

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 28th November, 2012</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any 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**

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**Please Contact:** Sarah Baxter 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **12/3418N-Develop site to provide a permanent car park with a total of 478 parking spaces, Land on Pym's Lane, Crewe for Garth Roberts, Bentley Motors Ltd** (Pages 5 - 12)

To consider the above application.

6. **12/2631M-Use of land as a temporary car park, Land at Royal London House, Alderley Road, Wilmslow for Royal London Group** (Pages 13 - 24)

To consider the above application.

7. **12/4016M-Retrospective planning consent for temporary lights to illuminate existing temporary car park, Land at Royal London House, Alderley Road, Wilmslow for Royal London Group** (Pages 25 - 30)

To consider the above application.

8. **12/3671M-Redevelopment of existing golf club comprising demolition of clubhouse and associated buildings, erection of single detached dwellinghouse with ancillary granny annex, detached garage building, landscaping, associated external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed county manor house dwelling (resubmission of application reference 12/0596M). Mobberley Golf Club, Burleyhurst Lane, Mobberley, Knutsford for Ollerton Leisure LLP** (Pages 31 - 40)

To consider the above application.

9. **12/3280M-Construction of a new fish & eel pass, and hydro electric power scheme adjacent to Styal Weir on the Bollin at Quarry Bank Mill, Quarry Bank Mill, Quarry Bank Road, Styal, Cheshire for Tom Slater, National Trust** (Pages 41 - 50)

To consider the above application.

10. **12/3489M-Variations of conditions 4 (hours of opening) & 5 (hours of deliveries) of 08/0315P, Waitrose Ltd, 89 Park Lane, Poynton for Mr Ken Williams, Waitrose Ltd** (Pages 51 - 56)

To consider the above application.

11. **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 57 - 64)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th November, 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, D Mahon, D Neilson, P Raynes and  
D Stockton

### **OFFICERS PRESENT**

Miss J Miss J Adeniran (Lawyer), Mr P Hooley (Northern Area Manager), Mr N  
Jones (Principal Development Officer), Mr M Lomas (Planning Officer), Mrs E  
Tutton (Principal Planning Officer) and Mr P Wakefield (Principal Planning  
Officer)

### **64 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Livesley and W J  
Macrae.

### **65 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 12/3481M, Councillor  
R E West declared that he was the Ward Councillor for the area and was  
intending to speak on the item at the start of the debate.

### **66 MINUTES OF THE MEETING**

RESOLVED

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

### **67 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

### **68 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**

Consideration was given to the above application.

(Mr Megginson, an objector attended the meeting and spoke in respect of the application. In addition a statement by the Ward Councillor Mrs J Jackson was read out by the Northern Area Manager).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposal fails to preserve or enhance Park Green and High Street Conservation Areas by virtue of the design, scale and mass of the proposed development failing to respond to the topography of the site and the positive characteristics of the Conservation Areas and not respecting the scale of buildings on Park Street. Contrary to NPPF and local plan policies for design and conservation. The identified harm to a heritage asset is a legitimate reason for restricting development under paragraph 14 of the NPPF.
2. Notwithstanding the Town Centre location of the site, insufficient resident parking is provided within the site to adequately serve the development. The development would be detrimental to the interests of highway safety through an increase in parking taking place in unsuitable locations on the highway, taking account of the nature of the proposed development, the location of the site and the predicted number of parked vehicles arising from the development, which is considered to be significantly greater than the 20 spaces provided for. This is considered to be an adverse impact that would significantly and demonstrably outweigh the benefits of the proposed redevelopment of the site.

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

**69 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**

Consideration was given to the above application.

That the application be refused for the following reason:-

1. In the absence of an appropriate scheme to redevelop the site, the proposal is contrary to Local Plan policy BE4.

(The application was originally recommended for approval but in the light of the decision in relation to the previous application the recommendation was changed from one of approval to one of refusal).

**70 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**

Consideration was given to the above application.

(Parish Councillor Young, representing Adlington Parish Council, Duncan Grant representing Schoolfold Lane Residents Association and Rachel Whaley the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

For the reasons set out in the report that the application be approved subject to the 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
4. Register to be maintained by independent management company

(The meeting was adjourned from 4.21pm until 4.25pm).

(Prior to consideration of the following item, Councillors Miss C Andrew, Mrs H Gaddum and Mrs O Hunter left the meeting and did not return. In addition Councillors B Burkhill and D Mahon left the meeting and returned after the following item had been considered).

**71 12/3264T-APPLICATION TO PRUNE PROTECTED SCOTS PINE TREES AT YEW TREE HOUSE, WREXHAM ROAD, BULKELEY, CHESHIRE**

Consideration was given to the above application.

**RESOLVED**

That consent be granted to prune the protected Scots Pine trees in accordance with the agreed specification.

The meeting commenced at 2.00 pm and concluded at 4.26 pm

Councillor R West (Chairman)



Application No: 12/3418N

Location: LAND ON PYMS LANE, CREWE

Proposal: Develop site to provide a permanent car park with a total of 478 parking spaces

Applicant: Garth Roberts, Bentley Motors Ltd

Expiry Date: 03-Dec-2012

**SUMMARY RECOMMENDATION****APPROVE subject to conditions****MAIN ISSUES**

**Principle of Development**  
**Design Considerations and Landscaping**  
**Parking, Highway Safety and Traffic Generation**  
**Impact On Protected Species**  
**Impact on Residential Amenity**

**REFERRAL**

The application has been referred to Northern Planning Committee because the proposal is over 1ha in size and is a small scale major development.

**1. SITE DESCRIPTION**

This application relates to a 1.25 ha site situated to the north of the Pym's Lane opposite the site of Bentley Motors in Crewe. The front half of the site is currently used as a temporary car park for Bentley Motors with the remaining rear portion given over to rough grass.

The site is situated in-between an industrial unit occupied by a steel fabrication business to the west and an industrial unit and service yard to the east. The eastern and northern boundaries are defined by an access track which serves a water treatment works located to the northwest. To the north are open countryside designated fields.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation as designated in the Cheshire Waste Replacement Local Plan.

## **2. DETAILS OF PROPOSAL**

Full planning permission is sought to construct a permanent car park with a total of 478 parking spaces.

## **3. RELEVANT PLANNING HISTORY**

P07/1252 – Planning permission approved for temporary car park on 15<sup>th</sup> October 2007.

P06/0893 – Planning permission approved for temporary car park on 26<sup>th</sup> September 2006.

P01/0091 – Planning permission approved for temporary car parking on 22<sup>nd</sup> May 2001.

11/3181N - Planning permission To Use an Area of Land that is Currently Vacant as a Car Park for a 12 Month Temporary Period on 1<sup>st</sup> December 2011

## **4. PLANNING POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan Policy**

BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
TRAN.3 Pedestrians  
TRAN.8 Existing Car Parks  
TRAN.9 Car Parking Standards

### **Other Material Policy Considerations**

The Cheshire Replacement Waste Local Plan

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Environmental Health**

No objection subject to conditions relating to details of lighting, an updated Green Travel Plan, a scheme to minimise dust emissions during demolition / construction and an informative in respect of contaminated land.

### **Highways**

No objection

## **6. VIEWS OF THE TOWN COUNCIL**

N/A

## **7. OTHER REPRESENTATIONS**

None received

## **8. OFFICER APPRAISAL**

### **Main Issues**

The main issues in the consideration of this application are the suitability of the site, in principle, for use as a permanent car park, the partial loss of a waste site allocation, the impact that the proposals would have on the character and appearance of the area, highways and parking, ecological considerations and neighbouring amenity.

### **Principle of Development**

The principle of development within the settlement boundary is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The application proposes to provide a permanent car park in place of the existing temporary car park. The use of this land is for a purpose which is ancillary to the surrounding employment uses and is considered to be acceptable in principle when considering the proposal against the Crewe local plan.

However, owing to its location near to the Pym's Lane Household Waste and Recycling Centre, the site comprises part of a waste allocation (WM16B) in The Cheshire Waste and Minerals Local Plan. As such, the site has been considered suitable in principle for the development of a range of waste management facilities with the purpose of forming part of an integrated network of sites capable of making adequate provision for waste arising within Cheshire. Thus, the potential loss of part of this allocation for potential future waste management use needs to be considered.

The council's spatial plans section has confirmed that whilst the site subject of this application is partly within a waste allocation, the site is not actually safeguarded for waste use. The site is positioned in the middle of the allocation, in-between two well established built out industrial units. Additionally, the applicant already owns the entirety of the site. Taking these factors into account, it is unlikely that the site would come to fruition as a waste site and therefore the site is not considered deliverable in the short to medium term. Furthermore, the proposal would only amount to a partial loss of the allocation, and there is scope within existing adjacent allocations (WM16a to the southwest) to accommodate future waste proposals.

The Council's Waste Strategy Manager has confirmed that they are not aware of any future plans to extend the adjacent Pym's Lane Household Waste and Recycling facility into the allocation relating to this site and as such it is considered that this partial loss would not impact on the borough's strategic provision of waste sites.

Furthermore, it is important to acknowledge that the proposals will assist in the parking provision of Bentley Motors, a large local employer who are seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main and production areas of the plant to enable future growth. As such, there are clear benefits arising from the scheme that would support the principle of this development in line with local and national policy.

### **Design and Landscaping Considerations**

The frontage along Pyms Lane is already defined by an established hedgerow and as such the existing site is screened somewhat from the street. Except from the proposed access, it is proposed that the hedgerow will be retained and therefore from the street scene, it is not considered that the proposals will have a significantly greater visual impact than the current car park.

In respect of levels, there is a slight fall on the site from the front to the rear. The levels at the front portion of the site are fairly consistent but become more undulating on the rear portion of the site. The existing front car park and the rear portion of the site are separated by an existing 2 metre high bund. It is proposed to remove this bund and level the rear of the site. The submitted levels survey shows that this will require the removal of some material from the site. Some of the material can be used on site. It is not considered that the proposed levels would deviate significantly from the adjacent sites and as such the proposed amendments to the levels would not cause visual harm.

Having regard to pattern and character of the existing development in the area, in design terms, it is not considered that the proposals will harm the visual appearance of the site or surrounding area. Subject to appropriate landscaping of the boundaries, which could be secured by condition, it is considered that the proposal would be respectful to the surrounding landscape.

### **Parking, Highway Safety and Traffic Generation**

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

The development will increase parking available to the Bentley factory plant which is situated directly on the opposite side of Pyms Lane. The existing pedestrian environment is good as are cycle links and this proposal represents a small proportion of the overall parking provision at the Bentley plant. At this moment in time, the proposal is to accommodate existing demand and as such would improve existing parking provision.

The access to the site would be moved so that it is more centrally positioned along the site frontage. This would improve visibility to the site. The Strategic Highways Manager has

assessed the application and has no objection to the proposals. Consequently, the scheme is found to be in compliance with local plan policy BE.3.

### **Impact on Protected Species**

The Council's Nature Conservation has considered the application and visited the site. Having regard to the surroundings, the Nature Conservation Officer considers that bats are not reasonable likely to be present or affected by the proposed development provided that an existing mature tree at the rear of the site is retained. This is to the rear of the proposed car park and therefore could be reasonably retained as part of the a landscaping condition. There may be potential for breeding birds and therefore a condition relating to breeding birds is recommended. Consequently, the scheme is deemed acceptable in term of nature conservation considerations.

### **Impact on Residential Amenity**

The surrounding uses are predominantly commercial and industrial and therefore the proposal will not directly impact on the amenity afforded to any nearby residential uses. The scheme is therefore deemed to be compliant with local plan policy BE.1.

