

# Northern Planning Committee

## Agenda

---

<b>Date:</b>	<b>Wednesday, 19th December, 2012</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

---

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 - 8)**

To approve the Minutes of the meeting held on 28 November 2012 as a correct record.

**4. Public Speaking**

---

**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. **WITHDRAWN 12/3438M-Proposed wind turbine to power Sutton Common radio mast, erected on a 23.6 metre high tower with a maximum blade tip height of 34.2 metres, Land adjacent BT Radio Station, Buxton Road, Bosley, Cheshire for Marshall Waller** (Pages 9 - 22)

To consider the above application.

6. **WITHDRAWN 12/4125C-Construction of 2no semi detached dwellings, Land adjacent to Hawthorne Cottage, Swettenham Lane, Swettenham, Congleton, Cheshire for Mr D Giles** (Pages 23 - 32)

To consider the above application.

7. **12/4194C-Outline Application for Residential Development of up to 3No Dwellings, including Access, The Orchard, Padgbury Lane, Congleton for Edwina Darnell** (Pages 33 - 44)

To consider the above application.

8. **12/4039M-Engineering works in association with residential development, former Beech Lawn and Woodridge, Brook Lane, Alderley Edge, Cheshire for P.E.Jones (Contractors) Limited** (Pages 45 - 50)

To consider the above application.

9. **12/4038M-Amended scheme for erection of 20 apartments in two buildings. (Re-submission), former Beech Lawn and Woodridge, Brook Lane, Alderley Edge, Cheshire for P.E.Jones (Contractors) Limited** (Pages 51 - 62)

To consider the above application.

10. **12/3895M-Erection of dwelling house, The Dower House, Kings Road, Wilmslow, Cheshire for C Beard** (Pages 63 - 74)

To consider the above application.

11. **12/4219M-Single-storey side extension, and change of use of land to form part of the residential curtilage, 19 Caldys Road, Handforth, Cheshire for Mr & Mrs Clive Byrne (Pages 75 - 80)**

To consider the above application.

This page is intentionally left blank

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 28th November, 2012 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Miss J Adeniran (Lawyer), Mr P Hooley (Northern Area Manager), Mr N Jones  
(Principal Development Officer) and Miss B Wilders (Principal Planning  
Officer)

### **72 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor W Macrae.

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

In the interest of openness in respect of applications 12/3418N and  
12/2631M Councillor D Mahon declared that one of the speakers speaking  
against the applications was a family friend.

### **74 MINUTES OF THE MEETING**

RESOLVED

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

### **75 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

### **76 12/3418N-DEVELOP SITE TO PROVIDE A PERMANENT CAR PARK WITH A TOTAL OF 478 PARKING SPACES, LAND ON PYMS LANE, CREWE FOR GARTH ROBERTS, BENTLEY MOTORS LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update report to Committee the application be approved 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

(During consideration of the following item, Councillors K Edwards, B Livesley and D Stockton arrived to the meeting. They did not take part in the debate or vote on the application).

**77 12/2631M-USE OF LAND AS A TEMPORARY CAR PARK, LAND AT ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW FOR ROYAL LONDON GROUP**

Consideration was given to the above application.

(Mr Kinsey, an objector and Mr Moffat, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement from Councillor R Menlove, the Ward Councillor was read out by the Northern Area Manager).

RESOLVED

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

1. Temporary use (3 years)

**78 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**

Consideration was given to the above application.

(Mr Redgard, an objector and Mr Moffat, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. Removal of floodlights after 3 years
2. Hours of use

**79 12/3671M-REDEVELOPMENT OF EXISTING GOLF CLUB  
COMPRISING DEMOLITION OF CLUBHOUSE AND ASSOCIATED  
BUILDINGS, ERECTION OF SINGLE DETACHED DWELLING 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 COUNTY  
MANOR HOUSE DWELLING (RESUBMISSION OF APPLICATION  
REFERENCE 12/0596M). MOBBERLEY GOLF CLUB, BURLEYHURST  
LANE, MOBBERLEY, KNUTSFORD FOR OLLERTON LEISURE**

Consideration was given to the above application.

(Mr Williams, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement by Councillor Macrae, the Ward Councillor was read out by the Northern Area Manager).

**RESOLVED**

For the reasons set out in the report and in the update to Committee the application be approved subject to the completion of a Section 106 Agreement comprising of the following Heads of terms:-

1. The use and enjoyment of the existing 9 hole golf course should be incidental to the proposed dwelling.
2. At no time should the golf course be used for commercial purposes.
3. Upon commencement of the development any other consents that remain extant at that time i.e. 06/0053P and 09/2857M, shall be rescinded.

And subject to 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
12. If golf course use ceases, land to be returned to agricultural use

**80 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**

Consideration was given to the above application.

(At this point Councillor Miss C Andrew declared that she was life member of the National Trust).

(Sara Burdett, the Project Manager for the National Trust and Neil Forsythe, representing the Environment Agency attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. 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

And subject to the following additional ecological conditions:-

**Hedgerows / Landscaping**



Prior to the installation of the turbine; a scheme for suitable re-planting of the hedgerows that are to be removed to facilitate the development shall be submitted to and agreed by the Local Planning Authority.

**Non-invasive species**

Prior to commencement of development a method statement for the removal of non-native invasive species shall be submitted to and agreed by the Local Planning Authority.

**Breeding Birds**

Standard breeding birds condition.

**Contamination of the Bollin and fish mortality**

Prior to the commencement of development a Sediment Management Method Statement shall be submitted.

Prior to the installation of the Fish Pass; details of appropriate intake fish screens shall be submitted to and agreed by the Local Planning Authority.

**Bats**

The proposed development to be undertaken in strict accordance with the submitted ecological mitigation proposals supplied by Ecologically bats.

(The meeting adjourned at 3.55pm and reconvened at 4.00pm).

(Prior to consideration of the following item, Councillor B Livesley left the meeting and did not return).

**81 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**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update report to Committee the application be approved subject to the 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

**82 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.

(Mr Moss, a Supporter and Rachel Whaley, the agent for the applicant attended the meeting and spoke in respect of the application.

**RESOLVED**

That for the reasons set out in the report and the update to Committee, 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. The owners/operators shall maintain an up-to-date register for the caravan site to include the following details:
  - (a) the names of all owners/occupiers of individual caravans (or cabins/chalets) on the site and of their main home addresses;
  - (b) the start date and end date of their stay.This information shall be made available at all reasonable times to the local planning authority.

The meeting commenced at 2.00 pm and concluded at 5.10 pm

Councillor R West (Chairman)

This page is intentionally left blank

Application No: 12/3438M

Location: LAND ADJACENT BT RADIO STATION, BUXTON ROAD, BOSLEY, CHESHIRE, SK11 0QL

Proposal: Proposed wind turbine to power Sutton Common radio mast, erected on a 23.6 metre high tower with a maximum blade tip height of 34.2 metres

Applicant: Marshall Waller

Expiry Date: 31-Oct-2012

**SUMMARY RECOMMENDATION:**

Refuse planning permission

**MAIN ISSUES:**

- Renewable energy development;
- Landscape and visual impact;
- Residential amenity;
- Noise;
- Shadow flicker;
- Ecology;
- Public rights of way;
- Highway safety.

**REASON FOR REFERRAL**

This application has been referred to the Northern Planning Committee at the discretion of the Northern Area Manager due to the level of public interest the application has attracted and the potentially wider than local impacts of the proposal given the location of the site.

**SITE DESCRIPTION**

The application site consists of part of a field approximately 310 metres to the south/south west of Sutton Common Radio Mast on Croker Hill. The site is approximately 3.5 miles south of Macclesfield and 2 miles south of the village of Sutton. To the south west is Bosley approximately 1.5 miles away. The Peak District National Park is to the South and East approximately 500 metres away at its closest point. The site is in Countryside beyond the Green Belt (as defined by the Local Plan) and the Peak Park Fringe Area of Special County Value (ASCV). Access to the site is via a track from the A54. There are a number of public footpaths in proximity, Sutton FP33 (Part of the Gritstone trail) and Bosley FP10.

**DETAILS OF PROPOSAL**

The application seeks planning permission for a single three bladed Endurance E-3120 50kW wind turbine and associated access track. The wind turbine would include a 23.6 metre high tower on top of which the turbine hub would sit. The individual blades would be 9 metres in length with an overall rotor diameter of 19.2 metres (blades and hub). The maximum blade tip height would be 34.2 metres. The turbine would sit on a concrete pad approximately 6 metres by 6 metres in size.

The Design and Access Statement says the turbine would have an annual power generation of 273,000 kWh (273 MWh) based on a wind speed 8.5 metres per second, which it is claimed is the average wind speed for this location. The purpose of the wind turbine would be to power the BT radio mast with any excess electricity being fed into the National Grid. The BT Radio Mast has an annual energy consumption between 160 and 190MWh, with the turbine predicted to provide 131MWh (based on a 30% capacity factor), equivalent to 70-80% of its energy. The turbine would generate power at wind speeds between 3.5 metres per second and 25 metres per second, but for efficiency and safety reasons it would not operate outside this range. The turbine has built-in safety features to ensure it does not operate outside this range or in the event of grid failure or fault.

The application is submitted by the land owner whose business and residence is based at Blaze Farm in Wildboardclough. The applicant has an agreement with BT to purchase the electricity.

The access track would link to the existing track that serves Dollards Farm, Lingerds Farm, Upton Fold Farm, and the Radio Mast. It would run from the north adjacent to the field boundary (on its western side) and would be approximately 500 metres long. The track would consist of two 1500mm wide tracks with a grassed centre track. The track would have a surface finish of road planings on an MOT hardcore base.

## **RELEVANT HISTORY**

No relevant planning history.

## **RELEVANT PLANNING POLICIES**

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

- 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 Areas)

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

- NE1 (Areas of Special County Value)
- NE2 (Diversity of Landscape)
- NE11 (Nature Conservation)
- BE1 (Design principles for new development)
- GC5 (Countryside beyond the Green Belt)
- DC1 (High quality design for new buildings)

- DC3 (Protection of amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC13 (Noise generating developments)
- DC14 (Mitigation of noise)
- DC62 (Renewable Energy Development)

### **Other Material Considerations**

#### **National Planning Policy Framework**

In addition the Government has published a series of National Policy Statements (NPSs) across a range of infrastructure types in accordance with Planning Act 2008. The NPSs are statements of government policy that are used by the Major Infrastructure Planning Unit (who replaced the Infrastructure Planning Commission) to determine applications.

NPSs are not part of the statutory development plan and planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPSs are a material consideration where development plans have not been updated to take account of NPSs. Additionally NPSs set out government policy and therefore offer clear guidance.

The NPSs relevant to this application are:

- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for Energy Infrastructure (sections 1.1 and 4.1) (EN-1)

### **OBSERVATIONS OF CONSULTEES**

#### **Environment Agency**

No comments to make

#### **Environmental Health**

Notes the submission of a Noise Impact Assessment however the advice contained within it is not site specific and therefore the impacts of the proposal cannot be properly assessed due to lack of information.

The department also notes it is not able to comment on visual amenity or shadow flicker. With reference to Electromagnetic Interference they suggest clarification from the applicant. The comments also refer to public perception of health affects, offering guidance or suggesting the planning department use its own guidelines.

#### **Peak District National Park Authority**

The turbine would be visible from the Peak District National Park and would represent an incongruous visual intrusion. The Landscape and Visual Impact Assessment is inadequate.

#### **Public Rights of Way**

The site is adjacent to public footpath no.33 Sutton. The development is unlikely to affect the public right of way however advice should be attached to any approval to ensure the public right of way is not affected.

**Ministry of Defence**

No objections

**National Air Traffic Service (NATS)**

Although the proposal is likely to impact our electronic infrastructure, NATS have no safeguarding objection to the proposal.

**Manchester Airport**

No safeguarding objections.

**Highways**

No objections. There would be no impact on the local highway network.

**VIEWS OF THE PARISH COUNCIL**

**Sutton Parish Council**

Object on the following grounds:

- It would create an unwelcome visual feature in the landscape;
- The justification for the proposal is not sufficient when balanced against the detrimental visual impact to the landscape;
- There seems to be serious reservation as to the impact of noise and shadow flicker on neighbouring properties in the Design and Access Statement.

The Parish Council have also forwarded further observations:

- There may be a condition within the original planning application for the telecommunications tower that ancillary development should be underground in order to protect the landscape.
- The proposed development is ancillary to the radio mast as its purpose is to provide power to the mast.

**Bosley Parish Council (adjacent Parish)**

Object on the following grounds:

- Detract from the quality and diversity of the landscape contrary to policies NE1 and NE2;
- The proposal is not essential for agriculture, forestry, outdoor recreation therefore contrary to GC5;
- Site would be visible in all directions for many miles. Contrary to DC62 and PPG22;
- The noise would cause loss of amenity at neighbouring residential dwellings. No noise assessment has been carried out by the applicant.

The following comments were also made:

- Government guidelines on separation distances are vague;



- The application would adversely affect tourism as a number of footpaths cross within a few hundred metres;
- If allowed it may set a precedent;
- Electromagnetic interference and shadow flicker should be subject to further investigation.

## **OTHER REPRESENTATIONS**

A number of representations have been received from groups/organisations other than those consulted as statutory consultees. These are summarised below.

### *Cheshire Wildlife Trust*

A wind turbine does not have to be within a designated site to have an effect on the habitats or species for which the site is designated. There are several designated sites to the east and west, parts of which lie within a 20km radius of the site, including: South Pennine moors, Peak District moors, Dane Moss, Goyt Valley, Bosley reservoir, Gawsorth common, Shell Brook, Bosley Minn, Whitemoor pasture, High Lee farm.

The CWT advise that unless they have been advised otherwise by the LPA, the applicant should consider the potential impacts of the proposal on any designate site within 20km.

### *Campaign to Protect Rural England – Cheshire*

It would contravene policies NE1, NE2 and GC5 of the Local Plan. The proposal would have a negative impact on the quality of life in the open countryside.

### *National Trust*

The Cloud (nr Bosley) forms part of the National Trust's portfolio. The wind turbine would be visible from the Cloud and the Trust raises concerns regarding the visual impact of the development on the Cloud whilst recognising this would not warrant refusal on its own but should be taken into account when considering other adverse impacts.

## **Members of the Public**

Additionally in excess of 300 representations have been received from members of the public. The objections raised are summarised below, grouping them into key themes.

- Impact on the landscape, focusing on the location of the site in an ASCV, close to the Peak District National Park and visible from The Cloud (National Trust land). The objections also note the likely long range visibility of the turbine.
- Nearby residents would be subject to unsatisfactory levels of noise from the turbine. Some objections identify the lack of site specific information submitted in the Noise Impact Assessment.
- Nearby residents would be subject to shadow flicker which would affect living conditions.
- There would be an adverse impact on wildlife. Also some objections highlight the lack of ecological assessments with the application.
- A number of objectors raise issues around wind turbine efficiency, viability and validity and consider there is no justification for the development.
- Electromagnetic interference affecting TV, radio and all fixed link communications.

- Wind turbines have an adverse affect on health due to low frequency sound and electromagnetic radiation. Some objectors also note a Bill currently laid before parliament requiring minimum distances from residential properties.
- It would set a precedent for further wind turbine development
- There would be a negative impact on tourism in the area.
- A number of objectors query how the turbine will be connected to the grid and raise concerns about the visual impact of any over ground cabling.

## **APPLICANTS SUPPORTING INFORMATION**

The following documentation has been received in support of the application:

- Noise Impact Assessment;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Manufacturer brochure.

