

Northern Planning Committee

Agenda

Date:	Wednesday, 13th February, 2013
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 6)

To approve the Minutes of the meeting held on 23 January 2013 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/4108M-Replacement dwelling house, 43a, Mobberley Road, Knutsford, Cheshire for Mr Steve Kilgour** (Pages 7 - 16)

To consider the above application.

6. **12/4532M-Removal of Condition 5 (Servicing Plan), 6 (Films/Transfers) and 7(Renewable Energy Measures) on Planning Application 12/2073C - Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations And Associated Works 22, 24, 26 & 36 Castle Street; 25, 25B & 25C Castle Street Mall; Macclesfield For John Sullivan, Eskmuir Securities Limited** (Pages 17 - 26)

To consider the above application.

7. **12/4544M-Retrospective change of use of existing building from B8 to provide a combined B2 & B8 use, Unit 8, Star Business park, Congleton Road, North Rode for Mrs Nikki Taylor, John Taylor Engineering Services Ltd** (Pages 27 - 32)

To consider the above application.

8. **12/4295M-Joint authority application with Cheshire West - New glasshouse, Les Halman Nurseries, Parkside Farm, Crown Lane, Lower Peover, Knutsford for Mr L Halman** (Pages 33 - 38)

To consider the above application.

9. **Amendments to S106 Legal Agreements for Affordable Housing** (Pages 39 - 40)

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 23rd January, 2013 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, L Jeuda, J Macrae, D Mahon, D Neilson, P Raynes and
D Stockton

OFFICERS IN ATTENDANCE

Miss J Adeniran (Planning Solicitor), Mr P Hooley (Northern Area Manager),
Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal
Planning Officer)

94 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs O Hunter.

95 DECLARATIONS OF INTEREST/PRE DETERMINATION

None.

96 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 19 December 2012 be approved
as a correct record and signed by the Chairman.

97 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

98 12/4247M-THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1NO - GYPSY PITCH, TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE, LAND TO THE NORTH WEST OF, MOOR LANE, WILMSLOW FOR JOHN ALLAN

Consideration was given to the above application.

(Councillor G Barton, the Ward Councillor attended the meeting and spoke in respect of the application).

RESOLVED

That for the reason set out in the report the application be refused for the following reason:-

1. The site lies within the North Cheshire Green Belt as defined by the Development Plan. The proposed development is inappropriate development in the Green Belt, and results in a loss of openness and encroachment into the countryside. It is not considered that the unmet need for gypsy accommodation in the area and other material considerations advanced by the applicant amount to very special circumstances that would clearly outweigh the identified harm to the Green Belt. The proposal is therefore contrary to policies GC1 and DC31 of the Macclesfield Borough Local Plan, the National Planning Policy Framework and Planning policy for traveller sites.

99 12/4294M-DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A REPLACEMENT 2 & 1/2 STOREY DWELLING WITH A BASEMENT AND ATTACHED TRIPLE GARAGE AND ASSOCIATED LANDSCAPING, 20, FLETSAND ROAD, WILMSLOW, CHESHIRE FOR S MULCHAND

Consideration was given to the above application.

(Councillor R Menlove, the Ward Councillor and Christian Brenninkmeijer, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposal, by virtue of excessive scale, massing, footprint and site coverage would be out of scale with adjoining buildings, the site itself and the character of the low density housing area. The proposal is therefore contrary to policies DC1 and H12 of the Macclesfield Borough Local Plan (which are consistent with chapter 7 of the NPPF, requiring good design).
2. The scale, massing and siting of the proposed development would be overbearing to neighbouring property, in particular No. 22 Fletsand Road, causing a significant injury to amenity contrary to policy DC3 of the Local Plan and bullet point 4 of paragraph 17 (core principles) of the NPPF.

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

- 100 **WITHDRAWN-12/4169M-DEMOLITION OF EXISTING GARAGE, ERECTION OF SIDE AND REAR EXTENSIONS TO FORM NEW INTEGRAL AND DETACHED GARAGING, EXTENDED LIVING ACCOMMODATION INCLUDING REMODELLING OF ELEVATIONS, TOGETHER WITH ASSOCIATED LANDSCAPE WORKS, 2, HOLT GARDENS, BLAKELEY LANE, MOBBERLEY, KNUTSFORD, CHESHIRE FOR MR GARETH RUSSELL**

This application was withdrawn prior to the meeting.

- 101 **12/4353M-FULL PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING FORMER COUNTY HOTEL BUILDING AND CONSTRUCTION OF 14 NO. RESIDENTIAL UNITS WITH CAR PARKING AND ASSOCIATED LANDSCAPING AND EXTERNAL WORKS, COUNTY HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE FOR THE SEDDON PENSION SCHEME**

Consideration was given to the above application.

RESOLVED

That the application be delegated to Development Management & Building Control Manager in consultation with the Chairman & Ward Councillor to approve subject to the completion of a S106 Agreement comprising the following Heads of Terms:-

63,000 for additions, enhancements and improvements at the following existing play and amenity sites; Alderley Park, Beech Road Play area, Chorley Hall, Beech Road and Heyes Lane Allotments, and;

£7,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Alderley Park and Chorley Hall Playing Field

Affordable Housing commuted sum in lieu of affordable housing for the provision of affordable housing within Alderely Edge such to be agreed.

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A23GR - Pile Driving (details to be submitted)
6. A22GR - Protection from noise during construction (hours of construction)

7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Scheme for noise mitigation to be submitted (acoustic survey)
10. Gas protection measures to be submitted
11. Arboricultural works to be carried out with submitted Arboricultural Statement
12. Development shall be carried out in full accordance with submitted Ecological Scoping Survey
13. Breeding birds survey to be submitted

(The meeting adjourned at 4.05 pm and reconvened at 4.10pm).

102 **12/3845M-VARIATION OF CONDITION 2 & 17 PLANNING APPLICATION 10/2927M RELATING TO WINDOWS AND TREES, ST JOHN THE BAPTIST CHURCH, CHURCH STREET, BOLLINGTON, CHESHIRE FOR THE SIMPLY GROUP**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application be approved subject to the Deed of variation to the legal agreement attached to the original planning permission 10/2927P to refer to this application (reference number 12/3845M) and subject to the following conditions:-

1. A03FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved - bin store
5. A02HA - Construction of access
6. A08HA - Gates set back from footway/carriageway
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A01LS - Landscaping - submission of details with replacement tree(s) of appropriate species
10. A04LS - Landscaping (implementation)
11. A03TR - Construction specification/method statement
12. A21EX - Roof lights set flush
13. Contaminated land
14. Enhancement for bats
15. External lighting details to be approved

16. Sample of air vent to be submitted

103 **12/4636C-GARAGE COVERSION INTO ANCILLARY
ACCOMMODATION, 33, MILLMEAD, RODE HEATH, STOKE ON
TRENT, CHESHIRE FOR MR ANDREW BARRATT**

Consideration was given to the above application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. Use to remain ancillary to dwelling known as 33 Millmead

The meeting commenced at 2.00 pm and concluded at 4.32 pm

Councillor R West (Chairman)

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Application No: 12/4108M

Location: 43a, MOBBERLEY ROAD, KNUTSFORD, CHESHIRE, WA16 8EQ

Proposal: Replacement dwelling house

Applicant: Mr Steve Kilgour

Expiry Date: 21-Jan-2013

SUMMARY RECOMMENDATION: Approve subject to condition

MAIN ISSUES

- Impact upon the Conservation Area
- Design
- Highway Safety
- Amenity

REASON FOR REPORT

The application is to be determined by the Northern Planning Committee because it has been called in by Councillor Raynes due to concerns regarding the visual impact on the surrounding area and the Conservation Area, impact upon neighbouring amenity and concerns that there is inadequate parking.