## **10. REASONS FOR APPROVAL**

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of additional parking for Bentley Motors, a large local employer. Whilst the site does form part of a site waste allocation in the Cheshire Waste Replacement Local Plan, it is considered that this partial loss would not impact on the borough's strategic provision of waste sites and the benefits of the scheme would outweigh this loss. The design of the proposals would not impact detrimentally on the character, appearance or landscaping of the site. The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways and parking and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

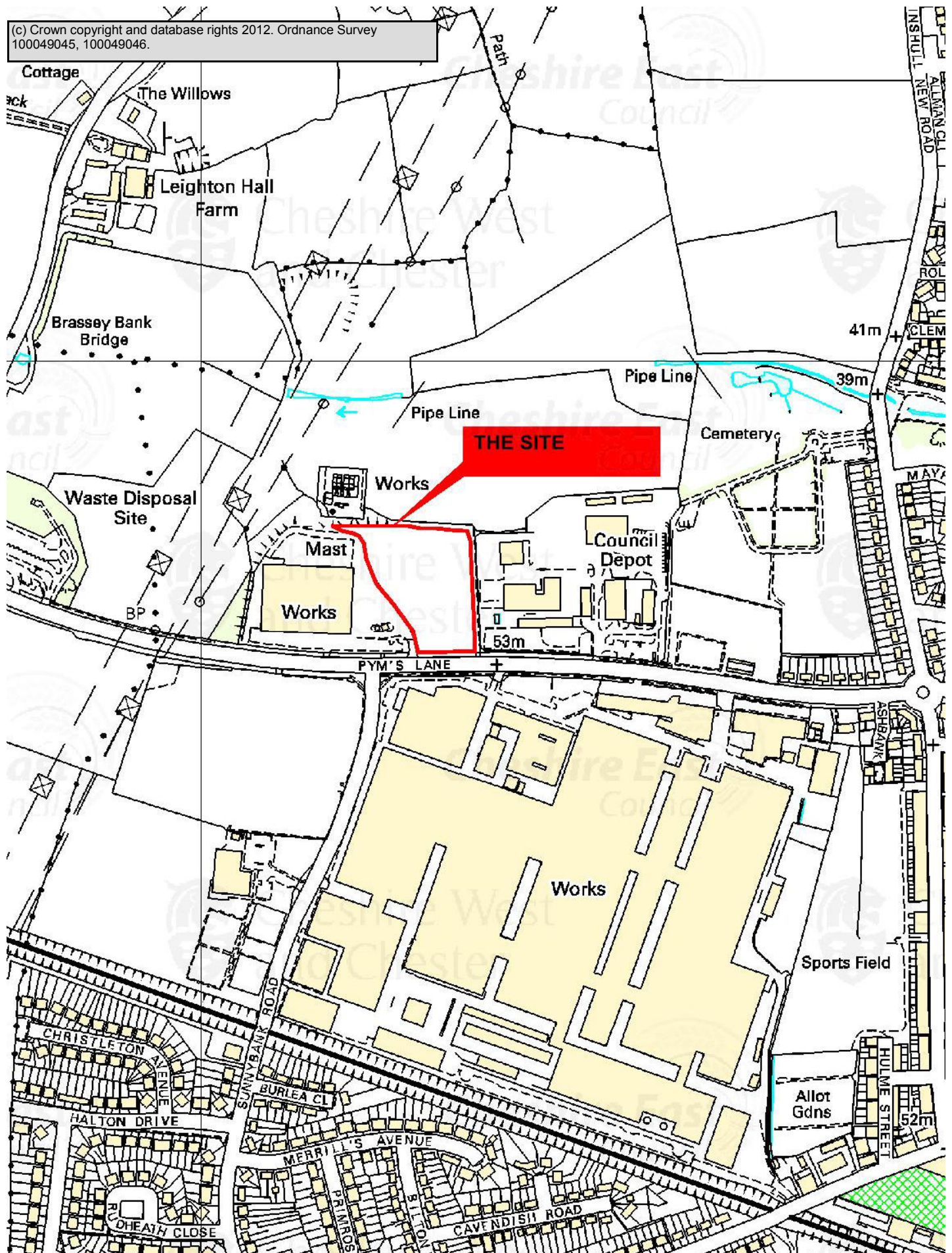
## **11. RECOMMENDATION**

**APPROVE** subject to the following conditions:-

- 1. Standard 3 year time limit**
- 2. Accordance with Approved Plans inc. Levels (unless any variation first agreed)**
- 3. Details of the proposed finishes and hard landscape treatments**
- 4. Landscaping submission – to include retention of boundary hedges and mature tree towards rear of site**
- 5. Landscaping implementation**
- 6. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 7. Scheme of Surface water Drainage to be submitted**
- 8. Construction of Access in accordance with approved plans**
- 9. Submission of Construction Method Statement**

- 10. Submission of details of scheme to minimise dust emissions during demolition**
- 11. Submission of details of external lighting**
- 12. Accordance with revised Green Travel Plan**

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Application No: 12/2631M

Location: LAND AT ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PF

Proposal: Use of land as a temporary car park

Applicant: Royal London Group

Expiry Date: 27-Aug-2012

**Date Report Prepared: 15.11.2012**

#### **SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

#### **MAIN ISSUES**

- Green Belt policy and 'very special circumstances'
- Design
- Impact on residential amenity
- Arboricultural and nature conservation issues

#### **REASON FOR REPORT**

The proposed has been referred to the Northern Planning Committee at the discretion of the Head of Planning & Policy due to the sensitive nature of the application.

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

The Royal London House site is a major developed site in the Green Belt and comprises numerous buildings and car parking areas. The temporary car park the subject of this proposal lies within a field to the north west of the developed site and is accessed from the main complex. The car park accommodates approximately 100 spaces and is finished in gravel. The site is relatively well screened by existing mature vegetation, with more open aspects to the east towards the railway line

Royal London Wilmslow first occupied the site in 1987 with an anticipated staffing level of 700 staff. Since then the site has grown; Royal London (RL) currently have 850 employees on site and there are currently approx. 200 people on site in the tenanted offices.

A separate application has been made for temporary flood-lighting on the site (12/4016M) (the flood-lights are already in-situ and have been for sometime).

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for use of land as a temporary car park (the temporary use being for a 7 year period). The car park exists at present following temporary consent granted in 2009 (09/0571M), that consent itself followed previous consents (see history, below)..

## **RELEVANT HISTORY**

- 97/1417P      Temporary car parking for 104 cars. Approved with conditions 21.08.1997
- 98/1532P      Retention of temporary car park for further 2 year period. Approved with conditions 16.09.1998
- 00/1738P      Renewal of 97/1417P for temporary car park. Approved with conditions 13.09.2000
- 02/2043P      Renewal of 00/1738P for a temporary car park. Approved with conditions 04.12.2002
- 04/1066P      Use of land for temporary car park. Approved with conditions 08.07.2004
- 09/0571M      Use of land for temporary car park. Approved with conditions, 1  
3.05.2009

## **POLICIES**

### **Macclesfield Borough Local Plan – saved policies**

DC1 Design  
DC3 Amenity

### **North West of England Plan Regional Spatial Strategy to 2021**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)  
DP7 (Promote Environmental Quality)  
RDF4 (Green Belts)  
RT2 (Managing Travel Demand)

### **National Planning Policy Guidance**

National Planning Policy Framework

## **CONSULTATIONS**

**Highways:**

No objections. The Highways Travel Plan Coordinator has stated the following:

*I have reviewed the final travel plan for Royal London...I am satisfied that this plan meets all requirements, and I have confidence that Royal London are committed to this plan.*

**Heritage & Design – Nature Conservation:**

No objections – No significant ecological issues associated with the application

**Heritage & Design – Forestry:**

No objections – No impact upon existing trees as a consequence of the application.

**Environmental Health:**

It is noted that the Environmental Health Officer was contacted to enquire if the Council has received any complaints regarding either the car park or the flood-lights. No complaints appear to have been received regarding either.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:**

Object and recommend the Council do not allow a 7 year extension to the temp car park. Recognise the importance of Royal London as a major employer in Wilmslow. Would welcome discussions regarding the way forward.

**Wilmslow Trust:**

Object to the application for the following reasons:

- Original permission lapsed; RL not adhered to conditions and have continued to use the car park without permission
- Impact on Green Belt
- Appears to represent an increase in capacity (fourfold) based on current usage with an increase in surfacing and lighting
- Granting a period of 7 years could lead to RL claiming 'customary usage' in the future

**OTHER REPRESENTATIONS**

36 No. representations have been received from individual members of the public and representation has been received from a Solicitor acting on behalf of "*clients who live in the vicinity of the site*". Details can be read on file, but a summary of the issues raised is provided below:

- The area should have been returned to agricultural use in May 2010; current use is in breach of permission
- Allowing a temp 7 year period will pre-empt the democratic process re future land use around Wilmslow

- Concerned that temp permission will eventually become permanent permission
- Green Belt land should be protected
- Area of temp car park is more than is required for current needs
- The period requested (7 years) is unreasonably wrong
- There is no justification for use of Green Belt for such purposes
- Contrary to Green Belt policy/legislation; no exceptional circumstances
- Concerned it could lead to further encroachment into the Green Belt
- RL need to make proper, long-term arrangements on site for parking
- Green Belt land being swallowed up by business
- Ample space within RL site to accommodate limited additional parking (eg. multi storey/underground car park)
- Not sustainable development (in context of the NPPF); delays finding sustainable alternatives
- Creeping urbanisation
- Concern that RL will eventually want to build houses on the plot
- Potential adverse impact on local parking is a “red herring” as parking restrictions have now been put in place in the surrounding area
- Alternative modes of transport need exploring
- Loss of view
- Loss of grazing land
- No evidence to support the company’s stated aim of implementing “green travel plan”
- Alternatives to the temp car park have not been fully explored
- The car park can be seen from nearby housing
- RL have had plenty of opportunity to implement the travel policy; RL has not met its obligations under the previous temporary consent, what is going to be different with this application?
- ‘Inappropriate development’ in the Green belt. Economic sustainability doesn’t constitute ‘very special circumstances’. No justification why 7 years required. Many RL employees do arrive by public transport. Working hours at RL are flexible, thereby reducing the number of car parking spaces needed. Alternatives not fully investigated. Displacement to surrounding residential streets does not now happen as restrictions have been put in place.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following supporting information, some of which was submitted during the course of the application in response to concerns raised by local residents and a request from the Officer:

- *Planning Supporting Statement*
- *Statement of Community Involvement*
- *Petition (pre application)*
- *Design & Access Statement*
- *Travel Plan (dated August 2012)*
- *Letter (dated 17/10/12) and accompanying Plan referring to alternative car parking options on site; Inspection Report (structural survey) of Two-Storey car park on site.*
- *Plans of Car Parks on site*

- *Info re Technical Note in respect of the Travel Plan*

Details of each of the documents can be read on file. However, key aspects from some of the documents will be extracted to summarise the proposed case below.

### ***Travel Plan***

- RL has occupied the premises since 1987, initially to accommodate 700 employees.
- The company has since grown through a process of acquisitions, resulting in sharp and immediate increases in staff levels, followed by stability and sometimes contraction.
- There are currently 850 RL employees on site; the number of RL staff on site has ranged from 700 to 1000 over the years.
- It is expected that the company will continue to grow (through additional acquisitions) with an associated need to accommodate staff members at Wilmslow. In this context RL wish to retain flexibility in use of what is referred to as the 'overspill car park', to ensure sufficient parking provision on site and avoid displacement to surrounding streets (which has happened in the past). This will enable RL to deal with step changes in staff numbers.
- RL is committed to a process of travel planning to manage demand for parking. Having first prepared a Travel Plan in 2008 the current Travel Plan demonstrates RLs commitment to manage parking demand through a shift to more sustainable modes of transport.
- The company has additional premises within the Wilmslow site which are leased to tenant companies.
- In total there are 742 parking spaces at the Wilmslow site, 156 of which are allocated to tenant companies. Hence, 586 spaces are available to RL staff. 10 of these spaces are reserved for visitors and 14 spaces for on-site contractors, leaving 562 spaces. 172 of these spaces are 'buddy spaces' (i.e. one vehicle parks behind/blocks in another vehicle) and 36 spaces are reserved for 'green commuters'.
- Of the 850 RL staff on the Wilmslow site all are allocated a parking permit. Hence, over-allocation of parking permits for the 562 spaces is 151%.
- In recent years RL has introduced a range of incentives to encourage sustainable travel, eg. car sharing (inc. cash incentives), bus shelter, access to information promoting alternative modes of travel, on-site cash point, internet café to allow internet shopping, refurbishment of shower & changing facilities, bicycle shelter, improved video and audio conferencing to reduce business travel, home working, prize draws (for 'green commuters' only), discount on local bus services, bike to work days, interest free season ticket loans, discounts at local outdoor clothing shops for regular walkers and cyclists.
- Despite all the above, existing travel behaviour and associated demand for car parking present a threat to the continued operation of the Wilmslow site. The existing Travel Plan has been prepared to challenge existing staff behaviour and support more sustainable travel choices. It is intended that implementation of the Travel Plan will reduce overall demand for parking at the Wilmslow site, so that use of the temporary parking area will no longer be required beyond the 7 years for which planning consent is sought.