## **OFFICER APPRAISAL**

### **Principle of the Development**

Chapter 10 of the National Planning Policy Framework deals with *Meeting the challenge of climate change, flooding and coastal change*. It states that the role of planning in supporting renewable and low carbon energy development is central to the economic, social and environmental dimensions of sustainable development.

It also states, at Paragraph 98, that applicant's should not be required to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a contribution to cutting greenhouse gas emissions. It goes on to state that LPA's should approve the application if its impacts are (or can be made) acceptable. These impacts include the character of the landscape, ecology and residential amenity. The NPPF also places emphasis on protecting the countryside and its intrinsic beauty.

The NPPF is clearly supportive of renewable energy developments and the contribution which such proposals would have towards achieving renewable energy targets. This is clearly an environmental benefit which weighs in favour of the proposed development. There are also other economic benefits which would arise from the proposed development, supporting the business at Blaze Farm and feeding unused energy back into the grid.

The site lies in a highly visible location close to a landmark site on the fringe of the Peak District National Park. The renewable energy benefits also have to be balanced with landscape impact and other planning considerations set out in this report.

### **Renewable Energy Development**

The Climate Change Act 2008 was put in place to set legally binding targets for the UK to reduce greenhouse gas emissions by 80% by 2050. The EU 2009 Renewable Energy Directive has set the UK with a legally binding target of achieving 15% of all energy from renewable sources by 2020.

The government has subsequently produced a Renewable Energy Roadmap to set out a program for achieving renewable energy targets to 2020 and beyond. The Roadmap identifies onshore wind as

one of the technologies having the greatest potential to help the UK meet the 2020 target in a cost effective and sustainable way.

A number of the objections received in relation to this application have identified recent statements made by ministers, newspaper reports, as well as studies and reports that question the efficiency, validity, and viability of wind turbines. These matters are a debate for Westminster and an individual planning application is not the place to determine the merits of wind power in the overall energy mix of the UK and its contribution to reduction in greenhouse gases and decreasing the reliance on fossil fuel. There is a vast array of Government documents supporting the use of wind energy and current planning policy reflects this position and accepts that wind energy development is a key component in meeting climate change and the energy needs of future generations.

### **Landscape and Visual Impact**

There is no requirement for a sequential approach in determining the siting of wind turbines as they are usually limited to sites where the resource exists (i.e. wind) and where the scheme is economically feasible. The electricity generated by wind turbines increases disproportionately with the increase in wind speed and therefore its economic and environmental benefits are greater where wind speed is higher.

The site is within a sensitive and highly valued landscape. It is in the Peak Park Fringe Area of Special County Value (ASCV) and at its closest point, approximately 500 metres from the boundary of the Peak District National Park. The CLCA locates the site in the Upland Fringe Character Type and Sutton Common Character Area. Due to the elevated topography and average wind speeds, combined with the open nature of the landscape this area is likely to be targeted by wind developments, as is the case here. This is recognised in the Cheshire Landscape Character Assessment (CLCA).

The description of the Sutton Common Character Area includes the following:

*'This Character Area includes the top reaches of the upland enclosed moor to the west of Wildboarclough with an elevation of 220 to 400 metres AOD. This includes the two prominent hills of Sutton Common and Cessbank...'*

*'This is a large scale, open and expansive landscape where long ranging panoramic views provide the defining characteristic feature.'*

*'The telecommunications mast at Croker Hill in the west of this character area is probably the most widely visible landmark in Cheshire. The height of the structure and its elevated location on the edge of the Cheshire lowlands ensures that this obvious man-made feature is visible from a very great distance. The smooth topped ridge of Croker Hill and Sutton Common forms a dominant skyline in views from the surrounding areas of lower altitude.'*

Additionally the Peak District National Park has commented that the site is within the South West Peak Landscape Character area and the Enclosed Gritstone Upland Landscape Character Type in the Landscape Strategy and ECL Action Plan for the National Park.

A Landscape and Visual Impact Assessment (LVIA) has been provided with the application. However this does not include a written assessment of the landscape and visual impacts of the proposal. The LVIA includes photomontages and wireframe drawings including the wind turbine. However the usefulness of this is limited by the exclusion of the wind turbine from the photomontages and the

exclusion of the Radio Mast from the wire frame drawings. However it does show the site from various viewpoints within a 5km radius. It also includes a zone of theoretical visibility which shows the wind turbine is likely to be visible from a great distance, over 15km away, mainly from Cheshire Plains to the west but also from locations within the Peak District National Park (PDNP) to the east.

The applicant has argued in the Design and Access Statement that the wind turbine would not be an alien and incongruous feature in the landscape because the man-made radio mast already forms an integral part of the landscape character of Croker Hill.

However, the Radio Mast is the focal point on the ridge and the proposed wind turbine would be in close proximity to it and the turbine would therefore be highly conspicuous. The height of the wind turbine and its rotor diameter contributes to this and combined with the proposed siting of the wind turbine on this prominent ridge (to which the eye is drawn by the radio mast) it would be highly prominent and visually intrusive in the landscape. The radio mast is already an uncharacteristic feature which has an adverse effect on the landscape and it is considered that allowing a second man-made structure as is proposed would lead to a further unsightly and uncharacteristic feature that would add to the adverse effect on the landscape and the ASCV.

Additionally the PDNP have commented that the existing radio mast is seen as a visual intrusion that impacts on the setting of the National Park. They argue that the wind turbine would increase the negative impact on the landscape of the existing radio mast and would have a negative visual impact on the setting of the National Park itself. This is considered a reasonable conclusion for the reasons noted above and members should give substantial weight to the potential impacts on the National Park.

There are three wind turbines within 1.25km of the site, the closest at Dollards Farm, about 400metres to the east. These wind turbines are much smaller in scale than the proposed wind turbine and are fairly inconspicuous in the landscape because they are not located on hill tops and are generally viewed against a backdrop of vegetated hillside. They therefore differ considerably from this proposal. The applicant has not assessed any potential cumulative impact from this, it is noted that from some viewpoints the 9 metres wind turbine at Dollards Farm is visible above the horizon as would be this proposal.

To conclude, it is considered the wind turbine would be prominent in views from the lowlands to the west and from hills and valleys to the east including from the PDNP. It would be an uncharacteristic feature that would be visually intrusive, having an adverse visual impact on sensitive receptors over a wide area.

### **Residential Amenity**

The wind turbine would be located a considerable distance from nearby residential properties, the closest being approximately 220 metres. Whilst the turbine would quite tall its overall scale or bulk is minimal and at this distance, would not be visually overbearing to the detriment of living conditions. Additionally it would not lead to a significant loss of light (shadow flicker is dealt with below). Many of the objections have pointed to a Private Members Bill which is currently laid before parliament which suggests minimum separation distances of wind turbines from residential properties. This Bill carries no weight in the determination of the application which must be determined in accordance with current legislation and Policy which does not include any minimum separation distances.

The loss of a private view is not a material planning consideration. The distance to the nearest residential properties provides adequate protection to the living conditions of the occupiers of those properties. The proposal accords with Local Plan Policy DC3 and one of the core planning principles in the NPPF to secure a good standard of amenity for future and existing occupants of land and buildings.

## Noise

Wind turbines, when operational, will generally generate two types of noise, a mechanical noise and an aerodynamic noise although with modern wind turbines improved design has significantly reduced mechanical noise. The potential impact on nearby residential properties must therefore be considered and is a concern raised by many of the objectors. Lingerds Farm and Upton Fold farm are the nearest residential properties to the site, which are over 260 metres and 220 metres away respectively. Dollards Farm is approximately 430 metres away with other residential properties being in excess of 700 metres away. A Noise Impact Assessment (NIA) has been submitted with the application, however the Environmental Health department has advised that insufficient information has been provided to suggest that the amenity of the nearest noise sensitive receptors (NSRs), i.e. the residential properties noted above, would not be affected.

The NIA states that the source noise (the turbine) is considered to have a sound power level of approximately 95 db at a wind speed of 10 metres per second. This Environmental Health department note this is significant. The NIA accepts that the background noise levels are very low, however there is no existing background noise level provided for the NSRs nor is there any predicted noise level that the NSRs might be subject to post development.

The *Assessment and Rating of Noises from Wind Farms* (ETSU-R-97) report was produced by the Working Group on Noise from Wind Turbines Final Report, Sept. 1996, and recommends noise limits to protect the amenity of residents living near wind turbines. Reference is made to this report in the NIA. However no site specific information has been submitted which would include: existing background noise levels; predictions of how the noise environment would change with the proposed development; predicted noise levels at different wind speeds; noise levels at different times of day, evening and night; seasonal variations; and an assessment of how the effect of predicted changes in the noise environment on NSRs. As there is potential for background levels to be below 35dB the turbine could be the dominant noise source affecting the amenity at NSRs. Accordingly it is considered there is insufficient information to determine the impact of the development on amenity due to noise. This is also the position stated by the Environmental Health department.

It should be noted that the comments of the Environmental Health department were put to the applicant's agent however no response or site specific information has been forthcoming.

## Shadow Flicker

Shadow flicker is the effect caused when a wind turbine is located between the sun and a receptor. The nearby residential dwellings identified in the *Noise* section above are the receptors for the purposes of this application. EN-3 states that shadow flicker occurs '*when the shadow of the rotating blades falls over the dwelling causing the light intensity within specific affected rooms of the occupied building to fluctuate*'.

It also identifies a number of factors that influence the significance of the effect:

- the location of the relevant building relative to the path of the sun and the turbines;
- the distance of turbines from such buildings; the size of the window apertures and their location in the building relative to the turbines;
- the turbine height and rotor diameter;
- the presence of intervening topography, buildings or vegetation;
- the frequency of bright sun and cloudless skies;
- the time of the year; and
- the prevailing wind direction and hence usual rotor orientation.

Nonetheless, current government research and advice states that shadow flicker is only likely to occur within 10 rotor diameters of the turbine. In this case the rotor diameter is 19.2 metres, thus only properties within 192 metres are likely to be affected. As no residential properties are within this distance it is not considered further assessment of shadow flicker is necessary, nor is it considered shadow flicker would have any significant impact on residential properties in the vicinity.

### **Ecology**

There is concern about the potential impact of wind turbines on wildlife, particularly birds and bats resulting in injury or death.

Bat activity is often very closely associated with linear features such as water ways, woodland edges and hedgerows. The turbine is to be set within a field away from the boundary, which regardless is a stone wall. The potential risk posed to bats is therefore considered minimal. Furthermore, the landscape is sparse with few supporting features.

The potential impacts on birds from small-scale turbines is uncertain but possibly quite limited. Under the terms of the NPPF LPAs must consider impacts upon protected species and request impact assessments and mitigation proposals where it is 'reasonably likely' that a protected species will be adversely affected by the proposed development. Based on current knowledge the Nature Conservation Officer does not feel that the proposed development is likely to have any significant ecological impacts.

### **Public Rights of Way**

Public Footpaths Sutton FP33 and Bosley FP10 are in close proximity to the application site. There is no statutory separation distance between a wind turbine and a public right of way, however fall over distance is often taken to be appropriate separation.

The wind turbine would be over 160 metres from Sutton FP33 at its nearest point and over 220 metres from Bosley FP10 at its nearest point. Given these distances it is not considered that the development would have any impact upon the Public Rights of Way.

There are no bridleways in close proximity to the site and therefore no concerns are raised regarding potential affect on horses.

### **Highway Safety**

The wind turbine would not be in close proximity to a public road. Whilst it would be tall and visible from long distances it would not present a highway safety risk. Concerns that it would be a distraction to drivers could not sustain a reason to refuse the application.

With regard to the construction phase of the development, wind turbines are assembled on site and given this application is for a single wind turbine of modest proportions (when compared to commercial wind turbines of 80-150 metres height) it is not considered any particular consideration or control is required over the delivery and construction phase. Additionally, the Local Highway Authority have not raised any objections.

## **Other Matters**

There are a number of other matters that have been raised in objections to the proposal or that generally require some considered in relation to wind energy developments. These are considered below.

### Aviation

Due to the size of the wind turbine and its location there is potential for it to impact upon aviation. Manchester Airport, NATS and the MoD were all consulted as part of the application and have raised no objections.

### Electromagnetic, TV and Radio Interference

The wind turbine has been located outside the 300 metre 'exclusion zone' so as not to interfere with the operation of the radio mast. The agent for the application has confirmed this exclusion zone relates to all services using the mast and that outside of this zone the wind turbine would not interfere with telecommunications or broadcast services.

### Icing

With regards to icing, ice throw is a phenomenon that occurs under certain climatic conditions. There is very limited potential for such events to occur in the UK however the control systems within the turbine would detect faults and changes to the turbines performance and shut the turbine down.

### Human Health

Concerns have been raised regarding the impact of wind turbines on human health, mainly from infrasound and low frequency noise.

National Policy Statement EN-3 makes clear there is '*no evidence that ground transmitted low frequency noise from wind turbines occurs at a sufficient level to be harmful to human health*'.

The perception of health impacts is a matter that can be considered in the planning balance. Objections on these grounds may carry some weight but it is not considered that a refusal could be sustained on these grounds noting the scale of the proposal and distance to residential properties. The level of apprehension about a development of this nature is not so severe to be a serious health consideration in its own right.

### Tourism

The potential negative impact of the development on tourism has been highlighted in many of the responses received in relation to the application. They draw attention to the location of the site, near to the Gritstone trail, in close proximity to the Peak District National Park and being an area frequented by walkers and other visitors due to its natural beauty.

This report, and the recommendation, acknowledges the harmful landscape impact of this proposal. However, it would be speculation as to how this could impact on tourism in the area. This could not be substantiated or evidenced. The key issue is therefore the consideration of landscape impact (as a direct impact) and not any potential indirect impacts such as tourism.

#### Grid Connection

The wind turbine would be connected to the grid via the existing substation at the Radio mast. Whilst concerns regarding the need for overhead power lines are noted, this is something that could be controlled by condition, requiring all cabling to be below ground.

#### Sutton Common Radio Mast - Ancillary development

Sutton Parish Council has commented that the original application for the Radio Mast may have included a requirement that all ancillary infrastructure/developments should be underground to prevent further impacts on the landscape. The Local Planning Authority do not have any records of the original planning application which formed part of the 1950's/60's 'Backbone' network of radio links. It is likely this was not subject to local planning controls. Without any evidence little weight can be given to this and regardless any restrictions would be unlikely to prevent a planning permission being granted for above ground ancillary development should it be acceptable in all other respects. As such this matter is not considered to be of relevance to the decision.

### **CONCLUSIONS**

There is broad support at national level for renewable energy proposals and wind turbines and the NPPF states that they should be approved if the impacts are acceptable. Local Plan policy is also permissive provided that certain criteria are met. However, it is considered that the size and scale of the wind turbine in the proposed location would introduce a highly prominent and uncharacteristic feature which would be visible from a wide area including the Peak District National Park. The presence of the existing iconic manmade landmark (the radio mast) in close proximity to the proposed wind turbine does not lessen the harmful visual impact of this proposal.

Secondly, the Noise Impact Assessment provided in support of the application does not present any site specific information. Given the proximity of the wind turbine to residential properties it is considered insufficient information has been provided to fully assess the potential amenity impacts of the development due to noise.