DESCRIPTION OF SITE AND CONTEXT

The application site is known as 43a Mobberley Road, Knutsford and comprises a two storey dwelling in a backland location behind a row of terraced Victorian/ Edwardian properties along Mobberley Road in the Cross Town Conservation Area within the settlement boundary of Knutsford.

DETAILS OF PROPOSAL

The proposals relate to the demolition of the existing building and the construction of a new dwelling which would have a linear footprint measuring 9.5m in length and 5.6m wide (max) reaching a height of 4.6m to eaves and 6.4m to ridge height. The building would have the appearance of a converted barn.

RELEVANT HISTORY

12/1968M Two storey extension to rear and side Refused 23-Jul-2012

A Conservation Area Consent application has been submitted for the demolition of the building which is within the Cross Town Conservation Area – this is to be determined under delegated powers.

POLICIES

Regional Planning Policy

As part of its stated commitment to protecting the environment the Government decided to carry out an environmental assessment of the revocation of the existing regional strategies, on a voluntary basis. It is the Government's clear policy intention to revoke existing regional strategies outside London, but this is subject to the outcome of environmental assessments and will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the assessments.

The regional strategy whose revocation is proposed is the *North West of England Plan Regional Spatial Strategy to 2021*, published in September 2008. The environmental report on the revocation of the North West of England Plan was undertaken on 20 January 2012. As the abolition of the RSS is imminent, the policies within the RSS are given limited weight. In any event, the policies are listed below:

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

EM1 (Regional Assets)

Local Plan Policy

The policies within the Macclesfield Local Plan 2004 have been 'saved' by the Secretary of State prior to the production of the Cheshire East Local Plan.

Para 215 of the NPPF indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

Macclesfield Borough Local Plan – saved policies

BE1 Design principles for new developments,

BE2 Preservation of Historic Fabric

BE3 Conservation Areas

BE4 Design Criteria in Conservation Areas

BE23 Development Affecting Archaeological Sites

DC1 High quality design for new build

DC2 Design quality for extensions and alterations

DC3 Protection of the amenities of nearby residential properties

DC6 Circulation and Access
DC8 Trees
DC9 Trees
DC38 Spacing Standards
DC41 Infill Housing Development
DC46 Demolition
H13 Protecting Residential Areas

Other Material Considerations

National Planning Policy Framework
Interim Planning Policy on the Release of Housing Land

CONSULTATIONS

Archaeology – No objections

Strategic Highways Manager – None received at time of writing report

Environmental Health – recommends conditions in respect of pile driving operations and construction hours

Knutsford Town Council - The Council objects to the application on the grounds of inappropriate and overdevelopment of the site. The privacy of adjoining properties would be put in jeopardy. The Council draws attention to the restricted access and potential noise and access issues during demolition and construction.

United Utilities – No objections

OTHER REPRESENTATIONS

Letter of objection from 5 Manor Park South, 35, 37, 39 & 47 Mobberley Road, on the following grounds:-

- No access available
- No planning permission for use of building as dwellinghouse
- Exacerbate parking issues
- Pine trees should be protected
- Property will be extended after completion
- Onwership issues
- Disproportionate building
- Inappropriate location for dwelling
- Overbearing
- Impact on archaeology
- Noise
- Privacy
- Overlooking
- Recommends conditions in respect of windows and screening
- Security
- Loss of light

- Impact on historic character
- Impact on views
- Loss of light

Letter of representation received from 7 & 13 Manor Park South regarding concerns in respect of access during construction

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the application:

Design and Access Statement
Heritage Statement

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary of Knutsford where there is a presumption in favour of development.

That said, the site also lies within a Conservation Area and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that it is the general duty of local planning authorities, in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of these conservation areas.

In addition to issues relating to the Conservation Area and archaeology, the impact on the character of the area, neighbouring amenity and highway safety are also issues for consideration in the determination of the application. These issues are considered below.

Heritage Matters

This section of Mobberley Road is a medieval suburb of Knutsford and is within the designated Cross Town Conservation Area. The existing dwelling sits behind a terrace of buildings which are of Townscape Merit, dating from the early 19th century.

The existing building is small and still reads (albeit with changes) as the outbuilding to no. 45. It is approximately 8m x 4m reaching a height of 4.3m and located 5m from the rear elevation of the terrace along Mobberley Road. The building is set back substantially from Mobberley Road and given that the site is enclosed by houses and there are trees and hedge around the site, the building is not visible from public vantage points. As the building appears on late 19th century maps it is significant to the terrace.

The Conservation Area Character Appraisal states that:-

‘As the character of dwellings within Cross Town Conservation Area is overwhelmingly modest, it is important that any future infill development is designed to be modest in scale and massing and unpretentious in detail.’

The building the subject of this application has historically been a modest ancillary building to one of the terraces on Mobberley Road. The applicants Heritage Statement indicates that the building originates from the late nineteenth century but has been significantly altered over the years including re-facing the building in concrete blockwork, increasing the height to create two storeys and changing the roof profile. These have been unsympathetic changes which have undermined the character of the building. Its modern appearance now contrasts with the terrace which remains largely unaltered since its construction.

The Heritage Statement indicates that the building has limited value as there are examples of other buildings constructed in the same period of superior architectural and historic character, it has been significantly altered and therefore a lot of its original character has been lost and it is not clearly visible from a series of public vantage points. Its replacement would not have a significant adverse impact upon the character of the Conservation Area. A sensitive replacement would therefore offer an opportunity to improve the character of the Conservation Area.

This building was a former outbuilding/coach house and the replacement structure seeks to replicate this historic relationship. Whilst it is situated further into the plot it would appear as a detached structure and would maintain the physical relationship between the existing row of properties and this ancillary structure. The design of the building in terms of its scale and appearance does take reference from the historic grain of the street and scale and proportions of the existing dwellinghouses along Mobberley Road. The building would appear as a former outbuilding to the terrace and would not be clearly visible from public vantage points.

The principle of a new building in a backland location is acceptable and this replacement building would respect the historic character of the Cross Town Conservation Area provided that appropriate materials and detailing are conditioned.

