application seeks to remove conditions 1 and 2 attached to permission 5/5/08863 approved 9th April 1968. This is the original consent for the caravan park. The conditions read:

- 1. This permission shall not authorise the use of the land as a site for caravans except during the period 1st March to 31st October each year, and such use shall not supersede the normal use of the land for agricultural purposes.*
- 2. No caravan shall be occupied for human habitation except during the period 1st March to 31st October in each year.*

The effect of removing such conditions would be to allow the site to operate 12 months/365 days of a year.

It should be noted that consent was granted in 2008 for variation to condition 2 above, altering the period of occupancy to 1st March to 15th January in any given year. Two additional conditions were attached to that permission:

- 1. The caravans (or cabins/chalets) are to be occupied for holiday purposes only.*
- 2. The caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence.*

4. RELEVANT HISTORY

- | | |
|----------|--|
| 09/2155M | Extension to caravan park to include adjoining camp site to provide an additional 25 caravans
REFUSED 10 th September 2009 |
| 09/0514M | Extension to caravan park to include adjoining camp site to provide an additional 25 caravans
WITHDRAWN 9 th June 2009 |
| 08/0656P | Variation of condition 2 on application 5/5/8863 to change the annual period of use from existing of 1 st March to 31 st October to proposed of 1 st March to 15 th January the following year
APPROVED 1 st July 2008 |
| 5/13920P | 25 Caravans and 42 car parking spaces
REFUSED 6 th July 1978 |
| 5/5/8863 | Outline application for extension to recreational caravan park and erection of toilet block and car park
APPROVED 9 th April 1968 |

5. POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP4 (Make the Best Use of Existing Resources and Infrastructure)
- DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)
- DP8 (Mainstream Rural Issues)
- RDF2 (Rural Areas)
- RDF4 (Green Belts)
- W7 (Principles for Tourism Development)

Local Plan Policy

- NE1 (Areas of Special County Value)
- RT13 (Tourist Facilities)
- DC6 (Circulation and Access)

Other Material Considerations

- National Planning Policy Framework
- Good Practice Guide on Planning for Tourism, *Department for Communities and Local Government*

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

The Highways Manager has commented that allowing an additional 6 week period would not cause additional traffic problems. It has been noted however that the site should not generate further movements associated with permanent residential occupation and therefore subject to conditions to prevent this, no highways objections.

Canal and River Trust

No comments to make.

7. VIEWS OF THE PARISH COUNCIL:

Adlington Parish Council object to the proposal on the basis of lack of demand for year-round holiday accommodation and are concerned that the accommodation will be used for non-holiday use for permanent residential occupation. Additionally it was pointed out the access road is unsuitable for higher volumes of traffic.

8. OTHER REPRESENTATIONS:

A number of objections have been received from the occupiers of 4 nearby residential properties. The main points raised are:

- The site is used for residential occupation contrary to existing conditions;
- Removing the conditions would leave no safeguard against permanent residential occupation;

- There is no evidence of demand for holidays in this location during December and January'
- The lane is not suitable for permanent traffic. As an unadopted road it can be hazardous in winter conditions. It is unlit and the Council are not obliged to grit it.

9. APPLICANT'S SUPPORTING INFORMATION:

A supporting statement has been submitted on behalf of the applicant outlining the policy background, site circumstances, planning history and justification. Two recent appeal decisions have also been submitted relating specifically to the matter of a seasonal occupancy condition.

A letter on behalf of the applicant has been submitted in response to the letters of objections received from local residents and the Parish Council. It states that the application seeks to reflect trends in the leisure market. It also refutes the claim the site is occupied for non holiday purposes.

10. OFFICER APPRAISAL

Principle of Development

The use of the site as a caravan park has already been established. The existing permission restricts the use by way of a set of conditions so as to prevent it being used for permanent residential occupation and/or as person's sole or main residence. This key consideration in the assessment of this application is whether by removing the conditions it would lead to permanent residential occupation or whether this could be controlled by other means.

Potential for permanent residential accommodation

Due to its countryside location, there is a fundamental national and local policy objection to an unrestricted residential use of the site. However, it should be noted that this proposal does not seek a permanent and unrestricted residential use, and the applicant proposes the attachment of the model conditions in Good Practice Guide on Planning for Tourism relating to the occupancy of the caravans for holiday purposes only, no occupancy as a person's sole or main residence, and maintenance of an up-to-date register.