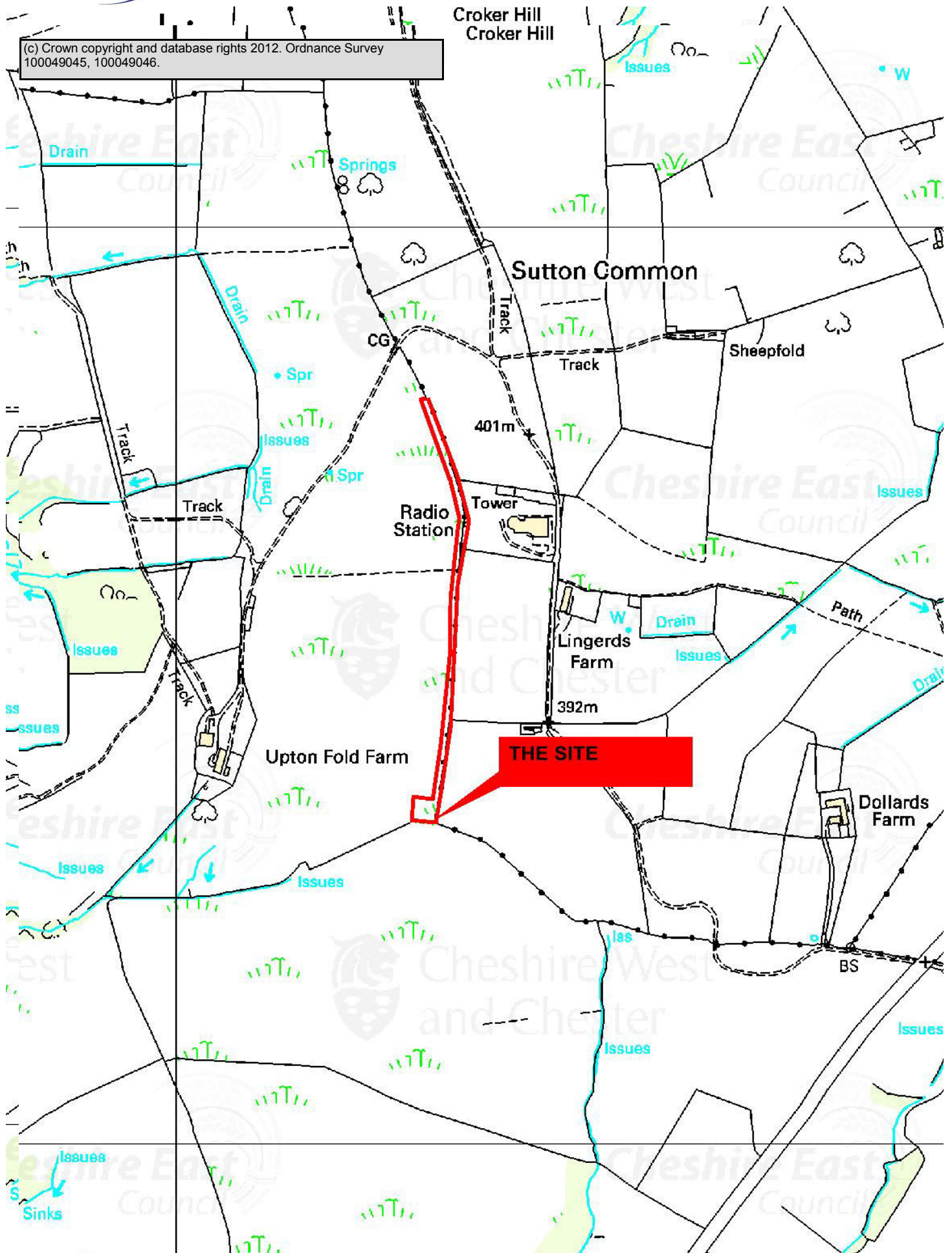
Application for Full Planning

#### **RECOMMENDATION:**

1. The adverse impact of the wind turbine on the landscape character due to its size and location
2. Insufficient information provided to assess the potential impact of the development on amenity from noise



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



This page is intentionally left blank

Application No: 12/4125C

Location: LAND ADJACENT TO HAWTHORNE COTTAGE, SWETTENHAM LANE,  
SWETTENHAM, CONGLETON, CHESHIRE, CW12 2LB

Proposal: Construction of 2no semi detached dwellings.

Applicant: Mr D Giles

Expiry Date: 26-Dec-2012

### SUMMARY RECOMMENDATION

#### REFUSE

#### MAIN ISSUES:

- Principle of the development
- The impact upon the Area of Special County Value (ASCV)
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon protected species
- The impact upon trees

### REASON FOR REFERRAL

The Cheshire East Council's Scheme of delegation advises that for '*applications involving a significant departure from policy which a Planning Committee is minded to approve*' should be referred to Strategic Planning Board for determination. As this development is for new dwellings in the Open Countryside, it does represent a departure from local plan policy. However, given that the proposal relates to just 2 units, it is not considered to be a **significant** departure. As such, the application has been referred to Northern Planning Committee as a departure from policy only.

### DESCRIPTION OF SITE AND CONTEXT

This application relates to an oblong shaped field immediately to the west of Hawthorne Cottage within the Open Countryside and an Area of Special County Value.

### DETAILS OF PROPOSAL

Full Planning permission is sought for the erection of 2 semi-detached dwellings.

### RELEVANT HISTORY

**07/1434/FUL** (Hawthorne Cottage) – Proposed replacement of existing single storey conservatory/sun lounge & minor alterations to rear of property – Approved 11<sup>th</sup> February 2008

**8109/3** (Hawthorne Cottage) – Alterations to dwelling house – Approved 9<sup>th</sup> November 1978

**1127/3** (Hawthorne Cottage) – Extension to form new lounge – Approved 19<sup>th</sup> December 1974

**0838/3** (Hawthorne Cottage) – Extension to form new lounge – Withdrawn 16<sup>th</sup> October 1974

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS8 – Open Countryside

PS9 – Areas of Special County Value

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

H6 – Residential Development in the Open Countryside and the Green Belt

NR2 – Wildlife and Nature Conservation (Statutory Sites)

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments

The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011)

Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010

Cheshire East 2010 Strategic Housing Market Assessment (SHMA)

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

**Strategic Highways Manager** – Object to the proposal due to a lack of information regarding the proposed new access.

**Environmental Health** – No objections, subject to conditions relating to hours of construction, pile foundations and a contaminated land informative.

**United Utilities** – No objections, subject to informative with regards to drainage.

**University of Manchester (Jodrell Bank)** - No objections, subject to the incorporation of electromagnetic screening measures.

**Housing (Cheshire East Council)** – No objections

**Open Space (Cheshire East Council)** - No comments received at time of report.

**VIEWS OF THE PARISH COUNCIL:**

**Swettenham Parish Council** – Object to the proposal due to its detrimental impact upon the Green Belt.

**OTHER REPRESENTATIONS:**

One objection to the proposal on the following grounds;

- Amenity – Overlooking, noise
- Highway safety

**SUPPORTING INFORMATION:**

Planning, Design and Access Statement

**OFFICER APPRAISAL**

**Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including;

- Agriculture and Forestry
- Facilities for outdoor sport
- Recreation
- Tourism
- Other uses which preserve the openness of the Open Countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings
- The re-use or redevelopment of existing employment sites.

The proposed development is for the erection of 2 new semi-detached dwellings and as such, is subject to Policy H6 as per above. Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories;

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill for those settlements identified in Policy PS6
- Affordable housing.

Page 11 of the applicants submitted Planning, Design and Access Statement advises that *'Limited infilling would be acceptable under local policies and as has been shown in this statement the site proposed for the construction of the two new cottages is an end plot of land next to and an existing cluster of homes. It is a tree lined to the highway and fenced to the remaining boundaries, is a secluded plot, ideally suitable for residential use.'*

As such, the applicant considers that the site falls within the limited infill category. Policy H6 of the Local Plan advises that limited infill is permitted within the boundary line of those settlements identified in Policy PS6. The application plot does not fall within one of those identified settlements. As such, it is considered that the development is contrary to Policy H6 and subsequently PS8 of the Local Plan.

With regards to the NPPF, Paragraph 49 advises that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply to deliverable housing sites.'*

Given that Cheshire East Council cannot currently demonstrate a five-year supply of deliverable housing sites, the relevant policies in the Local Plan cannot be considered up-to-date. As such the NPPF should be given greater weight than Policy H6 and PS8.

Paragraph 14 of the Local Plan advises that for decision making, sustainable development means *'Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...specific policies in this Framework indicate development should be restricted.'*

Paragraph 55 of the NPPF refers in new housing development in the countryside. Paragraph 55 advises that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities...Local planning authorities should avoid new isolated homes in the countryside...'* As such, the Framework restricts new housing in the countryside if it is deemed to be isolated. As a result, the principal acceptability of this application is whether the proposed development site is considered to be isolated, in terms of sustainability.

The NPPF supports a presumption in favour of sustainable development. The application unit is situated within the Open Countryside in an isolated location. There is a significant separation between the application site and the village centre of Swettenham itself. Between the village and the site are agricultural fields.

Page 7 of the submitted Design, Access and Planning Statement advises that Swettenham ‘...offers many amenities including a Church, post boxes, public telephone, the Swettenham Club and a public house.’

Given the remote location of the site, it is considered that there are limited amenities within close proximity. The North West Sustainability Checklist is often used to assess sustainability. The results of this assessment conducted by the Local Planning Authority are shown below.

Category	Facility	
<b>Open Space:</b>	Amenity Open Space (500m)	697m
	Children’s Play Space (500m)	4667m
	Outdoor Sports Facility (500m)	533m
<b>Local Amenities:</b>	Convenience Store (500m)	7402m
	Supermarket (1000m)	8046m
	Post box (500m)	516m
	Playground / amenity area (500m)	4667m
	Post office (1000m)	2574m
	Bank or cash machine (1000m)	7402m
	Pharmacy (1000m)	4345m
	Primary school (1000m)	5632m
	Secondary School* (1000m)	5954m
	Medical Centre (1000m)	4345m
	Leisure facilities (leisure centre or library) (1000m)	8207m
	Local meeting place / community centre (1000m)	560m
	Public house (1000m)	654m
	Public park or village green (larger, publicly accessible open space) (1000m)	567m
	Child care facility (nursery or crèche) (1000m)	4506m
<b>Transport Facilities:</b>	Bus stop (500m)	514m
	Railway station (2000m where geographically possible)	5471m
	Public Right of Way (500m)	529m
	Any transport node (300m in town centre / 400m in urban area)	5471m

**Disclaimers:**

*The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.*

*\* Additional parameter to the North West Sustainability Checklist*

*Measurements are taken from the centre of the site*

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

Although Swettenham does provide some amenities, the outcome of this assessment demonstrates that the location of the proposed housing is not sustainable. Other than Swettenham, the next nearest notable settlement is Holmes Chapel approximately 4 miles away and Congleton, 5.7 miles away. Due to this lack in local amenities, approval of dwellings in this location would encourage unsustainable vehicle movements to and from the site.

Given the isolated location of the application site and the lack of local amenities, it is considered that the application site is not a sustainable location, and as such is contrary to the NPPF and unacceptable in principle.

### Area of Special County Value

The site falls within the Dane Valley (Between Congleton and Holmes Chapel) ASCV designation. Policy PS9 advises that *'within these designated areas, development which would damage the character or features for which the Area of Special County Value has been designated will not be permitted.'* It is considered that the proposed new dwellings would have a detrimental impact upon the ASCV however, this would not be significant. Furthermore, because the studies that were used to form this designation are not up-to-date, only limited weight can be attached to this policy consideration.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

The only neighbouring dwelling which could be impacted by the proposal is the applicants dwelling, Hawthorne Cottage which would be located approximately 16 metres to the east. On the side elevation of the closest of the 2 proposed dwellings, 3 ground floor openings are proposed. A window would serve a W.C, a door to a hallway and another, a secondary window to a bedroom.

Paragraph 2.8 of SPG2 advises that *'In the case of two or three storey residential developments (i.e houses) where the main windows of a dwelling directly face the flank wall of*



*an adjacent dwelling, the minimum distance acceptable between dwellings would be 13.8 metres.'* Given that the distance between these elevations is 16 metres, it is not considered that the proposal would create any loss of amenity to the applicant's property.

There would be no new amenity issues created to any other side. In addition, the two dwellings would not have a detrimental impact upon each other.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions such the application be approved. These include, hours of construction, hours of piling, a piling method statement and an informative regarding contaminated land.

As a result of the above, once conditioned, it is considered that the development would adhere with Policy GR6 of the Local Plan.

### **Design and Layout**

The proposal is for 2 semi-detached, two-storey, dwellings which would all front onto Swettenham Lane. 1 unit would consist of 3 bedrooms, the other, 2 bedrooms. The appearance of each dwelling would be similar. Each dwelling would be positioned approximately 22 metres to the south of Swettenham Lane and would have a footprint of approximately 61 metres squared and consist of dual-pitched roofs approximately 8.4 metres in height.

With regards to the scale of the surrounding units, Hawthorne Cottage has a footprint of approximately 70.6 metres squared (as extended). Delamere, the adjacent dwelling to the applicant's property has a footprint of approximately 50.4 metres squared. Therefore the proposed footprints would fall within this range and as such, the scale of the dwellings is deemed to be acceptable. The height of Hawthorne Cottage and Delamere is approximately 8 metres and as such, the height of the proposed dwellings would also be acceptable.

In relation to materials, it is advised within the application form, that the dwellings would consist of a red Cheshire brick finish, a plain clay tiled roof and uPVC fenestration. The proposed boundary fencing would be timber and the proposed hard standing, tarmac. Given that only basic details have been provided and that some of the proposed materials would be unsatisfactory in this countryside location, it is recommended a condition be added to the decision notice requesting that further details of materials be submitted for subsequent approval.

In terms of design features, the dwellings would include 2 narrow gable ends that would project forward of the principal building line, and each front door would include a dual-pitched roofed canopy to match the pitch of the roofs. Each dwelling would include a single-storey side extension with a hipped roof, and each unit would share a centralised chimney. A brick soldier course would run at ground floor ceiling level around the properties. The windows would consist of a mixture of double and triple pane openings. It is considered that these design features would not appear incongruous within this area.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2 of the Local Plan.

## Highways and Parking

The proposed dwellings would be accessed via a newly created access onto Swettenham Lane. Each dwelling would benefit from a driveway which stems from this shared access point. There would be at least 2 parking spaces provided for each unit.

*The Strategic Highways Manager has advised that 'A new shared access is to be provided serving the site, as the site level is significantly higher than road level I would like to see the proposed gradient of the shared drive as it meets Swettenham Lane. On the frontage of the development there are a number of existing trees that may affect visibility and no visibility splays at the access point have been indicated on the submission. Therefore, there is a lack of information provided with regard to highways and I would have to object to the development.'*

As such, given this lack of information, the Strategic Highways Manager cannot effectively assess the impact upon Highway Safety and as such, the development is deemed to be at variance with Policy GR9 of the Local Plan.

## Landscaping and Trees

There are a number of trees around the boundaries, including specimens on the road side and a small copse of trees close to the road frontage. The Council's Landscape Officer has advised that there is currently insufficient information to determine the application. As such, the following information has been requested;

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including draft tree protection plan and (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement

As such, given this lack of information, the Council's Landscape Officer cannot effectively assess the impact upon trees or the landscape and as such, the development is deemed to be at variance with Policies NR1 and GR4 of the Local Plan.

## Ecology

The Council's Nature Conservation Officer advised that he does *'...not anticipate there being any significant ecological issues associated with the proposed development.'* As such, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

## CONCLUSIONS

The proposal is for 2 new isolated dwellings in the countryside. The units would not serve agricultural workers, would not relate to a heritage asset, would not relate to the re-use of redundant or disused buildings and are not of exceptional or innovative design. By reason of

the isolated location of the site and lack of local public amenities it is not considered that the proposal is in a sustainable location and as such, is contrary to the NPPF.