As such, the proposals seek the replacement of the existing structure with a new dwelling which is sympathetic to the character of the area and the historic character of the surroundings - the proposals have successfully interpreted the historic fabric of the environment and would therefore preserve the character of the Conservation Area in accordance with policies BE3 and BE4 within the Local Plan.

There are no objections to the proposals on archaeology grounds as the Council's archaeologist has confirmed that no surveys in this respect are required.

The comments from neighbours are duly noted and it is also noted that the proposed building is significantly bigger than that which it is to replace however the key test in respect of the impact upon the Conservation Area is whether it would preserve or enhance. Given the nature of the location, the design of the replacement building and its relationship with the terrace, it is considered that the proposals would preserve the character of the Conservation Area.

Design Standards

Policy BE1 within the Local Plan seeks to encourage high quality design which reflects local character and respects the form, layout, siting, scale and design of surrounding buildings and their setting.

For the reasons noted above it is considered that the proposed replacement building would respect the historic character of the site, its historic relationship with the attractive terraces along Mobberley Road and completely respect the original character, appearance and simple form of the existing outbuilding. In so doing the proposals would respect and reflect local character and the resultant building would represent a high quality design which contributes to the vitality of the area:- this area has been designated as a Conservation Area in recognition of its special qualities including its “visual charm”.

Policies DC1 and DC2 indicate that the scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, streetscene, adjoining buildings and the site itself, and that proposals should respect the existing features of the building.

Historically, this building was a former outbuilding hence why it has an intimate relationship with the terrace along Mobberley Road and its overall size, scale and height reads as an ancillary building. The proposals would respect the relationship between the existing building and the terrace as the new dwelling would be subordinate to the terraced property. It is proposed to condition details of materials and details of the windows to ensure that this building has the appearance of a converted coach house. On that basis, the proposals would accord with policies DC1 and DC2.

The comments from neighbours are duly noted however the property would have a similar floor area to the terraces and would have a smaller footprint on adjacent properties along Manor Park North. In addition, it would also have a reduced ridge and eaves height compared to existing properties in the vicinity of the site which is appropriate given that this is a backland location. It is therefore considered that the scale and appearance of the building would be appropriate in this location and would not harm the character of the area. In addition it should be noted that the building would not be readily visible from public vantage points.

Amenity

Neighbours have raised concerns regarding the lawful use of the building however investigations have indicated that the building has been utilized as a residence for over four years and is currently occupied. Notwithstanding this, the proposals have been assessed on the basis of a new dwelling.

Policy DC3 states that development should not injure neighbouring amenity by reason of loss of privacy, overbearing effect, loss of sunlight, daylight, noise and smells etc all of which are concerns which have been raised by residents.

The building would be over 21m from the nearest neighbour and would therefore accord with the spacing standards set out in policy DC38. This distance would negate any impact in

respect of overlooking, overshadowing, loss of light or the perception of being overbearing. In respect of noise during construction, it is considered that this issue could be mitigated through appropriate conditions.

The introduction of additional boundary treatment would also prevent overlooking of garden areas. This would be conditioned accordingly.

Highway Safety

The neighbours have raised concerns regarding highway safety both in terms of vehicular access to the site for occupants and during the construction period. Any disturbance during the construction period would be temporary and as noted above could be mitigated via condition.

Whilst no formal comments from the Highways engineer have been received, informal discussions have indicated that as the existing property does not have off street car parking and the proposals would maintain the status quo - whilst there would be an increase in the number of bedrooms and likely occupancy of the property, this is a highly sustainable location close to the town centre and on street car parking is available. On that basis, it is considered that no off street car parking provision would be acceptable – this approach is supported by para 30 of The Framework.

It is duly noted that the busy nature of the highways network is considered a threat within the Conservation Area character appraisal and that this detracts from the special qualities of the Conservation Area. That said it is not considered that the vehicle movements associated with a replacement dwelling would make this existing situation materially worse.

Whilst the assessment above is made on the basis of the building being a replacement, it is considered that if the dwelling were assessed as a new dwelling, although not ideal, it is considered that the addition of one dwelling without off street parking would be unlikely to have a significant adverse impact upon highway safety to the extent that would warrant a refusal of planning permission.

On that basis it is not considered that the new dwelling proposed would not have an adverse impact upon highway safety. The proposals accord with policy DC6.

Housing Land Supply

The site lies within the settlement boundary of Knutsford – policy H1 states that development on windfall sites will be permitted and is therefore acceptable in principle.

As the Council cannot demonstrate a five year land supply, this strengthens the case in favour of residential development. In addition, the current Interim Planning Policy on the Release of Housing Land seeks to steer development towards sustainable Brownfield sites in order to support sustainability objectives.

This is a Brownfield site within a sustainable location within a defined centre, in short walking distance of Knutsford town centre, Knutsford train station and the bus station. The site is

therefore within walking distance of a range of goods and services available within the town centre and is accessible by a range of means of transport. This is one of the most appropriate locations for residential development. In addition the proposals would support the objectives of the current Interim Planning Policy on the Release of Housing Land.

If the proposals are assessed as a new dwelling the development would make a positive contribution towards the Council achieving a five year land suppl. In the event that the proposals are assessed as a replacement, the impact upon housing supply would be neutral.

Other Matters

It is considered that drainage matters could be dealt with via the imposition of a condition.

The trees on the site are not worthy of a Tree Preservation Order and appropriate landscaping can be secured via the imposition of a condition.

It is not considered that the construction of the dwelling would have any impact upon security experienced by nearby residents.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed dwelling would represent an acceptable form of development which would preserve the character of the Conservation Area, respect the character of the area and would not have an adverse impact upon the streetscene. In addition the proposals would not have an adverse impact upon amenity, highway safety, drainage, trees, or in any other way. In so doing the proposals accord with policies BE1 Design principles for new developments, BE2 Preservation of Historic Fabric, BE3 Conservation Areas, BE4 Design Criteria in Conservation Areas, BE23 Development Affecting Archaeological Sites, DC1 High quality design for new build, DC2 Design quality for extensions and alterations, DC3 Protection of the amenities of nearby residential properties, DC6 Circulation and Access, DC8 Trees, DC9 Trees, DC38 Spacing Standards, DC41 Infill Housing Development, DC46 Demolition and H13 Protecting Residential Areas.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

- a) Actively engaging in pre-application discussions with the applicant to try and find solutions to problems
- b) Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
- c) Securing revised plans during the course of the application which have overcome initial problems

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03EX - Materials to match existing
3. A01AP - Development in accord with approved plans
4. A22GR - Protection from noise during construction (hours of construction)
5. A12LS - Landscaping to include details of boundary treatment
6. A05LS - Landscaping - implementation
7. Pile Driving Operations
8. Removal of permitted development rights
9. Proposed land levels
10. Drainage Details

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Application No: 12/4532M

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

Proposal: Removal of Condition 5 (Servicing Plan), 6 (Films/Transfers) and 7(Renewable Energy Measures) on Planning Application 12/2073C - Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works.