- The Travel Plan (TP) includes information related to staff travel patterns, car parking provision & demand, TP objectives & targets, TP measures and initiatives to encourage car sharing/public transport use/cycling and reduce the need to travel, TP coordination, monitoring and review and the TP implementation plan.
- Surveys conducted on site (Jan-Mar 2012) regarding usage of the parking spaces illustrated a peak occupancy level of 595 spaces, of which 534 were RL staff, which equates to 95% of the available 562 spaces being used.
- The 534 figure equates to 63% of the 850 RL staff.
- However, in Jan 2011 a staff travel survey suggested that 765% of staff were single occupancy car users (an the staff numbers in Jan 2011 was around 730). Hence, it was concluded that business travel, staff absences and shift patters all impact on the number of vehicles on site.
- It is asserted that, with just 5% reserve capacity, the over-provision of parking permits and the extent of staff using the car as the preferred mode of transport, there is scope for the peak car park usage to increase leading to capacity issues.
- As noted, given that negotiations are currently on-going regarding future acquisitions, it is possible that RL staff numbers on site will experience a step increase again. In anticipation of this, RL wish to retain the flexibility to manage parking demand and avoid the possibility of capacity problems and displacement into the streets in the surrounding area. Hence, the application for the temporary car park.
- That said, RL are committed to a process of travel planning to manage demand for parking. The new Travel Plan demonstrates RLs commitment to this through encouraging a shift to more sustainable modes of transport.
- Table 5.1 in the Travel Plan shows the targets for a 3 year period (reduction in car driver usage, increase in car sharing/cycling/walking/use of public transport). The figures in this table suggest a reduction in RL staff car users of 51 over 3 years. The rate of change after this is expected to be slower. Hence, RL consider the period of 7 years is realistically what will be required to achieve the desired changes such that the temporary car park will no longer be required.

### **Technical Note**

- It is commonplace for a Travel Plan to have reduced impact after initial implementation.
- Targets were agreed with Council's Travel Plan coordinator.
- Longer term reductions in car use occur on a gradual basis, as opposed to more significant step-changes that occur in the initial stages of Travel Plan implementation (a view that concurs with the consultant's experience of Travel Plans [Atkins] and assumptions made within national studies).
- The Travel Plan will be monitored on an annual basis; any opportunities to maintain reductions in car use will be identified and targeted through revised Travel Plan measures. A 1% annual reduction in car use beyond the third year is considered to be reasonable.
- The *Technical Note* does not seek to retro-fit Travel Plan targets to match the stated ambition of closing the temporary car park after 7 years. The targets set would not reduce the demand for parking by 100 vehicles over a 3 year period. With diminishing gains over time the 7 year period for which consent is sought is considered to be a reasonable period of time within which to impact on the travel patterns of RL staff at the Wilmslow site and remove the need for continued use of the temporary car park.

### **Alternative car parking locations on site**

- RL are mindful that a number of objectors have raised the question regarding whether or not it would be possible for additional car parking to be accommodated within the existing RL site. Information is provided to address this issue. Three alternatives have been considered, referred to as Areas 1, 2 and 3.
- Area 1 – extension to existing decked car park. This car park has been examined by structural engineers in the past who concluded that *“The existing structure does not readily lend itself to the construction of a vertical extension and such a scheme would be a difficult undertaking.”* RL are of the view that an additional tier would be visually intrusive.
- Area 2 – land to the front of the existing buildings. The area sits in a prominent *“front of house”* location; the siting of a car park here is considered to be detrimental to RLs business activities. Also considered to be a significant intervention in the landform which would be harmful to the setting and character of the area. In addition a number of significant mature trees would be affected.
- Area 3 – land to the rear of the Royal London offices. This area can only be accessed by either passing close to a Grade II Listed Building or via the existing Emergency Vehicle Access, which is not suitable in its current form for regular vehicular access. Alterations to the access would involve radical earthworks to the banked land and loss of a large number of trees and planting. It is considered this would affect the setting and character of a heritage asset.
- Thus, RL considers that all 3 options are inappropriate and unsuitable for the reasons outlined.

### **OFFICER APPRAISAL**

#### **Principle of Development**

In principle, the proposed is contrary to National Planning Policy/Guidance in respect of Green Belt policy as outlined in the NPPF. The proposed constitutes inappropriate development in the Green Belt and therefore very special circumstances have to be demonstrated to overcome the harm caused by inappropriateness (and any other identified harm).

#### **Design**

The physical layout, materials used and access to the site have all been deemed to be acceptable from a design point of view in previously approved applications. There are no justifiable reasons to reach a different decision about design within this application.

#### **Impact on residential amenity**

As the nearest residential properties are over 70m away from the site it is considered that there are no residential amenity issues arising from the application.

#### **Arboricultural and nature conservation issues**

As noted above, no issues arising from the application.

## **Green Belt and very special circumstances**

### **NPPF**

Since determination of the last application (09/0571M) the significant policy/guidance change that has come into effect is the National Planning Policy Framework (NPPF). Key extracts from the NPPF which have a significant bearing on the appraisal and determination of the application will be provided below:

*The purpose of planning is to help achieve sustainable development.*

*There are three dimensions to sustainable development: economic, social and environmental...The economic role is about...contributing to building a strong, responsive and competitive economy...The environmental role is about...contributing to protecting and enhancing our natural, built and historic environment...These roles should not be undertaken in isolation...*

*Pursuing sustainable development includes (amongst other things)...making it easier for jobs to be created in cities, towns and villages...*

*A set of core land use planning principles underpin plan-making and decision-taking, which include (amongst many other things)...protecting the Green Belts...and actively managing...patterns of growth to make the fullest possible use of public transport, walking and cycling...*

*Delivering sustainable development involves building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity...ensuring that the planning system does everything it can to support economic growth...significant weight should be placed on the need to support economic growth...*

*Transport policies have an important role to play in facilitating sustainable development...The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel...Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion... A key tool in achieving a move towards increasing sustainable transport modes is a Travel Plan.*

*The Government attaches great importance to Green Belts...New buildings and other forms of development that do not preserve openness or conflict with the purposes of including land within the Green Belt constitute inappropriate development in the Green Belt...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 potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

### **Green Belt Assessment**

The process to go through to assess impact on the Green Belt is as follows:



1. Is the proposal appropriate or inappropriate development? If it is concluded to be inappropriate then it will cause substantial harm.
2. As well as the harm caused due to inappropriateness, is there any additional harm (eg. impact on openness, impact on visual amenity, any threat to the purposes of including land within the Green Belt)?
3. What are the considerations in favour of the proposal?
4. Do those considerations clearly outweigh the identified harm to the Green Belt?
5. If the answer is yes to the last question, then very special circumstances may be considered to exist.

### **Officer appraisal of the case presented**

It is considered that appraisal of this application comprises consideration of 3 key policy areas identified in the NPPF: 1) protecting the Green Belt; 2) supporting economic growth and 3) promoting sustainable transport modes.

It is accepted by all concerned that the proposed temporary car park constitutes inappropriate development in the Green Belt - a material change of use of the land which does not maintain openness. It is also considered that the car park has a degree of impact on visual amenity (though limited) and constitutes encroachment into the Green Belt. Hence, the proposed would be contrary to Green Belt policy as outlined in the NPPF. Consequently, very special circumstances need to be presented that outweigh the harm identified.

It is considered that Royal London is committed to its Travel Plan and is seeking to assist employees to reduce car usage and increase use of other modes of sustainable transport (it was noted above that CE Travel Plan Coordinator has confidence that RL are committed to the Travel Plan). With increased experience of Travel Planning in recent years RL consider the 7 year period for which consent is sought is considered to be a reasonable period of time within which to impact on the travel patterns of RL staff at the Wilmslow site and remove the need for continued use of the temporary car park. The aim of increasing sustainable modes of transport is consistent with NPPF policy of promoting sustainable modes of transport and reducing greenhouse gas emissions.

It is noted that RL have not pursued the concept of additional permanent car parking within the site and remain instead committed to the temporary option with the aim of returning the area of land back to grazing land. Although RL has submitted some information regarding alternative areas within the site that may be used for parking (concluding that, for one reason or another, the various areas are not suitable), it is considered by the Officer that the assessment of such alternatives has not been sufficiently robust to be able to conclude that such alternatives are definitely not suitable or feasible.

It is acknowledged by the Council that RL are a major employer within the Wilmslow area and indeed the Borough of Cheshire East; as such it makes a significant economic contribution to the area. It is also acknowledged that the continued economic well-being of the company is likely to involve further growth through, for example, further acquisitions. Consequently, the number of employees on site is likely to fluctuate. Using the planning system to achieve growth is a core theme of the NPPF.

The array of figures presented in the Travel Plan indicates the complexity of the tasks of analysis and target setting related to travel modes. However, the key figures referred to suggest that the existing permanent car parking capacity on site is not sufficient to accommodate the existing potential, and highly likely increased, demands for car parking on site. As such, a solution is required to the problem in order to a) prevent the possibility of displacement and b) support the company's desire for growth.

It is acknowledged that some parking restrictions have been introduced in some streets within the vicinity of the site. It is considered that the problem of displacement of vehicles from the RL site into neighbouring residential areas does not appear to have been a significant problem in recent times. However, it is also considered that displacement could be an issue if step changes in staffing levels occur at the RL site and the demand for car parking spaces on site cannot be met.

The applicant asserts that very special circumstances exist that outweigh the harm to the Green Belt identified. Thus:

*The economic benefits to the Borough through the provision of employment on site are significant...and are considered to amount to very special circumstances.*

*The continued economic well being of Royal London is integral to the community and economy of Wilmslow.*

It is also noted that the economic benefits have been accepted as amounting to very special circumstances when the Council have determined previous applications.

In weighing up the competing issues of protecting the Green Belt, supporting economic growth and promoting sustainable modes of transport, it is considered that Royal London, through the comprehensive Travel Plan, are committed to achieving a reduction in car usage and an increase in sustainable modes of transport. It is also considered that the operational needs of the company require the flexibility of having a temporary car park in order to achieve growth. It is considered that as the application is for a temporary period the long term impact on the Green Belt is protected. Hence, on balance, it is considered that the case presented does constitute very special circumstances that outweigh the harm caused to the Green Belt by inappropriateness and the other harm identified.