The conditions that the applicant is seeking to remove currently restrict the occupancy of the caravans to a period between 1st March and 31st October in any given year. This was varied by the 2008 permission to a period between 1st March and 15th January, in effect imposing a 6 week closed season, to which the park currently operates. This type of condition is referred to as a seasonal occupancy condition, as opposed to holiday occupancy conditions that restrict the use of the units to holiday purposes only. Seasonal occupancy conditions were first considered necessary to reflect public health considerations given the capability of accommodation to protect occupants from winter conditions. Over the years the quality of accommodation has improved considerably and there has been a trend towards more diverse holidays in duration, location and season.

Circular 11/95: Use of Conditions in Planning Permission advises that a holiday occupancy condition is more appropriate than a seasonal occupancy condition in circumstances where holiday accommodation is acceptable, but where the provision of permanent housing would be contrary to planning policies relating to development in the countryside, as is the case with this current application. Paragraph 115 of Circular 11/95 states that seasonal occupancy

conditions may be appropriate to *“prevent the permanent residential use of holiday chalets which by the character of its construction or design is unsuitable for continuous occupation.”*

The Circular maintains that seasonal occupancy conditions may also be appropriate to protect the local environment, such as fragile habitats required to allow seasonal breeding or winter feeding. Such environmental circumstances do not exist in this case.

The Good Practice Guide on Planning for Tourism provides further, and more up to date, advice on seasonal and holiday occupancy conditions. Paragraph 3 of Annex B to the Good Practice Guide states that the aim of holiday occupancy conditions is *“generally to ensure that the premises are used by visitors and do not become part of the local housing stock”*. Reference to seasonal occupancy conditions is made in terms of them protecting the local environment, as in Circular 11/95. Protection of important species of bird during its breeding season or when it is winter feeding, is cited as an example of when such a condition may be used.

The reason for the conditions imposing a closed season at Eastwood Caravan Park relate to prevention of residential occupation of the units. The Good Practice Guide is clear that this can be achieved by the relevant holiday occupancy conditions and seasonal occupancy conditions should be used to safeguard the environment. It is not considered there are any specific circumstances on this site that warrant additional protection by way of enforcing a closed season, and the nature of the accommodation is what would be expected of a caravan park and therefore not of a specific nature that would easily convert to residential accommodation and therefore require additional protection.

The appeal decision submitted on behalf of the applicant support the view that seasonal occupancy conditions should not be used to control residential occupation. In appeal ref: APP/E2340/A/10/2137243 the Inspector noted that such a condition would in fact not prevent the site being used as someone's permanent residence for most of the year (in that case 11 months), provided they have a four week holiday in the closed season.

In the second appeal (ref: APP/C9499/A/09/2117805) the Inspector concluded that such a condition was unduly restrictive in an era of changed holiday trends. In both cases the standard holiday occupancy conditions as suggested in the Good Practice Guide on Planning for Tourism were sufficient and an appropriate and enforceable means of restricting occupation.

Objections regarding lack of specific evidence of demand at this site for accommodation in the current closed period are noted, however, there is nothing in policy that requires this. The Good Practice Guide states that the nature of holidays in this country is becoming increasingly diverse in location, season and duration and 12 month occupancies are becoming more common to reflect this trend.

Whilst it is accepted there is local concern that the caravan park is already been partially used for non-holiday residential use, to date insufficient evidence of this has been provided to warrant enforcement action. This in itself should not be the determining factor given that conditions could be imposed to control the occupancy of the units and any breach of this could be dealt with under enforcement powers.

Highways

Objections have been raised regarding the suitability of Schoolfold Lane to take the additional traffic. Schoolfold Lane is a narrow lane, with little opportunity for passing. Furthermore there is no street lighting which does not help in providing safe access to the site during winter months.

Whilst it is clear that Schoolfold Lane is not suitable for such traffic and would unlikely be considered acceptable under today's policies, this caravan park has been established for over 40 years and therefore the appropriateness of this site as a caravan park cannot be questioned. The key consideration is, whether by removing these conditions, which would allow the site operate for an additional 6 weeks, it would it would lead to any significant impact on highway safety. It is likely that visitor numbers at this time of year would be low, much lower than the summer months and given the site already operates in winter months it is highly unlikely to lead to any significant highway safety impact. As discussed above conditions can be attached to ensure holiday occupation only and therefore the levels of traffic associated with permanent residential units would not be generated.