Applicant: John Sullivan, Eskmuir Securities Limited

Expiry Date: 26-Feb-2013

SUMMARY RECOMMENDATION: Remove Conditions 5 and 7 and Vary Condition 6

MAIN ISSUES

- **Heritage & Design**
- **Sustainability**
- **Highway Safety and Traffic Generation**

Date Report Prepared: 1st February 2013

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

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

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

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

DETAILS OF PROPOSAL

This application seeks the removal of condition 5 (servicing plan), condition 6 (films/ transfers) and condition 7 (renewable energy measures) attached to permission 12/2073m. That permission related to the demolition of five retail units contained within the Grosvenor Centre and construction of a replacement two storey building forming an extension to the former Cheshire Building Society premises, to facilitate a change of use of the former Cheshire Building Society premises from B1 offices to mixed use comprising ground and first floor A1 retailing with B1 offices above.

Planning History

12/2073M Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works. Approved subject to conditions 23-Aug-2012.

POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 6 Marry Opportunity and Need
Policy DP 7 Promote Environmental Quality
Policy DP 9 Reduce Emissions and Adapt to Climate Change
Policy W 5 Retail Development
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy RT 2 Managing Travel Demand
Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets
Policy EM 18 Decentralised Energy Supply

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

Local Plan Policy

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

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Highways – Based on the information provided, it is considered that the removal of condition

5 would not raise significant highway safety issues to the extent that would justify a refusal of planning permission and therefore there are no objections raised.

Guild & Chamber of Trade - no objections to the proposals and wish to support the progression of retail development in order to attract investment to the Core retail area of the Town in line with current planning policies.

In supporting the application for retail growth in this location, being the preferred option cited in the CBRE Richard Ellis Regeneration Report, we are minded to remind the Planning Authority that access and sufficient convenient car parking is essential.

The existing central surface car parking on Churchill Way and Exchange Street is reported as being the most used in the said report for the reasons of providing convenient access and generating pedestrian flow.

Macclesfield Civic Society – note the nature of the application to remove disputed conditions. Presumably the application will be considered against the policy and legal tests to be applied to the imposition of any planning conditions. Arguably the servicing plan may be necessary and relevant to the application. Conditions 6 and 7 would have to be specifically justified in the context of the development proposed. Would not films and transfers be subject to control under the Advertisement Regulations ? We are not too sure what the requirement for renewable energy would entail for this type of development.

Generally we do not support "aspirational" or "long-stop" conditions for other legislation or policy areas.

Archaeology – no objections

Environmental Health – no objections

REPRESENTATIONS

None received

OFFICER APPRAISAL

Principle of Development

This is an application under section 73 of the TCPA 1990 (as amended) to remove conditions on an extant permission which has not been implemented.

Conditions should normally be consistent with national planning policies as expressed in Government Circulars, Planning Policy Guidance notes, Minerals Policy Guidance Notes and other published material. They should also normally accord with the provisions of development plans and other policies of local planning authorities.

Circular 11/95 sets out the tests that planning conditions need to satisfy:-

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants.

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

Condition 5: Servicing Plan

Condition 5 is as follows:-

The retail use of the development hereby approved shall be restricted to non-food retail only, unless a detailed servicing plan has first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any food retail use. The servicing plan shall include details of any extraction and refrigeration equipment required as well as the details and management of goods delivery vehicles to and from the site. The approved servicing plan shall be implemented prior to the commencement of any food retail use of the site.

Reason: To ensure adequate servicing arrangements are in place in the event of a food retail use on the site in the interests of highways safety and the amenity of the site and adjoining area and in accordance with policies DC3 and DC6 within the Macclesfield Local Plan and in accordance with guidance within The Framework.

The proposals related to the formation of three large format retail units at ground and first floor level. These units would create approximately 4000 sq. m of retail floorspace which could be subdivided or amalgamated and used by any retailer which is classified as an A1 retailer. The condition as originally worded sought to restrict the development to the three units as the Highways Engineer had assessed the application on face value. The comments received reflected this assumption, and it was considered appropriate to restrict the development in this manner as any changes to the size of the units would give rise to different operational requirements which may result in larger vehicles and more frequent deliveries which would impact upon the free flow of traffic along Churchill Way.

The Highways Engineer considered that at present, the servicing arrangements for the existing five retail units from Churchill Way are adequate for the type and amount of units which are serviced at this entrance point. However the proposals would increase this

floorspace and if the units were to be amalgamated and occupied by a convenience store, the operational and servicing arrangements would be greater (such retailers often require fresh deliveries everyday via HGVs). The information submitted did not demonstrate to the satisfaction of the Highways Engineer that the available servicing arrangements would be able to cope with this. In so doing, the proposals in the absence of further information, under the above scenario, could lead to queuing along Churchill Way which would have an adverse impact upon highway safety. The condition was therefore considered necessary to make a component of the development which may have been unacceptable, acceptable.

The agent has indicated that the conditions imposed are onerous and consider their removal necessary to deliver a more appropriate and less restrictive permission. The covering letter considers that "the original application clearly demonstrated the existing dedicated elevated service yard arrangements...this is understood to have operated without problem for many years including daily use by HGVs...there is no discernible difference between servicing arrangements for any (or all) of the retail units as food retail compared to non food retail uses.

The agent has provided an annotated plan showing the turning circle for a HGV. The Highways Engineer has commented that in light of this new information, the applicant has demonstrated that there would be no demonstrable harm to highway safety resulting from the scenario noted above. On that basis, it is considered appropriate to allow the removal of the condition.

The condition also requires the submission of re Fridgeration and extraction details however as such equipment would require the submission of a further planning application if it materially altered the appearance of the building and there are no nearby properties affected, the removal of the condition would not raise further issues in respect of amenity.

Condition 6

Condition 6 is as follows:-

No films or transfers shall be attached to the windows internally or externally without the prior written consent of the Local Planning Authority.

Reason:- In the interests of the appearance of the development in the locality and in accordance with policies DC1, DC2, BE1 and BE2 of the Macclesfield Local Plan 2004 and guidance within The Framework.

The Officers Report provides a commentary on the issue of attaching film transfers to windows:-

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

At present, the former Cheshire Building Society premises is an outward facing building with all servicing internalised and the building retaining an active frontage to both Churchill Way

and Castle Street. In addition, the existing retail units within the Grosvenor Centre scheduled for demolition face onto both Castle Street and Castle Street Mall, which also have active frontages. The absence of entrance points coupled with the possibility of obscuring those windows would have an adverse impact upon the character of the streetscene. It would also discourage shoppers from the search and comparison of goods along the high street which could impact upon the vitality and viability of the wider town centre.

The content of the officer's report provides justification for the condition in respect of the impact on the character of the streetscene.