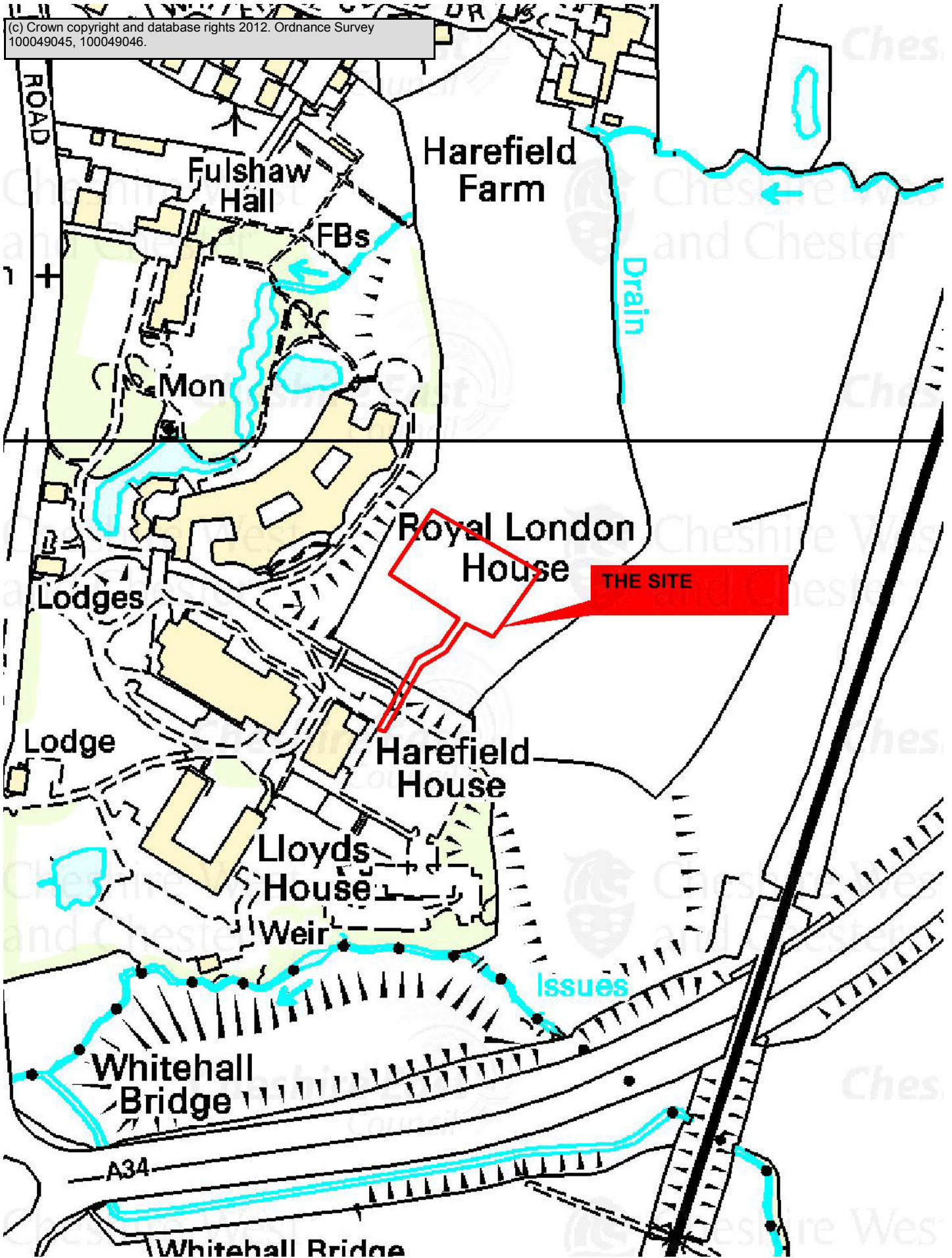
That said, the 7 year period of temporary consent that has been applied for is considered to be too long. The figures presented in the Travel Plan (re reduction in car usage over the coming years and increase in other modes of sustainable transport) are based on the current RL employee figures. The key aspect of the very special circumstances presented is to allow the company to grow and increase the number of employees located at the Wilmslow site. Assuming this then will happen, the Travel Plan will have to be revised (following annual review) to accommodate the change in number of employees. Hence, it is not guaranteed that at the end of the 7 year period the company will have achieved the changes required to be able to manage demand for car parking on the Wilmslow site without the temporary car park. Therefore it is recommended that consent be granted for a temporary period of 3 years, at the end of which RL and the LPA will have to conclude if a temporary solution is going to work or if a permanent solution will need to be found.

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

The proposal constitutes inappropriate development in the Green Belt. However the specific circumstances regarding the short-term use of the car park and the interests of economic sustainability, promotion of sustainable modes of transport and long term protection of the Green Belt are considered to amount to very special circumstances that would outweigh the harm to the Green Belt by virtue of inappropriateness, visual impact and encroachment in this instance. As such, a temporary consent of 3 years is recommended for approval subject to conditions.

**RECOMMENDATION:** Approve subject to following conditions

1. Temporary use



Application No: 12/4016M

Location: LAND TO THE REAR OF ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PF

Proposal: Retrospective planning consent for temporary lights to illuminate existing temporary car park

Applicant: Royal London Group

Expiry Date: 25-Dec-2012

**Date Report Prepared: 15.11.2012**

**SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

**MAIN ISSUES**

- Green Belt policy and 'very special circumstances'
- Design
- Residential amenity
- Ecology

**REASON FOR REPORT**

The application has been referred to the Northern Planning Committee at the discretion of the Head of Planning & Policy. An associated application (12/2631M – use of land as temporary car park) related to the same site has also been referred to the committee, due to the sensitive nature of the application. It is considered appropriate to deal with both applications on the same agenda as the temporary floodlights applied for are directly related to the temporary car park applied for.

**DESCRIPTION OF SITE AND CONTEXT**

The Royal London House site is a major developed site in the Green Belt and comprises numerous buildings and car parking areas. The flood lights are used to illuminate the temporary car park (the subject of application 12/2631M), which is sited within a field to the north west of the developed site. The car park and lights are already in situ and have been for some time. The site is relatively well screened by existing mature vegetation, with more open aspects to the east towards the railway line

**DETAILS OF PROPOSAL**

The application seeks retrospective planning permission for temporary lights to illuminate the temporary car park applied for (12/2631M). There are 6 No. CE 70 Watt, 240v IP Rated floodlights affixed to 75mm diameter steels posts, 3.8m high, sited around the perimeter of the car park. The lights have been in situ for some time.

## **RELEVANT HISTORY**

- 97/1417P      Temporary car parking for 104 cars. Approved with conditions 21.08.1997
- 98/1532P      Retention of temporary car park for further 2 year period. Approved with conditions 16.09.1998
- 00/1738P      Renewal of 97/1417P for temporary car park. Approved with conditions 13.09.2000
- 02/2043P      Renewal of 00/1738P for a temporary car park. Approved with conditions 04.12.2002
- 04/1066P      Use of land for temporary car park. Approved with conditions 08.07.2004
- 09/0571M      Use of land for temporary car park. Approved with conditions, 1  
3.05.2009

## **POLICIES**

### **Macclesfield Borough Local Plan – saved policies**

DC1 Design  
DC3 Amenity  
DC64 – Floodlighting

### **North West of England Plan Regional Spatial Strategy to 2021**

DP1 (Spatial Principles)  
DP2 (Promote Sustainable Communities)  
DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)  
DP7 (Promote Environmental Quality)  
RDF4 (Green Belts)  
RT2 (Managing Travel Demand)

### **National Planning Policy Guidance**

National Planning Policy Framework

## **CONSULTATIONS**

**Highways:**

No comments received to date. However, it is anticipated that there will be no highways reasons to object.

**Heritage & Design – Nature Conservation:**

No comments received to date. However, it is anticipated that there will be no ecological reasons to object.

**Heritage & Design – Forestry:**

No comments received to date. However, it is anticipated that there will be no Arboricultural reasons to object.

**Environmental Health:**

No objections to the floodlighting proposed.

It is also noted that the Environmental Health Officer was contacted to enquire if the Council has received any complaints regarding either the floodlights that have been in place for some time or the car park. No complaints appear to have been received regarding either.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:**

No comments received to date

**OTHER REPRESENTATIONS**

1 No. representation has been received to date. The objections expressed are: Lights not necessary; light pollution; impact on Green Belt. The author also suggests that the lights applied for are **additional** to the ones that are there. However, it needs to be made clear that the application is for the lights that already exist. No additional lights are proposed.

**OFFICER APPRAISAL**

**Principle of Development**

In principle, the proposed is contrary to National Planning Policy/Guidance in respect of Green Belt policy as outlined in the NPPF. The proposed constitutes inappropriate development in the Green Belt and therefore very special circumstances have to be demonstrated to overcome the harm caused by inappropriateness (and any other identified harm).

**Design**

The design of the lights (basically a 3.8m high steel pole with 2 No. lights of the top) is considered to be acceptable.

**Impact on residential amenity**

As the nearest residential properties are over 70m away from the site it is considered that there are no residential amenity issues arising from the application. As noted above, the Environmental Health Officer has noted that the Council does not appear to have received any complaints about the lights.

### **Arboricultural and nature conservation issues**

As noted above, no issues arising from the application.

### **Green Belt and very special circumstances**

A detailed discussion regarding the NPPF and protection of Green Belt is presented in the report for the temporary car park (12/2631M). Suffice to state here that the proposed lights are considered to be inappropriate development in the Green Belt (as they do not preserve openness). The lights also impact on visual amenity and constitute encroachment into the Green Belt. For these reasons the application should be refused, unless very special circumstances can be demonstrated that clearly outweigh the harm caused by inappropriateness and the other harm identified.

As noted in the report for the temporary car park, in weighing up the competing issues of protecting the Green Belt, supporting economic growth and promoting sustainable modes of transport, it is considered that Royal London, through the comprehensive Travel Plan, are committed to achieving a reduction in car usage and an increase in sustainable modes of transport. It is also considered that the operational needs of the company require the flexibility of having a temporary car park in order to achieve growth. The flood lights that are the subject of this application are considered to be a reasonable requirement to illuminate the car park area, particularly for safety reasons. Hence, in the same way that the temporary car park has been recommended for approval, it is considered that as the application is for a temporary period the long term impact on the Green Belt is protected. Hence, on balance, it is considered that very special circumstances exist that outweigh the harm caused to the Green Belt by inappropriateness and the other harm identified.

It is noted that the temporary period recommended for the car park is 3 years. As such it is recommended that the temporary consent for the lighting should also be for a 3 year period to coincide with this.

### **Recommended conditions**

It is recommended that the lights be removed from the site at the end of the temporary 3 year period. It is also recommended that the lights shall not be used between the hours of 2200 and 0600 on any day (to minimise light pollution).