In addition, the submission does not adequately consider the presence of the trees or their potential influence on the proposed development. The proposal is therefore also contrary to the provisions of Policy NR1 of the Congleton Borough Local Plan First Review 2005 and the NPPF.

The submission does also not adequately provide sufficient information regarding the proposed access. The proposal is therefore contrary to the provisions of Policy GR9 of the Congleton Borough Local Plan First Review 2005 and the NPPF.

Application for Full Planning

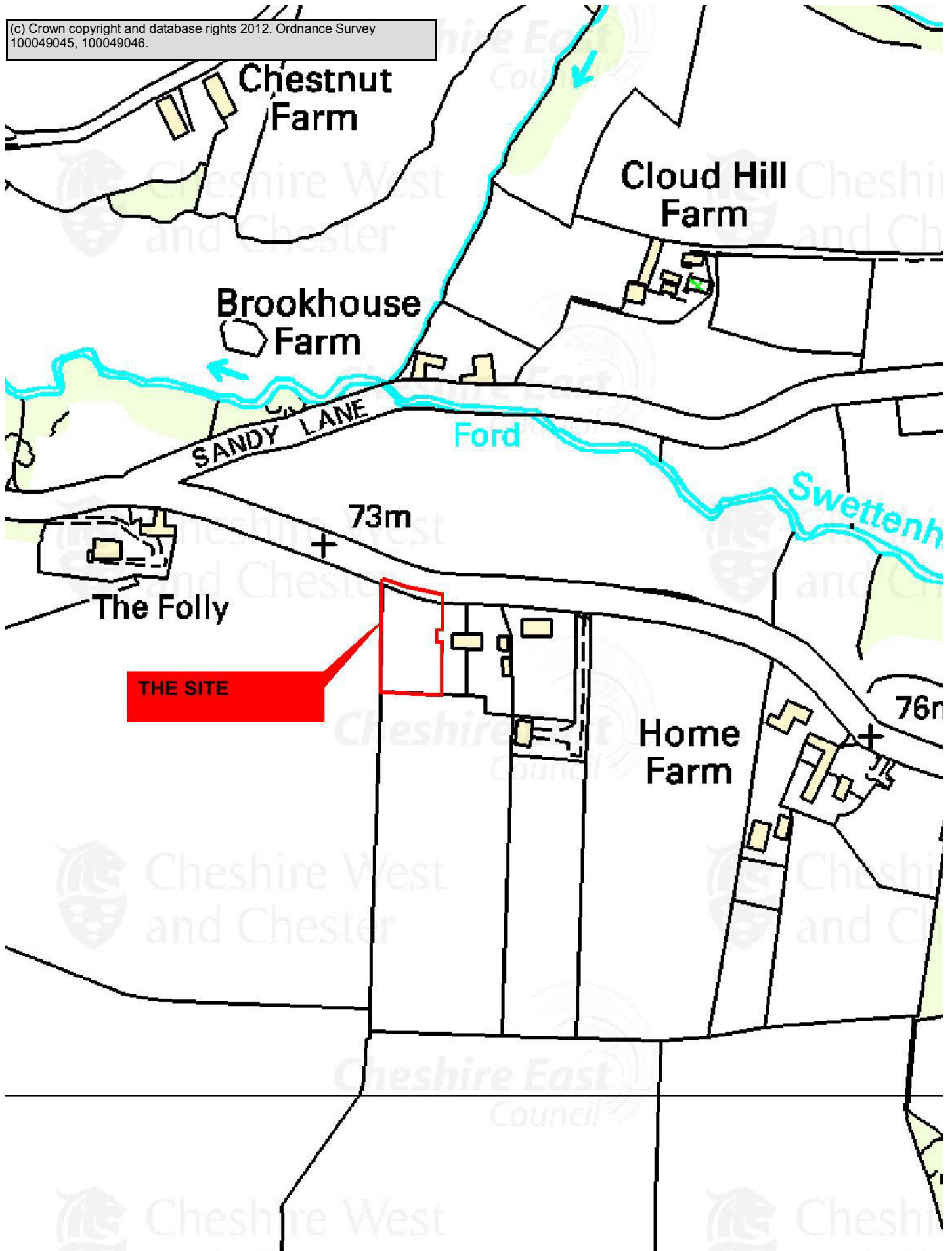
RECOMMENDATION: Refuse for the following reasons

**The proposal is for 2 new isolated dwellings in the countryside and as such is contrary to the NPPF. The units would not serve agricultural workers, would not relate to a heritage asset, would not relate to the re-use of redundant or disused buildings and are not of exceptional or innovative design. By reason of the isolated location of the site and lack of local public amenities it is not considered that the proposal is in a sustainable location and as such, is contrary to the NPPF.**

**In addition, the submission does not adequately consider the presence of the trees or their potential influence on the proposed development. The proposal is therefore also contrary to the provisions of Policy NR1 of the Congleton Borough Local Plan First Review 2005 and the NPPF.**

**The submission does also not adequately provide sufficient information regarding the proposed access. The proposal is therefore contrary to the provisions of Policy GR9 of the Congleton Borough Local Plan First Review 2005 and the NPPF.**

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



Application No: 12/4194C

Location: The Orchard, PADGBURY LANE, CONGLETON, CW12 4HX

Proposal: Outline Application for Residential Development of up to 3No Dwellings, including Access

Applicant: Edwina Darnell

Expiry Date: 31-Dec-2012

### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon protected species
- The impact upon trees

### **REASON FOR REFERRAL**

The Cheshire East Council's Scheme of delegation advises that for '*applications involving a significant departure from policy which a Planning Committee is minded to approve*' should be referred to Strategic Planning Board for determination. As this development is for new dwellings in the Open Countryside, it does represent a departure from local plan policy. However, given that the proposal relates to just 3 units it is not considered to be a **significant** departure. As such, the application has been referred to Northern Planning Committee as a departure from policy only.

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

This application relates to a square shaped field on the south-western side of Padgbury Lane, Congleton within the Open Countryside.

### **DETAILS OF PROPOSAL**

Outline Planning permission is sought for the erection of 3 detached dwellings. Permission is also sought for access. Landscaping, appearance, scale & layout are reserved for

subsequent approval. As such, this proposal seeks to establish the principle of residential development and the acceptability of the access onto Padgbury Lane.

## **RELEVANT HISTORY**

**24373/1** - (Outline) Residential development for private and social housing. Provision of community centre and community playing field – Refused 16<sup>th</sup> June 1992

**23369/1** - (Outline) Erection of 24 no. Detached dwelling houses together with associated access/landscaping/garaging – Withdrawn 6<sup>th</sup> June 1991

**17996/1**- (Outline) Residential development – Refused 9<sup>th</sup> September 1986

**16303/1**- (Outline) Residential development – Refused 13<sup>th</sup> November 1984

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

H6 – Residential Development in the Open Countryside and the Green Belt

NR1 – Trees and Woodland

NR2 – Wildlife and Nature Conservation (Statutory Sites)

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments

The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011)

Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010

Cheshire East 2010 Strategic Housing Market Assessment (SHMA)

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

**Strategic Highways Manager** – No objections

**Environmental Health** – No objections, subject to conditions relating to hours of operation, site compound, pile foundations and contaminated land

**United Utilities** – No objections, subject to informatives regarding drainage and connections to sewers

**Environment Agency** - No objections, subject to conditions relating to hours of construction, hours of piling, contaminated land, submission of a piling method statement & submission of a site compound plan.

**Open Space (Cheshire East Council)** - No comments received at time of report

**Housing (Cheshire East Council)** - No objections

#### **VIEWS OF THE TOWN COUNCIL:**

**Congleton Town Council** – Object on the grounds that the site is outside the settlement boundary.

#### **OTHER REPRESENTATIONS:**

11 neighbouring letters of objection have been received. Concerns have been raised in relation to the following issues;

- Highway safety / traffic
- Amenity – Overlooking
- Impact upon trees / hedgerows
- Impact upon local wildlife
- Layout of the scheme
- Outside settlement boundary / impact upon countryside
- Precedent for more development
- Extra pressure of doctors / schools
- Lack of Local Plan should not mean that such a development is acceptable.

1 letter of objection on behalf of 3 councillors (Cllr Baxendale, Cllr Domleo & Cllr Topping) has been received. Concerns have been raised in relation to the following issues;

- Outside settlement boundary / impact upon countryside
- Lack of Local Plan should not mean that such a development is acceptable.

#### **SUPPORTING INFORMATION:**

Design, Access & Planning Statement

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including;

- Agriculture and Forestry
- Facilities for outdoor sport
- Recreation
- Tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings
- The re-use or redevelopment of existing employment sites.

The proposed development is for the erection of 3 new detached dwellings and as such, is subject to Policy H6 as per above. Policy H6 of the Local Plan advises that residential development within the open countryside will not be permitted unless it falls within one of the following categories;

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill for those settlements identified in Policy PS6
- Affordable housing

As the proposal fails to fall into any of these categories, the development is deemed to be contrary to the Local Plan and as such, unacceptable in principle with regards to the Local Plan.

Paragraph 49 of the NPPF advises that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply to deliverable housing sites.'*

Given that Cheshire East Council cannot currently demonstrate a five-year supply of deliverable housing sites, the relevant policies in the Local Plan cannot be considered up-to-date, and as such the determination that the application is contrary to Policy H6 and therefore PS8 will have reduced weight.

Paragraph 14 of the Local Plan advises that for decision making, sustainable development means *'Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...specific policies in this Framework indicate development should be restricted.'*

Paragraph 55 of the NPPF refers in new housing development in the countryside. Paragraph 55 advises that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities...Local planning*



*authorities should avoid new isolated homes in the countryside...* As such, the Framework restricts new housing in the countryside if it is deemed to be isolated. As a result, the principal acceptability of this application is whether the proposed development site is considered to be isolated, in terms of sustainability.

Within the submitted Design, Access & Planning Statement, it is advised that *'The site is in a sustainable location close to primary and secondary schools, West Heath local shopping centre and employment and Radnor Park.'* It should be noted that the Porters Service Station, which includes a small shop is within 90 metres of the site.

The North West Sustainability Checklist is often used to assess sustainability. The results of this assessment conducted by the Local Planning Authority are shown below.

Category	Facility	
<b>Open Space:</b>	Amenity Open Space (500m)	482m
	Children's Play Space (500m)	482m
	Outdoor Sports Facility (500m)	482m
<b>Local Amenities:</b>	Convenience Store (500m)	82m
	Supermarket (1000m)	1600m
	Post box (500m)	321m
	Playground / amenity area (500m)	482m
	Post office (1000m)	804m
	Bank or cash machine (1000m)	1600m
	Pharmacy (1000m)	1600m
	Primary school (1000m)	804m
	Secondary School* (1000m)	965m
	Medical Centre (1000m)	2574m
	Leisure facilities (leisure centre or library) (1000m)	3218m
	Local meeting place / community centre (1000m)	965m
	Public house (1000m)	407m
	Public park or village green (larger, publicly accessible open space) (1000m)	482m
	Child care facility (nursery or creche) (1000m)	804m
<b>Transport Facilities:</b>	Bus stop (500m)	128m
	Railway station (2000m where geographically possible)	4506m
	Public Right of Way (500m)	428m
	Any transport node (300m in town centre / 400m in urban area)	3057m
<b>Disclaimers:</b>		
<i>The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The above assessment concludes that the majority of the local amenities deemed to be essential for sustainable living are within the recommended separation distances.

Given that the NPPF places greater emphasis on sustainability above all other matters, the development is considered to be acceptable in principle.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The four neighbouring properties to the development site are; The Orchard, Pear Tree Cottage, Padsbridge Farm and No.5 Langdale Court. The rear elevations of The Orchard, Pear Tree Cottage and Padsbridge Farm would be between approximately 15 and 26 metres to the northwest of the closest proposed dwelling. The side elevation of No.5 Langdale Court would be over 35 metres from the principal elevation of the closest proposed dwelling.

It is advised within SPD2 that between a flank elevation and a main window, a gap of 13.8 metres should be achieved. As this gap is achieved, it is not considered that the proposal would create any amenity issues for these neighbouring properties in terms of loss of privacy, loss of light or visual intrusion.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including: Hours of construction, the prior submission of details of the site compound, pile foundations and a contaminated land condition.

As a result of the above, once conditioned, it is considered that the development would adhere with Policy GR6 of the Local Plan.

### Design and Layout

All matters, except access are reserved for later approval. However the submitted indicative plan shows that the proposal is for 3 detached dwellings, adjacent to each other which would all front onto Padgbury Lane and be inset between 22 and 26 metres from the highway. A detached garage is proposed to 1 of the 3 dwellings forward of the building line.

The applicant's property and the property directly across the road, No.5 Langdale Court are both detached, two-storey dwellings. Pear Tree Cottage and Padsbridge Farm are semi-detached two-storey dwellings. Given that two of the closest properties to the proposal are detached and two-storey; it is considered that the proposal would mirror the immediate form of the area. With reference to the dwelling's footprint, this in general terms would be similar to the surrounding dwellings.

It is therefore demonstrated that the site can accommodate dwellings appropriate to the area.

### **Access**

The proposed dwellings would be accessed via a proposed new existing access off Padgbury Lane. The proposed driveways would accommodate at least 2 cars each. Furthermore, a detached garage is proposed to 1 of the dwellings.

The Council's Strategic Highway's Manager has advised that *'A single point of access is proposed to serve the three units and a suitable access design can be achieved to serve the site. There is adequate visibility available both directions on Padgbury Lane. Therefore, there are no highway objections to the creation of a new access point as indicated on the submitted plan.'*

As a result, it is considered that the proposal would be acceptable from an Access and Parking perspective (BE.3).

### **Trees**

The Council's Arboricultural Officer advised that additional information is required, namely a topographical survey, a tree survey, tree categorisation, tree constraints and root protection area to influence design, an arboricultural impact assessment and an arboricultural method statement.

This information has now been submitted and is satisfactory subject to a tree protection condition. As such, it is considered that the development adheres with Policy NR1 of the Local Plan.

### **Ecology**

The Council's Nature Conservation Officer has advised that *'There is no ecological appraisal supporting the application, but the site appears to have little nature conservation value. I can find no ponds or hedgerows within or in close proximity to the site. There are trees on the site and overhanging the site, so the usual condition covering breeding bird protection is appropriate if the trees are to be removed.'*

As such it is considered that the proposal would adhere with Policy NR2 of the Local Plan. It is not proposed that any trees will be felled as part of the development and as such, the proposed condition is not necessary.

## **CONCLUSIONS**

In conclusion, whilst the proposal represents a departure from the development plan, there are 'other material considerations' which would outweigh the proposals non-compliance with relevant local plan policies.

As such, although the development is contrary to the Congleton Borough Local Plan First Review 2005 Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and the Green Belt), greater weight in this instance should be given to the NPPF as the scheme represents sustainable development.

It is considered that the proposed development is of a suitable design, located in a sustainable location which would not have a detrimental impact upon neighbouring amenity, highway safety, trees or protected species. As such, the proposed development adheres with the following policies within the Congleton Borough Local Plan First Review 2005: GR1 (General Criteria for Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR20 (Public Utilities), NR1 (Trees and Woodlands) and NR2 (Wildlife and Nature Conservation (Statutory Sites)).