Obscuring the windows within the retail units is a legitimate planning concern and it is considered appropriate that the LPA try to prevent this in the interests of the character of the streetscene and the locally listed building. However, it is duly acknowledged that the original wording of the condition could be considered too restrictive in its current format. In order to approach decision making in a positive way, the LPA is suggesting the condition be revised as follows:-

"The shopfront windows must be used for display purposes and the window glass of the shopfront shall not be painted or otherwise obscured."

Reason

To ensure that the external appearance of the building is satisfactory and contributes to the character and appearance of the area, and in order that the special architectural and historic interest of this building is safeguarded and to safeguard the appearance and character of the shopping street and to minimise visual intrusion in accordance with policies DC1, DC2, BE1, BE2 of the Macclesfield Local Plan 2004 and guidance within The Framework.

Condition 7

Condition 7 is as follows:-

Prior to the commencement of development, details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development shall be submitted to and agreed in writing by the Local Planning Authority. Such measures shall be installed in full prior to the first occupation of the building and thereafter be so retained.

Reason:- In the interests of sustainable development and in accordance with policy EM18 within the North West Regional Spatial Strategy 2021 and guidance within The Framework.

The Officers Report indicates that:-

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

Whilst the agent considers the policy position to be “weak” given the impending abolition of the Regional Spatial Strategy, an identical policy requirement is within the emerging Cheshire East Local Plan – policy SE8 also requires developments of over 1,000 sq. m of new floorspace to require 10% of their energy needs to come from renewable sources. As the development would create over 1,000 sq. m of new floorspace it would trigger the requirement.

The existing RSS policy and the emerging LP policy do however indicate that this would not be required if it could be demonstrated that this would be unreasonable or unviable.

Comments from the policy section indicate that the RSS renewable energy policy is still in place – once abolished local policy will take over. Emerging policy SE8 (copied below) considered as part of the Development Strategy package of documents was considered by SPB in November and does point towards a suggested future approach. Even if the building does not lend itself to certain options the conversion of the building could still be carried out to the highest possible standard in terms of energy efficiency/rating etc and details could be obtained to demonstrate these energy efficiency savings etc. If we don’t strive for energy efficiency and renewable energy across all new development then this contradicts the NPFF’s desire to “move to a low carbon future” paragraph 95. These points are duly noted however only very limited weight can be given to the RSS policy:- since application 12/2073m was determined, the SEA into the abolition of the RSS has been published and is out to consultation. This concludes that there would not be any environmental impacts associated with abolition. In addition, recent appeal decisions have indicated that given that the Development Strategy is at inception stage, only very limited weight can be given to these policies. Therefore, the policy position in respect of renewable energy measures has noticeably weakened since application 12/2073M was determined.

Notwithstanding this, the covering letter from the agent suggests that there are limited opportunities to incorporate renewable energy measures and there are concerns over the viability of the scheme.

As the applicant has demonstrated that such measures would be unreasonable as there are limited opportunities to incorporate renewable energy measures and it could make the scheme unviable, that coupled with the weakened policy position justifies removing the condition. In addition both the policies within the RSS the emerging Local Plan and The Framework indicate that meeting energy efficiency targets is not a reason to refuse otherwise acceptable development proposals.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed removal of conditions 5 and 7 would not raise any issues in respect of sustainability or highway safety and therefore the removal of these conditions would accord with the relevant policies within the Macclesfield Local Plan 2004 and guidance within The Framework. It is however considered that an amended version of condition 6 is justified however a variation to this would enable greater flexibility to the developer which is encouraged by The Framework. As the scheme minus conditions 5 and 7 would still deliver a

number of key benefits, the application is therefore recommended for APPROVAL, subject to a variation of condition 6 and all other conditions attached to the original permission.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by actively engaging in pre-application discussions with the applicant to try and find solutions to problem and by providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. No films or transfers shall be attached to the windows internally or externally without the prior written consent of the Local Planning Authority
6. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
7. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
8. Drainage details to be submitted to and approved in writing by the Local Planning Authority

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Application No: 12/4544M

Location: UNIT 8, STAR BUSINESS PARK, CONGLETON ROAD, NORTH RODE, SK11 9JA

Proposal: Retrospective change of use of existing building from B8 to provide a combined B2 & B8 use.

Applicant: Mrs Nikki Taylor, John Taylor Engineering Services Ltd

Expiry Date: 26-Feb-2012

Date Report Prepared: 4th February 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact on: open countryside, residential amenity & highway safety

REASON FOR REPORT

This Small Scale Major Development exceeds 1,000 square metres and in line with the Council's constitution is referred to the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is located off Congleton Road. The site is located in countryside beyond the Green Belt with open fields to the North, South and East of the site. Forward of the site to the west is the A536 Congleton Road, the Chain and Gate public house, Cheekies Nursery and New Pastures Farm. The site is situated in a large area of hard standing with car parking, ample turning space, access is gained from the A536.

DETAILS OF PROPOSAL

This application is for partially change of use of the existing building from a purely B8 use to a combined B2 & B8 use. No external alterations are proposed.

RELEVANT HISTORY

10/4491M	Proposed COU of part of existing ancillary offices, canteen & toilet facilities, with incidental external alterations. Approved.
99/1798P	Warehouse and Extension and Revised Car and Lorry Parking. Approved.
99/1180P	Warehouse Extension. Approved.

POLICIES

Regional Spatial Strategy

- DP1 (Spatial principles applicable to development management)
- DP2 (Promote Sustainable Communities)
- DP3 (Promote Sustainable Economic Development)
- DP6 (Meet Opportunity and Need)
- DP7 (Criteria to promote environmental quality)

Local Plan Policy

- E1 (Employment Land Policies)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation & Access)
- DC13 (Cumulative Noise)
- DC38 (Guidelines for space, light and privacy for housing development)
- H13 (Protecting residential areas)
- GC5 (Countryside Beyond the Greenbelt)
- GC8 (Re-use of Buildings)
- GC14 (Jodrell Bank)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health: express concern

VIEWS OF THE PARISH / TOWN COUNCIL

North Rode PC: The meeting discussed the possibility of noise nuisance and on site parking. The Parish Council wishes the Planning Department to consult with the near neighbours and investigate the potential noise nuisance further.

OTHER REPRESENTATIONS

A petition (including 20 names) objecting to the application has been also been received in addition to eight sets of objections. The main points raised in objection were:

- Increased pollution/ pollution to stream
- Unsightly works already taken place on site
- site could become an industrial estate/unacceptable use in this rural area
- unacceptable noise and light intrusion
- Danger to wildlife
- Damage to trees and shrubbery
- Pollution of farmland
- Devaluation of properties in the vicinity.
- there are many empty units available in nearby industrial estates such as Back Lane and Eaton Bank/inappropriate location for this use
- The access via the Chain and Gate cannot sustain an increase in traffic movements, and the proximity of a day nursery makes any intensification of use hazardous and unsuitable
- Application site is unsustainable
- Concerns over hours of operation 24 hours 7 days a week
- Applicant hasn't consulted with neighbouring properties prior to submission

APPLICANT'S SUPPORTING INFORMATION

Assessment of Environmental Noise Emissions & a Planning Statement accompany the application, the full details of which can be viewed on the application file/online.