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

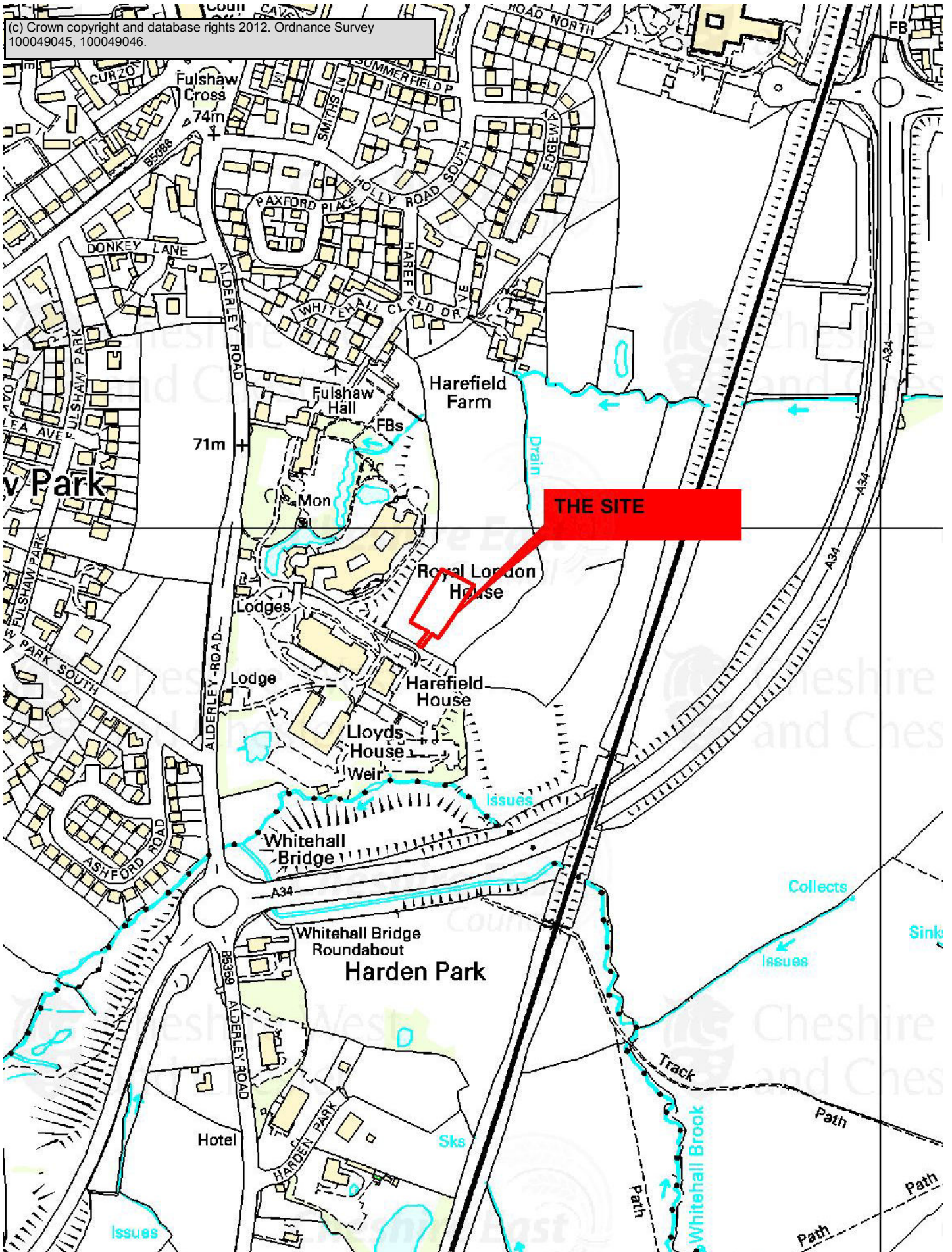
The proposal constitutes inappropriate development in the Green Belt. However the specific circumstances regarding the short-term use of the car park and the floodlights and the interests of economic sustainability, promotion of sustainable modes of transport and long term protection of the Green Belt are considered to amount to very special circumstances that



would outweigh the harm to the Green Belt by virtue of inappropriateness, visual impact and encroachment in this instance. As such, a temporary consent of 3 years is recommended for approval subject to conditions.

RECOMMENDATION: Approve subject to following conditions

1. Removal of floodlights
2. Hours of use



Application No: 12/3671M

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

Proposal: Redevelopment of existing golf club comprising demolition of clubhouse and associated buildings, erection of single detached dwellinghouse with ancillary granny annex, detached garage building, landscaping, associated external works and retention of existing 9 hole golf course for use in connection with the enjoyment of the proposed county manor house dwelling (resubmission of application reference 12/0596M).

Applicant: Ollerton Leisure LLP

Expiry Date: 06-Dec-2012

**Date Report Prepared:** 19 November 2012

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

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

#### **REASON FOR REPORT**

This application is referred to Committee at the discretion of the Development Management and Building Control Manager. The previous application for a dwelling on the site was determined by Northern Planning Committee on 15 August 2012.

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

The application site comprises part of Mobberley Golf Club, an existing 9 hole golf course located in a relatively isolated rural location in the Green Belt. The application site contains

the existing vehicular access off Burleyhurst Lane, the existing car park, club house and green keepers shed. The existing club house is a modest single storey brick building containing limited office facilities at first floor in the roofspace. The green keepers shed is located to the rear of the clubhouse, adjacent to the car park and has the appearance of an agricultural building, constructed from a brick plinth with timber boarding above under a corrugated roof.

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

## **DETAILS OF PROPOSAL**

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

A number of amendments have been made to the proposal following the refusal of the previous application for a dwelling in August 2012. The main changes made are listed below:

- Reduction in size of the proposed dwelling, including a reduction in floorspace from 1013 sq metres to 528 sq metres (excluding garden building)
- Further reduction in the area of hardstanding from 1164 sq metres to 94 sq metres
- Removal of basement from the dwelling
- Reduction in size of attached garage from two storey to single storey
- Reduction in size of detached coach house and gardeners store
- Detached coach house and gardeners store moved slightly closer to the house and away from the site boundary to the north

## **RELEVANT HISTORY**

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

12/0596M - REDEVELOPMENT OF EXISTING GOLF CLUB COMPRISING DEMOLITION OF CLUBHOUSE AND ASSOCIATED BUILDINGS, ERECTION OF SINGLE DETACHED COUNTRY MANOR HOUSE WITH ANCILLARY GRANNY ANNEX, DETACHED GARAGE BUILDING, LANDSCAPING, ASSOCIATED EXTERNAL WORKS AND RETENTION OF EXISTING 9 HOLE GOLF COURSE FOR USE IN CONNECTION WITH THE ENJOYMENT OF THE PROPOSED COUNTRY MANOR HOUSE DWELLING.

Refused 20.08.12

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

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

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

## **POLICIES**

### **Regional Spatial Strategy**

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

### **Local Plan Policy**

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

### **Other Material Considerations**

National Planning Policy Framework (NPPF) 2012.

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

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

**Strategic Highways and Transportation Manager:** no objections.

**Environmental Health:** no comments received to date.

**Manchester Airport:** no safeguarding objections.

**Public Rights of Way Unit:** object – the proposal affects public footpath Mobberley No.55. A diversion Order for this footpath has been granted by the Planning Inspectorate. The new definitive line of the footpath will be obstructed by the proposed development and the PROW team considers that they therefore have no option but to object to application. If however the applicant's applied to re-divert the path back to the original line, this would overcome the objection.

If the application is approved, consideration should be given to the upgrading of existing and suitable footpaths on the site for use by cyclists and horse riders.

**Sport England:** do not wish to comment.

**United Utilities:** no objection.

**Leisure Services:** no comments received to date.

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

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

## **OTHER REPRESENTATIONS**

Representations have been received from the occupiers of two nearby properties in relation to the application. The main points raised in representation are summarised below:

- Can see no material difference between the revised application and the refused one
- Ask that concerns and comments made in relation to the refused application be taken into account
- Worry that this is a back door way of extending the clubhouse without any of the conditions attached to the previous applications
- Support the building of the house if this ensures that the driving range is not built
- Query whether a risk assessment would need to be produced to point out to prospective purchasers the dangers of flying golf balls

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning Statement, Design & Access Statement (including visual impact assessment), a Landscape & Visual Assessment Overview, a tree survey and ecological report have all been submitted in support of the application and can be viewed in full on the Council's website.

The Planning Statement sets out what changes have been made to the proposal following the refusal of the previous application for a dwelling on the site. In the view of the applicant, the development is an acceptable form of development in the Green Belt which would not have any greater impact on openness or on the purposes of including land in the Green Belt.

## **OFFICER APPRAISAL**



## Principle of Development

As stated, the site lies in the Green Belt. Paragraphs 79 to 92 of the NPPF deal with the Green Belt and allow for the erection of new buildings and certain other forms of development subject to criteria outlined within the relevant paragraphs. Paragraph 87 states “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. New development can therefore be acceptable in principle in the Green Belt subject to relevant criteria and subject to compliance with other relevant policies relating to design, amenity, nature conservation, housing and highways.

With regard to the loss of the golf course for public use, paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Whilst the golf course isn't being built on, it would no longer be available for public use should the proposed development take place. There are numerous golf clubs and facilities within the immediate surrounding area and as such it is not considered that an objection could be raised to the loss of the public golf facility at Mobberley.

## Policy

### Green Belt

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

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

The application site is considered to be brownfield. The proposal would involve the partial redevelopment of the existing golf course. The existing club house, green keepers shed, access and car park would be affected by the proposal together with small areas of adjacent ancillary land that forms part of the wider site. The existing buildings on the site would be replaced by the dwelling, detached coach house and gardeners store. According to figures submitted by the applicant, the floorspace of existing buildings/structures on the site is 528 sq metres, with the floorspace of the proposed (excluding the garden building) being 528 sq metres (i.e. no greater than existing). This is a reduction of 485 sq metres since the previously refused scheme. The ridge height of the main part of the dwelling remains as originally submitted and is 1m higher than the clubhouse ridge with the eaves height being 2m higher than existing. The position of the detached coach house and gardeners store has been amended since the previous application and is now slightly closer to the dwelling. There has also been a further reduction in the area of hardstanding on the site since the previous application. This would now be 947 sq metres compared with 3328 sq metres existing (previous scheme was 1164 sq metres).

When considering the previous application, it was considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development on site. However, having regard to the changes that have been made to the proposal and the consequent reduction in the scale and appearance of the proposed dwelling and associated development, it is now considered that the proposal would comply with the requirements of paragraph 89 of the NPPF in that it is not considered that it would have a greater impact on the openness of the Green Belt than the existing development on site.

With regard to the purposes of including land within the Green Belt, when considering the previous application there was some concern that the proposal would involve encroachment. This concern has been addressed in the Planning Statement submitted in support of the application. This emphasises that the proposed development would be entirely built within the envelope of the existing built form of the golf club complex of buildings and areas of hardstanding and that there would be no encroachment in the open countryside. Having regard to this and to the fact that the scale of both the proposed buildings and the proposed area of hardstanding has been reduced, it is not considered that a reason for refusal based on encroachment could be sustained.

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

Existing screening along the site boundary with Burleyhurst Lane and to the west of existing buildings on site means that views of application site from the road are limited, particularly during the summer months. Similarly views are limited from the track to Hollingee (FP 56), though there are some gaps in the existing screening allowing some views into the site from the east. However, the site is highly visible from the public footpath which runs to the south of the site (FP 55).

When dealing with the previous application there was concern about the impact of the scale of building proposed on the visual amenity of the area and about the somewhat squat proportions of the dwelling. It is considered that the reduction in scale of the dwelling has addressed previous concerns regarding the visual impact of the dwelling and associated development. With regard to the design and the squat proportions, whilst some concern



remains regarding this issue, it is not considered that the proposal is refuseable on design grounds.

### **Ecology**

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

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

The Council's Nature Conservation Officer raises no objections subject a legal agreement/condition requiring ecological enhancement of the retained golf course.

### **Highways**

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

The Strategic Highways and Transportation Manager raises no objections to the proposal noting that traffic generation from the site would reduce.

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

### **Public rights of way**

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

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

### **Trees and Landscaping**

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

Whilst it appears that most of the trees and landscaping on the site would be retained, with the exception of some privet hedging and Leylandii in the vicinity of the club house and car park, there was some concern raised when dealing with the previous application regarding the close proximity of the proposed detached coach house and gardeners store to boundary hedging and trees. An attempt appears to have been made to address this issue by re-positioning the building further away from the boundary. In any event, additional information submitted during the course of the previous application adequately demonstrated that, subject to the imposition of appropriate conditions, the proposal would not result in an unacceptable loss of trees and boundary screening. No objections are therefore anticipated from the forestry officer.

### **Amenity**

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

### **Other Matters**

Should Committee be minded to approve the application, a S106 legal agreement is considered to be required to include the following Heads of Terms.