11. CONCLUSIONS

Sufficient controls are available by way of planning conditions to ensure that the holiday occupancy of the caravans is maintained even where occupation takes place throughout the year. As such, it is considered the proposal to remove conditions 1 and 2 of 5/5/08863 is acceptable subject to the imposition of holiday occupancy conditions as set out in the Good Practice Guide on Planning for Tourism. Accordingly, a recommendation of approval is made.

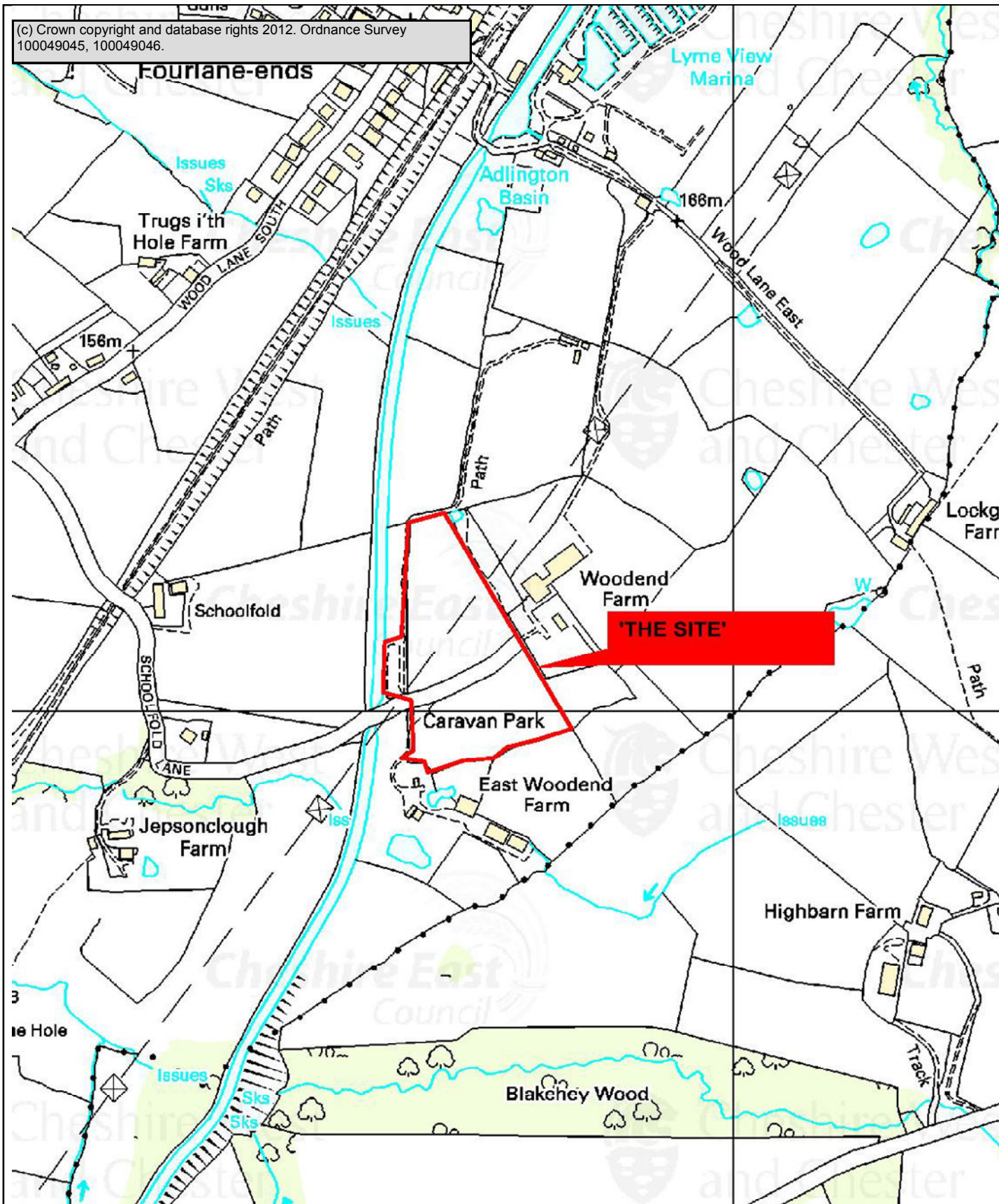
Application for Variation of Condition

RECOMMENDATION: Approve subject to following conditions

1. Caravans occupied for holiday purposes only
2. Caravan's not occupied as a person's sole or main residence
3. Owners/operators shall maintain an up-to-date register of the names and main home address of all owners/occupiers of individual caravans.