## **RECOMMENDATION:**

**Approve** subject to the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Details of materials to be submitted
6. Hours of construction
7. Piling
8. Site compound
9. Contaminated land
10. Boundary treatment
11. Tree protection

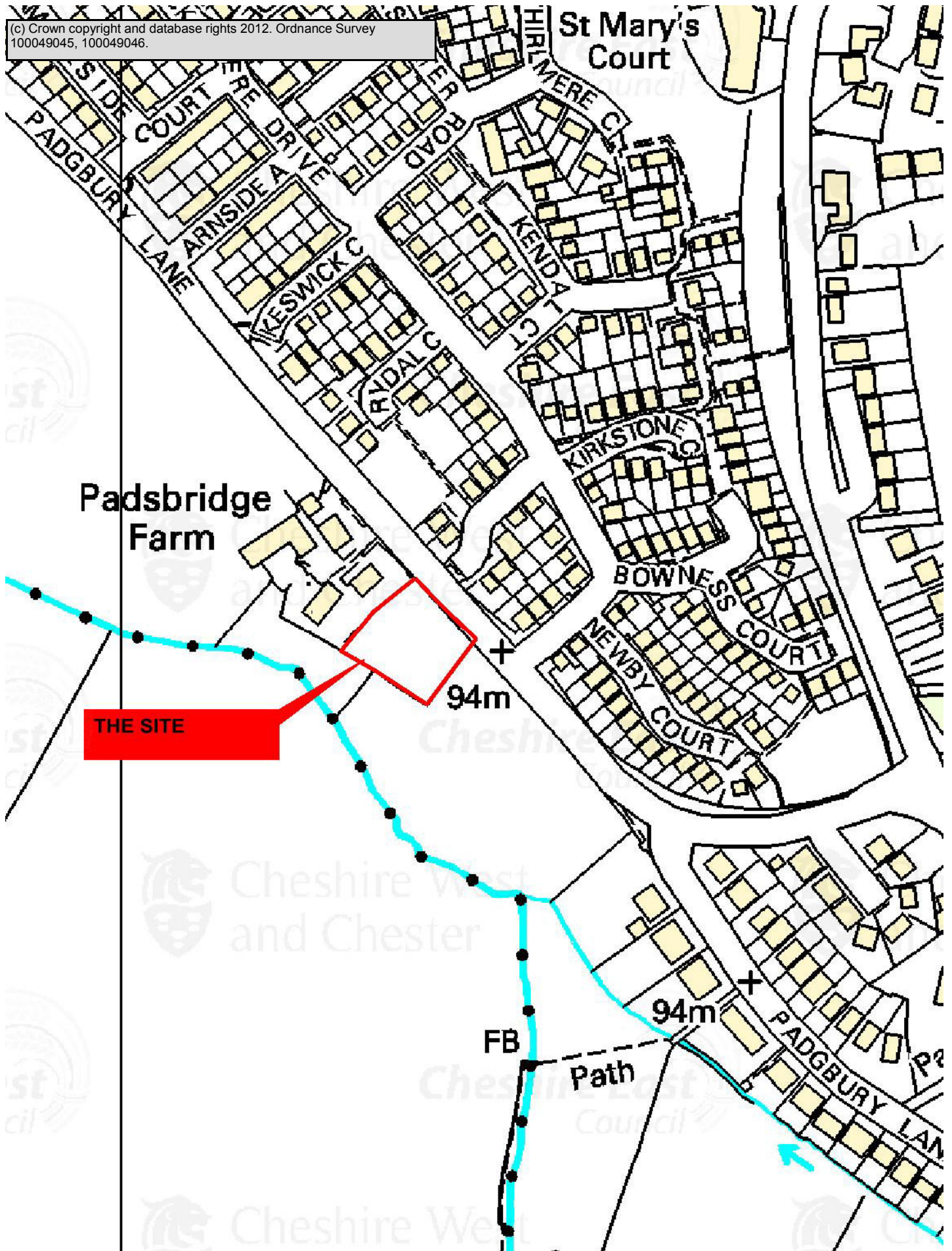
## **Informatives**

1. United Utilities have recommended the following:
  - If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer.
  - Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.
- United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development



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



This page is intentionally left blank



Application No: 12/4039M

Location: FORMER BEECH LAWN AND WOODRIDGE, BROOK LANE,  
ALDERLEY EDGE, CHESHIRE, SK9 7QG

Proposal: Engineering works in association with residential development

Applicant: P.E.Jones (Contractors) Limited

Expiry Date: 20-Dec-2012

**Date Report Prepared:** 07 December 2012

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon the character of the area
- Impact upon the amenity existing and proposed residents
- Impact upon highway safety
- Impact upon nature conservation interests

#### **REASON FOR REPORT**

The application is closely linked to application 12/4038M, which appears elsewhere on the agenda.

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

The application site is a landscaped area adjacent to the Alderley Edge by-pass comprising no built development. The site is located within the Green Belt as identified in the Macclesfield Borough local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to carry out engineering works to increase the height of a small section of this land. The intention of this is to provide screening to the lower parts of the buildings seeking planning permission under application 12/4038M.

#### **RELEVANT HISTORY**

11/4341M - Amended Scheme for Erection of 20 Apartments in Two, Three Storey Buildings  
– Refused 16.03.2012 (currently under appeal)

98/2054P - Demolition of Existing Buildings And Construction Of 18 Flats In 2(No) Three Storey Blocks With Associated Car Parking – Allowed On Appeal 02.07.1999  
(This scheme has been implemented by virtue of the implementation of the access being formed and the buildings on the site having been demolished.)

## **POLICY**

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

DP1 - Spatial Principles, promoting sustainable development

### **Macclesfield Borough Local Plan (2004)**

BE1 - Design principles for new developments

NE11 - Protection and enhancement of nature conservation interests

H13- Protecting Residential Areas

DC1 - High quality design for new build

DC2 - Design quality for extensions and alterations

DC3 - Protection of the amenities of nearby residential properties

DC5 – Natural surveillance

DC6 - Safe and convenient access for vehicles, special needs groups and pedestrians

DC8 - Requirements to provide and maintain landscape schemes for new development

DC9 - Tree protection

DC37 - Landscaping

### **Other Material Considerations**

National Planning Policy Framework (the Framework)

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

Strategic Highways Manager – No objections subject to method statement to ensure that there is no adverse impact upon the highway during construction.

## **VIEWS OF THE PARISH COUNCIL**

Alderley Edge Parish Council - Recommend refusal of this application. Councillors are disappointed that the only proposal considered for this site seems to be apartments, in considerable number. The PC accepts that there are apartment blocks on Brook Lane, but is concerned that this area is housing, predominantly two storey dwellings of modest scale. The idea that this sort of development could spread along Brook Lane is not acceptable to the Council. The proposal does not comply with policies DC1 or DC3 of the local plan.

## **OTHER REPRESENTATIONS**

None

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an Ecological Survey with the application.

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 90 of the Framework states that “Certain other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt”. These other forms of development include engineering operations, and the proposed works fall into this category.

The proposal involves the re-grading of part of the land between the by-pass and the proposed residential development on the adjacent site. The land currently falls away at this section of the site, and the intention is that this area is raised from its lowest point shown on the plans to be currently at a level of 72.07m up to a level of 74.50m. This will increase the height of the banking that runs parallel to the by-pass by a maximum of approximately 2.5 metres. This height will be created to wrap round the northern corner of the adjacent residential site, and to restrict views of the lower parts of the site.

The land is currently occupied by young trees planted as part of the landscaping scheme for the by-pass. A replacement planting scheme would be carried out to mitigate for the loss of the existing vegetation as part of this proposal, but importantly the land will remain open. Given that the proposed height is reflective of land levels within the immediate area, there is not considered to be any significant impact upon the openness of the Green Belt. As a result it is considered that the proposal is not inappropriate development in the Green Belt. For the same reasons there will not be any significant impact upon the visual amenity of the Green Belt arising from the re-grading of this relatively small section of land.

### **Amenity**

Due to the nature and scale of the development and the relationship with and distance to neighbouring properties, no significant amenity issues are raised.

### **Nature Conservation**

Comments from the nature conservation are awaited, however, given that no ecological issues have been identified on the accompanying application (12/4038M), it is not anticipated that any significant ecological issues will be raised. The nature conservation comments will be reported to Members as an update.

### **Landscaping**

As noted above, the new land levels will tie in with similar existing levels to either side, and will therefore not appear out of keeping within the existing landscape. The loss of the existing young trees within this area of land will be mitigated by replacement planting to tie in with the existing by-pass verge.

### **Highways**

The Strategic Highways Manager has commented on the application and raises no objections subject to the submission of a method statement to ensure that the operational works do not compromise highway safety on the by-pass.

### **CONCLUSION**

The proposal is not inappropriate development in the Green Belt, and will not have any significant landscape, ecological or highway safety impacts. Whilst the development is to be

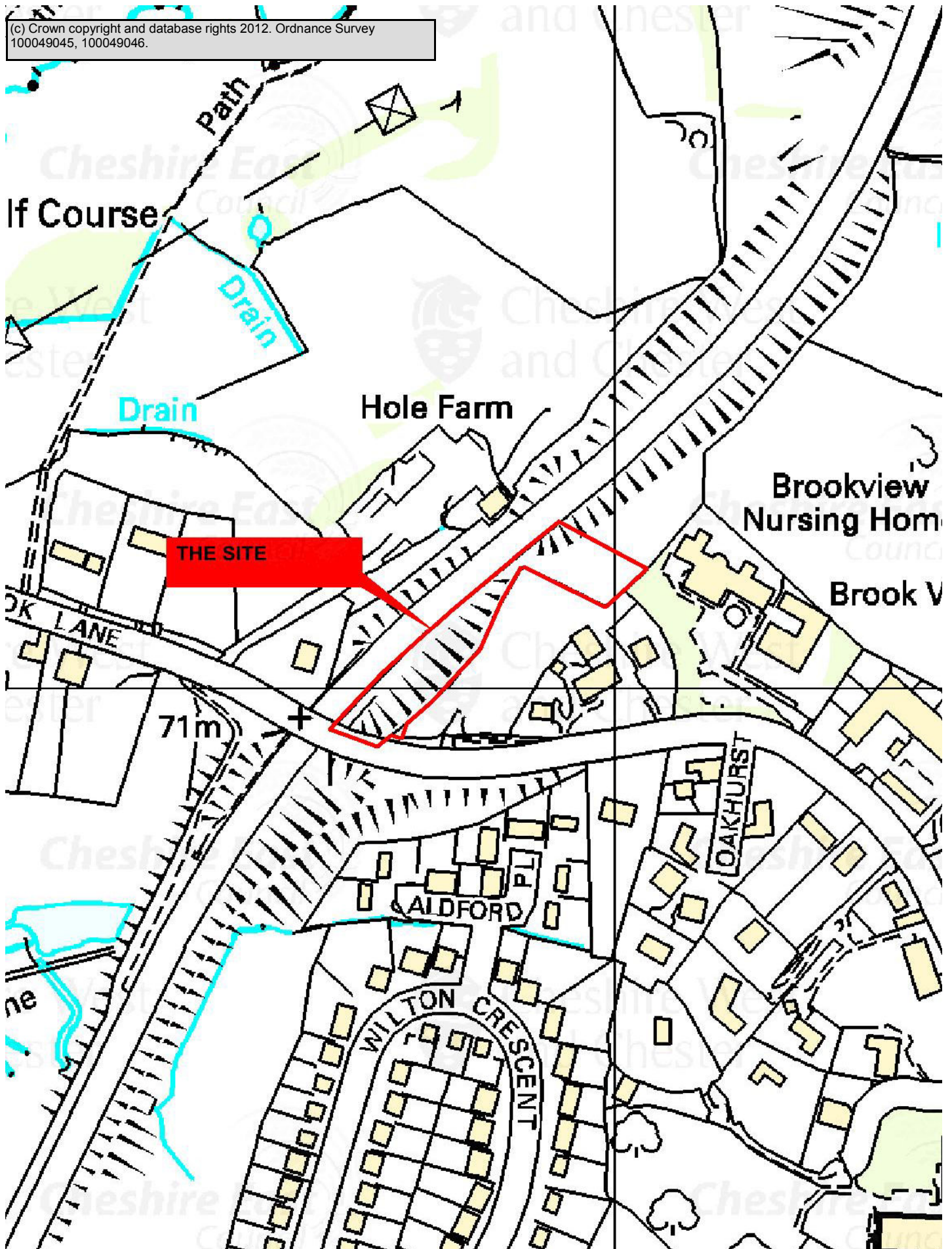
carried out in association with the proposed residential development that is the subject of application 12/4038M, it is a proposal that is acceptable on its own merits. Accordingly, a recommendation of approval is made.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A32HA - Submission of construction method statement

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



This page is intentionally left blank

Application No: 12/4038M

Location: FORMER BEECH LAWN AND WOODRIDGE, BROOK LANE,  
ALDERLEY EDGE, CHESHIRE, SK9 7QG

Proposal: Amended scheme for erection of 20 apartments in two buildings. (Re-submission)

Applicant: P.E.Jones (Contractors) Limited

Expiry Date: 18-Jan-2013

**Date Report Prepared:** 05 December 2012

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Impact upon the character of the area
- Impact upon the amenity existing and proposed residents
- Impact upon highway safety
- Impact upon nature conservation interests
- Impact upon trees of amenity value
- Have reasons for refusal on the previous proposal ref 11/4341M been addressed

#### **REASON FOR REPORT**

Due to the scale of the proposal, the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

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

The application site is currently vacant following the demolition of the previous buildings on the site as part of the implementation of a previous planning permission (98/2054P) in 2004. The site is located immediately adjacent to the Alderley Edge by-pass, within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan. The Green Belt boundary lies immediately adjacent to the site.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to erect 2 apartment blocks comprising 10 apartments in each block with basement car parking.

The applicant has sought to address the reasons for the refusal of application 11/4341M. The revisions from this previous refusal include:

- Submission of an accompanying application to re-grade the land outside of the application site in order to better screen the lower section of building 2.
- Building 1 moved away from boundary shared with Highfield House.
- Building 2 moved away from boundary shared with by-pass.
- Gables widened on North elevation to visually reduce the perceived height of the building

An accompanying application for engineering works to the adjacent land also appears on the agenda (12/4039M).

## **RELEVANT HISTORY**

11/4341M - Amended Scheme for Erection of 20 Apartments in Two, Three Storey Buildings – Refused 16.03.2012 (currently under appeal)

98/2054P - Demolition of Existing Buildings and Construction of 18 Flats in 2(No) Three Storey Blocks with Associated Car Parking – Allowed On Appeal 02.07.1999

(This scheme has been implemented by virtue of the implementation of the access being formed and the buildings on the site having been demolished.)

## **POLICY**

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

DP1 - Spatial Principles, promoting sustainable development

DP2 - Promote Sustainable Communities

DP5 - Manage Travel Demand

EM2 - Remediating Contaminated Land

EM18 – Decentralised Energy Supply

MCR3 - Southern Part of the Manchester City Region

L2 – Understand Housing Markets

L4 – Regional Housing Provision

### **Macclesfield Borough Local Plan (2004)**

BE1 - Design principles for new developments

NE11 - Protection and enhancement of nature conservation interests

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

DC1 - High quality design for new build

DC2 - Design quality for extensions and alterations



DC3 - Protection of the amenities of nearby residential properties  
DC5 – Natural surveillance  
DC6 - Safe and convenient access for vehicles, special needs groups and pedestrians  
DC8 - Requirements to provide and maintain landscape schemes for new development  
DC9 - Tree protection  
DC35 - Materials and Finishes  
DC37 - Landscaping  
DC38 - Guidelines for space, light and privacy for housing development)  
DC40 - Children's Play Provision and Amenity Space  
DC41 - Standards for space, light, privacy and highway safety for housing redevelopment

### **Other Material Considerations**

National Planning Policy Framework (the Framework)

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

United Utilities - No objections subject to drainage being on a separate system.