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

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

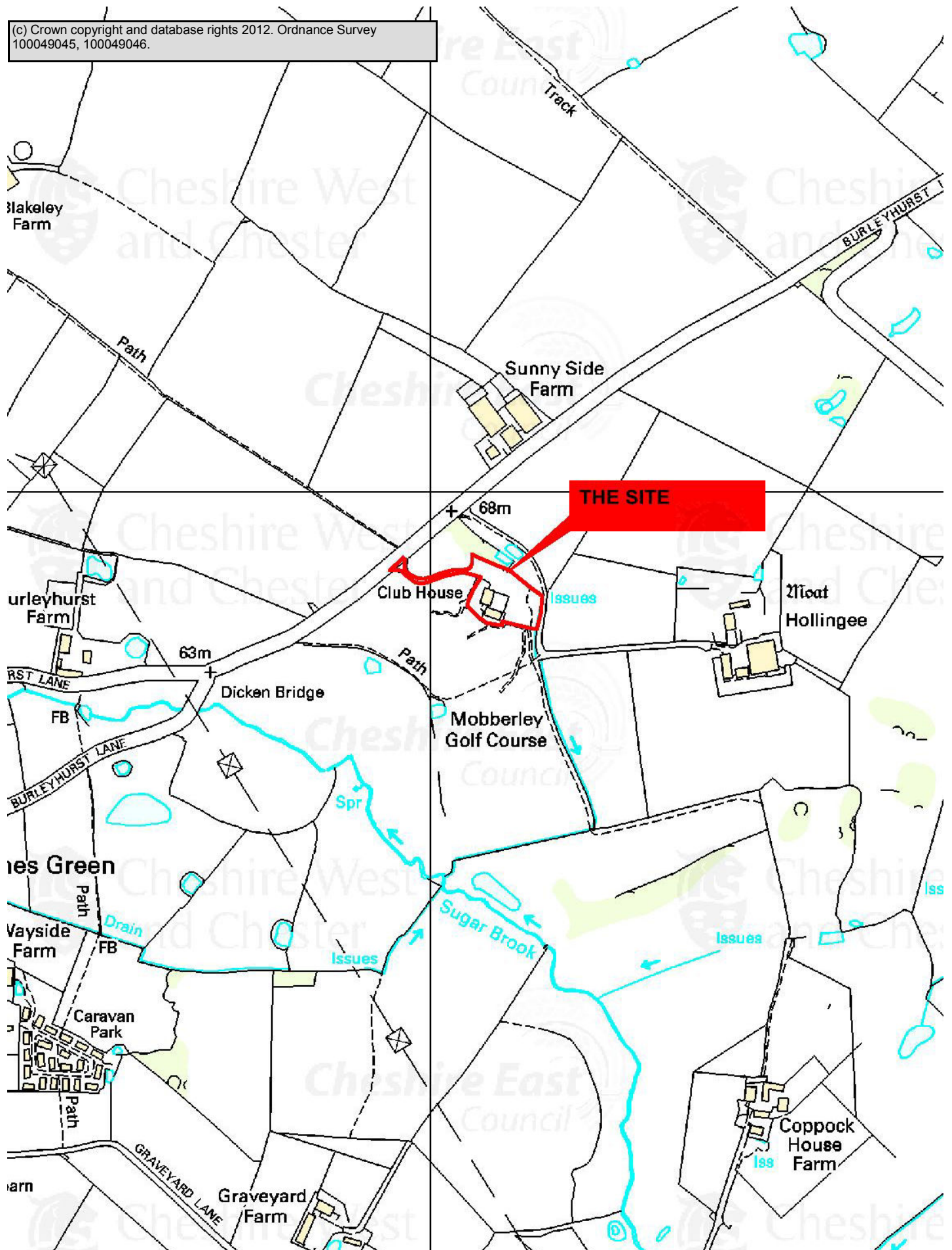
Significant amendments have been made to the proposal following the refusal of a previous application for a dwelling on the site in August 2012 (12/0596M). As a result it is considered that the amended proposal would not have an adverse impact on the openness of the Green Belt and visual amenity of the area. Similarly the proposal would not conflict with the purposes of including land in the Green Belt. No concerns are raised with regard to amenity, ecology, highways or trees. The proposal is therefore recommended for approval.

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

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

3. Submission of samples of building materials
4. Removal of permitted development rights
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Submission of landscape/woodland management plan
8. Implementation of ecological report
9. Tree retention
10. Decontamination of land
11. Submission and implementation of ecological enhancement of the golf course

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Application No: 12/3280M

Location: QUARRY BANK MILL, QUARRY BANK ROAD, STYAL, CHESHIRE, SK9 4LA

Proposal: Construction of a new fish & eel pass, and hydro electric power scheme adjacent to Styal Weir on the Bollin at Quarry Bank Mill

Applicant: Tom Slater, National Trust

Expiry Date: 23-Oct-2012

**Date Report Prepared: 25 October 2012**

#### **SUMMARY RECOMMENDATION**

Approval subject to the views of the Council's Nature Conservation Officer.

#### **MAIN ISSUES**

- Impact on the character and appearance of Styal Conservation Area and the setting of Quarry Bank Mill, Grade II\* Listed;
- Impact on the openness of the Green Belt;
- Impact on Protected Species and Protected Trees.

#### **REASON FOR REPORT**

This application relates to Quarry Bank Mill, which is designated as Grade II\* Listed. Due to the nature of the proposed development it is considered appropriate for the application to be determined by Members of the Northern Planning Committee.

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

This application relates to land positioned upstream of Quarry Bank Mill, south of Styal Weir. This is referred to as an 'island' as it is surrounded by water to the north, south and west. The site slopes steeply to the north and is largely overgrown.

The site is situated within Styal Conservation Area, an Area of Special County Value and is blanketed by the North Cheshire Green Belt.

#### **DETAILS OF PROPOSAL**

Approval is sought for the installation of a hydro electric system to provide energy for the mill, a fish pass to enable fish to migrate up the Bollin and a temporary access road and site compound during the construction phase.

This is a partnership project between The Environment Agency and The National Trust.

#### **RELEVANT HISTORY**

There is no site history relevant to the determination of this proposal.

## **POLICIES**

### **Regional Spatial Strategy**

DP1	Spatial principles applicable to development management
DP2	Promote sustainable communities
DP7	Criteria to promote environmental quality
DP9	Reduce emissions and adapt to climate change
EM17	Renewable energy
RDF2	Rural area

### **Local Plan Policy**

BE1	High standards of design
BE2 & BE3	Preservation of historic fabric and the character of the Conservation Area
BE16	Development affecting the setting of a Listed Building
NE1	Areas of Special County Value
NE2	Protection of landscapes
NE11	Nature conservation
GC1	New buildings in the Green Belt
DC1	High quality design for new build
DC3	Protection of the amenities of nearby residents
DC6	Circulation and access
DC13	Noise
DC62	Renewable energy

### **National Planning Policy Framework**

Chapter 7	Requiring good design
Chapter 9	Protecting Green Belt land
Chapter 11	Enhancing the natural environment
Chapter 12	Conserving and enhancing the historic environment

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

**Manchester Airport:** No objection subject to an informative to advise the applicant that a 'crane permit' should be obtained, if necessary, from Manchester Airport Airfields Operations at least 1 month in advance of requiring the use, or erection of, a crane or tall construction equipment.

**Environmental Health:** No objection.

**English Heritage:** No objection.

**The society for the Protection of Ancient Buildings:** No objection.

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

**Styal Parish Council:** No objection.

## OTHER REPRESENTATIONS

No representations have been received at the time of preparing this report.

The last date for comments expired 20<sup>th</sup> October 2012.

## APPLICANT'S SUPPORTING INFORMATION

This application is supported by the following documentation:

- **Design and Access Statement;** this document outlines the necessity of the scheme, an assessment of the design and scale of the structures, details of the environmental benefits, sustainability justification, flood risk, landscape and access;
- **Heritage Impact Assessment;** this document provides an overview of the historical context of the site. It looks at the significance of the proposal and outlines the pros and cons of five options considered prior to submission;
- **Ecological Report;**
- **Flood Risk Assessment;**
- **Hydro-Electricity Scheme Noise Assessment;**
- **Construction Method Statement.**

Full copies of each of these documents are available to view on the application file.

## OFFICER APPRAISAL

### Policy

Paragraph 12 of the National Planning Policy Statement (NPPF) states that the "*National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.*"

When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Borough Council policies, although saved in accordance with the 2004 Act are not adopted under it.

Consequently following the guidance in paragraph 215 '*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. All of the policies listed are considered consistent with those of the NPPF and should be given due weight.

### Design and Conservation

This application is a combined project comprising of a Fish Pass and a Hydro Electricity scheme. Both elements of the project have been carefully designed and considered to take account of the site and wider surroundings.

The proposed Fish Pass comprises a stepped trench set within the bank, running from the south-west to the north-east enabling fish to travel along the pass to reach the upper stretches of the Bollin. The Hydro system would sit adjacent to the Fish Pass and would comprise a submerged pipe that would lead to a turbine located on the north-eastern side of the island.

The Fish Pass and Hydro system would be served by water entering a purpose built 'intake' structure that would be constructed within the river bank on the south-western side of the island.

For the most part the Fish Pass, Hydro system and purpose built 'intake' would be either at, or below ground level and as such would be largely unobtrusive within the wider area.

The pipe serves the turbine as the water re-enters the river to the south-west. Generated electricity is to be fed back into the Mill by a submerged cable that would be below the proposed footpath running north-east from the site to the Mill building. Turbulence in the water generated by the turbine would attract fish and other creatures to the fish pass and away from the Weir.

The Turbine is to be enclosed within a building, positioned on the bank, on the southern side of the island approximately 32m east of the Weir. The building would measure approximately 5.1m above the existing water level, and approximately 3m in height when measured from the highest adjacent ground level. The site slopes steeply south to north and the structure would be positioned below the main footpath. It would sit against the backdrop of the bank and for that reason would not appear visually intrusive to views from the 'Meadow' opposite or from Quarry Bank Mill.

It is proposed to clad the building in concrete render to ensure durability taking account of the high possibility of flooding and constant spray from the Weir. Though concrete, as a material, can appear industrial; due to the proximity of the building to the water this material will age and green over in time. The use of concrete as a functional engineering requirement along the river bank would not be unique.

### **Conservation**

Local Plan policy BE3 comments that *development will only be permitted on or adjoining a Conservation Area which preserves or enhances the character or appearance of the Conservation Area. Special attention will be paid to matters of bulk, height, materials, colour and design.* Additionally, Local Plan policy BE16 advises that *development which would adversely affect the setting of a Listed Building will not normally be allowed.*

Historically, the 'island' acted as a viewing platform allowing uninterrupted views of the Mill and the adjacent Meadow. This is evident through photographic records. The project as a whole will re-instate the 'island' as a viewing platform of the Mill, which is to be achieved through the removal of a number of trees. Trees on the site are self seeded and are of limited value. Taking account of the historical context of the site, it is considered that these trees currently detract from the setting of the Listed Building and their removal would not be considered unduly harmful.

Associated footpaths and handrails have been designed to be consistent with those already present on the estate and are considered appropriate.

The Council's Conservation Officer has been consulted as part of the case officer assessment and no objections or concerns have been raised.



### **Ecology**

Further information in respect of Protected Species was been requested following consultation with the Councils Ecologist. These details have been submitted, however to date no comments have been provided.

Any further comments will be provided as part of an update to Committee Members.

### **Trees**

This application is supported by an Arboriculture Report and the Councils arboriculturalist has been consulted and has provided the following comment.

The submitted report identifies the removal of a number of groups of trees within the proposed work area. These comprise of various semi mature and early Hawthorn, Ash, Rowan, Sycamore, Oak and Birch. All of these have been assessed as category C trees, which have limited contribution to the amenity and landscape character of the area. Four trees (Willow and Alder) located to the south west of the works are to be pollarded for arboricultural reasons and no objection has been raised in this respect.

Ground works would be required in order to upgrade and instate an access track. In accordance with BS5837:2012 A Method Statement should be submitted. The statement should include details of the suitability of the temporary access track to accommodate expected loads without affecting soil bulk density and the rooting environment of the retained hedgerows and trees.

The access track passes within the Root Protection Area (RPA) of two mature Oak trees. The default position in the new British standard is that all construction should be outside the RPA of trees, unless it can be demonstrated otherwise.