Further to discussions with the LPA, in light of the comments from the Environmental Protection team, additional comments in relation to noise have been submitted by the applicant's agent.

OFFICER APPRAISAL

Policy

As highlighted above. Furthermore, section 3 of the NPPD seeks to support prosperous rural economy. Para. 28 states that: support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing buildings and well designed new buildings. The supporting information states that JTEs Ltd are a successful local business, employing several local people, which has grown over the last ten years from a "man with a van", to currently employing 7 full time members of staff. The combined use of the building, whilst not the core of the company, would assist in supporting the business during these difficult economic times.

Highways

The site contains a large area of hard standing with car parking for vehicles. The supporting information notes that there would be a reduction in the number of larger, HGV vehicles using the site.

The Strategic Highways Manager has been consulted and his comments are awaited. It is not envisaged that an objection would be raised as the existing hardstanding area is considered to be sufficient room for turning, manoeuvring and parking.

Design

The building is a large warehouse which is not in a prominent position; no external alterations to the structural form of the building are proposed and this is controllable by condition.

Amenity

Between them the amenity policies outlined above, aim to protect the living conditions of adjoining residential properties from harmful loss of amenity e.g. unacceptable noise that would significantly injure the amenities of adjoining or nearby residential property.

A large number of the objections relate to amenity concerns, in particular noise. The Environmental Protection team, note that the B8 use has operated without complaint, however, a complaint was received and investigated in 2012 from the residents of a nearby dwelling to the site and related to a relatively new source of noise which had been heard during both day time and night time hours and which was stated to be materially affecting the enjoyment of their property.

The Officer is concerned that problems of noise and loss of residential amenity may be caused to nearby residents in the event that a B2 General Industrial use is granted approval and would question whether the rural site is appropriate for a 'heavy' industrial use. Noise can travel across open fields without any barrier and, in conjunction with the point that high levels

of industrial machinery noise (93dB) are produced from large machines - such noise can be difficult to effectively control unless the building is purpose designed to mitigate high levels of industrial type noise. In addition to the actual level of the noise - such factors as the noise frequency, character and intermittency of the noise produced are important considerations.

Any noise which is out of character with the ambient background noise level – whilst not being loud – would still constitute a loss of residential amenity to the occupiers of the nearest residencies. It is therefore essential, that in the event of an approval of this application, then appropriate and effective steps are taken to ensure that activities / machinery noise within the premises is sufficiently controlled that it is inaudible at the nearest residential properties (the nearest residential property is circa 150m away).

Whilst an Assessment of Environmental Noise Emissions & a Planning Statement accompany the application, the Environment Protection Team note that this information does not take into account the difference between 'statutory noise nuisance' and that of 'residential amenity' - the latter being of a much lesser standard.

Conditions are recommended by the Environmental Health department should members be minded to approve the application; however, concern is raised in terms of Circular 11/95: The Use of Conditions, in relation to the wording of proposed condition no 1: *Noise from the premises should not be audible beyond the boundary of the Star Business Park site*. This wording is not considered enforceable. The wording of condition no. 2 has been altered (more specific and therefore enforceable.) restricting the hours of operation of the B2 use. Following further consultation with the Environment Protection Team, they would raise an objection to the application as they cannot be assured from the acoustic report or information supplied with the application that noise would be adequately controlled from the premises such that a loss of residential amenity would not be caused by virtue of intrusive noise at residencies within the locality.

Countryside

The change of use proposed is of a scale that is unlikely to lead to large scale industrial development and is considered to be an appropriate commercial business in the countryside in compliance with GC6.

As no external alterations are proposed, the scheme is not considered to have any further impact on the countryside than the current use. The openness of the countryside will not be detrimentally affected by this change of use in compliance with GC8.

Other matters

Whilst comments have been received about this application setting a precedent for the business park to become an industrial estate/encourage further such applications, as per any planning application any other applications would have to be considered on their individual merits at the time of submission.

Comments have been received concerning a lack of notification, in addition to notification letters a site notice was erected at the entrance to the business park.

Furthermore, comments received relating to the devaluation of property are not material planning consideration and can be given no weight in the assessment of this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is high potential for noise generative activity to result in a material change to the currently quiet rural character / noise climate of the area and for noise from the operations to be noticeable at residential properties - such that a loss of the degree of residential amenity presently being enjoyed by local residents could be caused. Whilst the importance of sustainable development and supporting the rural economy weighs in favour of the application, the significantly adverse impact on residential amenity weighs against the B2 use of the building, which would be contrary to paragraphs 14 and 17 of the NPPF, as well as policies DC3, DC6 & DC13 of the MBLP.

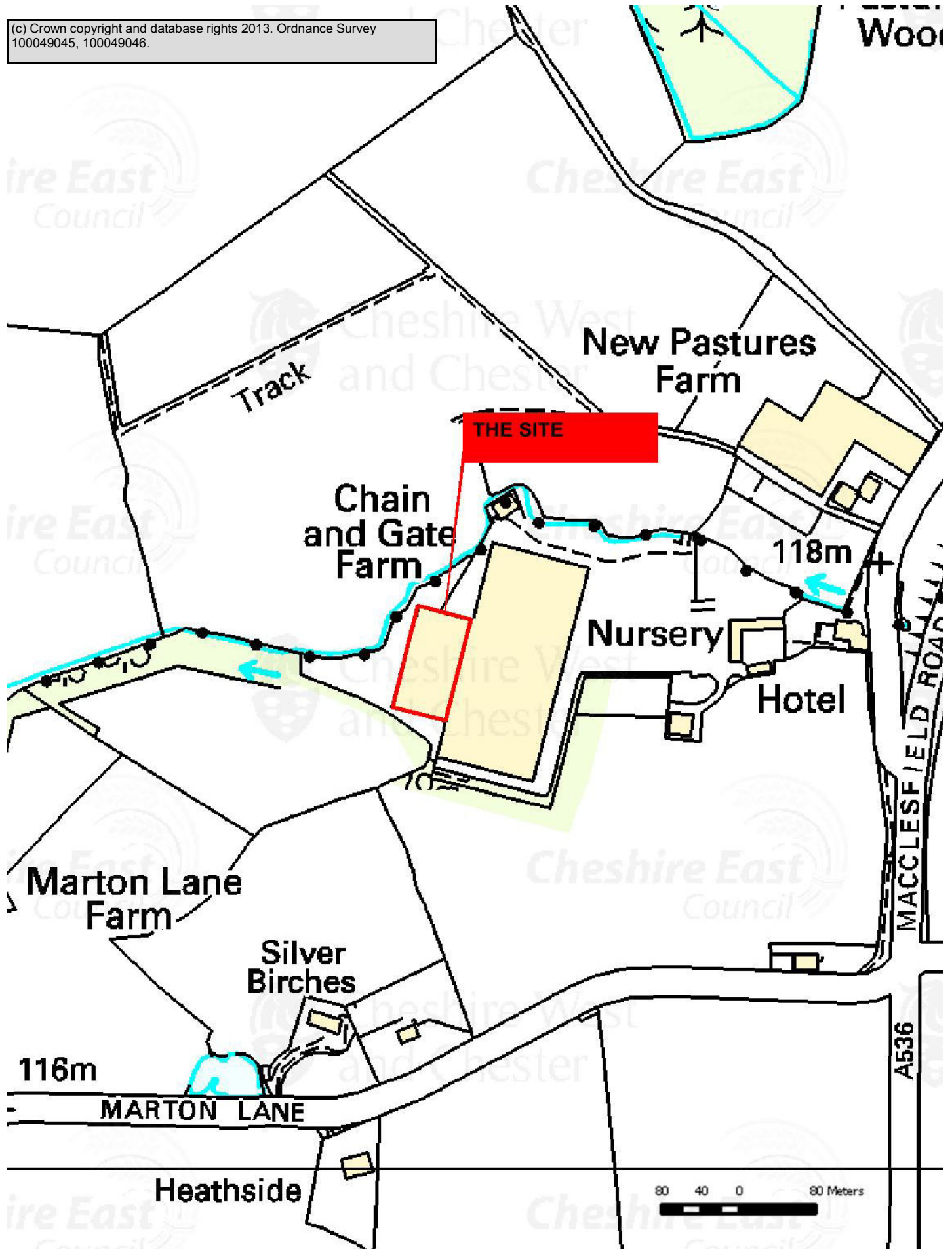
In the absence of a suitable scheme of sound insulation/mitigation measures, the application is duly recommended for refusal on insufficient information to fully assess the noise impact and loss of residential amenity.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R04MS - Insufficient information