Manchester Airport – No safeguarding objections

Strategic Highways Manager – Comments not received at time of report preparation however no objections are anticipated as no highway safety concerns were raised over application 11/4341M.

Housing Strategy and Needs Manager - No objections subject to a S106. In this case a financial contribution in lieu of on site provision is acceptable.

Environmental Health - No objection subject to conditions relating to further ground contamination investigation given that the proposed residential use is a sensitive end use, and the impact of noise from the bypass being adequately mitigated.

Leisure Services - The development falls within the threshold for a commuted sum for the provision of public open space (POS) and recreation/outdoor sports facilities. For POS the commuted sum would be £54,000. This would be used to make additions, improvements and enhancements to public open space and play and amenity facilities in Alderley Park. The Sport and outdoor recreation commuted sum would be £9,000 and would be used to make additions, improvements and enhancements to the facilities within Alderley Park and at Chorley Hall Playing Fields

### **VIEWS OF THE PARISH COUNCIL**

Alderley Edge Parish Council - Recommend refusal of this application. Councillors are disappointed that the only proposal considered for this site seems to be apartments, in considerable number. The PC accepts that there are apartment blocks on Brook Lane, but is concerned that this area is housing, predominantly two storey dwellings of modest scale. The idea that this sort of development could spread along Brook Lane is not acceptable to the Council. The proposal does not comply with policies DC1 or DC3 of the local plan.

## **OTHER REPRESENTATIONS**

One letter of representation has been received from 5 Aldford Place objecting to the proposal on the following grounds:

- Building 1 appears to be in exactly the same position as shown in 11/4341M.
- Regardless of its position, its unchanged design is still of a scale and mass that is out of keeping.
- The building will look far too massive when approached along Brook Lane from a westerly direction, and when viewed from the houses and gardens of Aldford Place.
- Alderley Edge already suffers from severe parking problems so adding more apartments as compared with the application that was approved in 1999 is a change in the wrong direction. If anything the number of apartments should be reduced. I ask the planning committee to again reject the application.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a Planning Statement, Sustainability Statement, Arboricultural Survey, Ecological Survey, Design and Access Statement, Air Quality Report, Traffic Noise Assessment and Draft Unilateral Undertaking with the application. The planning statement concludes:

- Previous development no longer suitable for the site.
- Two additional dwellings created.
- Financial contributions to be provided for open space and offsite affordable housing which would not be provided with the extant permission.
- Proposal will contribute towards meeting the Council's housing targets.
- Benefits to Alderley Edge in the form of jobs on site and spending by new residents
- Affordable housing, open space and new homes bonus will enable £500,000 to be invested in Alderley Edge
- Provides a quality development with significant improvements
- As a whole there are sufficient benefits to bringing this development forward in accordance with the pro-development stance of the Government

## **OFFICER APPRAISAL**

### **Housing**

The principle of the redevelopment of the site for housing is accepted given the site's location within a predominantly residential area. No issues were raised in this regard during the course of the previous application. In terms of affordable housing it was previously accepted by officers that due to the nature and scale of the proposed apartments an affordable housing contribution for off site provision would be appropriate rather than providing the affordable housing on site. This was agreed to be £280,047. The Strategic Housing Manager raises no objections to the proposed financial contribution.

Since the refusal of 11/4341M, the National Planning Policy Framework has been published. Paragraph 47 of the Framework requires that Councils have a five year supply of housing plus a minimum buffer of 5% to improve choice and competition. Cheshire East has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

It is noted that the site is a greenfield site, as it would still be considered as private residential gardens, and therefore not the first priority for development. However, it is acknowledged that with the extant permission there is recognition that the land is capable of development for housing. The site is also considered to be adequately proximate to Alderley Edge district centre and its associated shops, services and public transport links, which are approximately 700 metres from the site and within walking / cycling distance. It is therefore considered that the site is in a relatively sustainable location and the principle of a residential use is accepted.

Sustainable development is development that meets economic, social and environmental objectives. The location of the site for housing development does not conflict with any of these objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

One of the core planning principles set out in The Framework is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These are also two of the key considerations with this particular proposal.

### **Design / character**

The application site lies on the northern side of Brook Lane, at the edge of the Predominantly Residential Area, beyond which lies the Alderley Edge by-pass and the Green Belt. Brook Lane is generally characterised by large Victorian/Edwardian semi-detached and detached mansions set in large, well landscaped plots with extensive tree cover.

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of

sustainable development". Local Plan design policies are therefore fully consistent with The Framework and should be given due weight.

One of the reasons for the refusal of application 11/4341M was that due to the scale, form, mass and bulk the proposal would result in a cramped and intrusive form of development out of keeping with the character of the area within which the development would be sited.

In order to address this reason for refusal, the applicant has moved building 2 away from the North West boundary shared with the Alderley Edge bypass by approximately 1 metre and rotated the building marginally anti-clockwise to move the bulk of the building further away from the highway.

The 1998 apartment scheme also comprised 2 apartment blocks with surface level car parking and garages. Whilst the height, depth and width of the 1998 scheme is notably smaller than the scheme now proposed, the approved buildings were still substantial structures in their own right. The ridge height of the approved buildings is 12.5 metres. It should also be noted that the site context has changed considerably since the previous approval in 1998 as the by-pass now runs close to the North West boundary of the site, where there was once open agricultural land. Accordingly, the rear of the site is now subject to public views from additional vantage points that did not exist at the time of the previous appeal.

The proposed development will be clearly visible along the by-pass. There will be an increase in the scale of development compared to the extant planning permission, but the visual impact will be most significant due to the fact that the site is currently open and free from any structures, as has been the case since the by-pass first opened. The site itself slopes down from Brook Lane in a northerly direction, so that the north east corner of the site is almost at the same level as the by-pass verge. The character along much of the by-pass retains an open character, with the built form set back from the road. This section of the highway does not share this character, and has a number of other visible structures, notably other buildings and the bridge that carries Brook Lane over the by-pass. These features alter the perceived character of openness within the immediate area and create a "bottleneck" at this point which is not replicated at any other point on the by-pass. The proposed buildings will simply add to this existing environment.

Turning to the Brook Lane streetscene, the property next door (Highfield House) is something of an anomaly on this road. Whilst appearing to be overwhelmed by the proposal, Highfield House is not typical of the general building scale and mass in the area. Therefore in the overall context of Brook Lane the proposal will not appear out of character. Mature vegetation along the south and east boundaries, which is protected by Tree Preservation Order, reinforces the character of the area and will also help to filter views of the proposal from Brook Lane.

The implemented scheme includes the provision of garage blocks and surface parking, whereas the majority of the parking for the proposed scheme is within the basements of the buildings. This has a positive impact upon the overall site layout and the environment that this scheme will create for the future residents. Aesthetically the material palette and architectural design is appropriate for the area and will be a pleasant introduction. Certainly this scheme will be representative of this era of development and change in Alderley Edge.

The concerns raised with the previous application related to the scale of both buildings, particularly at roof level, the dominance arising from the proximity of the rear apartment block to the by-pass, and the overdevelopment of the plot. The raising of the highway land to screen the basement areas from viewpoints along the Alderley Edge by-pass would help to reduce the visual impact of the extent of built form proposed within the site. Additionally, moving the building away from the boundary, albeit to a limited extent, to provide some relief between the road and the building would help to reduce the abrupt hard edge to this boundary.

However, of equal significance to these amendments is the introduction of the Framework since the previous decision. As noted above, a key test is now whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development. As a sustainable form of housing development, the level of harm must be significantly adverse for permission to be withheld.

Both the implemented scheme and the proposed scheme will introduce substantial built form to the site. Whilst the visual impact of the proposal will be significant, since the bypass has opened the site has been clear of all buildings, therefore any new buildings within the site, whatever their scale, will have a substantial visual impact when compared to the existing situation. The amendments made since the previous refusal will help to reduce the overall impact of the buildings, and when taken together with the presumption in favour of sustainable development, and the fallback of the implemented permission, on balance any visual harm arising from the development is not considered to be so significantly adverse for permission to be withheld.

### **Residential amenity**

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

The proposed buildings have an angled relationship with each other. At the closest point there is 14 metres between the two and at the furthest point there is a 21 metre separation distance. This is below the distance guidelines outlined in policy DC38 of the Local Plan. However, these guidelines can be varied if the design and layout of the scheme and its relationship to the site and its characteristics provides a commensurate degree of light and privacy between buildings. In this case, the 14 metre separation distance applies to a habitable room window in building 2 looking primarily towards the blank rear gable of building 1, which is considered to be acceptable.

The wider 21 metre separation distance involves relationships between windows serving living / dining rooms in building 2 with bedroom windows in building 1. As noted above the buildings are at an angle to each other and as such the windows are not directly facing. The living room windows in building 2 will also be given some privacy protection by the roof overhangs to the balconies. It is also noted that the affected living / dining rooms in building 2 have an alternative outlook on another elevation.

In terms of the impact upon neighbouring properties, following the previous refusal building 1 has been moved away from the boundary shared with Highfield House by 1 metre in an attempt to reduce the impact upon this property. It is also noted that the position of building 1 is no further back than the implemented permission. Therefore whilst the proposed development is taller, the overall impact upon Highfield House is now considered to be comparable to the approved scheme and would comply with the objectives of policy DC3 of the Local Plan.

Similarly, the building 2 has an angled relationship with the neighbours at Overdale, Rosehill and Brookhill, and the separation distances between these buildings is considered to be acceptable on that basis, having regard to policy DC38.

Therefore whilst it is acknowledged that the separation distances between the two buildings are below the guidelines set out in policy DC38, the relationship between the proposed and existing buildings maintains a satisfactory standard of space, light and privacy. The impact upon the living conditions of neighbours and future occupants of the development is acceptable and would not warrant withholding planning permission.

### **Highways**

Comments from the Strategic Highways Manager are awaited. However, during the last application highways advised that the internal road layout is not one which will be adopted as public highway and will remain private, especially as the road will be gated as it enters the site. There is sufficient space within the site for a refuse vehicle to turn and exit the site in forward gear.

A total of 39 parking spaces are proposed to serve 20 apartments, which equates to just under 200% parking. The access point provides adequate visibility given that it has been implemented in accordance with the 1998 scheme. No significant highway safety issues are therefore anticipated.

### **Nature Conservation**

The nature conservation officer has commented on the proposal and does not anticipate there being any significant protected species issues associated with the proposed development.

However, as the site has been vacant for some time semi-natural habitats have developed which are of nature conservation value in the very local context. The submitted ecological assessment recommends that the loss of these habitats is compensated for by means of the incorporation of species rich wildflower grasslands into the landscaping scheme for the site. An amended plan has been received to incorporate this within the site. Also, due to the nature of the site and the development, a further condition is recommended to safeguard breeding birds.

### **Trees / landscaping**

Comments from the forestry officer are awaited; however, given that no objections were raised to the refused scheme, no significant arboricultural implications are anticipated. This matter will be reported to members as an update.

However, it should be noted that the re-grading works that are the subject of application 12/4039M, should be the subject of a landscaping conditions to ensure that these works are carried out.

### **Open space**

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required. These have been identified as £54,000 for the provision of off-site public open space for improvements to the existing facilities at Alderley Park, and £9,000 for improvements to existing infrastructure at Alderley Park and Chorley Hall Playing Fields.

### **HEADS OF TERMS**

The applicant has submitted a draft s106 unilateral undertaking. This includes the following Heads of Terms:

- The payment of £280,047 in lieu of on site provision of affordable housing
- £54,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £9,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) within Alderley Park and Chorley hall Playing Fields.

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of a commuted sum payment in lieu of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 20 apartments, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development.

### **CONCLUSION**

The proposal is considered to be a sustainable form of development. Whilst the proposed buildings are undoubtedly larger than the buildings that could be constructed via the extant permission, the amendments made since the previous refusal now result in a scheme that has a similar impact upon the amenity of neighbouring property as the extant permission, and the relationship between the two apartment buildings does provide an adequate amount of space, light and privacy. Furthermore, the engineering works proposed under application 12/4039M will ensure that less of the building will be visible from the Alderley Edge by-pass, thereby reducing the perceived scale of the development, and moving the building away from the boundary also helps to further reduce its visual impact.

These amendments will help to reduce the overall impact of the buildings, and when taken together with the presumption in favour of sustainable development, and the fallback of the extant permission, on balance any harm arising from the development is now not considered to be so significantly adverse for permission to be withheld. Accordingly, a recommendation of approval is made.

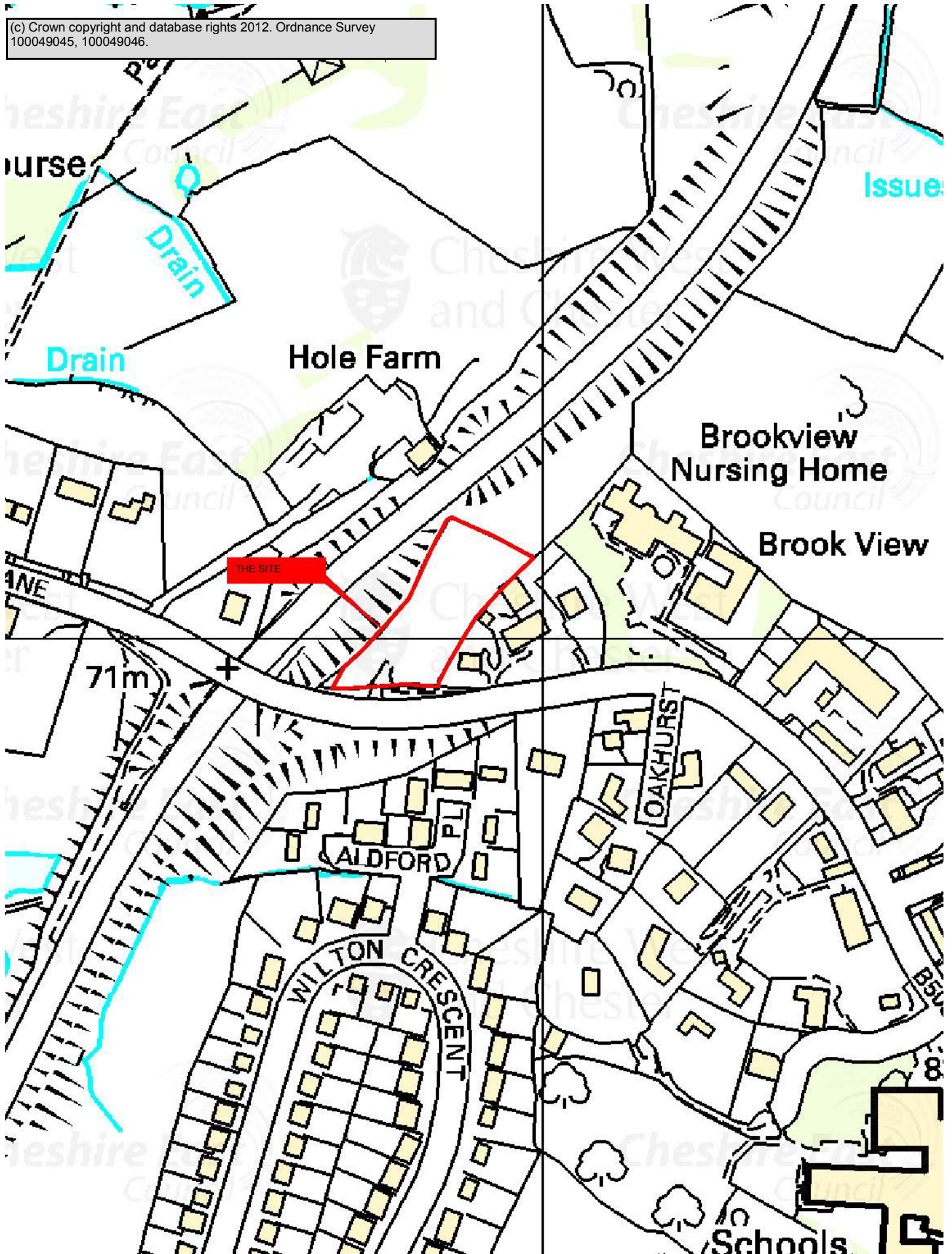
#### Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A05LS - Landscaping - implementation
6. A22GR - Protection from noise during construction (hours of construction)
7. A17MC - Decontamination of land (details to be submitted)
8. Breeding birds survey
9. Drainage details to be submitted
10. Noise mitigation scheme to be submitted
11. Details of piling operations to be submitted
12. Mitigation for the protection of local air quality to be implemented in accordance with submitted details



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



This page is intentionally left blank

Application No: 12/3895M

Location: THE DOWER HOUSE, KINGS ROAD, WILMSLOW, CHESHIRE, SK9 5PZ

Proposal: Erection of dwelling house

Applicant: C Beard

Expiry Date: 06-Dec-2012

**Date Report Prepared: 06.12.2012**

#### **SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

#### **MAIN ISSUES**

- Principle of the development
- Impact on Existing Open Space
- Design/impact on the character and appearance of the area
- Impact on setting of Listed Buildings
- Impact on residential amenity
- Highways safety
- Landscape/forestry issues
- Housing policy and supply

#### **REASON FOR REPORT**

The proposed has been referred to the Northern Planning Committee due to the application departing from policy and having a recommendation of approval.