The proposed track also interfaces with a third mature Oak over temporary ramp. It appears that the position of the access and ramp conflicts with the RPA of this Oak and it therefore needs to be demonstrated that the track and ramp will not affect the rooting environment of this particular tree.

The concerns raised by the Councils Arboricultural Officer can be addressed by condition and it is therefore considered unreasonable to refuse this application on such grounds.

### **Green Belt**

Local Plan policy GC1 states that *'within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for one of the following purposes:*

- *Agriculture and forestry;*
- *Essential facilities for outdoor sport and outdoor recreation;*
- *Limited extension/alteration of an existing dwelling;*
- *The replacement of an existing dwelling;*
- *Limited infilling within specified settlements;*
- *Limited affordable housing;*
- *Development within major development sites'.*

These exceptions are not applicable in this case and the development would therefore constitute inappropriate development in the Green Belt.

Paragraph 87 of the NPPF states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 88 goes on to advise that '*Very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed.'

Whilst the proposal amounts to inappropriate development, the proposed building and engineering works will have a very limited impact on the openness of the Green Belt because of the way they are inset into and above the existing river bank. The access and site compound are for a temporary period only and therefore any harm will be limited to a 2 year period.

### **Very Special Circumstances**

The applicant has outlined the ecological, environmental and educational benefits of the scheme as very special circumstances which are detailed as follows:

#### **Ecological benefits:**

Currently the weir acts as a significant barrier to the upstream movement of fish in the River Bollin. The fish pass would open up key spawning habitat in the upstream reaches of the Bollin catchment.

The Environment Agency have identified the installation of a fish and eel pass as the most suitable solution to return connectivity between the adjacent upstream and downstream reaches of the river. The aim of this project is for the Bollin to reach Good Ecological Status by 2015.

#### **Environmental/sustainability benefits:**

In 2011 Quarry Bank Mill consumed 339.545MWh of Grid Electricity, which would produce 178 tonnes of CO<sub>2</sub>.

The proposed hydro scheme is predicted on an average year to generate 210,000 KWh of electricity. The electricity generated will be connected to the Mill. As the average production of Hydro Electric from this scheme is lower than demand during the Mill's operating times (0830 – 1800) and higher during the evening times (18.00 – 08.30) the scheme is anticipated to displace 40 – 50% of grid consumption for the property.

Surplus energy (approximately 60%) will be exported into the Grid.

It is anticipated that the Hydro Electric Scheme will reduce Quarry Bank Mill's Carbon Footprint by approximately 70 tonnes and the scheme will displace on average 110 tonnes of carbon per annum.

#### **Education**

Quarry Bank Mill has a long standing commitment to education. A dedicated Learning Department runs a formal education programme and in 2011 the property received 29,000 school visits.

Both elements of the scheme will include on site interpretations to inform visitors about the project. The Fish Pass will include a fish counter and camera linked to imagery in the Mill. The Power House for the Hydro Electric Turbine will include a viewing window.

The scheme will give all visitors an understanding of the practicalities and issues around energy, water, self-sufficiency and the environmental impacts of properties such as Quarry Bank Mill.

The development will enhance the existing educational aspects of the Mill. It will provide an understanding of the 21<sup>st</sup> century approach to energy efficiency.

Paragraph 14 of the NPPF advises that *'At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'*.

Taking account of the ecological, environmental and educational benefits put forward within the applicants submission, it is considered that the benefits of the project would significantly and demonstrably outweigh any adverse impact to the Green Belt.

## **Other**

### **Access**

Access for all construction plant will be made via a temporary access track starting at Apprentice House, off Quarry bank Road. It would run along an existing access track to the east of the public car park and turning west over a public footpath (FP21), and across fields to the Old Mill Race.

The existing farm track would be un-graded by filling potholes with clean, imported stone in order to provide a smooth sunning surface. The 'new' section of the access track would involve removing the topsoil, which would be set aside to be reinstated once works are complete. Layers of clean, imported stone and geo-textile would be laid to form a smooth running surface.

Following completion of the works, the stone and any geo-textile used is to be removed and the top-soil would be re-laid. This area would then be seeded with local species and it is expected that it would recover by the end of the following growing season.

### **Compound**

A site compound is proposed that would be positioned in the field adjacent to the application site, to the south east. The compound is required to provide adequate and accessible welfare facilities to those working on the project, and storage facilities for machinery and materials.

The compound would be fenced and locked when unoccupied.

Though the compound and access track would be visible forms of development that would have some degree of impact on both the openness of the Green Belt and the setting of the Conservation Area; they are temporary and the field would be re-instated following completion of the development.

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

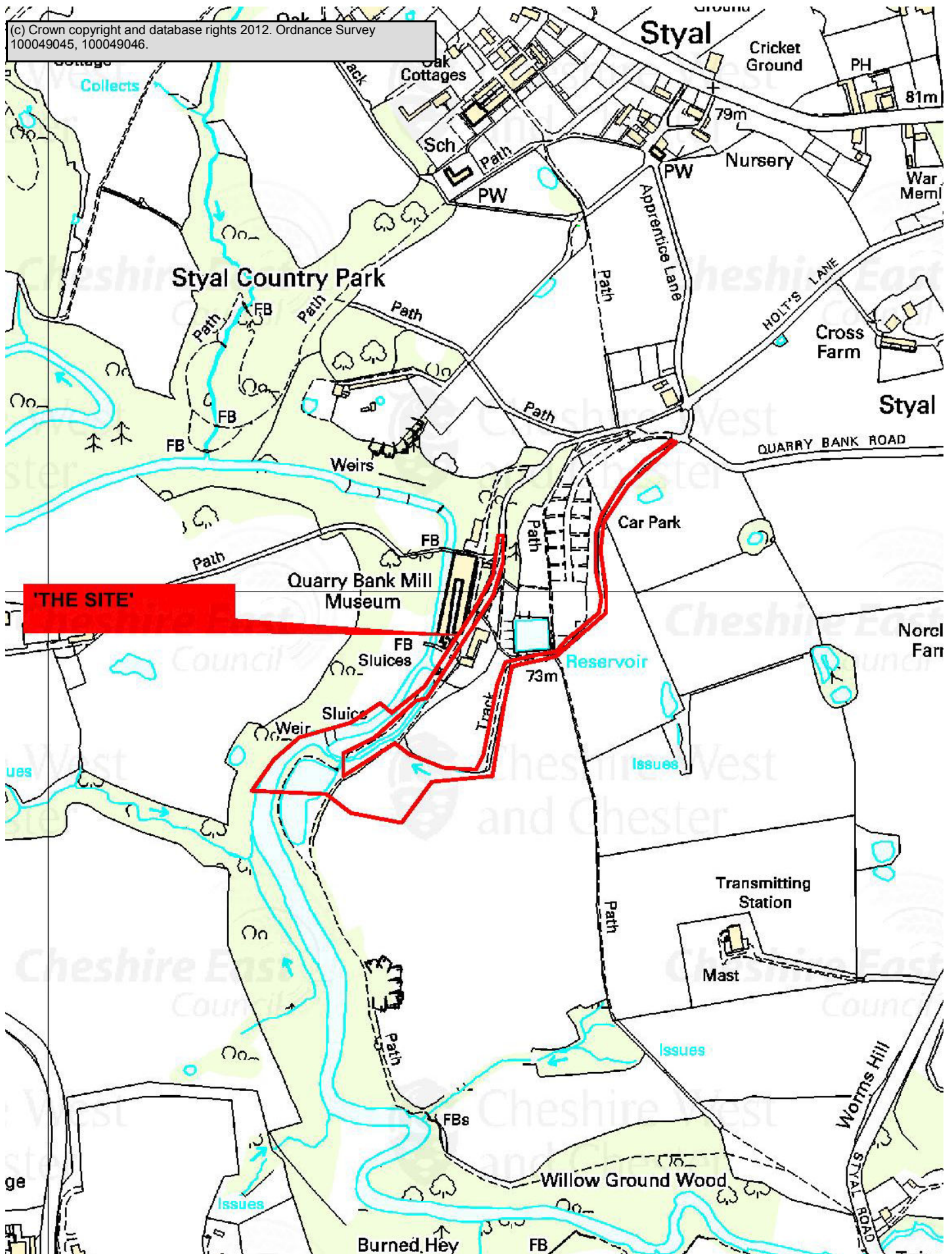
Approval is sought for a combined fish pass and hydro electricity scheme and associated temporary access track and compound. The scheme offers an exciting opportunity to demonstrate a modern approach to hydro power. The development would support the concept of Quarry Bank Mill and would further enhance the educational facilities already available to all visitors.

The very special circumstances outlined by the applicant are considered to significantly outweigh any harm to the Green Belt. The proposal would not be considered to detract from the setting of the Mill or the character of the wider Conservation Area.

The proposed scheme is considered to accord with relevant policies and a recommendation of approval is given, subject to further comments from the Council's Ecologist.

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Construction specification/method statement
5. Tree protection
6. Access Track



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Application No: 12/3489M

Location: Waitrose Ltd, 89, PARK LANE, POYNTON, SK12 1RD

Proposal: Variations of conditions 4 (hours of opening) & 5 (hours of deliveries) of 08/0315P

Applicant: Mr Ken Williams, Waitrose Ltd

Expiry Date: 10-Dec-2012

**SUMMARY RECOMMENDATION**

Approve subject to conditions and completion of a s106 legal agreement

**MAIN ISSUES**

Whether the variation of the conditions would lead to an unacceptable impact on the amenities of nearby residents

**REASON FOR REFERRAL**

This application has been referred to Northern Planning Committee as it relates to the variation of conditions attached to a major planning application that was determined by the Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to an existing supermarket (Waitrose Ltd) located on the northern side of Park Lane within the primary shopping area for Poynton. The store was originally granted planning permission in 2008 (application reference no. 08/0315P).

**DETAILS OF PROPOSAL**

This application seeks permission to vary conditions 4 and 5 on application 08/0315P approved 6<sup>th</sup> May 2008. The conditions read:

4. *The hours of operation of the business/activity/use hereby approved shall be limited to within 0800 to 2200 hours on Monday to Saturday and 1000 to 1700 on Sundays or Public Holidays.*
4. *No deliveries shall be taken at or despatched from the site outside the hours of 0730 and 2100 Monday to Saturday and 1000 to 1600 on Sundays, Bank or Public Holidays.*

The applicant is seeking to vary condition 4 to extend the hours of business to 0700 to 2300 Monday to Saturday, 1000 to 1800 on Sundays & 0800 to 2200 on Public Holidays.

They are also seeking to vary condition 5 to allow deliveries between the hours of 0700 and 2100 Monday to Saturday, and 0800 and 1600 on Sundays and Public Holidays.

## **RELEVANT HISTORY**

08/0315P Development of a supermarket with associated parking and servicing arrangements. Construction of an A1/A3 unit (shop and restaurant) and an A2 unit (building society). Change of use of a dwelling to osteopath (No. 97 Park Lane).

Approved 6<sup>th</sup> May 2008

## **RELEVANT POLICIES**

### **Regional Spatial Strategy to 2021**

DP1 (Spatial Principles)

DP2 (Sustainable communities)

DP3 (Sustainable economic development)

DP4 (Make the Best Use of Existing Resources and Infrastructure)

### **MBC Local Plan Policy 2004**

S1 (Shopping developments)

PDC1 (Consolidation and enhancement of prime shopping area)

DC3 (Amenity)

DC6 (Circulation and access)

DC13 (Noise)

DC14 (Mitigation of noise)

## **Other Material Considerations**

National Planning Policy Framework

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

### **Environmental Health**

Concerns were initially raised regarding the potential impact on residential amenity in respect of noise. They are satisfied with the proposed hours with the exception of the opening hours under condition 4 on Public Holidays (0800) and on Sundays and Public Holidays under condition 5 (0800). They have stated 0900 would strike the correct balance between the commercial desire to extend the hours and the residential sensitivity of the area.