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Application No: 12/4295M

Location: LES HALMAN NURSERIES, PARKSIDE FARM, CROWN LANE, LOWER PEOVER, KNUTSFORD, WA16 9QA

Proposal: Joint authority application with Cheshire West - New glasshouse

Applicant: Mr L Halman

Expiry Date: 22-Feb-2013

Date Report Prepared: 1 February 2013

REASON FOR REPORT

This is an application is for a small scale major development and as such under the Council's terms of delegation is a Committee item.

SUMMARY RECOMMENDATION	Refuse
MAIN ISSUES <ul style="list-style-type: none">• Impact on the Green Belt• Visual impact• Impact on residential amenity• Impact on protected species	

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an agricultural field located to the north east of the existing complex of buildings at Parkside Farm. The field is currently used to graze cattle. Residential properties are located on Crown Lane to the west of the site with other residential properties and Lower Peover Primary School located on The Cobbles to the north. A public footpath runs along the eastern boundary of the site.

The site is located in the Green Belt and is split between Cheshire East and Cheshire West and Chester. As such, applications have been submitted to both authorities.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of a 24 bay glasshouse in 8 spans of 9.6m, measuring 76.8m x 72m and providing 5529.6 sq metres of floorpsace. It would measure 5.1m to the ridge. The glasshouse would be constructed to the northern end of the existing complex within 3m of an existing glasshouse and is designed to match the most recent glasshouses built on site in terms of its height and appearance. It would be constructed on part of an adjoining field. It is proposed to re-position the existing timber post and rail fence which separates the field from the working area of the nursery and plant native trees and hedgerows around the northern and western elevation of the glasshouse to connect the eastern hedgerow with the field boundary to the west to provide replacement screening for the glass house complex when viewed from the north.

Shared use would be made of the existing access off Crown Lane and other existing infrastructure e.g. internal access roads and parking would be used.

The additional glasshouse would be used in association with, and as an extension of, the existing commercial horticultural enterprise which currently operates at Parkside Farm.

RELEVANT HISTORY

12/04517/FUL - Erection of glasshouse (Cheshire West and Chester application). Not yet determined.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP7 Promote Environmental Quality
RDF4 Green Belt

Local Plan Policy

NE11 Nature Conservation
GC1 Green Belt
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC28 Agricultural Buildings

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways: no objection.

Environmental Health: no objection.

Jodrell Bank: no comment.

VIEWS OF THE PARISH / TOWN COUNCIL

Lower Peover Parish Council: no objection provided full neighbour consultation is carried out.

OTHER REPRESENTATIONS

None received.

APPLICANT'S SUPPORTING INFORMATION

A supporting letter with photographs and a Phase I Habitat Survey have been submitted in support of the application. Full copies of these documents are available to view on the Council's web site.

OFFICER APPRAISAL

Background to the application

As stated, the proposed development straddles the boundary between Cheshire East and Cheshire West and Chester. As such, planning applications are required to be submitted to both authorities for determination.

Principle of Development

The proposal is for a horticultural glasshouse which is classed as an agricultural building. The construction of such buildings is acceptable in principle in the Green Belt in accordance with Local Plan policy GC1 and NPPF paragraph 89.

Green Belt

The proposed glasshouse is required in connection with the applicant's long established horticultural business which grows bedding plants. Whilst the proposed building is large (76.8m x 72m), it is designed for purpose and replicates the design of other buildings on site and on similar horticultural sites. It is considered to be an acceptable form of development in the Green Belt.

With regard to impact on openness, as a result of its sheer size, the building would impact on openness. However its impact would be limited due its relatively modest height and the fact that it is to be constructed wholly from glass.

Design/Visual Impact

As stated, the building is designed for purpose and is similar in appearance to other glasshouses on site, in particular the glasshouse which lies immediately to the south of the

application site. It would have a maximum height of 5.1m. The glasshouse is to be sited at the northern end of the existing complex of buildings and structures on the site, partially on a landscape area of the nursery and partially on an agricultural field. The field boundaries are marked by a combination of timber post and rail fencing and hedging. There is existing mature landscaping to the rear of residential properties fronting Crown Lane.

The proposed building would be visible from public vantage points along The Cobbles to the north of the site, from Lower Peover Primary School and from the public footpath. However, it is not considered that the proposed building would appear incongruous or out of character with the immediate surrounding area. Additional landscaping is proposed to the northern and western elevations and this will help to minimise the visual impact of the building meaning that its impact on the character and appearance of the area would be acceptable.

The proposal is therefore considered to comply with Local Plan policies BE1, DC1 and DC28.

Highways

Vehicular access to the site would remain as existing off Crown Lane. There are no highways objections to the proposal.

Amenity

There are a number of residential properties located along Crown Lane and The Cobbles. However, these are located some distance from the proposed glasshouse and whilst the glasshouse may be visible from these properties, it is not considered that the proposed building would result in a significant detrimental impact on the residential amenity of nearby occupiers. No objections have been raised by environmental health to the proposal.