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

The site historically formed part of the Pownall Hall estate, being the former kitchen garden. Some of the surrounding sites and buildings also formed part of the original estate, including The Dower House (a Grade II Listed Building, which became the estate office), Pownall Hall farm, and the old stables (now used by Pownall Hall School as a theatre and classrooms). The main Pownall Hall School building is Listed Grade II\*.

The application site is located to the south-east of The Dower House and is within the private ownership of the applicant and his family. It is a rectangular site measuring approx. 30m x 65m (without the track). There are walls along the north-eastern and north-western boundaries, each with an arched doorway with keystones; there is planting along the south-eastern and south-western boundaries. The combination of walls and planting provide a high degree of enclosure. There is a small glass house in dilapidated condition located in the

north-eastern corner. The site is designated as an Existing Area of Open Space in the Local Plan (delineated on the Proposals Map as part of the Pownall Hall School grounds) and is situated adjacent to a Predominantly Residential Area of Wilmslow. There are residential properties beyond the north-eastern, north-western and south-western boundaries of the site and Pownall Hall School and grounds are sited beyond the south-eastern boundary.

There is an existing vehicle access from Gorsey Road that previously took a route across the Pownall Hall School grounds and served 2 No. dwellings – The Dower House and Bridle Cottage – and the School. During the past couple of years the School and the people with access rights across the School grounds have worked towards reaching an agreement that entails closing the route across the School grounds and creating a track to the application site, running between the rear gardens of the houses on Broad Walk and a newly created boundary of the School grounds; this also links with the track that is accessed off Gorsey Road. Hence, there is now an access track extending from Gorsey Road to the site where the dwelling proposed is to be sited.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for erection of a dwelling house. The application consists of erecting a single, two-storey dwelling on an area of open space, as defined in the Local Plan, adjacent to The Dower House (King's Road, Wilmslow) and includes change of use of a stretch of land that formed part of the Pownall Hall School grounds in order to complete an access track that extends from Gorsey Road to the main site.

It is noted that a number of alterations to architectural features that are considered would enhance the architectural heritage of the site and neighbouring Listed Buildings have been proposed as part of a Listed Building Consent application (12/3904M), which has been submitted simultaneously. These consist of the following:- demolishing an asbestos garage adjacent to Bridle Cottage, repairing and restoring a glass house (located in the north-western corner of the site), repairing a doorway in the north-eastern wall of the site, recladding a fly tower, removing a flue and repairing a weathervane on one of the Pownall Hall School buildings (used as the theatre and classrooms). The application has been recommended for approval. The works form part of an agreement that has been reached outside of the planning system between the applicant, Pownall Hall School and the owner of Bridle Cottage. It is considered that it isn't necessary to tie the LBC application to the current application.

## **RELEVANT HISTORY**

- 03/2367P (Full Planning) Demolition of henhouse and erection of 2 No. dwellings. Refused, 05.11.2003. (NB. Reasons for refusal were broadly highways safety, impact on Listed Buildings, impact on residential amenity, Open Space policy objection).
- 03/2436P (Listed Building Consent) Demolition of henhouse and erection of 2 No. dwellings. Refused, 05.11.2003

## **POLICIES**

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

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP4 – Make the Best Use of Existing Resources and Infrastructure  
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
DP7 – Promote Environmental Quality  
L2 – Understanding Housing Markets  
L4 – Regional Housing Provision  
RT2 – Managing Travel Demand

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

BE1 (Design Guidance)  
BE15 (Repair and Enhancement of Listed Buildings)  
BE16 (Setting of a Listed Building)  
NE11 (Nature Conservation)  
H1 (Phased Housing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Sites)  
H13 (Protecting Residential Areas)  
RT1 (Open Space)  
RT5 (Minimum Standards for Open Space Provision)  
DC1 (New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC38 (Space, Light and Privacy)

### **National Planning Policy Guidance**

National Planning Policy Framework

### **CONSULTATIONS**

#### **Heritage & Design – Conservation/Listed Building & Design:**

No objections, subject to conditions

#### **English Heritage:**

No objections, subject to carrying out enhancement works proposed in application 12/3904M

#### **Strategic Highways Manager:**

No objections

#### **Heritage & Design – Landscape:**

No objections

**Heritage & Design – Forestry:**

No objections, subject to conditions

**Leisure Services:**

No objections, subject to mitigation if appropriate

**Environmental Health:**

Awaiting comments as of 07.12.12

**United Utilities:**

No objections

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:**

Awaiting comments as of 07.12.12

**OTHER REPRESENTATIONS**

8 No. representations have been received from the occupants of neighbouring properties. Details can be read on file. The issues raised are summarised as follows:

- Loss of open space (inc. part of School grounds)
- Highways safety (narrow access point; no visibility splays; school children in the area; track only suited to light vehicles; track not suitable for emergency vehicles or refuse collection)
- Access track doesn't follow that shown on historic documents
- Impact on residential amenity (properties close to the access track on Gorsey Road and Broad Walk)
- Impact on amenity of occupants of Pownhall Hall Farm (front patio area is viewed from first-floor windows on rear elevation – i.e. bathrooms and a bedroom)
- Overdevelopment
- Impact on amenity/appearance of the area from potential lighting at the site
- Concern about height of building/long façade at rear
- Concern that reasons for refusal on previous application have not been overcome – i.e. impact on neighbour amenity, highway safety and inadequate provision for emergency vehicles

A few non planning issues raised are:

- Loss of access rights re use of the track

- Capabilities of sewage system

The authors of some of the comments propose certain conditions be attached should the application be approved, eg.:

- Control of exterior lighting
- Restriction on use of noise generative equipment
- Dust control
- Restriction on hours of construction
- Obscure glazed windows and restrictive opening
- Restrict height of landscaping along north-western boundary

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following supporting information:

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Background and Supporting Information Re Proposed Site
- Open Space Report
- Arboricultural Report
- Public Consultation Documentation
- Highways Information
- Artists Illustrations
- Copy of Officer Report and Decision Notice for application 12/0027M and copy of the Minutes of Committee Meeting at which application 12/0027M was discussed

Plus, during the course of the application the applicant has submitted the following: 1) a letter responding to the objections raised; 2) a letter (and plan) from a Solicitor outlining a) the terms of agreement re changes in access rights in respect of the historic track and proposed track and b) details of the proposed enhancement works included in the LBC application 12/3904M; 3) photos/illustrations of the potential view from the bedroom window on the first floor of the north-western facing elevation of the proposed dwelling across part of the garden area of The Dower House towards Pownall Hall Farm.

Details of each of the documents listed above can be read/viewed on file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the proposed dwelling is contrary to the Policy RT1 (Protection of Open Space), which states, amongst other things, that:

*Areas of recreational land and open space as shown on the proposals map will be protected from development.*

### **Impact on Existing Open Space**

One of the key issues in respect of this proposal relates to the issue of the site falling within an area designated as Existing Open Space in the Local Plan.

The following points need to be borne in mind re assessment of the potential loss of the designated Open Space: a) Open Space uses for the site have not been, and are unlikely to be, forthcoming; b) the site has never been used/ isn't suitable for recreation purposes; c) the site is enclosed and provides very limited visual value to the character of the townscape; d) the site is in private ownership and the public have no right of access; e) the purposes of policy RT1 would not be threatened; f) there is an under supply of housing land in the Borough; g) improved highways safety, especially for the School children, resulting from closure of the historic track/re-routing the track and agreed alterations to rights of way, and h) improved sports facilities within the School grounds as a result of the re-routing of the track (eg. tennis court constructed over historic track and vehicles not passing through the School grounds).

It is considered that these are *other material considerations* that overcome the policy objection.

The Leisure Services Officer has recommended that the "feel of a walled garden" be maintained and, ideally, that an area of 'open space' should be retained for the public to access with the installation of eg. a historic information board. It is suggested that a contribution towards the cost of designing/installing such panels should be obtained from the applicant along with a commuted sum for the ongoing maintenance of the area.

### **Design/impact on the character and appearance of the area and Impact on setting of Listed Buildings**

It is acknowledged that the proposed is a relatively large dwelling (a footprint of roughly 430sqm) – which includes 5 bedrooms, 5 bathrooms, a sitting area, kitchen/family area, dining hall, gym, billiard room, swimming pool and a cinema room in the basement. However, the design, including size, scale and massing, has to be considered in its context in order to assess its appropriateness and impact on the character and appearance of the area and the neighbouring Listed Buildings.

As noted above, the design has been produced taking account of the context, which, apart from the more suburban development of parts of the old Pownall Hall estate, gives the impression of being late Victorian in character. Many of the design references of the proposed dwelling relate directly to these neighbouring historic buildings. The materials to be used will be typical of the area.

The Conservation Officer considers the design to be acceptable and to have an acceptable impact on neighbouring Listed Buildings. Although English would have preferred a more contemporary architectural language it considers the impact on the Listed Buildings (particularly the Pownall Hall Grade II\* Listed Building) not to be harmful.

It is noted that one representation questioned the size of the proposed in terms of height and the length of the rear facade. However, given a) the size of the site, b) the position of the site



(barely visible from public vantage points), and c) the references used in arriving at the design of the dwelling and proposed materials, it is considered that the design is of a high quality and would make a positive contribution to the character and appearance of the area.

### **Impact on residential amenity**

It is noted that some concerns have been raised regarding impact on the amenity of neighbouring properties.

Given the siting of the proposed it is considered that its size, scale and massing would have a limited degree of impact on the amenities of any neighbouring properties.

The occupants of Pownall Hall Farm have noted that some of the windows on the rear elevation of the dwelling may overlook what they refer to as their front patio area. The windows referred to relate to 3 No. bathrooms and 1 No. bedroom on the first-floor of the north-western facing elevation of the proposed dwelling. It is considered that the distance from the rear elevation of the proposed dwelling and the patio area referred to is at least 40m and also part of the Pownall Hall Farm building is sited between the proposed dwelling and outdoor amenity area. It is considered that the patio area referred to will not be visible from the windows referred to.

It is noted that the distance from the proposed bedroom window and the rear elevation of The Dower House is approx. 25m (which accords with the desired distance standards outlined in policy DC38).

Hence, it is considered that the proposed has a limited and acceptable degree of impact on the amenities of the occupants of Pownall Hall Farm and The Dower House.

Representations have been received regarding impact on the amenities of occupants of properties along Broad Walk whose rear gardens back up to the proposed access track and the properties on Gorsey Road either side of the access track. The Officer notes that the access from Gorsey Road is a historical access that can be used now by pedestrians and vehicles. It is also noted that, with the agreements reached outside of the planning process regarding redirection of the track that went across the School grounds, the access and track will actually only serve 1 No. dwelling should the application be approved (with the exception of emergency access to the School if required). Bearing these factors in mind it is considered that the impact of the access and track and its use on the amenities of neighbouring properties will also be of a limited and acceptable degree.

Conditions along the lines of those considered by objectors could be attached to any approval to maintain levels of amenity currently enjoyed by the occupants of neighbouring properties. Those recommended are: restricting the hours of construction, restricting the hours of operation of noise generative machinery, controlling dust, requirement for details of lighting to be submitted for approval and obscure-glazing of bathroom windows.

### **Highways safety**

As noted above, the access off Gorsey Road already exists; it is a historic access that presently could be used by the occupants of The Dower House, Bridle Cottage and the

School (if the historical track across the School was utilised). The Strategic Highways Manager raises no objections regarding the existing access, the track proposals, the proposed parking or the location of the bin store. The Strategic Highways Manager also considers the track to be accessible for emergency and delivery vehicles.

Termination of the old route across the School grounds and creation of a new route to serve the application site is considered to make it safer for School children (as vehicles will no longer be able to cross the School grounds). It is proposed to use the access and track solely for the new dwelling. Agreements are in the process of being finalised outside of the planning process re changes to access rights.

Bearing these points in mind it is considered that the proposed raises no highways safety/parking issues.

### **Landscape/forestry issues**

The Landscape Officer raises no objection to the application, noting that the mature trees, the boundary walls and the high hedge along the boundary with the school will all be retained. Additional hedging is proposed along the south eastern boundary and along the access drive to improve privacy for the adjacent residents.

In summary, the Arboricultural Officer considers that the development proposals can be implemented with the removal of a limited number of low value trees, the loss of which will have a limited impact on both the immediate environment and the wider landscape aspect. The Officer makes the following observations/comments:

*The track to the site is predominantly tree lined along its length. The first section of the access off Gorsey Road appears to have been used historically establishing a degree of compaction. Some unwelcome importing and spreading of MOT material has taken place along the route to the site and within the RPA of some Protected Trees within the site.*

*The key aspect from an arboricultural perspective relates to the implementation of the development access road and the impact this will have on both protected and un-protected trees. The Tree Protection Plan identifies a significant section of the access requiring an engineered designed construction method statement in accordance with the requirements of section 7.4 of BS5837:2012, and as further detailed within paragraph 4 of the arboricultural method statement on the tree protection plan.*

*Whilst I am comfortable that a suitable construction method can be achieved within the BS, this will have to be over engineered to accommodate construction traffic. This should also be seen as an opportunity to rectify the regrettable previous changes in levels and soil mounding. These issues can be dealt with as part of conditions should the development proceed.*

Bearing the above comments in mind and subject to appropriate conditions, it is considered that the proposed landscaping of the site is acceptable and the future well-being of appropriate trees within the site can be secured.

### **Housing policy and supply**

The site lies within a sustainable location close to all the amenities of Wilmslow Town Centre. The site is readily available for development. The proposed dwelling is of a high quality design and would make a small contribution to the housing needs of the area. The proposed would accord with current housing policy and supply.