## **VIEWS OF THE TOWN COUNCIL**

The Town Council have raised no objections to the proposal.



## OTHER REPRESENTATIONS

Objections have been received from the occupiers of 5 properties in Poynton. The main points raised are:

- The original conditions were imposed in the interests of amenity. Nothing has changed in the locality to suggest the interests of amenity would not be affected;
- The neighbours should not be expected to put up with noise and traffic movements more than on 6 separate days in any 12 month period where there are exceptional circumstances e.g. Christmas.
- The existing hours represent a fair balance between the needs of the business and the amenities of residents.
- There are other shops in Poynton that benefit being open when Waitrose is closed.

## APPLICANT'S SUPPORTING INFORMATION

A supporting statement has been submitted on behalf of the applicant which outlines the need for extending the hours imposed by conditions 4 and 5. In terms of trading hours, the statement points to changes in consumer demand with customers wishing to have the option of shopping earlier in the morning or later in the evenings. The pattern of retailing is changing to reflect this and Waitrose is seeking to meet this demand.

The need for earlier deliveries is explained in terms of changing demands of customers and desire to purchase fresh products with maximum product life. The current delivery hours do not allow the first delivery of the day to be made and transferred to shelves before the store gets busy.

## OFFICER APPRAISAL

The reason for imposing both conditions 4 and 5 was '*in the interests of amenity*' in order to protect nearby residential properties from undue noise and disturbance. The consideration of this application must therefore centre on whether the proposed changes would lead to an unacceptable impact on the amenities of nearby residents.

As noted above a number of objections have been received. It should be noted that only one of the objections has been received from occupiers of a property bordering the site, 46 Parklands Way. This property adjoins the car park at the rear of the site. The other objections were received from occupiers of properties that are in Poynton however, they are some distance from the site and would not be directly impacted upon. Nonetheless the points raised are valid and must be considered.

The Environmental Health Department raised concerns regarding the opening hours on Public Holidays and start of delivery hours on Sundays and Public Holidays. The applicant has since confirmed they would be agreeable to altering the hours to those suggested by Environmental Health. Thus the proposed trading hours are:

- 0700 to 2300 on Mondays to Saturdays;
- 0900 to 2200 on Public Holidays;
- 1000 to 1800 on Sundays.

The Monday to Saturday hours would represent a one hour increase at the start of the day and one hour increase at the end of the day. The hours on Public Holidays would represent a starting time one hour earlier and closing time five hours later. The Sunday trading hours would represent a one hour later closing time. However it should be pointed out that the Sunday trading hours are restricted by the Sunday Trading Act 1984 to a maximum of six hours and whilst this proposal would extend the hours on the planning permission to an 8 hour period, this is to allow the store flexibility in terms of when this six hour period is.

The store is located in an identified shopping area and accordingly a degree of noise and disturbance should be expected above and beyond what would be expected in a wholly residential area. The proposed hours are not abnormal and reflect modern consumer patterns of demand, with early and late night shopping becoming common. It is considered that the hours, as amended in accordance with the Environmental Health comments, strike an acceptable balance between the needs of the business whilst still protecting amenity for nearby residents.

Representations also stated that other shops in the locality benefit from being open when Waitrose is currently closed. It is not the role of the planning system to protect the private interests of an individual or business against the private interests of another. The role of the planning system is therefore not to control competition but to determine the impacts of the development against those considerations that are of public interest.

The proposed delivery hours, in accordance with the Environmental Health comments, are:

- 0700 to 2100 on Monday to Saturday;
- 0900 to 1600 on Sundays and Public Holidays.

This represents a 30 minute extension to the first delivery time on Monday to Saturday and a one hour extension to the first delivery time on Sundays and Public Holidays. The service yard is located adjacent to 97 Park Lane, a commercial property. It also adjoins the hall and Methodist Church to the north. The entrance to the service yard is opposite residential properties on the southern side of Park Lane. On balance, however it is not considered the proposed hours would lead to significant injury to amenity at those properties by way of noise and disturbance. The hours would be reasonable and as outlined above, would be appropriate given the site is in an identified shopping area where some disturbance of this nature must be expected. It is a fair balance between operation requirements of the store, allowing them to get fresh produce onto the shelves before peak customer hours, and continuing to offer nearby resident's sufficient protection from noise and disturbance at unsocial hours taking the context of the locality into account.

The original planning permission was subject to a legal agreement and therefore should members be minded to approve the application, a Deed of Variation to that legal agreement would be required to link it to this application.

## **CONCLUSIONS**

The applicant has confirmed they are agreeable to amend the proposed hours to accord with those suggested by Environmental Health as being reasonable. The proposed hours strike a

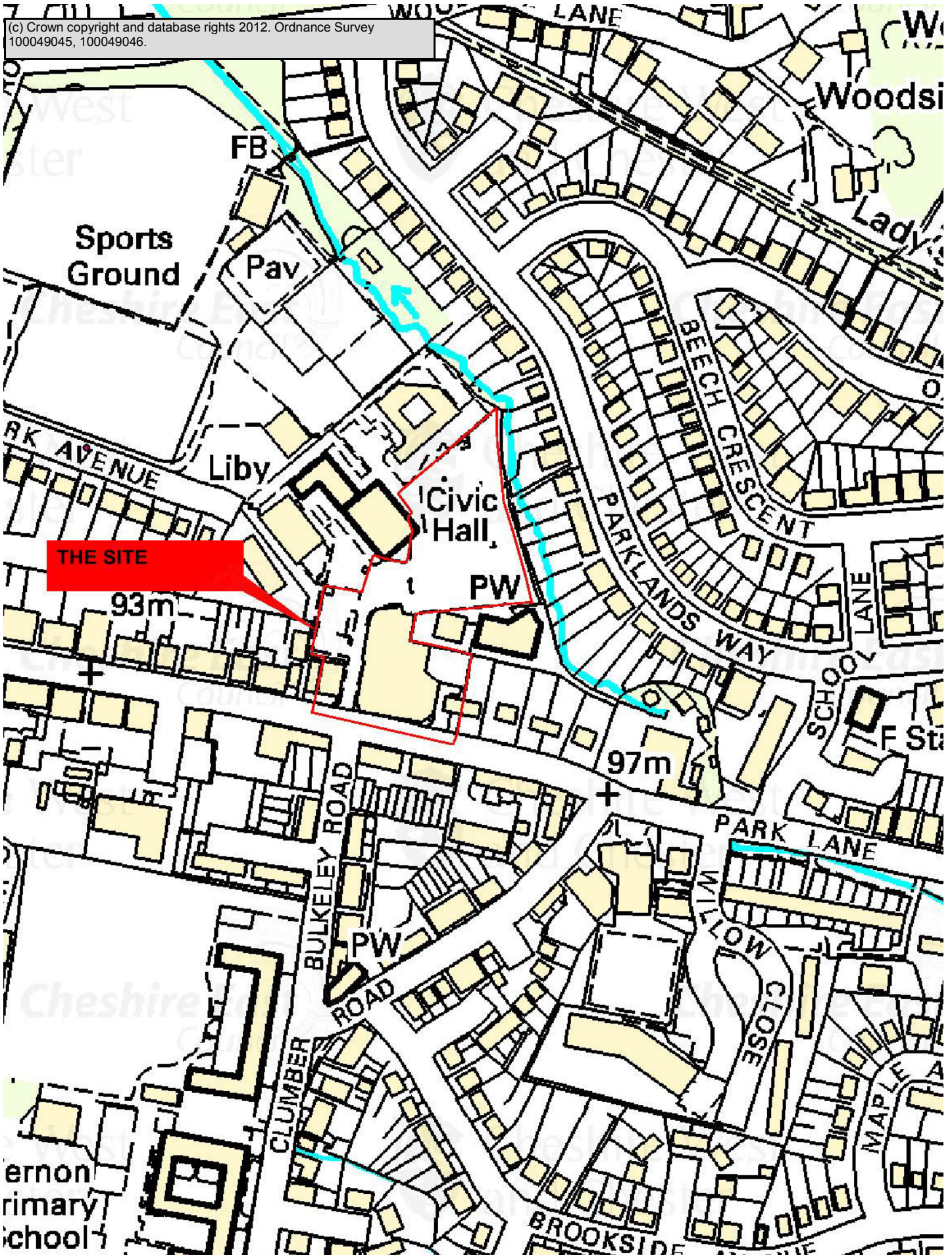
fair balance between the operational requirements of the business and ensuring the amenities of nearby residents are protected. The hours are not considered unsociable given the context of the site, in a defined shopping area, and are reflective of modern behaviour patterns and demands of consumers. Accordingly, a recommendation of approval is made.

#### **LEGAL AGREEMENT - HEADS OF TERMS**

Deed of variation to the legal agreement attached to the original planning permission 08/0315P to refer to this application (reference number 12/3489M).

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with revised plans (numbered)
2. Business hours
3. Hours of deliveries
4. Landscaping (implementation and maintenance)
5. No gates - access
6. Retention of service facility
7. Retention of car parking
8. Retention of cycle parking
9. Retention of motorcycle parking
10. Drainage and surfacing of hardstanding areas
11. Lighting as approved
12. Park Lane elevation retained as approved
13. Retention of recycling facilities as approved
14. Surface water drainage
15. Shower/changing facilities
16. Information of alternative transport
17. No storage in parking/turning areas
18. Retention of noise control measures





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.

**REASON FOR REFERRAL**

Members will recall that this application was put before the Committee at the previous meeting on 7<sup>th</sup> November 2012. The resolution to approve the application was subject to the three conditions recommended by the case officer with an additional condition for an independent management company to be set up to monitor the occupation of the caravans.

It is considered that, following further legal opinion, such a condition would not meet the tests of Circular 11/95 (Use of Conditions in Planning Permission). This condition can therefore not be applied to a planning permission and the item is being brought back before members to reconsider.

The six tests for validity of conditions are that they should be:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The fourth condition requested by members is not *necessary* as it would repeat the provisions of the standard condition requiring an up-to-date register to be maintained by the owners/operators, which has proven by planning Inspectors to meet all the tests and be sufficient to prevent permanent residential occupation.

The condition would also fail to meet the test of reasonableness. Requiring an independent management company to be set up to maintain and monitor a register goes well beyond what can reasonably be controlled by planning condition. Requiring an independent management company to be set up for this purpose is also not enforceable and is not relevant to planning.

The Committee is therefore asked to reconsider the application in knowledge of this, particularly bearing in mind that the objectives of the condition to enable the monitoring and enforcement of an up to date register, are achievable through the model condition used by Planning Inspectors which forms part of this recommendation below.

#### ADDITIONAL INFORMATION:

The applicant has provided additional information to clarify to members how the site is operated and controlled by both the site owner and the Council. All caravan owners are required to enter into a holiday licence agreement with the site owner. They are also required to sign a conditions of hire agreement. Both these agreements are required to be entered into on a yearly basis at this park and copies have been provided.

The agreements clearly state that the caravans should be for holiday use only, not to be used for sole or private residence, and that a business may not be operated from them. The park operator also requires the caravan owners to provide a copy of their current caravan insurance which contains their main home address.

#### **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.

#### **DETAILS OF PROPOSAL**

This application seeks to remove conditions 1 and 2 attached to permission 5/5/08863 approved 9<sup>th</sup> 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 1<sup>st</sup> March to 31<sup>st</sup> 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 1<sup>st</sup> March to 31<sup>st</sup> 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 1<sup>st</sup> March to 15<sup>th</sup> 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.*

## **RELEVANT HISTORY**

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

## **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*

### **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.

#### **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.

#### **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.

#### **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.



## 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 1<sup>st</sup> March and 31<sup>st</sup> October in any given year. This was varied by the 2008 permission to a period between 1<sup>st</sup> March and 15<sup>th</sup> 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 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.

## **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.

**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.