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Northern Planning Committee 7th November 2012**COMMITTEE REPORT**

Application to prune protected Scots Pine trees at Yew Tree House, Wrexham Road, Bulkeley, Cheshire SY14 8BX (App. 12/3264T)

PURPOSE OF THE REPORT:

To consider an application (App 12/3264T) to prune protected Scots Pine trees at Yew Tree House, Wrexham Road, Bulkeley, Cheshire SY14 8BX, which are subject to the Crewe and Nantwich Borough Council (Bulkeley) TPO 1975, and to determine if the proposed works should be approved. The application has been submitted by an Elected Member of the Council 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:

Crown raise the identified trees to a height of approximately 7 metres, cut back encroaching distal branches to an appropriate union by approximately 3 metres to clear the garage roof, removal of sub-lateral branches to an appropriate union encroaching over the drive/parking area, removal of one secondary, lateral branch overhanging garage roof back to an appropriate union. The measurements offered for crown lifting and removal of sub laterals can be used for all the trees requiring works.

WARD AFFECTED

Peckforton.

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.

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 pruning of the Scots Pine trees identified as G5 of the Order and located within the grounds of neighbouring Yew Tree House. The trees form part of a protected group of approximately 10 trees which are prominent from Wrexham Road, particularly from the western approach and offer some degree of screening between the two properties.

The Council's Assistant Arboricultural Officer carried out a site visit on 16th October 2012 to assess the proposals.

The amenity value is offered within the group as a whole and not necessarily as individual trees. A visual inspection from the ground only revealed the trees within the group to be of general good health and vigour.

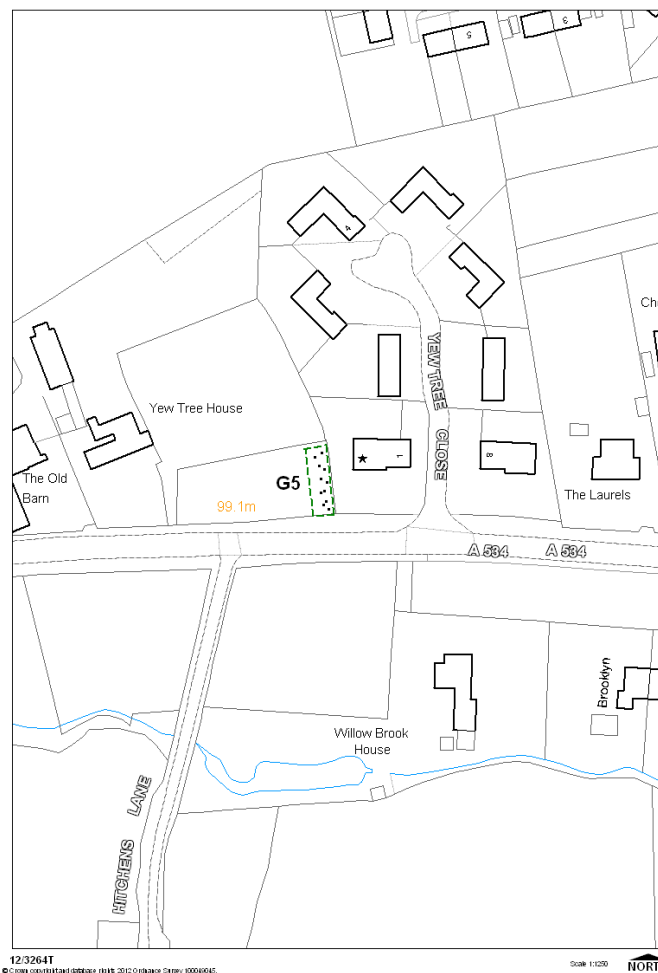
There is evidence of past branch failure within the upper crown area of one tree but this is not considered to be detrimental to the health or stability of the tree at this moment in time.

The works are considered to be appropriate in foreseeing potential problems with regard to encroaching branches becoming possible actionable nuisance in the future.

The works are considered to be of a minor nature and are unlikely to be detrimental to the health or stability of the trees or detract from the amenity the trees offer within the immediate or the wider landscape.

RECOMMENDATION

It is recommended that consent is granted to prune the protected Scots Pine trees in accordance with the agreed specification.



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