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

In summary and to conclude: 1) the design and the impact on the area and Listed Buildings is considered to be acceptable in the given context and to comply with relevant design policies; 2) with appropriate conditions the level of impact on neighbour amenity is considered to be acceptable and to comply with amenity policies; 3) the access, track and parking provision are considered to be acceptable and to comply with relevant highways safety policies; 4) with appropriate conditions, the proposed landscaping and degree of impact on trees is considered to be acceptable and to accord with relevant policies; 5) the proposed would contribute to the housing needs of the area and accords with current housing policy and supply; 6) as regards the impact on Open Space and the policy objection, it is considered that there are other material considerations that overcome the policy objection, namely a) Open Space uses for the site have not been, and are unlikely to be, forthcoming; b) the site has never been used/ isn't suitable for recreation purposes; c) the site is enclosed and provides very limited visual value to the character of the townscape; d) the site is in private ownership and the public have no right of access; e) the purposes of policy RT1 would not be threatened; f) there is an under supply of housing land in the Borough; g) improved highways safety, especially for the School children, resulting from closure of the historic track/re-routing the track and agreed alterations to rights of way, and h) improved sports facilities within the School grounds as a result of the re-routing of the track (eg. tennis court constructed over historic track and vehicles not passing through the School grounds) are all factors that the Officer considers are material considerations that overcome the policy objection to the proposal.

Consideration has been given to the comments received from Leisure Services in the context of the CIL Regulations 2010. The question is: are the recommendations for retention of some publically accessible open space with contributions to the design and installation of historic information boards and a commuted sum for the upkeep of the said area

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

In this instance it is considered that the recommendations do not meet the CIL Regulations requirements.

The objections raised have been borne in mind. It is considered that the proposed scheme overcomes the reasons for refusal of application 03/2367P. For the reasons outlined above it is recommended the application be approved, subject to outstanding consultations and conditions.

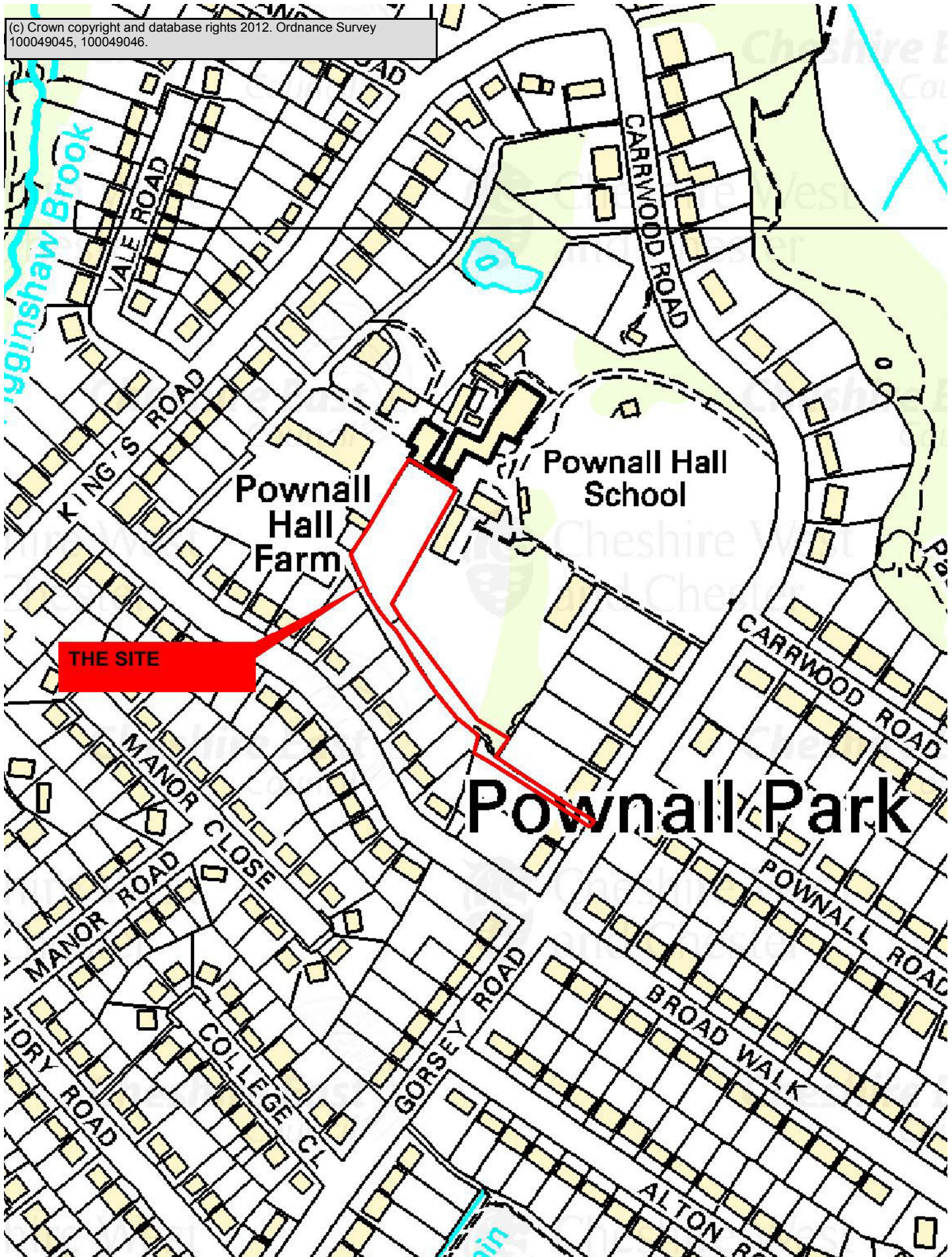
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A03TR - Construction specification/method statement (access track)
4. A07GR - No additional windows to be inserted - rear elevations
5. A25GR - Obscure glazing requirement - bathroom windows on rear elevation
6. A22GR - Protection from noise during construction (hours of construction)
7. Materials - samples of facing materials to be submitted
8. Windows - sample to be provided
9. Doors - wooden
10. Arboricultural works - in accordance with Report & Plans
11. Dust control - details to be submitted
12. Exterior lighting - details to be submitted
13. Noise generative equipment - restriction on hours of use



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



This page is intentionally left blank

Application No: 12/4219M

Location: 19, CALDY ROAD, HANDFORTH, SK9 3BY

Proposal: Single-storey side extension, and change of use of land to form part of the residential curtilage

Applicant: MR & MRS CLIVE BYRNE

Expiry Date: 07-Jan-2013

**Date Report Prepared: 7<sup>th</sup> December 2012**

**SUMMARY RECOMMENDATION**

Approval subject to condition.

**MAIN ISSUES**

- Impact on the character and appearance of the application site and wider estate;
- Impact on the residential amenity of nearby properties.

**REASON FOR REPORT**

The application has been called into Northern Planning Committee by Councillor Barry Burkhill on the grounds that the area of land forming the application site is designated incidental open space within an area of open plan residential development. Neighbours are concerned that this open space amenity area would be lost which could threaten other similar areas in the neighbourhood.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a residential plot situated within an established housing estate. The site occupies a corner plot between Caldby Road to the northwest and Anderton Way to the northeast. The site is positioned within a predominantly residential area as outlined within the Macclesfield Borough Local Plan 2004.

**DETAILS OF PROPOSAL**

Approval is sought for a single storey side extension. It is considered that the land, on which the proposed extension is sited, is classified as incidental open space and as such a change of use to form residential garden is also proposed. It is stressed to members that the land in question does fall within the applicants' ownership, as identified on Land Registry Plan reference: CH6198.

**RELEVANT HISTORY**

12/2911M Proposed single storey side extension

Invalid, 10.09.2012

## **POLICIES**

### **Regional Spatial Strategy**

- DP1 Spatial principles applicable to development management
- DP2 Promote sustainable communities
- DP7 Criteria to promote environmental quality

### **Local Plan Policy**

- BE1 High standards of design
- DC1 High quality design for new build
- DC2 Design quality for extensions and alterations
- DC3 Protection of the amenities of nearby residents
- DC6 Circulation and access
- DC38 Guidelines for space, light and privacy for housing development
- DC43 Side extensions
- RT2 Protection of incidental open space

### **National Planning Policy Framework**

Chapter 7 Requiring good design

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

**Highways:** No formal comments at this stage.

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

**Handforth Parish Council:** No comments received at the time of preparing this report.

## **OTHER REPRESENTATIONS**

Representations have been received from no.4 and no.6 Anderton Way. Each raise objection to the proposal on the following grounds:

- The area is designated as incidental open space and is within a purpose built open plan area; building on it would be contrary to policy RT2;
- The proposal will make existing parking experienced on Anderton Way problems worse.

A response to each point of objection has been received from the applicants. Their response is summarised as follows:

- The proposal will not extend above the whole area of green space;
- The development is to provide 1 no. additional bedroom and a dining room; existing onsite parking allows for 2 no. vehicles to be parked off the highway.

## **OFFICER APPRAISAL**

### **Design and Character**

The application site is located within an established residential housing estate comprising a mix of types of accommodation, including detached bungalows, semi-detached dwellings and



flats. The estate is typical in character and appearance to other circa 1960/70's housing developments found within the area.

The application site comprises a detached bungalow with private gardens to the front and rear. It is a gate way site positioned on the southern side of the road junction to Anderton Way and mirrors the layout and form of no.17 Caldry Road opposite.

The proposed extension would project 3.5m beyond the side elevation of the bungalow. The extension would be stepped back from the front elevation and would have a hipped roof. Materials are to match the existing building and the development would reflect the design characteristics of the existing, and neighbouring properties.

Concern has been raised as to the loss of a piece of incidental open space that would have a harmful impact on the open character of the housing estate. It is clear that the housing development was designed in such a way to create a sense of openness. Though the proposed scheme would bring the built form of the existing site closer to Anderton Way; a distance of approximately 3.8m would still remain between the proposed extension and the footpath. Taking account of the scale and form of the proposed development relative to the green space that is to remain; it is not considered that the development would detract from the open character of the wider estate.

### **Amenity**

Approximately 13m would remain between the proposed extension and the rear site boundary shared with no.7 Anderton Way. This boundary is served by the side elevation of this neighbouring property and an established hedge measuring approximately 1.8m in height. Taking account of the distances involved and the level of natural screening to this boundary; the development would not incur a harmful loss of amenity to this neighbouring site.

A distance of approximately 16m would remain between the proposed extension and the side elevation of no. 17 Caldry Road. Windows proposed within the side elevation of the proposed extension are either secondary or serve non-habitable accommodation. 1 no. window is located within the side elevation of no.17 Caldry Road and taking account of the existing site circumstances it is not considered that the development would result in a harmful loss of amenity by virtue of a loss of privacy, daylight or overbearing impact.

Sufficient distance would remain between windows positioned within the front elevation and the flats opposite to adequately accord with those outlined within policy DC38.

### **Highways**

The proposed development would provide 1 no. bedroom, resulting in a no.2 bedroom property. There is parking available on the site to accommodate 2 no. vehicles. This is considered sufficient for a property of this size and no highway safety issues are anticipated.

### **Other matters/incidental open space**

Objection has been raised on the grounds that the proposed development would be contrary to Local Plan policy RT2. This policy is detailed as follows:

*Incidental open spaces/amenity areas in residential areas will normally be protected from development and enhanced as appropriate.*

This policy seeks to protect open spaces as an alternative for children's play. The site serves the curtilage boundary to no.19 Caldys Road and clearly contributes to the visual amenity of the area; nevertheless, having regard to the site context, the site does not directly have a purpose of providing an alternative site for 'children's play'. Furthermore, the proposed development would not result in the complete loss of this piece of land. The development would not be contrary to the objectives of this policy.

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

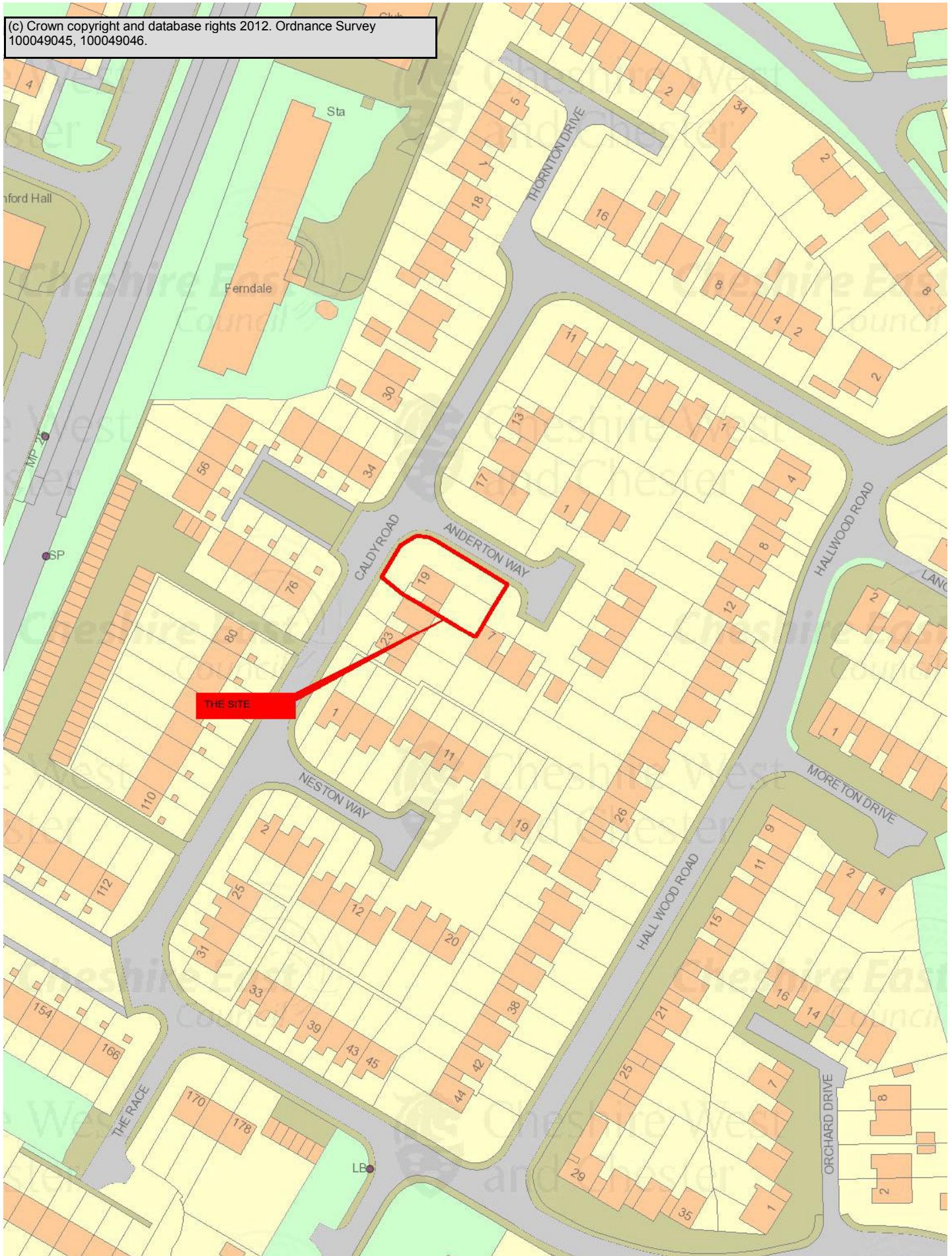
Consideration has been given to the concerns and objections raised, nevertheless, the proposal is considered to adequately accord with the relevant design, amenity, highway safety, and open space policies of the Local Plan. A recommendation of approval is given.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application

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



This page is intentionally left blank