Letters were sent to nearby neighbours by Cheshire West and Chester and no responses have been received in relation to the application. Similarly, no response has been received in response to the site notice posted in relation to this application.

The proposal is considered to comply with Local Plan policy DC3.

Ecology

A Phase I Habitat Survey was submitted during the course of the application and the Council's Nature Conservation Officer has been consulted. The survey found that there are a number of ponds located in the vicinity of the site and as such recommends that further survey work is required to establish whether the proposal would impact upon Great Crested Newts, a European protected species. In the absence of this further survey work, there is insufficient information to demonstrate that Great Crested Newts would be unaffected by the proposal. The application is therefore recommended for refusal on the grounds of insufficient information.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal represents an appropriate form of development in the Green Belt though it would have some impact on openness. The visual impact of the proposal on the character

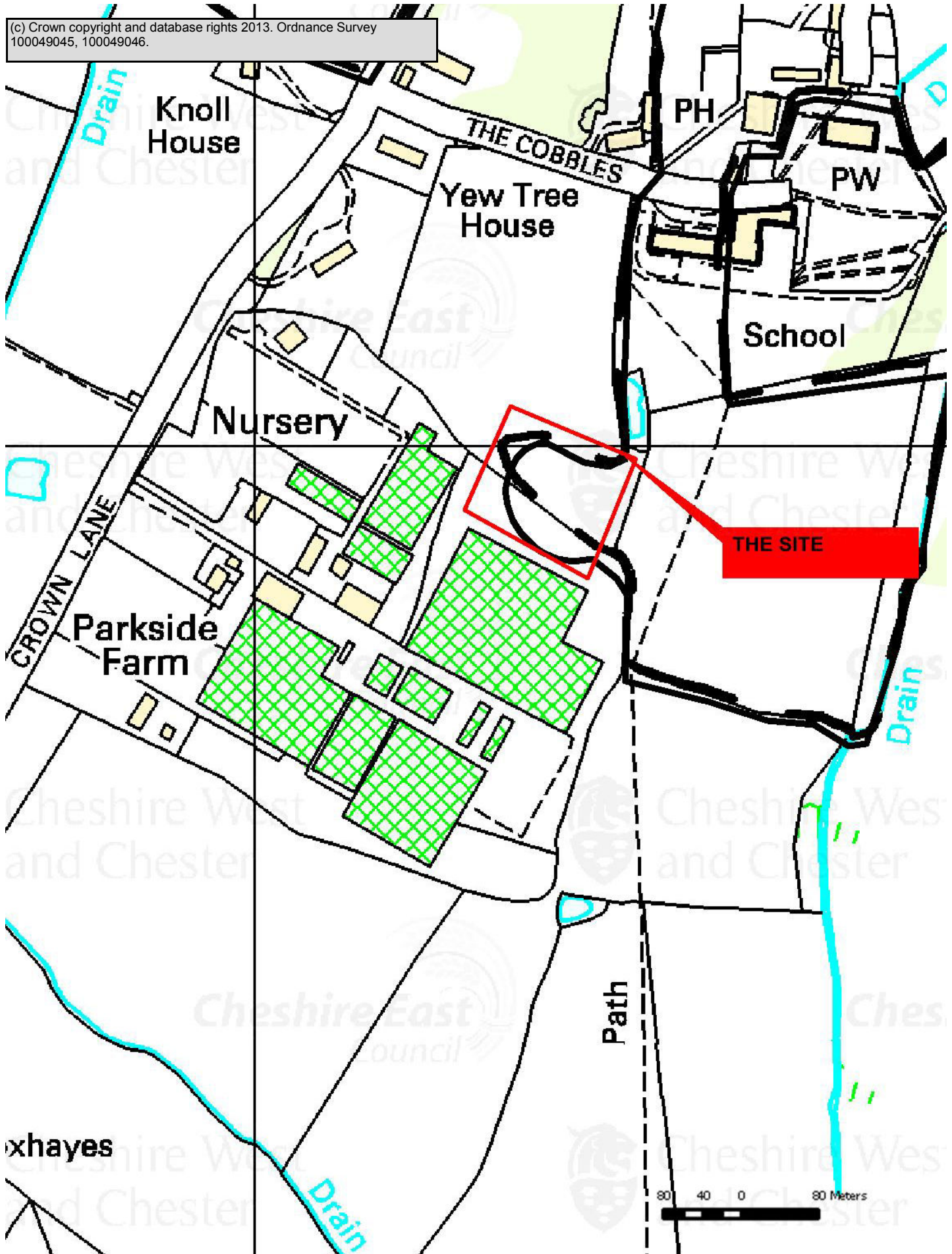
and appearance of the area is considered to be acceptable and there would be no significant adverse impact on the amenity of nearby properties. Access and parking arrangements are acceptable. However, further survey work is required in order to ensure that the proposal would not adversely impact on Great Crested Newts, a European protected species. In the absence of this information, it has not been possible to demonstrate that the proposal would not have an unacceptable impact on protected species. The application is therefore recommended for refusal.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R04MS - Insufficient information

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CHESHIRE EAST COUNCIL NORTHERN PLANNING COMMITTEE

Date of meeting: 13 February 2013

Report of: Development Management & Building Control Manager

Title: Amendments to s106 legal agreements for affordable housing

1 Purpose of Report

1.1 To consider the proposed delegation of amendments to legal agreements considered by Area Committee(s) in respect of affordable housing tenure.

2 Decision Required

2.1 To agree that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for variation in the provision of social or affordable rented units instead of the original resolution.

3 Background

3.1 A number of planning applications are presented to Planning Committee, which are subsequently resolved to be approved subject to legal agreements. These agreements often involve the provision of affordable housing, split into social rented or affordable rented and resolutions made accordingly.

3.2 Members may be aware that increasingly applications have been brought back to Committee for changes to the percentage split of social or affordable rented. These changes are often a result of discussions between colleagues in Housing about the suitability of the tenure to meet the needs in the area at the appropriate time. It has recently become more prevalent due to the continuing economic situation.

3.3 Many of these update reports back to Committee are short, and are normally readily accepted by Members. However it can cause an additional delay in the decision making process due to the Committee schedule, as well as additional work for officers that may otherwise not be needed.

3.4 This delegation would only affect the specific change to affordable housing tenure. Any other changes, such as number of affordable housing units would still need to be referred back to the relevant Area Committee.

3.5 It should be noted that a similar arrangement has been previously agreed for applications that are presented to Strategic Planning Board, so this would give consistency across the Planning Committees.

.

4 Conclusion

4.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

5 Recommendation

5.1 That Committee resolve that Authority be delegated to the Development Management and Building Control Manager, in consultation with the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve), to amend, where necessary any resolution relating to the provision of affordable housing to allow for the provision of social or affordable rented units.

6 Financial Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 The Borough Solicitor has been consulted on the proposals and raised no objections

8 Risk Assessment

8.1 There are no risks associated with this decision.

9 Reasons for Recommendation

9.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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